

**CITY OF PINE LAKE, GEORGIA
WORK SESSION AGENDA
MAY 13, 2025 @ 6:00PM
COURTHOUSE & COUNCIL CHAMBERS
459 PINE DRIVE, PINE LAKE, GA 30072**

NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.

CALL TO ORDER – WORK SESSION

ANNOUNCEMENTS/COMMUNICATIONS

ADOPTION OF THE AGENDA OF THE DAY

PUBLIC COMMENTS – 3 minutes each please

NEW BUSINESS

1. First Task Order Recommendations: AECOM, City's Engineering Consultant
2. Property Tax Calculator: Understanding Property Taxes
3. A Proposed Resolution to Establish a Tiered Property Tax Relief Program for Senior Citizens Based on Income Levels by Council Member Ramsey
4. Code Enforcement Chapter Rewrite Draft

PUBLIC COMMENTS – 3 minutes each please

REPORTS AND OTHER BUSINESS

- Strategic Performance Report (SPR), May 2025
- Mayor
- City Council

Information for “The Pine Lake News” eblast.

EXECUTIVE SESSION

ADJOURNMENT

MAYOR

Brandy Hall

COUNCIL MEMBERS

Jean Bordeaux, Mayor pro tem
Jeff Goldberg
Tom Ramsey
Thomas Torrent
Augusta Woods

**CITY OF PINE LAKE
425 ALLGOOD ROAD
P.O. BOX 1325
PINE LAKE, GA 30072**

404-999-4901

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PRELIMINARY COUNCIL AGENDA MEMORANDUM (CAM)

TO: Honorable Mayor and Council Members
FROM: Bernard Kendrick, Public Works Director
DATE: May 13, 2025 Work Session
TITLE: AECOM Task Order #1

RECOMMENDATION

Staff recommends the issuance of Task Order #1 for the engineering support needed for the Army Corps of Engineers Nationwide 3 permit modification.

BACKGROUND

Mayor and Council approved AECOM as the City's On Call Engineering consultant at the April 29, 2025 meeting. AECOM will review the current Nationwide 3 permit to develop options for the proposal of work for the construction of improvements to the wetlands system as it impacts the lake. AECOM will also participate in a town hall meeting to discuss the methodology involved in securing Army Corps of Engineers permit modification and design approvals.

RESOURCE IMPACT

The upset cost limit for Task Order #1 is not to exceed \$64,976.00

ATTACHMENTS

See attached



AECOM
One Midtown Plaza
1360 Peachtree Street, NE
Suite 500
Atlanta, GA 30309
aecom.com

April 29, 2025
transmitted via email

Bernard Kendrick
Public Works Director
City of Pine Lake
425 Allgood Road
Pine Lake, GA 30072
bernardkendrick@pinelakega.net

**Task Order 001 Proposal - 404 Nationwide Permit and Buffer Variance Application
On-Call Engineering Services for City of Pine Lake**

Dear Bernard:

AECOM Technical Services, Inc. (AECOM), appreciates the opportunity to submit our draft proposal for Task Order 001 – 404 Nationwide Permit and Buffer Variance Application.

Proposed Scope of Services

Based on our discussions the following scope of work has been considered for Task Order 001. It is to be noted that once we review the available documentation / the authorization the City has already obtained we will be to discuss the required scope in detail with yourselves. The scope includes the following:

1. AECOM anticipates the project will be authorized by the United States Department of the Army, Corp of Engineers (USACE) to perform work under a Clean Water Act Section 404, Nationwide Permit (NWP) 3 for Maintenance Activities. AECOM also anticipates the project will require a buffer variance from the EPD.
2. AECOM will review the current NWP 3 authorization obtained by the City of Pine Lake to determine if the proposed work will be allowed under that authorization. If the proposed work is not authorized under the existing NWP 3 authorization, AECOM will prepare and submit the Pre-construction Notification to the USACE for authorization for the proposed work under NWP 3.
3. AECOM will review the current buffer variance obtained by the City of Pine Lake to determine if the proposed work will be allowed under that authorization. If the proposed work is not authorized by the previously obtained buffer variance, AECOM will prepare and submit the buffer variance application to the GAEPD for approval to perform the proposed work.
4. AECOM will conduct background research of relevant published and online information sources to field surveys to identify potential ecological resources within the study area. These findings will be included in an Ecology Memo. Sources may include United States Department of the Interior, United States Geologic Survey (USGS) topographic maps, National Wetland Inventory (NWI) maps, and United States Department of Agriculture, Natural Resources Conservation Service (NRCS) soil survey maps of DeKalb County. Prior to visiting the proposed project site, ecologists will review the United States Department of the Interior, Fish and Wildlife Service (FWS) Information for Planning and Consultation (IPaC) website, FWS Georgia Ecological Services Field Office – Southeast Region Hydrologic Unit Code Level 10 (HUC 10) Watershed Reports, and the Georgia Natural Archaeological Historical Resources Geographic Information System (GNAHRGIS) Ecology Review and Surveys Module to identify protected species that could potentially occur within the immediate watershed and area.

5. AECOM will complete field surveys to assess and document the presence of ecological resources such as habitat/land use within the project boundaries, and presence and location of jurisdictional and state waters, protected species habitat, and other ecological resources. Jurisdictional wetland determinations will be performed using the three-parameter approach (hydrophytic vegetation, hydric soils, and hydrology) as described in the 1987 USACE Wetland Delineation Manual and utilize the 2014 Eastern Mountains and Piedmont Regional Supplement as guidance. Stream classifications will be performed using the North Carolina Division of Water Quality (NC DWQ) Methodology for Identification of Intermittent and Perennial Streams and Their Origins, Version 4.11.
6. State waters will be delineated using the EPD 2017 Field Guide for Determining the Presence of State Waters that Require a Buffer. Wetland and stream boundaries will be field located with connectively numbered flags and the location of each wetland flag will be captured using sub-meter Global Positioning System (GPS) data collectors. Suitable protected species habitat will also be located using sub-meter GPS data collectors. Photo documentation and narrative descriptions of each wetland and the overall habitat will be captured in the field.
7. Surveys for protected species habitat will be conducted using approved survey methodologies and/or appropriate resource agency recommendations to assess habitat suitability. This scope does not include surveys for presence/absence of protected species. If such surveys are required, those surveys would be performed under an additional scope with a change order proposal.
8. AECOM will perform a desktop survey for potential cultural (historic and/or archaeological) resources. The results of the desktop survey will be documented in a memo to support the Preconstruction Notification (PCN) for the NWP 3.
9. If necessary, AECOM will also attend up to two site visits (one with the USACE and one with the EPD) with up to two AECOM staff attending each visit. AECOM will prepare meeting minutes for these site visits. AECOM will respond to up to two rounds of requests for additional information (RAI) from both the USACE and the EPD.
10. If necessary, AECOM will also attend up to three virtual meetings. These meetings may be conducted with the USACE, the EPD, local municipality personnel, etc. regarding permit aspects of the project; it is assumed that up to two AECOM staff will attend this meeting. AECOM will prepare meeting minutes for these meetings.

Proposed Fee

AECOM effort for this TASK Order 001 for proposed scope of services is:

Task	Description	Hours	Fee
1	404 Nationwide Permit and Buffer Variance Application	433	\$64,976
Total		433	\$64,976

Breakdown of hours and associated fees are included here in Appendix A. This work will be performed on a time and materials basis in accordance with the terms and conditions of AECOM's consulting services agreement. AECOM will not exceed the estimated total fee without prior authorization from the City.

Schedule

Project schedule details will be provided after reviewing the authorization the City has already obtained and tasks required to submit application.



If you should have any questions during your review of this proposal, or if you desire additional information, please contact me at 404.295.6087 (tina.houston@aecom.com) or Shahid Jamil at 404.330.7068 (shahid.jamil@aecom.com).

Sincerely,

A handwritten signature in blue ink that reads "Tina S. Houston".

Tina S. Houston
Vice President, Water CI, GA/AL/TN
AECOM Technical Services, Inc.

A handwritten signature in blue ink that reads "Shahid Jamil".

Shahid Jamil
Project Manager

Attachment A
Task Order Budget

TASK ORDER - 001
Pine Lake Nationwide Permit
Task Order Budget

Task	Project Manager	Permitting Lead	Permit Coordinator	ENG III	ENG II	Total
	\$226	\$229	\$191	\$189	\$125	
Project Management	34					34
Information Review and Cultural Resource Memo		1		18	54	73
Environmental Field Work and Ecology Memo		1	22		80	103
USACE NWP 3 Pre-Construction Notice			18		60	78
EPD Buffer Variance Application		1	24		72	97
Meetings with USACE & EPD (3 virtual, 2 site walks)	3		12		26	41
Progress meetings with the City (3 virtual)	3	1	3			7
Subtotal Hours	40	4	79	18	292	433
Subtotal Cost	\$9,040	\$916	\$15,089	\$3,402	\$36,529	\$64,976



For supplemental documentation for New Business Item 2, *Property Tax Calculator: Understanding Property Taxes*, please see the **May 2025 Strategic Performance Report (SPR)**.

Ned Dagenhard

From: Tom Ramsey
Sent: Sunday, April 6, 2025 9:23 AM
To: Brandy Hall; Stanley Hawthorne
Subject: Senior Tax Relief
Attachments: Draft Resolution - Senior Tax Relief for City of Pine Lake 4-6-2025TR.docx

Good Morning Mayor Hall and City Manager Hawthorne,
I would like to submit for discussion at our May council work session a draft proposal for property tax relief senior residents from city property taxes. Please let me know if you have any questions or concerns.

Thanks and enjoy the rest of the weekend,

Tom Ramsey

Get [Outlook for iOS](#)

Draft City Council Resolution No. [XXXX]

A Resolution to Establish a Tiered Property Tax Relief Program for Senior Citizens Based on Income Levels

Whereas, the City Council acknowledges the financial pressures faced by senior citizens living on fixed or limited incomes; and

Whereas, rising property taxes have disproportionately impacted low- and moderate-income seniors, threatening their ability to remain in their homes; and

Whereas, the City Council is committed to promoting financial stability and equitable tax relief for seniors through a tiered assistance program;

Now, Therefore, Be It Resolved, by the City Council of Pine Lake, GA, as follows:

1. Eligibility for Tax Relief:

- Seniors aged 65 years or older with annual household incomes below \$75,000 shall be eligible for property tax relief under this program.

2. Tiered Assistance Levels:

- For households with annual incomes between \$1 and \$30,000: \$1,500 property tax reduction.

- For households with annual incomes between \$30,001 and \$50,000: \$1,000 property tax reduction.

- For households with annual incomes between \$50,001 and \$75,000: \$500 property tax reduction.

3. Application Process:

- Eligible residents must submit an application annually, including proof of age, income, and residency, to the [appropriate municipal department, e.g., City Clerk's Office].

4. Program Implementation and Funding:

- The tax relief program shall be funded through [specific funding sources, e.g., municipal budget allocations, state grants, etc.].

- The program shall take effect on [specific date] and will be reviewed annually to assess its effectiveness and sustainability.

5. Public Awareness Campaign:

- The City Council shall ensure that information regarding the program, including eligibility criteria and application procedures, is widely distributed to senior residents through [specific channels, e.g., mail, online platforms, community centers, etc.].

Adopted this [day] of [month], [year], by the City Council of Pine Lake, GA.

Signed:

[Name], Mayor

[Name], City Clerk

Ned Dagenhard

From: Chris Balch <chris@balchlawgroup.com>
Sent: Thursday, May 8, 2025 10:41 AM
To: Augusta Woods; Brandy Hall; HawthorneStanley@gmail.com; Jean Bordeaux; Jeff Goldberg; Thomas Torrent; Tom Ramsey
Cc: Sarai Y'Hudah-Green; Ned Dagenhard; Stanley Hawthorne
Subject: Draft Code Enforcement Residential Changes for Consideration
Attachments: Draft New Chapter 16 - Public Nuisances.docx

Mayor and Council:

I attach here the draft of the changes to your Code that we are recommending to combat the blight and challenges you have encountered with remedying problem properties. As currently drafted, your code only affects properties in foreclosure or that are bank owned. It does not offer remedies for owners and owner/occupiers that do not maintain their property.

Several things to be noted in this draft and discussed on Tuesday:

1. The proposed Code is a wholly new set of sections and ordinances related to property maintenance and management.
2. There is a comprehensive discussion of issues to be addressed, starting with the City's adoption of the [International Property Maintenance Code of 2021](#), which is currently an optional code approved by the Georgia Department of Community Affairs. The State approved version is available at the link.
3. The Code amendments as presented create criminal violations for the property owner's failure to comply. This authorizes the Municipal Court to fine or incarcerate property owners. I do not recommend this be the process you follow. Quality of Life ordinances such as this need to be about compliance not punishment. We can discuss these options in more detail on Tuesday.
4. The Council should authorize a separate division or authorize the Chief Municipal Court judge to establish a special day, once per month, to address code enforcement cases, rather than lumping them into regular arraignment or trial days. I have discussed this with Judge Wiggins and she is amenable to this suggestion if the Council acts.
5. Not all of the proposed sections or Chapters have to be adopted. Please let me know if you think the proposals go too far or not far enough.
6. I have spoken with Ned and he will create a special page for the website with the proposed language of the new ordinance for the community to review. That page will be live before your meeting on Tuesday. A link on the landing page of the website will be added that will take interested residents to proposed amendments to the Code of Ordinances.

7. The language to be considered offers a number of policy choices and I am happy to discuss those in detail with you either on Tuesday or privately.

Please feel free contact me at your leisure if you have any questions or concerns.

Best regards,
Chris

Chris Balch
Lawyer
Balch Law Group
830 Glenwood Ave., Suite 510-220
Atlanta, GA 30316
404/202-5934 (M)

Chapter 16 NUISANCES

ARTICLE I. IN GENERAL

Sec. 16-1. Purpose and findings.

The governing authority of the city finds that nuisances are such activities and conditions that cause demonstrable adverse impact on the community as defined by Georgia law. These activities and conditions may be associated with illegal criminal activity that has also been proven to have a demonstrable adverse impact on community residences and results in neighborhood blight. The city finds that there is a substantial need directly related to the public health, safety and general welfare of its citizens to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance are as follows:

- (1) To state that it is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances;
- (2) To preserve the value of property and prevent neighborhood blight that arises from poorly maintained property;
- (3) To maintain and promote an attractive residential area and commercial area by requiring that dilapidated property be repaired or removed;
- (4) To maintain for the city's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic interest of the city;
- (5) To protect the health, welfare and safety of the citizens of city by the removal of both criminal perpetrators and the housing blight on the community;
- (6) To require owners of real property to keep their property in compliance with building, safety and fire codes to minimize the occurrence of illegal criminal activity therein;
- (7) To promote the safety of its citizens, to preserve property values, to provide for the convenience and enjoyment of public areas, to attract tourists, settlers and industry, to serve the public health, safety and aesthetics, to advance the general prosperity of the community and to serve the general welfare; and
- (8) To provide for the enforcement of the provisions of this chapter.

Sec. 16-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the officer or other person designated by the City Manager and charged with the administration and enforcement of this Code or his designee.

Closing means securing and causing a dwelling, building or structure to be vacated and secured against entry.

Drug crime means an act which is a violation of O.C.G.A. tit. 16, ch. 13, art. 2, known as the "Georgia Controlled Substances Act," as may hereinafter be amended, or comparable Federal law or regulation.

Dwelling, building, or structure means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses, appurtenances belonging thereto or usually enjoyed therewith and also includes any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of nuisance activity described in section 16-23.

Interest holder. See *Party-in-interest*.

Owner means the holder of the title in fee simple and every mortgagee of record including any person who, alone or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.

Party-in-interest or interest holder means an individual, association, entity or corporation, executor, administrator, guardian, or trustee that has a legal interest in or possession of a dwelling, building, or structure.

Public authority means the Governing Authority of the city, also known as the Mayor and City Council for the City of Pine Lake, or their express designee.

Repair means *closing* a dwelling, building or structure (as defined above), the correction of defects in walls or roofs of the structure secure the structure from entry or the encroachment of rain, sleet, snow, hail or other weather elements, or the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure.

Sec. 16-3. Jurisdiction to abate.

- (a) *Summary abatement.* Any judge of the municipal court, without hearing, of those things that are declared either by the common law or statute law to be nuisances, or that are nuisances per se.
- (b) *Service of notice to abate.* Any requirement of service of notice to abate a nuisance, which may be summarily abated, may be complied with by the mailing of such notice by certified United States mail or statutory overnight delivery to the last-known address of the person to be so notified or by posting a copy of the notice of intent to abate on the property in such a way that it is reasonably likely to be observed by the owner or occupants of the property.
- (c) *Service of complaint to abate a nuisance.* On the hearing of any complaint before a judge of the municipal court concerning a nuisance and removal and abatement, reasonable notice shall be given to the parties interested, including the owner or occupant of the premises where the alleged nuisance is taking place and the person causing the nuisance, of the time and place of the hearing upon the complaint.
- (d) *Persons authorized to perform the removal or abatement of nuisances.* After a nuisance has been ordered to be abated or removed, as provided in this section, it may be removed or otherwise abated by any employee designated by the City Manager or the City Manager's designee.

Sec. 16-4. Collection by lien of cost of abatement of nuisance.

Where any person ordered to do any work for the purpose of abating a nuisance has failed or refused to do that work, and the work has been done by the employees of the city, the cost thereof may be collected by lien against that person and that person's property. Each lien shall be prepared by the department charged with the duty of abating or removing the nuisance, shall be signed by the city clerk, and shall be delivered to the DeKalb

County Tax Commissioner for collection as other liens are collected, and filed of record with the Clerk of the Superior Court until such time as the lien is satisfied as provided by law.

Sec. 16-5. Refusal to comply with an order to abate a nuisance.

The failure or refusal of a person ordered to abate a nuisance after a hearing, or upon a summary abatement, shall, in addition to subjecting the person to punishment for contempt if the order is issued by the judge of the municipal court, constitute an offense that, upon conviction, shall be punished as provided in section 1-11. Each day's failure or refusal to comply with the order, after the expiration of the time allowed to remove or abate the nuisance, shall constitute a separate offense.

Secs. 16-6—16-22. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 16-23. Drug and illegal gambling houses, houses of prostitution and other disorderly houses.

- (a) Any dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the commission of drug crimes is hereby declared to be a public nuisance. However, consistent with state public policy, this chapter shall not apply to any publicly owned cultural facility pursuant to O.C.G.A. § 41-1-8.
- (b) It is the affirmative duty of the owner of every dwelling, building, or structure within city to construct and maintain such dwelling, building, or structure in conformance with applicable codes under state law, and all ordinances in force within the city.
- (c) An owner or party-in-interest of a dwelling, building or structure shall not be subject to proceedings described in subsection (e), (f), (h), (i) or (j) of this section if it is established that the owner or party-in-interest:
 - (1) Did not know and could not reasonably have known of the public nuisance described in subsection (a) of this section occurring on the subject premises;
 - (2) Does not hold the subject property for the benefit of or as nominee for any person whose conduct gave rise to the public nuisance described in subsection (a) of this section, and, if the owner or party-in-interest acquired the interest through any such person, the owner or party-in-interest acquired it as a bona fide purchaser for value without knowingly taking part in the public nuisance; or
 - (3) Acquired ownership or legal interest after the completion of the public nuisance giving rise to proceedings under this chapter or at the time the title was acquired, was reasonably without cause to believe that the dwelling, building or structure was subject to be deemed a public nuisance or likely to become subject to being deemed a public nuisance under this chapter.
- (d) The building official shall have all powers to carry out and effectuate the purpose of this chapter as set forth in O.C.G.A. § 41-2-11.
- (e) The building official shall make an investigation or inspection of a dwelling, building, or structure whenever a charge is made that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. If the building official's investigation or inspection identifies that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this

section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the building official may either:

- (1) Issue a citation for violation of any applicable state minimum standard codes, building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance. The citation shall notify the owner and parties of the violation and a time frame for compliance; and
 - (2) Issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. Service of the complaint shall be in the manner as mandated by O.C.G.A. § 41-2-12. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the building official to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction at a date and time certain and at a place within the city where the dwelling, building or structure is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court, unless some other time is agreed to by the City and the owner or parties in interest, or ordered by the Court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (f) After notice and a hearing conducted pursuant to subsection (e)(2) of this section, if a court of competent jurisdiction determines that the dwelling, building, or structure in question is a disorderly house or unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order of abatement:
- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, the order of abatement shall require the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, shall require the taking of reasonable measures designed to prevent the recurrence of the nuisance activity described in subsection (a) of this section in light of the magnitude of the harm caused by the nuisance. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenants engaged in illegal activity.
 - (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.
 - (3) The court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by county tax records, affidavits of real estate appraisers with a state

appraiser classification as provided by state law, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the county.

- (g) The court may authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court has been obeyed.
- (h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the building official may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with illegal activities or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

After a hearing, if it is deemed by the court that this section has not been complied with, such owner or other person is given five days from written notice, to comply and if he fails or refuses to do so, the building official shall thereupon cause the work to be done.

- (i) If the building official has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid.
 - (1) The city, the building official and the city council are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and
 - (2) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (j) The lien provided for in subsection (i)(2) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court of DeKalb County, Georgia, and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g), as amended. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. tit. 48, ch. 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the city. Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
- (k) The city council may waive and release any lien imposed on property pursuant to subsection (i)(2) of this section if the owner of such property enters into a contract with the city agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property; demonstrates the

financial means to accomplish such rehabilitation; fully completes the rehabilitation; and fulfills all terms of the contract.

- (l) The city council may appropriate revenue as necessary and may accept and apply grants or donations in carrying out the provisions of this chapter.
- (m) Where the abatement action does not commence in the superior court of the county, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court of the county under O.C.G.A. § 5-3-29, as may hereinafter be amended. Notice of an appeal shall act as a supersedeas.

Secs. 16-24—16-35. Reserved.

Sec. 16-36. Rules for the use and conduct on and in city parks, trails and greenspace.

- (a) *Purpose.* The purpose of this section is to secure the quiet, orderly and suitable use and enjoyment of City of Pine Lake parks, trails, and greenspaces.
- (b) *Definitions.* The following words shall have the definitions assigned in this subsection. All other words shall bear their usual and customary meaning, unless defined elsewhere in this Code or by state statute.

Horse means a horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.

Motorized recreational vehicle means any self-propelled, off the road or all terrain vehicle including, but not limited to minibike, motorcycle, go cart, trail bike, dune buggy, or all terrain vehicle.

Pet means any animal that is tamed and domesticated and kept as a companion.

Pollutant means any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render unclean or noxious or impure so as to actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, or that of wildlife or vegetation.

Property means any land, waters, facilities or possessions of the City of Pine Lake.

Responsible person means the parent, guardian, or person having lawful custody and control of a minor.

Roller skater means any person riding or propelling oneself by human power or gravity on wheeled devices that are worn on a person's feet or stood upon by a person. This definition shall not include skate boards or other wheeled devices that are not affixed to the person's feet by laces or brackets.

Smoke/smoking means the inhaling or exhaling of smoke or gas from any lighted cigar, cigarette, pipe or other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or other lighted tobacco or plant product intended for inhalation.

Vehicle means every device in, upon, or by which any person or property is or may be transported upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

- (c) *Public use regulations.*
 - (1) *Hours of operation for parks and greenspaces.* Parks and greenspaces shall be open to the public daily from dawn to dusk, local time. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit, except when the park area or facility is otherwise designated by the council. Overnight use shall be unlawful.
 - (2) *Drug and alcohol use.* It shall be unlawful for any person
 - a. To use, possess, or sell any controlled substance in violation of state statutes.

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- b. Serve, possess, or consume any alcoholic beverage within a park, except pursuant to a special permit issued by the city.
- (3) *Disorderly conduct.* It shall be unlawful for any person to engage in disorderly conduct as defined under state law, as it may be amended from time to time.
- (4) *Selling of food items.* It shall be unlawful to sell any food items except by special permit issued by the city.
- (5) *Tents, canopies, or temporary shelters.* It shall be unlawful to erect, use, establish tents, canopies, tarpaulins, or other temporary shelter except by special permit issued by the city, or pursuant to an authorized and city-sponsored special event.
- (6) *Open fires, smokers, or grills.* It shall be unlawful to ignite, light, or utilize any open fire, smoker or grill, except in permanent installations provided at the park or trail for such purpose.
- (7) *Animals.* It shall be unlawful to bring, allow or otherwise accompany any horse, or undomesticated animal into any park of the city.
- (8) *Pets.* All pets must be on leash at all times while in a park, greenspace, unless within a designated and fenced "dog park" established by the city council. No leash shall be more than six feet in length and must be in the owner's control at all times. Any pet not on a leash shall be deemed "running at large" as defined by the Code of the city and the owner of such pet subject to citation, adjudication and punishment as permitted by law.
- (10) *Vandalism and damage to landscaped areas.* It shall be unlawful to commit any act of vandalism or to recklessly harm any park property, amenity, landscaping, hardscaping, equipment, or amenity.
- (11) *Fishing.* It shall be unlawful to fish in any stream, river, creek, lake or other body of water, within any park, greenspace or adjacent to any trail, unless the fisherperson shall use monofilament line, of not more than ten pounds breaking strength, and a single unbarbed hook, using only natural baits. No lures, jigs, or other artificial devices may be utilized.
- (12) *Roller skating.* Roller skating shall be allowed on paved surfaces only. The use of any other type of wheeled device or vehicle shall be unlawful.
- (13) *Smoking.* It shall be unlawful to smoke or use smokeless tobacco products.
- (14) *Swimming or wading.* It shall be unlawful to swim or wade in any stream, river, lake or other natural body of water.
- (15) *Vehicles.* It shall be unlawful to use, operate, or ride any motorized vehicle except in designated parking lots and spaces. This prohibition shall not apply to scooters or bicycles powered by electric motors.
- (d) The Pine Lake Police Department, the DeKalb County Sheriff's Department, the DeKalb County Police Department and any other sworn law enforcement agency or employee of any of the enumerated agencies or other agency shall be empowered to enforce this section by citation to the Municipal Court of the City of Pine Lake, where upon conviction such person may be punished as the court directs pursuant to section 1-11 of this Code.
- (e) *[Other rules and regulations.]* The council shall have the right to adopt by resolution other rules and regulations related to this section. Such other rules and regulations shall not be a basis for citation, though a violation of such rules and regulations will provide good and sufficient justification for a law enforcement officer to conduct a reasonable inquiry into the conduct of the violation and whether other violations of law may have occurred or be occurring.

Secs. 16-37—16-49. Reserved.

ARTICLE III. PROPERTY MAINTENANCE CODE ADOPTION

Sec. 16-50. Adopted codes.

- (a) *Generally.* As future new editions and/or amendments of the code listed below are adopted by the board of community affairs of the state department of community affairs, it shall become a part of or replacement for the adopted code, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the city. All new construction, installations, repairs or alterations shall be in conformance with the current edition of the following codes and referenced appendixes with state amendments as currently adopted or authorized by the Board of Community Affairs of the state Department of Community Affairs: International Property Maintenance Code, as amended.
- (b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (c) *Appendices.* The appendices included in any code adopted pursuant to subsection (a) of this section are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.
- (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

Sec. 16-51. International Property Maintenance Code.

A certain document, being marked and designated as the International Property Maintenance Code, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 16-52.

Sec. 16-52. Revisions to the International Property Maintenance Code.

The following revisions shall be made to the International Property Maintenance Code:

Section 101.1. Insert: City.

Section 103.1. Insert: Department of Code Enforcement

Section 302.4. Insert: 12 inches. (maximum height of plant growth)

Section 304.14. Insert: March 15 to November 1. (insect screens)

Section 602.3. Insert: October 15 to March 15. (heating required residence)

Section 602.4. Insert: October 15 to March 15. (heating required work spaces)

(Ord. No. 2013-02-02, att. A(18-7), 2-26-2013)

Secs. 16-53—16-97. Reserved.

ARTICLE V. MULTIFAMILY RENTAL HOUSING

Sec. 16-98. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the chief building inspector for the city.

Certified building inspector means any person inspecting for compliance with this article who is certified pursuant to section 16-102.

Code compliance certificate means a certificate, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report attached thereto.

Inspection report means the report attached to the code compliance certificate describing minimum requirements for inspection of each multifamily rental unit in the premises.

Lease means any written agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

Multifamily rental dwelling means any structure, building, or other facility containing four or more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, roominghouses, group homes, and flats.

Multifamily rental unit means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

Occupant means all tenants, lessees and persons residing within a multifamily rental unit.

Owner means any person, agent, firm, corporation or other entity having a legal interest in a premises.

Owner-occupied means any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; roominghouse, owner occupies one unit.

Premises means any lot or piece of land that includes a multifamily rental dwelling or multifamily rental units.

Sec. 16-99. Fee and certificate required.

- (a) *Occupational tax.* All owners of multifamily rental dwellings or multifamily rental units within the city that receive income for use of four or more such multifamily rental units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city shall be subject to an occupational tax as provided in chapter 15 and shall provide to the city, prior to April 15th, of each calendar year. Said code compliance certificate shall be certified by the owner and the certified building inspector that all multifamily rental units have been inspected and are in compliance with those standards contained in the code compliance certificate and inspection report. New multifamily rental developments are exempt from the interior evaluation requirements described herein, provided proper permits are obtained from the city, five years after the date of the certificate of occupancy issued by the city.
- (b) *Inspection.* Upon initial inspection of such multifamily rental dwellings or multifamily rental units, should a certified building inspector determine that further work is necessary to comply with the minimum standards set forth herein, an acceptable plan shall be submitted to the building official, outlining the time and scope of work necessary to bring the units into compliance. If such plan is accepted by the building official as reasonable and justified, an extension may be granted for up to one year for completion of repairs and compliance with this article. Notwithstanding anything to the contrary contained herein, no extension shall be granted for noncompliance of life safety code issues and any such multifamily rental units containing such noncompliant life safety issues shall not be leased until brought into full compliance with the minimum standards contained in this chapter and re-certification provide to the building official by the owner.
- (c) *Code compliance certificate.* Each owner shall submit a code compliance certificate annually, with their occupational tax certificate renewal. Such subsequent code compliance certificate shall cover at least one half of the multifamily rental units in the premises, provided all multifamily rental units contained in the premises shall be inspected, at a minimum, every two years. All multifamily rental units inspected shall be listed individually on the code compliance certificate submitted to the city by the owner.
- (d) *Written record of inspection.* Furthermore, each owner shall keep a written record of all inspections for each multifamily rental unit including the date of the inspection, items inspected and all violations, if any, observed. In addition, the most recent copy of the inspection reports for the multifamily rental units shall also be maintained at the premises. Such records shall be presented to the city within ten business days after such request is made in writing to the owner at the contact address listed on the code of compliance certificate. Failure to provide such records shall nullify the code compliance certificate for those multifamily dwelling units included in the request.
- (e) *Authority to audit and inspection warrants.* The building official or its designee shall have the authority to inspect the interior of those units that are included in each annual code compliance certificate submitted to the city pursuant to subsection (c) of this section when there is probable cause to believe there has been a violation of this chapter or other applicable code sections. Said inspection may, at the discretion of the building official, include such number of submitted units included in the code compliance certificate as determined by the building official or its designee. Once determined that an audit inspection will be conducted, the building official shall give written notice to the certified building inspector issuing the code compliance certificate, the owner and/or the property management company of the date of the inspection which inspection shall take place, which shall be no sooner than seven days from the date of the notice and shall be conducted on from 9:00 a.m. to 5:00 p.m. during weekdays, other than nationally recognized holidays. The written notice shall state that the owner and/or property management company shall have the right to refuse the inspection and the building official or designee's right to seek issuance of an inspection warrant in the event of any such refusal. The owner, the certified building inspection or a member of the property management company shall be available to accompany the building official during the inspection. In the event the owner and/or property management company refuses inspection, the building official or

designee shall have the right to seek issuance of an inspection warrant from a judge of the municipal court in accordance with section 7-171.

Sec. 16-100. Failure to provide code compliance certificate.

- (a) Failure to provide the code compliance certificate as provided herein shall be a violation of this chapter and is subject to those penalties contained herein and in section 1-11.
- (b) Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental units to inspection by the building official, at a fee as determined by the governing body of the city, that includes all costs of such inspection by the city. Said inspection by the city, if required, shall be performed at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for in city Code. Nothing contained in this chapter shall prevent the city from enforcement of the state minimum standard codes as provided in this chapter during the city's inspection of the multifamily rental units.
- (c) Failure to pay the occupational tax as provided herein shall be a violation of chapter 15 and is subject to those penalties set forth in chapter 15 and as otherwise provided in the Code.

Sec. 16-101. Penalty for false certification and false inspection.

- (a) An owner who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwellings or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.
- (b) A certified building inspector who knowingly, recklessly, or negligently furnishes an inspection report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum standards of this chapter, shall be guilty of a violation of this Code, may be subject to the provisions of section 1-11 and may be fined, by the court for each violation up to \$1,000.00 for each dwelling or unit, each dwelling or unit shall constitute a separate offense. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a stated prior of time, up to five years.
- (c) A property manager who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwelling or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

Sec. 16-102. Certified building inspector requirements.

All inspectors wishing to submit or participate in the city's multifamily rental housing evaluation program must comply with the following requirements:

- (1) The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.

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- (2) The inspector must submit a copy of his business license or occupational tax certificate and certificate of insurance of liability insurance.
 - (3) The inspector must meet with the building official to present the qualifications noted in subsections (1) and (2) of this section for approval prior to performing any inspections pursuant to this chapter. Upon completion of this meeting, an inspector determined to be qualified by the building official will be placed on a list of approved certified building inspectors to be maintained by the city.
 - (4) From time to time, mandatory meetings will be called by the city building official which all certified building inspectors participating in the program must attend, except as permitted on an individual basis by the building official due to extenuating circumstances. Ample notice will be provided by the city to the contact address provided by the certified building inspector no less than two weeks prior to the date of the meeting.

Sec. 16-103. Interior evaluations of multifamily rental units.

Interior evaluations will be conducted to ensure compliance with the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein and, at a minimum, will include inspections of the following items. The 2006 International Property Maintenance Code and the 2006 International Fire Code, or the latest version of the same as adopted periodically by the State Fire Commissioner or Georgia Department of Community Affairs, are the referenced codes.

- (1) Apartment numbers identification posted in accordance with IPMC section 304.3. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road fronting the multifamily dwelling unit. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (2) Flooring is an impervious surface in the kitchen and bath areas in accordance with IPMC 305.3.
- (3) All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition with no chipping or flaking paint or loose plaster, decayed wood and other defective surface conditions.
- (4) Hot and cold water at kitchen baths and laundry rooms is provided in accordance with IPMC section 505.1. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
- (5) Privacy for bathrooms shall be provided in accordance with IPMC section 503.1. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- (6) Heating facilities are in good working order in accordance with IPMC section 602.2 and 603.1. No unvented heating appliances in sleeping rooms. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section (603.1). All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances

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- shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (7) Garbage disposal facilities are in accordance with IPMC sections 307.3, 307.3.1 and 307.3.2. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. (307.3.1) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each multifamily rental unit; an approved incinerator unit in the structure available to the occupants in each multifamily dwelling unit; or an approved leak-proof, covered, outside garbage container. (307.3.2) The owner of every multifamily rental unit producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (8) Smoke detector devices shall be provided in accordance with IPMC section 704.2. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:
- a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - b. In each room used for sleeping purposes.
 - c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - d. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.
 - e. Per O.C.G.A. § 25-2-40.
 - f. For multifamily rental units constructed before 1987: At least one battery operated between the living and sleeping areas.
 - g. Unless over three or more stories, detectors shall be installed within each multifamily rental unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in sleeping rooms of that living unit.
 - h. For multifamily rental units constructed after 1987, detectors must be located on every level and outside of the sleeping area.
 - i. For multifamily rental units constructed after 2007, detectors must be installed per IPMC including one on every level, outside of the sleeping area and inside of every sleeping room.
- (9) Window spaces for light, ventilation, operable and emergency escape shall conform with IPMC sections 304.13.1, 304.13.2, 304.14, 304.18.2, 402.1 and 702.4. (304.13.1) All glazing materials shall be maintained free from cracks and holes. (304.13.2) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. (304.14) During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. (304.18.2) Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall

be equipped with a window sash locking device. (402.1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the exterior of the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (702.4) Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: (i) required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools; (ii) bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

- (10) Plumbing facilities to be maintained in a safe working condition in accordance with IPMC section 502.1. Every multifamily rental unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.
- (11) Electrical devices, service equipment and luminaries are in safe working condition with no exposed wires in accordance with IPMC sections 604 and 605. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605. Multifamily rental units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or for similar reasons, the defects are to be corrected to eliminate the hazard. (605) All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Every public hall, interior stairway, toilet room, kitchen, bathroom, bedroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. GFCI devices are provided in required locations dependent on the time of construction, repair or remodel generally in accordance with the following standards:
- a. 1971 Receptacles within 15 feet of pool walls.
 - b. 1973 All outdoor receptacles.
 - c. 1975 Bathrooms, 120-volt pool lights, and fountain equipment.
 - d. 1978 Garage receptacles.
 - e. 1981 Whirlpools and tubs.
 - f. 1984 Distance of GFCI protection extended to 20 feet from pool walls.
 - g. 1987 Unfinished basements.
 - h. 1987 Kitchen countertop receptacles within six feet of sink.
 - i. 1990 Crawlspace (with exception for sump pumps or other dedicated equipment).
 - j. 1993 Wet bar countertops within six feet of sink.

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- k. 1993 Any receptacle replaced in an area presently requiring GFCI.
 - l. 1996 All kitchen counters—not just those within six feet of sink.
 - m. 2005 Receptacles near laundry and utility sinks within six feet.
- (12) Door units, jambs and hardware are in good working order in accordance with IPMC sections 304.13, 304.18, 305.3 and 305.6 and required opening protective devices be maintained in an operative condition. In accordance with IPMC section 703.2 (304.13), every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (304.18) Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (305.3) All interior surfaces, including windows and doors, shall be maintained in good condition. Loose plaster and decayed wood shall be corrected. (305.6) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (703.2) Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.
- (13) Interior stairs, handrails and guards are maintained in a sound condition and good repair in accordance with IPMC sections 305.4, 305.5, and 306.1. (305.4) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition. (305.5) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good repair. (306.1) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have handrails. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.
- (14) Interior floors, walls and ceilings are maintained in good repair, structurally sound and in sanitary condition in accordance with IPMC section 305. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. Defective surface conditions shall be corrected. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition.
- (15) Occupancy limitations per bedroom in accordance with IPMC section 404. Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).
- a. Every bedroom shall comply with the requirements of sections 404.4.1 through 404.4.5.
 - b. 404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of additional floor area for each occupant thereof.

- c. 404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.
- d. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- e. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- f. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of the IPMC.
- g. Multifamily rental units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

Space	Minimum Area (in square feet)		
	1—2 Occupants	3—5 Occupants	6 or More Occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with section IPMC 404.4		

For SI: 1 square foot = 0.093 m²

^a See IPMC section 404.5.2 for combined living room/dining room spaces.

^b See IPMC section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

- h. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with IPMC section 404.4.
 - i. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
- (16) Insect and rodent infestation in accordance with IPMC section 308.1. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (17) Means of egress shall be provided in accordance with IPMC section 702. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. The required width of aisles in accordance with the International Fire Code shall be unobstructed. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles,

grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

- (18) Fire extinguisher shall be present and tagged or inspection current in accordance with IFC 906.1 and NFPA 10 (906.1). Portable fire extinguishers shall be installed in the following locations: (1.) In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies and; (2.) (NFPA 10) Fire extinguishers must be within 75 foot travel distance of the most remote location of a dwelling. (906.2) Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
- (19) Sprinkler heads clear and unobstructed. NFPA 25 Sprinkler heads must be free from dust debris paint and obstructions that would otherwise inhibit their operation.

Sec. 16-104. Exterior and publicly accessible evaluations of multifamily properties.

- (a) Exterior evaluations will be conducted evaluating for compliance with the latest edition of the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein.
- (b) All premises containing multifamily rental dwellings or multifamily rental units will be subject to an evaluation of the exterior, public and mechanical areas in accordance with policy approved by the city. After the exterior inspection, the owner of the premises will be presented with a report containing the findings of the city's inspection. Compliance must be achieved in a timeframe as specified in the exterior inspection report.
- (c) Failure by the owner to properly address the exterior inspection report findings in the timeframe outlined therein as presented shall be a violation of this article and is subject to those penalties provided by the International Property Maintenance Code, allowed by law, contained herein or in section 16-23.

Secs. 16-105—16-121. Reserved.

ARTICLE VI. WEEDS AND GRASS

Sec. 16-122. Maximum height of weeds, grass, etc.

It shall be unlawful for the owner of improved property or previously improved property in the city, whether zoned residential, commercial, industrial or other, to have, place or allow grass, weeds and/or other undergrowth to exceed the height of 12 inches or more on such property, including but not limited to, the front, side or rear yard, or right-of-way. Notwithstanding the above, grass, weeds and/or other undergrowth of a height of 12 inches or more are declared to be a public nuisance and abatable as such.

Sec. 16-123 to 16-124 RESERVED

Sec. 16-125. Remedies.

The remedies provided in this article are cumulative of all other remedies the city has for the accomplishment of the objectives set forth in this chapter. Nothing in this article shall be construed as relieving any person from the obligation to comply with this Code, all ordinances, laws or regulations of the city, or to permit

the maintenance by any person of a nuisance; and any nuisance shall be subject to be abated in the manner provided by law.

Secs. 16-126—16-150. Reserved.

ARTICLE VII. NOISE

Sec. 16-151. Definitions.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this article, shall have the following meanings:

A-weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Background sound level is the total sound pressure level in the area of interest excluding the noise source of interest.

Commercial or business property category is all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work. Any property zoned multi-use, as that term may be used in chapter 27 shall be deemed commercial or business property under this chapter.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Daytime hours shall mean the hours of 7:00 a.m. to 11:00 p.m., Monday through Thursday, 7:00 a.m. to 11:59 p.m. Friday, 9:00 a.m. to 11:59 p.m. Saturday, and 9:00 a.m. to 11:00 p.m. Sunday.

Decibel (dB) is the unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

dBC is the C-weighted unit of sound pressure level.

Emergency is any occurrence or set or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Impulsive sound is a sound having a duration of less than one second with an abrupt onset and rapid decay.

Industrial or manufacturing property category is any property which is used primarily for manufacturing or processing.

Institutional property category is any property which is used primarily for public purposes such as city hall or a city park.

Muffler is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

Multi-family dwelling is any building or other shelter that has been divided into separate units to house more than one family.

Nighttime shall mean the hours of 11:00 p.m. 7:00 a.m., Monday through Friday, 12:00 a.m. to 9:00 a.m. Saturday, and 12:00 a.m. to 9:00 a.m. Sunday.

Noise is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance is any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property.

Noise-sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Octave band is all the components in a sound spectrum whose frequencies are between two sine waves components separated by an octave.

Real property line is the line, including its vertical extension that separates one parcel of real property from another.

Residential property category is all property established as a residential zoning category by chapter 27 of the ordinances of the City of Pine Lake, except for multi-use zoning categories where there may be residential components.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

(Ord. No. 2016-01-02, § 16-302, 1-12-2016)

Sec. 16-152. Sound level limitations.

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1 Sound Level Limits by Receiving Property

Receiving property zoning category	Day of week	Time of day	Distance from sound source	Sound limitation
Residential or noise sensitive facility	Everyday	Daytime	0—50 feet	80 dB
			51—150 feet	75 dB
			151—300 feet	65 dB
			Over 300 feet	55 dB
Residential or noise sensitive facility	Sunday through Thursday	Nighttime	0—50 feet	70 dB
			51—150 feet	65 dB
			151—300 feet	55 dB
			Over 300 feet	50 dB
Residential or noise sensitive facility	Friday and Saturday	Nighttime	0—50 feet	75 dB
			51—150 feet	65 dB
			151—300 feet	55 dB
			Over 300 feet	50 dB

Commercial	Sunday to Friday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	80 dB 75 dB 65 dB 55 dB
Commercial	Sunday to Thursday	Nighttime	0—50 feet 51—150 feet 151-300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Commercial	Friday and Saturday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB
Commercial	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	75 dB 70 dB 65 dB 55 dB
Industrial	Everyday	Anytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB

(b) *Prohibited conduct.*

- (1) *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated, any radio receiving device, television, stereo, musical instrument, phonograph, sound, amplifier, or other machines or devices producing, reproducing or amplifying sound and/or at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible and heard or cause vibrations to property or person at or more than the specified distances above from the building, structure or motor vehicle on private property, unless the property boundaries from which the sound originates is a greater distance than those specified in subsection (a) of this section. In that event, the sound shall not be plainly audible beyond the property boundary.
- (2) *Human-produced sound.* It is unlawful for any person to yell, shout, hoot, whistle, or sing on the public streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance at or more than the specified distances in subsection (a) of this section from the place, building, structure, or in the case of real property, beyond the property limits, in which the person is located, whichever is farthest.
- (3) *Party noise.* It is unlawful for any person in charge of a party or other social event that occurs on any private property to allow that party or event to produce noise in such a manner so as to cause such noise to be plainly audible at or more than the specified distances in subsection (a) of this section from the building or structure from which the party noise is emanating or, in the case of real property, beyond the property limits on which the party or social event is located, whichever farthest.
- (4) *Commercial advertising.* It is unlawful for any person to use, operate, or permit to be used or operated, any radio receiving device, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for production or reproduction of a sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract attention of the public to any building, structure or vehicle in such a manner as to create, or cause to be created,

any noises or sounds which are plainly audible at or more than the specified distances in subsection (a) of this section from the building, structure, or motor vehicle on private property.

- (5) *Use or ignition of fireworks.* It is unlawful for any person to use, ignite or permit to be used or operated any fireworks as defined in O.C.G.A. 25-10-1 producing noise in such a manner so as to cause such noise to be plainly audible on any day before 10:00 a.m. or after 10:30 pm and up to including the time of 11:59 pm, except as permitted by State Statute, and on July 2, 2016, for which no fireworks will be permitted before 10:00 a.m.
- (c) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime limit of 75 dBA and the nighttime limit of 55 dBA as measured from the closest neighbor's dwelling.
- (d) In places of public entertainment having a capacity of 5,000 or more persons, it shall be unlawful to create or permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and from 7:00 a.m. to 1:00 a.m. for events commencing on Friday or Saturday. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point which is found by traveling a straight line distance from the center of the sound board through the center rear of the facility a distance of 500 feet or to the property line of the facility, whichever is less. The measurement assumes that the sound board is not more than 100 feet from the center stage. The 500-foot measurement shall be reduced one foot for each foot that the sound board is more than 100 feet from center stage.
- (e) In interpreting and applying the times and values in table 1, it is the intent of the city council that the times be interpreted to provide maximum protection from undesirable noise possible.

Sec. 16-153. Exemptions.

- (a) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of subsections 16-152(a) and (b).
- (b) The following are exempt from the sound level limits of subsections 16-152(a), (b), and (c):
- (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
 - (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;
 - (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
 - (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
 - (5) Organized band and/or sports league activity sponsored by a school, or authorized by written agreement by the DeKal County School District, or the City of Pine Lake that is otherwise in compliance with the code of ordinances of the City of Pine Lake, Georgia;
 - (6) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m.—10:00 p.m.;
 - (7) Emergency work;
 - (8) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit;

Sec. 16-154. Restricted uses and activities.

Notwithstanding the provisions of subsection (1)—(2)a. and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 7:00 p.m. and 7:00 a.m., or on Saturday or Sunday before the hour of 9:00 a.m. At all other times, the limits set forth in subsection (1)—(2)a. do not apply to non-commercial or non-industrial power tools and landscaping and year maintenance equipment, provided that all motorized equipment is operated with a functioning muffler.
- (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within 250 feet of a residential property line, between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
 - a. Such activities are deemed emergency work, or
 - b. Such activities meet the limits set forth in subsection (1)—(2)a.

At all other times, the limits set forth in subsection (1)—(2)a. do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

- (3) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 8:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
 - a. Such activities are deemed emergency work; or
 - b. Such activities meet the limits set forth in subsection (1)—(2)a.

This provision shall not apply if the chief of police determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the chief of police may grant a renewable permit for a period not to exceed ten days for this work to be done within the hours of 10:00 p.m. to 7:00 a.m.

- (4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or making any other noise) for more than ten minutes without interruption or more than 30 minutes if intermittent.
- (5) The collection of trash or refuse in residential districts is prohibited between the hours of 9:00 p.m. and 7:00 a.m.
- (6) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device in such a manner as to create a continuing noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

Sec. 16-155. Procedures for the determination of sound levels.

- (a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise

measurements are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.

- (b) Measurements shall be taken by police officers appropriately trained in the use of a sound level meter.

(Ord. No. 2016-01-02, § 16-306, 1-12-2016)

Sec. 16-156. Special variances.

- (a) The chief of police or the chief's designated representative shall have the authority, consistent with this article, to grant special variances.
- (b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police or the chief's designated representative. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an application for a special variance shall be given by the chief or the chief's representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the chief or the chief's representative containing any information to support such individual's claim.
- (c) In determining whether to grant or deny the application, the chief or the chief's designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information the chief or the chief's representative may reasonably require. In granting or denying an application, the chief or the chief's representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.
- (d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.
- (e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (f) The chief of police or the chief's designated representative may issue guidelines approved by city council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

Sec. 16-157. Enforcement procedures; miscellaneous.

- (a) Except as provided in subsection (b) of this section, the city may prosecute noise related violations by issuance of a city ordinance citation, in which case, the penalty for a violation shall be as set forth in section 1-11 of this Code. In addition to issuing any penalty as provided in section 1-11, or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.
- (1) Notwithstanding the generally punishments established above, the fine for a first conviction of this Chapter shall be not less than \$200.00, in addition to any other penalty imposed by the Court, however, the total fine shall not exceed \$1,000.00.

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- (2) Upon a second conviction within 12 months, measured from the date of the conviction, the Court shall impose a fine of not less than \$500.00, in addition to any other penalty imposed by the Court, however, the total fine shall not exceed \$1,000.00.
 - (3) Upon a third conviction within 24 months, measured from the date of the earliest conviction, the Court shall impose a fine of \$1,000.00, in addition to any other penalty imposed by the Court.
 - (4) Upon a third conviction within 24 months, measured from the date of the earliest conviction, if the offender has been granted or has applied for an alcohol license as a restaurant or as a late night establishment, such license shall automatically be suspended as of the date of the conviction, and proceedings initiated to revoke such alcohol license in accordance with the City of Pine Lake Alcohol Ordinance. The clerk of municipal court shall refer such third convictions to the attention of the city manager or her or his designee for action consistent with this paragraph.

Secs. 16-158—16-192. Reserved.

ARTICLE VIII. VEGETATION

Sec. 16-193. Vegetation and debris.

- (a) *Vegetation.* There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks, paths, trails and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.
- (b) *Debris.* There shall not be maintained on a property for more than seven calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the county. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.
- (c) *Shared property.* Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.
- (d) *Invasive vegetation.* Invasive plant species on premises and exterior property shall be maintained whereby damage to existing trees and encroachment onto adjacent properties is prevented. Invasive plant species within the city are defined by the Georgia Exotic Pest Plant Council (EPPC) Invasive Plant List, which is maintained by the Center for Invasive Species and Ecosystem Health, University of Georgia: <https://www.gaepcc.org/list/>. The list includes, but is not limited to, English Ivy (*Hedera helix*), Chinese Wisteria (*Wisteria sinensis*), Kudzu (*Pueraria montana* var. *lobata*), *Elaeagnus umbellata*, Tree of Heaven (*Ailanthus altissima*), all Privet species (*Ligustrum* spp.), and all Bamboo species other than the native species River Cane, Switch Cane (*Arundinaria* spp.).

(Ord. No. 2019-02-03, § I, 2-12-2019; Ord. No. 2021-06-04, § I(Attch.), 6-29-2021)

ARTICLE IX. DERELICT PROPERTY

Sec. 16-200. Short title.

This article shall be known as the "Pine Lake Derelict Property Ordinance."

(Ord. No. 2017-12-05, § 1, 12-12-2017)

Sec. 16-201. Definitions.

As used in this article, the term:

Applicable codes means any optional housing or abatement standard provided in O.C.G.A. tit. 8, ch. 2 as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. tit. 25, ch. 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. tit. 8, ch. 2 after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act that is a violation of O.C.G.A. tit. 16, ch. 13, art. 2, known as the "Georgia Controlled Substances Act".

Dwellings, buildings, or structures means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Graffiti means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.

Governing authority means the City Council of the City of Pine Lake, Georgia.

Interested party means:

- (1) The "owner";
- (2) Persons in possession of said property and premises;
- (3) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
- (5) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court; provided, however, interested party shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

Municipality means the City of Pine Lake, Georgia.

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means the governing authority of the City of Pine Lake, any director of a public housing authority, or any officer who is in charge of any department or branch of government (municipal, county or state) relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or structures, or use of private property within the city.

Public officer means the city manager, who is authorized to exercise the powers prescribed by article, and any officer or employee of the city, specifically including but not limited to code enforcement officers, to whom he delegates such authority.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated that create a health or safety hazard in or about any dwelling, building, or structure.

Resident means any person residing in the jurisdiction where the property is located on or after the date that the alleged nuisance arose.

(Ord. No. 2017-12-05, § 1, 12-12-2017)

Sec. 16-202. Duty of owners of real property and structures thereon.

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances that regulate and prohibit activities on private property and that declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property in violation of such codes, laws or ordinances.

(Ord. No. 2017-12-05, § 1, 12-12-2017)

Sec. 16-203. Declaration of public nuisance.

Every dwelling, building, or structure within the city that (i) is constructed or maintained in violation of applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to the owner of such activities conducted therein; (vi) is abandoned; or (vii) is vacant for more than 6 continuous months, or periodically for 12 months; (viii) otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within the city on which is being regularly conducted any activity or land use in violation of applicable laws and ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property that may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality, or crime.

Sec. 16-204. Powers of city manager or their designee.

- (a) In carrying out his duties pursuant to this article, the city manager or his designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

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- (1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists.
 - (2) To retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants, and attorneys.
 - (3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and
 - (4) To delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.
- (b) In addition to the procedures set forth in this article, the city manager or his designee(s) may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

Sec. 16-205. Complaint in rem in municipal court; procedure; lien; appeal.

- (a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his findings. Such officer shall be guided in his investigation by documenting conditions including but not limited to:
- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
 - (2) Lack of adequate ventilation, light, or sanitary facilities;
 - (3) Dilapidation;
 - (4) Disrepair by failure to conform to applicable codes and ordinances;
 - (5) Structural defects that render the structure unsafe for human habitation or occupancy;
 - (6) Uncleanliness; or
 - (7) The presence of graffiti that is visible from adjoining public or private property.
- (b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested

parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

- (c) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; and, if applicable, to secure by closing the structure so that it cannot be used in connection with the commission of drug crimes; or
 - (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. tit. 43, ch. 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

- (d) Notwithstanding the requirements of any other Code section in this chapter, if the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

- (e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (f) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.
- (g) The lien provided for in subsection (e) shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in DeKalb County and shall relate back to the date of the filing of the lis pendens notice required under subsection (a). The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the county tax commissioner.
- (h) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A § 48-4-78 that requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
- (i) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.
- (j) In addition to the remedies and powers authorized elsewhere in this chapter, the governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
- (k) Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by *writ of certiorari* to the superior court under O.C.G.A. § 5-3-29.

Sec. 16-206. Service of complaints or orders upon owners and parties in interest.

- (a) Summons and copies of the complaint shall be served in the following manner:
- (1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing.
 - (2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address to the attention of the occupants, if any;
 - (3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and
 - (4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.
- (b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.
- (c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

Sec. 16-207. Limitation of liability for code enforcement; no special duty created.

It is the intent of this article to protect the public health, life safety and general welfare of properties and occupiers of buildings and structures within the city in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy such legal requirements.

Sec. 16-208. General cleanliness of premises.

The owner and occupant of property within the city shall each be independently responsible for keeping the premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth, dirt, ashes, trash, rubbish, or other offensive materials.

(Ord. No. 2017-12-05, § 1, 12-12-2017)

Sec. 16-209. Disorderly house.

- (a) Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is charged under this subsection, written notice shall be given the owner of the property and the person in possession thereof by the chief of police stating the general, customary and common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.
- (b) Any person who shall allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their house, apartment or upon their property, after receiving oral notice from a police officer that boisterous, noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no person shall be charged under this subsection unless the owner or person in possession of the premises has been afforded an opportunity to disburse the assembly or offending person from the premises. This subsection shall not preclude a police officer from arresting any individual for criminal trespass where such individual knowingly and without authority remains on private property after being notified by the owner or lawful occupant to depart.

Sec. 16-210. Violations; enforcement penalties.

Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than \$100.00 and not more than \$1,000.00 and shall be subject to the provisions of section 1-11; each day of continued violation, after citation, shall constitute a separate offense. In addition to the foregoing fines, upon conviction, the director shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-connection has been discontinued.

Secs. 16-211—16-300. Reserved.

ARTICLE X. BLIGHTED PROPERTY

Sec. 16-301. Purpose.

The existence of real property that is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, this board of commissioners, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

(Ord. No. 2017-12-05, § 2, 12-12-2017)

Sec. 16-302. Definitions.

Blighted property, blighted, or blight means any urbanized or developed property that:

- (1) Presents two or more of the following conditions:
 - a. Uninhabitable, unsafe, or abandoned structure;
 - b. Inadequate provisions for ventilation, light, air, or sanitation;
 - c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
 - d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
 - e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
 - f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and
- (2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of aesthetic conditions.

Building inspector means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

Community redevelopment means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

Governing authority means the City Council of the City of Pine Lake, a Georgia municipal corporation.

Millage or millage rate means the levy, in mills, that is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

Person means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

Public officer means the city manager or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.

(Ord. No. 2017-12-05, § 2, 12-12-2017)

Sec. 16-303. Ad valorem tax increase on blighted property.

- (a) There is hereby levied on all real property within the city that has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied

to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house that is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

- (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.
- (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

Sec. 16-304. Identification of blighted property.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
 - (1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,
 - a. A request may be made by the public officer or by at least five residents of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
 - b. The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels that may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.
 - (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
 - (3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.
 - (4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.
- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and

shall advise such person of the hours and location where the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

- (c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the designated legal organ in DeKalb County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of DeKalb County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of DeKalb County for a writ of certiorari within 30 days of issuance of the court's written determination.

Sec. 16-305. Remediation or redevelopment.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property that has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
 - (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director that addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to article II or article IX of the Code of Ordinances of the City of Pine Lake.
- (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of DeKalb County.
- (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:

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- (1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;
 - (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;
 - (3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
 - (4) The plan shall contain verifiable funding sources that will be used to complete its requirements and show the feasibility thereof;
 - (5) The plan shall contain a timetable for completion of required work; and
 - (6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 16-306. Decrease of tax rate.

- (a) Real property that has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 16-304, Identification of Blighted Property, of this article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.
- (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

Sec. 16-307. Notice to tax commissioner.

It shall be the duty of the public officer to notify the Tax Commissioner of DeKalb County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the DeKalb County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.