

**CITY OF PINE LAKE, GEORGIA  
SPECIAL CALLED MEETING &  
WORK SESSION AGENDA  
JUNE 10, 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 – REGULAR MEETING**

**PUBLIC HEARING – 6:00PM**

- Consideration of Millage Rate, Property Tax Increase

**ANNOUNCEMENTS/COMMUNICATIONS**

**ADOPTION OF THE AGENDA OF THE DAY**

**PUBLIC COMMENTS – 3 minutes each please**

**SPECIAL CALLED MEETING**

1. Resolution R-2025-38, 2025 Property Tax Millage Rate Process (Revised)

**OLD BUSINESS**

1. Ordinance to Amend Chapter 16, Public Nuisances

**PUBLIC COMMENTS – 3 minutes each please**

**REPORTS AND OTHER BUSINESS**

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

**Information for the Pine Lake News "e-blast"**

**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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## NOTICE

The City of Pine Lake does hereby announce that the millage rate will be set at a meeting to be held at the  
 459 Pine Drive, Pine Lake, GA 30072 on Tuesday June 24, 2025 at 7:00PM and pursuant to the requirements of O.C.G.A. § 48-5-32 does hereby publish the  
 following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

### CURRENT 2025 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

		CITY WIDE	2020	2021	2022	2023	2024	2025
CITY AREA	V A L U E	Real & Personal	28,633,252	32,715,662	36,282,334	45,817,979	45,965,058	48,483,659
		Motor Vehicles	139,790	120,180	100,300	89,640	83,620	59,900
		Mobile Homes						
		Timber - 100%						
		Heavy Duty Equipment						
		Gross Digest	28,773,042	32,835,842	36,382,634	45,907,619	46,048,678	48,543,559
		Less Exemptions	989,061	1,015,624	1,028,021	1,017,795	1,060,951	1,069,721
	<b>NET DIGEST VALUE</b>	<b>27,783,981</b>	<b>31,820,218</b>	<b>35,354,613</b>	<b>44,889,824</b>	<b>44,987,727</b>	<b>47,473,838</b>	
	R A T E	Gross Maintenance & Operation Millage	19.9090	19.3240	18.4220	16.4810	19.4000	19.4000
		Less Rollback (Local Option Sales Tax)						
<b>NET M&amp;O MILLAGE RATE</b>		<b>19.9090</b>	<b>19.3240</b>	<b>18.4220</b>	<b>16.4810</b>	<b>19.4000</b>	<b>19.4000</b>	
TAX	<b>TOTAL M&amp;O TAXES LEVIED</b>	<b>\$553,151</b>	<b>\$614,894</b>	<b>\$651,303</b>	<b>\$739,829</b>	<b>\$872,762</b>	<b>\$920,992</b>	
	Net Tax \$ Increase		\$61,743	\$36,409	\$88,527	\$132,933	\$48,231	
	Net Tax % Increase		11.16%	5.92%	13.59%	17.97%	5.53%	



Resolution R-2025-38, *2025 Property Tax Millage Rate Process* is currently in development. The document will be included in an updated packet, and published promptly before the Tuesday, June 10<sup>th</sup> Special Called Meeting.

-Staff

## Chapter 16 NUISANCES

### ARTICLE I. IN GENERAL

1    **Sec. 16-1. Purpose and findings.**

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

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

29    **Sec. 16-2. Definitions.**

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

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

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

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

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

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

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

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

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

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

54 *Prostitution* shall have the meaning provided in O.C.G.A. § 16-6-9.

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

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

### 61 **Sec. 16-3. Jurisdiction to abate.**

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

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

77 Where any person ordered to do any work for the purpose of abating a nuisance has failed or refused to do  
78 that work, and the work has been done by the employees of the city, the cost thereof may be collected by lien

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79 against that person and that person's property. Each lien shall be prepared by the department charged with the  
80 duty of abating or removing the nuisance, shall be signed by the city clerk, and shall be delivered to the DeKalb  
81 County Tax Commissioner for collection as other liens are collected, and filed of record with the Clerk of the  
82 Superior Court until such time as the lien is satisfied as provided by law.

83 **Sec. 16-5. Civil Proceedings and Burden of Proof**

84 Proceedings under this Chapter shall be civil in nature and shall not result in the incarceration of any person  
85 held responsible for a violation of this Chapter. The City's burden of proof for violation of this Chapter shall be a  
86 preponderance of the evidence. Those persons issued a citation or other document to appear for a hearing under  
87 this Chapter shall not be entitled to appointed counsel at the City's expense.

88  
89 **Sec. 16-6. Penalties for Violations of this Chapter; Separate Offenses**

90  
91 In addition to any other remedy provided by this Chapter, each violation of any requirement imposed by  
92 this Chapter, once a Court of competent jurisdiction has adjudicated such violation after notice to the owner or  
93 person of interest in the property, may be punished by a civil penalty of up to \$1000 per violation.

- 94  
95 (1) If the property or structure at issue is one designed or allowed to be used by multiple families,  
96 each violation in each unit of the structure may be deemed a separate violation of this Chapter.  
97  
98 (2) If an Order of abatement is issued by the Court in response to proof by the City of the presence  
99 of a public nuisance, each day after (A) the deadline to abate or remedy the violation as stated in the  
100 Notice of Violation issued prior to any citation to appear in Court on the violation, and/or (B) each  
101 day after the deadline in any court order to abate or remedy a violation of this Chapter, may  
102 constitute a separate violation of this Chapter and be assessed a civil penalty for such separate  
103 violation, in addition to the Order authorizing the City to abate the nuisance.  
104  
105 (3) In every case where the Court finds based on the evidence presented a separate violation of this  
106 Chapter, the Court is authorized to impose a separate and distinct penalty for such violation.  
107

108 The municipal court of the City of Pine Lake is not authorized to incarcerate any person for failure  
109 to pay any civil penalty assessed under this Chapter, but may, in accordance with the Court's inherent  
110 authority punish direct criminal contempt of the Court's authority in its discretion.

111 **Secs. 16-7—16-22. Reserved.**

112 **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

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

- 115 (a) Any dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the  
116 commission of drug crimes is hereby declared to be a public nuisance. However, consistent with state public  
117 policy, this chapter shall not apply to any publicly owned cultural facility pursuant to O.C.G.A. § 41-1-8.  
118 (b) It is the affirmative duty of the owner of every dwelling, building, or structure within city to construct and  
119 maintain such dwelling, building, or structure in conformance with applicable codes under state law, and all  
120 ordinances in force within the city.

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- 121 (c) An owner or party-in-interest of a dwelling, building or structure shall not be subject to proceedings  
122 described in subsection (e), (f), (h), (i) or (j) of this section if it is established that the owner or party-in-  
123 interest:
- 124 (1) Did not know and could not reasonably have known of the public nuisance described in subsection (a)  
125 of this section occurring on the subject premises;
- 126 (2) Does not hold the subject property for the benefit of or as nominee for any person whose conduct  
127 gave rise to the public nuisance described in subsection (a) of this section, and, if the owner or party-in-  
128 interest acquired the interest through any such person, the owner or party-in-interest acquired it as a  
129 bona fide purchaser for value without knowingly taking part in the public nuisance; or
- 130 (3) Acquired ownership or legal interest after the completion of the public nuisance giving rise to  
131 proceedings under this chapter or at the time the title was acquired, was reasonably without cause to  
132 believe that the dwelling, building or structure was subject to be deemed a public nuisance or likely to  
133 become subject to being deemed a public nuisance under this chapter.
- 134 (d) The building official shall have all powers to carry out and effectuate the purpose of this chapter as set forth  
135 in O.C.G.A. § 41-2-11.
- 136 (e) The building official shall make an investigation or inspection of a dwelling, building, or structure whenever a  
137 charge is made that any dwelling, building, or structure is unfit for human habitation or for commercial,  
138 industrial, or business use and not in compliance with applicable codes; is vacant and being used in  
139 connection with the commission of activities described in subsection (a) of this section; or constitutes an  
140 endangerment to the public health or safety as a result of unsanitary or unsafe conditions. If the building  
141 official's investigation or inspection identifies that any dwelling, building, or structure is unfit for human  
142 habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is  
143 vacant and being used in connection with the commission of activities described in subsection (a) of this  
144 section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe  
145 conditions, the building official may either:
- 146 (1) Issue a citation for violation of any applicable state minimum standard codes, building, fire, life safety,  
147 and other codes adopted by ordinance, and conditions creating a public health hazard or general  
148 nuisance. The citation shall notify the owner and parties of the violation and a time frame for  
149 compliance; and
- 150 (2) Issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling,  
151 building, or structure is situated or where such public health hazard or general nuisance exists and shall  
152 cause summons and a copy of the complaint to be served on the owner and parties in interest in such  
153 dwelling, building, or structure. Service of the complaint shall be in the manner as mandated by  
154 O.C.G.A. § 41-2-12. The complaint shall identify the subject real property by appropriate street address  
155 and official tax map reference; identify the owner and parties in interest; state with particularity the  
156 factual basis for the action; and contain a statement of the action sought by the building official to  
157 abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing  
158 will be held before a court of competent jurisdiction at a date and time certain and at a place within  
159 the city where the dwelling, building or structure is located. Such hearing shall be held not less than 15  
160 days nor more than 45 days after the filing of said complaint in the proper court, unless some other  
161 time is agreed to by the City and the owner or parties in interest, or ordered by the Court. The owner  
162 and parties in interest shall have the right to file an answer to the complaint and to appear in person or  
163 by attorney and offer testimony at the time and place fixed for hearing.
- 164 (f) After notice and a hearing conducted pursuant to subsection (e)(2) of this section, if a court of competent  
165 jurisdiction determines that the dwelling, building, or structure in question is a disorderly house or unfit for  
166 human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with  
167 applicable codes; is vacant and being used in connection with the commission of activities described in  
168 subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of
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169 unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such  
170 determination and shall issue and cause to be served upon the owner and any parties in interest that have  
171 answered the complaint or appeared at the hearing an order of abatement:

172 (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a  
173 reasonable cost in relation to the present value of the dwelling, building, or structure, the order of  
174 abatement shall require the owner, within the time specified in the order, to repair, alter, or improve  
175 such dwelling, building, or structure so as to bring it into full compliance with the applicable codes  
176 relevant to the cited violation and, if applicable, shall require the taking of reasonable measures  
177 designed to prevent the recurrence of the nuisance activity described in subsection (a) of this section in  
178 light of the magnitude of the harm caused by the nuisance. Those measures may include, but are not  
179 limited to, making improvements to real estate and installing lighting to enhance security, the hiring of  
180 licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction  
181 proceedings against tenants engaged in illegal activity.

182 (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it  
183 into full compliance with applicable codes relevant to the cited violations cannot be made at a  
184 reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the  
185 owner, within the time specified in the order, to demolish and remove such dwelling, building, or  
186 structure and all debris from the property.

187 (3) The court shall make its determination of "reasonable cost in relation to the present value of the  
188 dwelling, building, or structure" without consideration of the value of the land on which the structure  
189 is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a  
190 structure may be considered. Income and financial status of the owner shall not be a factor in the  
191 court's determination. The present value of the structure and the costs of repair, alteration, or  
192 improvement may be established by county tax records, affidavits of real estate appraisers with a state  
193 appraiser classification as provided by state law, qualified building contractors, or qualified building  
194 inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the  
195 structure shall be the cost necessary to bring the structure into compliance with the applicable codes  
196 relevant to the cited violations in force in the county.

197 (g) The court may authorize the issuance of ex parte administrative search warrants reasonably calculated to  
198 determine whether the nuisance has been abated or whether the order of the court has been obeyed.

199 (h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the  
200 building official may cause such dwelling, building, or structure to be repaired, altered, or improved or to be  
201 vacated and closed or demolished. The public officer shall cause to be posted on the main entrance of the  
202 building, dwelling, or structure a placard with the following words:

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

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

210 (i) If the building official has the structure demolished, reasonable effort shall be made to salvage reusable  
211 materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of  
212 salvaged materials shall be used or applied against the cost of the demolition and removal of the structure,  
213 and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials  
214 may be made without the necessity of public advertisement and bid.

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- 215 (1) The city, the building official and the city council are relieved of any and all liability resulting from or  
216 occasioned by the sale of any such salvaged materials, including, without limitation, defects in such  
217 salvaged materials; and
- 218 (2) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs  
219 incurred by the tax commissioner, and all other costs necessarily associated with the abatement action,  
220 including restoration to grade of the real property after demolition, shall be a lien against the real  
221 property upon which such cost was incurred.
- 222 (j) The lien provided for in subsection (i)(2) of this section shall attach to the real property upon the filing of a  
223 certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court  
224 of DeKalb County, Georgia, and shall relate back to the date of the filing of the lis pendens notice required  
225 under O.C.G.A. § 41-2-12(g), as amended. The clerk of superior court shall record and index such certified  
226 copy of the order in the deed records of the county and enter the lien on the general execution docket. The  
227 lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be  
228 inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of  
229 superior court, the public officer shall forward a copy of the order and a final statement of costs to the  
230 county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the  
231 lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the  
232 lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad  
233 valorem taxes, including specifically O.C.G.A. tit. 48, ch. 4; provided, however, that the limitation of O.C.G.A.  
234 § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply.  
235 The tax commissioner shall remit the amount collected to the city. Thirty days after imposition of the lien,  
236 the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and  
237 penalties on unpaid real property ad valorem taxes.
- 238 (k) The city council may waive and release any lien imposed on property pursuant to subsection (i)(2) of this  
239 section if the owner of such property enters into a contract with the city agreeing to a timetable for  
240 rehabilitation of the real property or the dwelling, building, or structure on the property; demonstrates the  
241 financial means to accomplish such rehabilitation; fully completes the rehabilitation; and fulfills all terms of  
242 the contract.
- 243 (l) The city council may appropriate revenue as necessary and may accept and apply grants or donations in  
244 carrying out the provisions of this chapter.
- 245 (m) Where the abatement action does not commence in the superior court of the county, review of a court order  
246 requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by  
247 direct appeal to the superior court of the county under O.C.G.A. § 5-3-29, as may hereinafter be amended.  
248 Notice of an appeal shall act as a supersedeas.
- 249 (n) Nothing in this Code section shall apply to the consensual cohabitation of any couple or group so long as  
250 the agreement to live together shall not be for the purpose of a commercial enterprise or in furtherance of  
251 any crime defined by Georgia law, as interpreted by Georgia Appellate Courts, in sections 16-6-1 through  
252 16-6-19 of the Official Code of Georgia Annotated.

253 **Secs. 16-24—16-35. Reserved.**

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

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

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

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

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

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

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

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

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

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

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

277 (c) *Public use regulations.*

278            (1) *Hours of operation for parks and greenspaces.* Parks and greenspaces shall be open to the public daily  
279 from dawn to dusk, local time. It shall be unlawful for any person to enter or remain in a park at any  
280 other time without a use permit, except when the park area or facility is otherwise designated by the  
281 council. Overnight use shall be unlawful.

282            (2) *Drug and alcohol use.* It shall be unlawful for any person

283            ~~a.—To use, possess, or sell any controlled substance in violation of state statutes.~~

284            ~~b.—Serve, possess, or consume any alcoholic beverage within a park, except pursuant to a special~~  
285 ~~permit issued by the city.~~

286            (3) *Disorderly conduct.* It shall be unlawful for any person to engage in disorderly conduct as defined under  
287 state law, as it may be amended from time to time.

288            (4) *Selling of food items.* It shall be unlawful to sell any food items except by special permit issued by the  
289 city.

290            (5) *Tents, canopies, or temporary shelters.* It shall be unlawful to erect, use, establish tents, canopies,  
291 tarpaulins, or other temporary shelter except by special permit issued by the city, or pursuant to an  
292 authorized and city-sponsored special event.

293            (6) *Open fires, smokers, or grills.* It shall be unlawful to ignite, light, or utilize any open fire, smoker or grill,  
294 except in permanent installations provided at the park or trail for such purpose.

295            (7) *Animals.* It shall be unlawful to bring, allow or otherwise accompany any horse, or undomesticated  
296 animal into any park of the city.

297            (8) *Pets.* All pets must be on leash at all times while in a park, greenspace, unless within a designated and  
298 fenced "dog park" established by the city council. No leash shall be more than six feet in length and  
299 must be in the owner's control at all times. Any pet not on a leash shall be deemed "running at large"  
300 as defined by the Code of the city and the owner of such pet subject to citation, adjudication and  
301 punishment as permitted by law.

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- 302 (10) *Vandalism and damage to landscaped areas.* It shall be unlawful to commit any act of vandalism or to  
303 recklessly harm any park property, amenity, landscaping, hardscaping, equipment, or amenity.
- 304 (11) *Fishing.* It shall be unlawful to fish in any stream, river, creek, lake or other body of water, within any  
305 park, greenspace or adjacent to any trail, unless the fisherperson shall use monofilament line, of not  
306 more than ten pounds breaking strength, and a single unbarbed hook, using only natural baits. No  
307 lures, jigs, or other artificial devices may be utilized.
- 308 (12) *Roller skating.* Roller skating shall be allowed on paved surfaces only. The use of any other type of  
309 wheeled device or vehicle shall be unlawful.
- 310 (13) *Smoking.* It shall be unlawful to smoke or use smokeless tobacco products.
- 311 ~~(14) *Swimming or wading.* It shall be unlawful to swim or wade in any stream, river, lake or other natural~~  
312 ~~body of water.~~
- 313 (14) *Vehicles.* It shall be unlawful to use, operate, or ride any motorized vehicle except in designated  
314 parking lots and spaces. This prohibition shall not apply to scooters or bicycles powered by electric  
315 motors.
- 316 (d) The Pine Lake Police Department, the DeKalb County Sheriff's Department, the DeKalb County Police  
317 Department and any other sworn law enforcement agency or employee of any of the enumerated agencies  
318 or other agency shall be empowered to enforce this section by citation to the Municipal Court of the City of  
319 Pine Lake, where upon conviction such person may be punished as the court directs pursuant to section 1-11  
320 of this Code.
- 321 (e) ~~*Other rules and regulations.*~~The council shall have the right to adopt by resolution other rules and  
322 regulations related to this section. Such other rules and regulations shall not be a basis for citation, though a  
323 violation of such rules and regulations will provide good and sufficient justification for a law enforcement  
324 officer to conduct a reasonable inquiry into the conduct of the violation and whether other violations of law  
325 may have occurred or be occurring.

326 **Secs. 16-37—16-49. Reserved.**

327 **ARTICLE III. PROPERTY MAINTENANCE CODE ADOPTION**

328 **Sec. 16-50. Adopted codes.**

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

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343 (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this chapter shall be  
344 considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where  
345 differences occur between the provisions of this chapter and referenced codes and standards, the provisions  
346 of this chapter shall govern.

347 **Sec. 16-51. International Property Maintenance Code.**

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

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

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

360 Section 101.1. Insert: City.

361 Section 103.1. Insert: Department of Code Enforcement

362

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

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

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

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

367 **Secs. 16-53—16-97. Reserved.**

368

369 **ARTICLE V. MULTIFAMILY RENTAL HOUSING**

370 **Sec. 16-98. Definitions.**

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

373 *Building official* means the chief building inspector for the city.

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

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

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

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

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

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

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

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

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

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

396 **Sec. 16-99. Fee and certificate required.**

397 (a) *Occupational tax.* All owners of multifamily rental dwellings or multifamily rental units within the city that  
398 receive income for use of four or more such multifamily rental units and meet the requirements of O.C.G.A. §  
399 48-13-5 for having a location or office within the city shall be subject to an occupational tax as provided in  
400 chapter 15 and shall provide to the city, prior to April 15th, of each calendar year. Said code compliance  
401 certificate shall be certified by the owner and the certified building inspector that all multifamily rental units  
402 have been inspected and are in compliance with those standards contained in the code compliance  
403 certificate and inspection report. New multifamily rental developments are exempt from the interior  
404 evaluation requirements described herein, provided proper permits are obtained from the city, five years  
405 after the date of the certificate of occupancy issued by the city.

406 (b) *Inspection.* Upon initial inspection of such multifamily rental dwellings or multifamily rental units, should a  
407 certified building inspector determine that further work is necessary to comply with the minimum standards  
408 set forth herein, an acceptable plan shall be submitted to the building official, outlining the time and scope  
409 of work necessary to bring the units into compliance. If such plan is accepted by the building official as  
410 reasonable and justified, an extension may be granted for up to one year for completion of repairs and  
411 compliance with this article. Notwithstanding anything to the contrary contained herein, no extension shall  
412 be granted for noncompliance of life safety code issues and any such multifamily rental units containing such  
413 noncompliant life safety issues shall not be leased until brought into full compliance with the minimum  
414 standards contained in this chapter and re-certification provide to the building official by the owner.

415 (c) *Code compliance certificate.* Each owner shall submit a code compliance certificate annually, with their  
416 occupational tax certificate renewal. Such subsequent code compliance certificate shall cover at least one  
417 half of the multifamily rental units in the premises, provided all multifamily rental units contained in the  
418 premises shall be inspected, at a minimum, every two years. All multifamily rental units inspected shall be  
419 listed individually on the code compliance certificate submitted to the city by the owner.

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- 420 (d) *Written record of inspection.* Furthermore, each owner shall keep a written record of all inspections for each  
421 multifamily rental unit including the date of the inspection, items inspected and all violations, if any,  
422 observed. In addition, the most recent copy of the inspection reports for the multifamily rental units shall  
423 also be maintained at the premises. Such records shall be presented to the city within ten business days after  
424 such request is made in writing to the owner at the contact address listed on the code of compliance  
425 certificate. Failure to provide such records shall nullify the code compliance certificate for those multifamily  
426 dwelling units included in the request.
- 427 (e) *Authority to audit and inspection warrants.* The building official or its designee shall have the authority to  
428 inspect the interior of those units that are included in each annual code compliance certificate submitted to  
429 the city pursuant to subsection (c) of this section when there is probable cause to believe there has been a  
430 violation of this chapter or other applicable code sections. Said inspection may, at the discretion of the  
431 building official, include such number of submitted units included in the code compliance certificate as  
432 determined by the building official or its designee. Once determined that an audit inspection will be  
433 conducted, the building official shall give written notice to the certified building inspector issuing the code  
434 compliance certificate, the owner and/or the property management company of the date of the inspection  
435 which inspection shall take place, which shall be no sooner than seven days from the date of the notice and  
436 shall be conducted on from 9:00 a.m. to 5:00 p.m. during weekdays, other than nationally recognized  
437 holidays. The written notice shall state that the owner and/or property management company shall have the  
438 right to refuse the inspection and the building official or designee's right to seek issuance of an inspection  
439 warrant in the event of any such refusal. The owner, the certified building inspection or a member of the  
440 property management company shall be available to accompany the building official during the inspection. In  
441 the event the owner and/or property management company refuses inspection, the building official or  
442 designee shall have the right to seek issuance of an inspection warrant from a judge of the municipal court in  
443 accordance with section 7-171.

444

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

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

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

- 458 (a) An owner who knowingly furnishes a code compliance certificate to the city which contains a false  
459 certification that any multifamily rental dwellings or multifamily rental unit inspected are in compliance with  
460 those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for  
461 each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown  
462 to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

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

474 **Sec. 16-102. Certified building inspector requirements.**

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

- 477 (1) The inspector must be a licensed design professional (architect or engineer) or hold one of the  
478 following certifications from the International Code Council (ICC): property maintenance and housing  
479 inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial  
480 combination inspector.
- 481 (2) The inspector must submit a copy of his business license or occupational tax certificate and certificate  
482 of insurance of liability insurance.
- 483 (3) The inspector must meet with the building official to present the qualifications noted in subsections (1)  
484 and (2) of this section for approval prior to performing any inspections pursuant to this chapter. Upon  
485 completion of this meeting, an inspector determined to be qualified by the building official will be  
486 placed on a list of approved certified building inspectors to be maintained by the city.
- 487 (4) From time to time, mandatory meetings will be called by the city building official which all certified  
488 building inspectors participating in the program must attend, except as permitted on an individual  
489 basis by the building official due to extenuating circumstances. Ample notice will be provided by the  
490 city to the contact address provided by the certified building inspector no less than two weeks prior to  
491 the date of the meeting.

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

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

- 499 (1) Apartment numbers identification posted in accordance with IPMC section 304.3. Buildings shall have  
500 approved address numbers placed in a position to be plainly legible and visible from the public or  
501 private street or road fronting the multifamily dwelling unit. These numbers shall contrast with their  
502 background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a  
503 minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- 504 (2) Flooring is an impervious surface in the kitchen and bath areas in accordance with IPMC 305.3.

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- 505 (3) All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary  
506 condition with no chipping or flaking paint or loose plaster, decayed wood and other defective surface  
507 conditions.
- 508 (4) Hot and cold water at kitchen baths and laundry rooms is provided in accordance with IPMC section  
509 505.1. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing  
510 fixture shall be properly connected to either a public water system or to an approved private water  
511 system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot  
512 or tempered and cold running water in accordance with the International Plumbing Code.
- 513 (5) Privacy for bathrooms shall be provided in accordance with IPMC section 503.1. Toilet rooms and  
514 bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space,  
515 or to the exterior. A door and interior locking device shall be provided for all common or shared  
516 bathrooms and toilet rooms in a multiple dwelling.
- 517 (6) Heating facilities are in good working order in accordance with IPMC section 602.2 and 603.1. No  
518 unvented heating appliances in sleeping rooms. Dwellings shall be provided with heating facilities  
519 capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all  
520 habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the  
521 locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be  
522 used to provide space heating to meet the requirements of this section (603.1). All mechanical  
523 appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances  
524 shall be properly installed and maintained in a safe working condition, and shall be capable of  
525 performing the intended function.
- 526 (7) Garbage disposal facilities are in accordance with IPMC sections 307.3, 307.3.1 and 307.3.2. Every  
527 occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage  
528 in an approved garbage disposal facility or approved garbage containers. (307.3.1) The owner of every  
529 dwelling shall supply one of the following: an approved mechanical food waste grinder in each  
530 multifamily rental unit; ~~an approved incinerator unit in the structure available to the occupants in each~~  
531 ~~multifamily dwelling unit;~~ or an approved leak-proof, covered, outside garbage container. (307.3.2) The  
532 owner of every multifamily rental unit producing garbage shall provide, and at all times cause to be  
533 utilized, approved leak-proof containers provided with close-fitting covers for the storage of such  
534 materials until removed from the premises for disposal.
- 535 (8) Smoke detector devices shall be provided in accordance with IPMC section 704.2. Single or multiple-  
536 station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not  
537 regulated in Group R occupancies, regardless of occupant load at all of the following locations:
- 538 a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of  
539 bedrooms.
- 540 b. In each room used for sleeping purposes.
- 541 c. In each story within a dwelling unit, including basements and cellars but not including crawl  
542 spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an  
543 intervening door between the adjacent levels, a smoke alarm installed on the upper level shall  
544 suffice for the adjacent lower level provided that the lower level is less than one full story below  
545 the upper level.
- 546 d. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the  
547 International Fire Code.
- 548 e. **as required by** O.C.G.A. § 25-2-40.
- 549 f. For multifamily rental units constructed before 1987: At least one battery operated between the  
550 living and sleeping areas.
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- 551 g. Unless over three or more stories, detectors shall be installed within each multifamily rental unit  
552 between living and sleeping areas. Such detectors shall be continuously powered by the  
553 building's electrical system. When activated, the detector shall initiate an alarm which is audible  
554 in sleeping rooms of that living unit.
- 555 h. For multifamily rental units constructed after 1987, detectors must be located on every level and  
556 outside of the sleeping area.
- 557 i. For multifamily rental units constructed after 2007, detectors must be installed per IPMC  
558 including one on every level, outside of the sleeping area and inside of every sleeping room.
- 559 (9) Window spaces for light, ventilation, operable and emergency escape shall conform with IPMC sections  
560 304.13.1, 304.13.2, 304.14, 304.18.2, 402.1 and 702.4. (304.13.1) All glazing materials shall be  
561 maintained free from cracks and holes. (304.13.2) Every window, other than a fixed window, shall be  
562 easily openable and capable of being held in position by window hardware. (304.14) During the period  
563 from April 1 to October 1, every door, window and other outside opening required for ventilation of  
564 habitable rooms, food preparation areas, or stored shall be supplied with approved tightly fitting  
565 screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect  
566 control shall have a self-closing device in good working condition. (304.18.2) Operable windows located  
567 in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that  
568 provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall  
569 be equipped with a window sash locking device. (402.1) Every habitable space shall have at least one  
570 window of approved size facing directly to the outdoors or to a court. The minimum total glazed area  
571 for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other  
572 portions of a structure face a window of any room and such obstructions are located less than three  
573 feet (914 mm) from the exterior of the window and extend to a level above that of the ceiling of the  
574 room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be  
575 included as contributing to the required minimum total window area for the room. (702.4) Required  
576 emergency escape openings shall be maintained in accordance with the code in effect at the time of  
577 construction, and the following: (i) required emergency escape and rescue openings shall be  
578 operational from the inside of the room without the use of keys or tools; (ii) bars, grilles, grates or  
579 similar devices are permitted to be placed over emergency escape and rescue openings provided the  
580 minimum net clear opening size complies with the code that was in effect at the time of construction  
581 and such devices shall be releasable or removable from the inside without the use of a key, tool or  
582 force greater than that which is required for normal operation of the escape and rescue opening.
- 583 (10) Plumbing facilities to be maintained in a safe working condition in accordance with IPMC section 502.1.  
584 Every multifamily rental unit shall contain its own bathtub or shower, lavatory, water closet and  
585 kitchen sink which shall be maintained in a safe working condition. The lavatory shall be placed in the  
586 same room as the water closet or located in close proximity to the door leading directly into the room  
587 in which such water closet is located. A kitchen sink shall not be used as a substitute for the required  
588 lavatory.
- 589 (11) Electrical devices, service equipment and luminaries are in safe working condition with no exposed  
590 wires in accordance with IPMC sections 604 and 605. Every occupied building shall be provided with an  
591 electrical system in compliance with the requirements of this section and section 605. Multifamily  
592 rental units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating  
593 of not less than 60 amperes. Where it is found that the electrical system in a structure constitutes a  
594 hazard to the occupants or the structure by reason of inadequate service, improper fusing, improper  
595 wiring or installation, deterioration or damage, or for similar reasons, the defects are to be corrected  
596 to eliminate the hazard. (605) All electrical equipment, wiring and appliances shall be properly installed  
597 and maintained in a safe and approved manner. Every habitable space in a dwelling shall contain at  
598 least two separate and remote receptacle outlets. Every laundry area shall contain at least one  
599 grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall
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600 contain at least one receptacle. Every public hall, interior stairway, toilet room, kitchen, bathroom,  
601 bedroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.  
602 GFCI devices are provided in required locations dependent on the time of construction, repair or  
603 remodel generally in accordance with the following standards:

- 604 a. 1971 Receptacles within 15 feet of pool walls.
- 605 b. 1973 All outdoor receptacles.
- 606 c. 1975 Bathrooms, 120-volt pool lights, and fountain equipment.
- 607 d. 1978 Garage receptacles.
- 608 e. 1981 Whirlpools and tubs.
- 609 f. 1984 Distance of GFCI protection extended to 20 feet from pool walls.
- 610 g. 1987 Unfinished basements.
- 611 h. 1987 Kitchen countertop receptacles within six feet of sink.
- 612 i. 1990 Crawlspace (with exception for sump pumps or other dedicated equipment).
- 613 j. 1993 Wet bar countertops within six feet of sink.
- 614 k. 1993 Any receptacle replaced in an area presently requiring GFCI.
- 615 l. 1996 All kitchen counters—not just those within six feet of sink.
- 616 m. 2005 Receptacles near laundry and utility sinks within six feet.

617 (12) Door units, jambs and hardware are in good working order in accordance with IPMC sections 304.13,  
618 304.18, 305.3 and 305.6 and required opening protective devices be maintained in an operative  
619 condition. In accordance with IPMC section 703.2 (304.13), every window, skylight, door and frame  
620 shall be kept in sound condition, good repair and weather tight. (304.18) Doors, windows or hatchways  
621 for dwelling units, room units or housekeeping units shall be provided with devices designed to provide  
622 security for the occupants and property within. (305.3) All interior surfaces, including windows and  
623 doors, shall be maintained in good condition. Loose plaster and decayed wood shall be corrected.  
624 (305.6) Every interior door shall fit reasonably well within its frame and shall be capable of being  
625 opened and closed by being properly and securely attached to jambs, headers or tracks as intended by  
626 the manufacturer of the attachment hardware. (703.2) Required opening protectives shall be  
627 maintained in an operative condition. All fire and smokestop doors shall be maintained in operable  
628 condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made  
629 inoperable.

630 (13) Interior stairs, handrails and guards are maintained in a sound condition and good repair in accordance  
631 with IPMC sections 305.4, 305.5, and 306.1. (305.4) Every stair, ramp, landing, balcony, porch, deck or  
632 other walking surface shall be maintained in sound condition. (305.5) Every handrail and guard shall be  
633 firmly fastened and capable of supporting normally imposed loads and shall be maintained in good  
634 repair. (306.1) Every exterior and interior flight of stairs having more than four risers shall have a  
635 handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp  
636 or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall  
637 have handrails. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067  
638 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing  
639 or walking surfaces.

640 (14) Interior floors, walls and ceilings are maintained in good repair, structurally sound and in sanitary  
641 condition in accordance with IPMC section 305. The interior of a structure and equipment therein shall  
642 be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that

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643 part of the structure which they occupy or control in a clean and sanitary condition. All structural  
 644 members shall be maintained structurally sound, and be capable of supporting the imposed loads.  
 645 Defective surface conditions shall be corrected. Every stair, ramp, landing, balcony, porch, deck or  
 646 other walking surface shall be maintained in sound condition.

647 (15) Occupancy limitations per bedroom in accordance with IPMC section 404. Dwelling units,  
 648 housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be  
 649 separate from other adjoining spaces. A habitable room, other than a kitchen, shall not be less than  
 650 seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than  
 651 three feet (914 mm) between counterfronts and appliances or counterfronts and walls. Habitable  
 652 spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall  
 653 have a clear ceiling height of not less than seven feet (2,134 mm).

- 654 a. Every bedroom shall comply with the requirements of sections 404.4.1 through 404.4.5.
- 655 b. 404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least  
 656 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall  
 657 contain at least 50 square feet (4.6 m<sup>2</sup>) of additional floor area for each occupant thereof.
- 658 c. 404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other  
 659 bedrooms or habitable spaces and shall not serve as the only means of egress from other  
 660 habitable spaces. Exception: Units that contain fewer than two bedrooms.
- 661 d. Every bedroom shall have access to at least one water closet and one lavatory without passing  
 662 through another bedroom. Every bedroom in a dwelling unit shall have access to at least one  
 663 water closet and lavatory located in the same story as the bedroom or an adjacent story.
- 664 e. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- 665 f. Bedrooms shall comply with the applicable provisions of this code including, but not limited to,  
 666 the light, ventilation, room area, ceiling height and room width requirements of the IPMC.
- 667 g. Multifamily rental units shall not be occupied by more occupants than permitted by the  
 668 minimum area requirements of Table 404.5.

669 TABLE 404.5  
 670 MINIMUM AREA REQUIREMENTS

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

671  
 672 For SI: 1 square foot = 0.093 m<sup>2</sup>

673 <sup>a</sup> See IPMC section 404.5.2 for combined living room/dining room spaces.

674 <sup>b</sup> See IPMC section 404.5.1 for limitations on determining the minimum occupancy area for sleeping  
 675 purposes.

676 h. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in  
 677 determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply  
 678 with IPMC section 404.4.

- 
- 679 i. Combined living room and dining room spaces shall comply with the requirements of Table 404.5  
680 if the total area is equal to that required for separate rooms and if the space is located so as to  
681 function as a combination living room/dining room.
- 682 (16) Insect and rodent infestation in accordance with IPMC section 308.1. All structures shall be kept free  
683 from insect and rodent infestation. All structures in which insects or rodents are found shall be  
684 promptly exterminated by approved processes that will not be injurious to human health. After  
685 extermination, proper precautions shall be taken to prevent reinfestation.
- 686 (17) Means of egress shall be provided in accordance with IPMC section 702. A safe, continuous and  
687 unobstructed path of travel shall be provided from any point in a building or structure to the public  
688 way. Means of egress shall comply with the International Fire Code. The required width of aisles in  
689 accordance with the International Fire Code shall be unobstructed. All means of egress doors shall be  
690 readily openable from the side from which egress is to be made without the need for keys, special  
691 knowledge or effort, except where the door hardware conforms to that permitted by the International  
692 Building Code. Required emergency escape openings shall be maintained in accordance with the code  
693 in effect at the time of construction, and the following. Required emergency escape and rescue  
694 openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles,  
695 grates or similar devices are permitted to be placed over emergency escape and rescue openings  
696 provided the minimum net clear opening size complies with the code that was in effect at the time of  
697 construction and such devices shall be releasable or removable from the inside without the use of a  
698 key, tool or force greater than that which is required for normal operation of the escape and rescue  
699 opening.
- 700 (18) Fire extinguisher shall be present and tagged or inspection current in accordance with IFC 906.1 and  
701 NFPA 10 (906.1). Portable fire extinguishers shall be installed in the following locations: (1.) In new and  
702 existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies and; (2.) (NFPA 10) Fire extinguishers  
703 must be within 75 foot travel distance of the most remote location of a dwelling. (906.2) Portable fire  
704 extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.
- 705 (19) Sprinkler heads clear and unobstructed. NFPA 25 Sprinkler heads must be free from dust debris paint  
706 and obstructions that would otherwise inhibit their operation.

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

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

719 **Secs. 16-105—16-121. Reserved.**

720 **ARTICLE VI. WEEDS AND GRASS**

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

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

727 **Sec. 16-123 to 16-124 RESERVED**

728 **Sec. 16-125. Remedies.**

729 The remedies provided in this article are cumulative of all other remedies the city has for the  
730 accomplishment of the objectives set forth in this chapter. Nothing in this article shall be construed as relieving any  
731 person from the obligation to comply with this Code, all ordinances, laws or regulations of the city, or to permit  
732 the maintenance by any person of a nuisance; and any nuisance shall be subject to be abated in the manner  
733 provided by law.

734 **Secs. 16-126—16-150. Reserved**

735

736

**ARTICLE VII. NOISE**

737 **Sec. 16-151. Definitions.**

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

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

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

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

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

749 *Daytime hours* shall mean the hours of 7:00 a.m. to 11:00 p.m., Monday through Thursday, 7:00 a.m. to  
750 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.

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

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

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

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



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 51—150 feet 151—300 feet Over 300 feet	80 dB 75 dB 65 dB 55 dB
Residential or noise sensitive facility	Sunday through Thursday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Residential or noise sensitive facility	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	75 dB 65 dB 55 dB 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

794

795 (b) *Prohibited conduct.*

796 (1) *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be  
797 played, used, or operated, any radio receiving device, television, stereo, musical instrument,  
798 phonograph, sound, amplifier, or other machines or devices producing, reproducing or amplifying  
799 sound and/or at such a volume and in such a manner so as to create, or cause to be created, any noises  
800 or sounds which are plainly audible and heard or cause vibrations to property or person at or more  
801 than the specified distances above from the building, structure or motor vehicle on private property,  
802 unless the property boundaries from which the sound originates is a greater distance than those  
803 specified in subsection (a) of this section. In that event, the sound shall not be plainly audible beyond  
804 the property boundary.

805 (2) *Human-produced sound.* It is unlawful for any person to yell, shout, hoot, whistle, or sing on the public  
806 streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds  
807 which are plainly audible at a distance at or more than the specified distances in subsection (a) of this

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- 808 section from the place, building, structure, or in the case of real property, beyond the property limits,  
809 in which the person is located, whichever is farthest.
- 810 (3) *Party noise.* It is unlawful for any person in charge of a party or other social event that occurs on any  
811 private property to allow that party or event to produce noise in such a manner so as to cause such  
812 noise to be plainly audible at or more than the specified distances in subsection (a) of this section from  
813 the building or structure from which the party noise is emanating or, in the case of real property,  
814 beyond the property limits on which the party or social event is located, whichever farthest.
- 815 (4) *Commercial advertising.* It is unlawful for any person to use, operate, or permit to be used or operated,  
816 any radio receiving device, musical instrument, phonograph, loudspeaker, sound amplifier or other  
817 machine or device for production or reproduction of a sound which is cast upon the public streets or  
818 other public property for the purpose of commercial advertising or which serves to attract attention of  
819 the public to any building, structure or vehicle in such a manner as to create, or cause to be created,  
820 any noises or sounds which are plainly audible at or more than the specified distances in subsection (a)  
821 of this section from the building, structure, or motor vehicle on private property.
- 822 (5) *Use or ignition of fireworks.* It is unlawful for any person to use, ignite or permit to be used or operated  
823 any fireworks as defined in O.C.G.A. 25-10-1 producing noise in such a manner so as to cause such  
824 noise to be plainly audible on any day before 10:00 a.m. or after 10:30 pm and up to including the time  
825 of 11:59 pm, except as permitted by State Statute, and on July 2, 2016, for which no fireworks will be  
826 permitted before 10:00 a.m.
- 827 (c) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the  
828 daytime limit of 75 dBA and the nighttime limit of 55 dBA as measured from the closest neighbor's dwelling.
- 829 (d) In places of public entertainment having a capacity of 5,000 or more persons, it shall be unlawful to create or  
830 permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period from 7:00 a.m. to  
831 12:00 a.m. Sunday through Thursday and from 7:00 a.m. to 1:00 a.m. for events commencing on Friday or  
832 Saturday. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point  
833 which is found by traveling a straight line distance from the center of the sound board through the center  
834 rear of the facility a distance of 500 feet or to the property line of the facility, whichever is less. The  
835 measurement assumes that the sound board is not more than 100 feet from the center stage. The 500-foot  
836 measurement shall be reduced one foot for each foot that the sound board is more than 100 feet from  
837 center stage.
- 838 (e) In interpreting and applying the times and values in table 1, it is the intent of the city council that the times  
839 be interpreted to provide maximum protection from undesirable noise possible.

840 **Sec. 16-153. Exemptions.**

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

861 **Sec. 16-154. Restricted uses and activities.**

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

- 864 (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be  
865 operated between the hours of 7:00 p.m. and 7:00 a.m., or on Saturday or Sunday before the hour of  
866 9:00 a.m. At all other times, the limits set forth in subsection (1)—(2)a. do not apply to non-commercial  
867 or non-industrial power tools and landscaping and year maintenance equipment, provided that all  
868 motorized equipment is operated with a functioning muffler.
- 869 (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated  
870 with a muffler. All motorized equipment used in these activities shall not be operated on a residential  
871 property or within 250 feet of a residential property line, between the hours of 7:00 p.m. and 7:00 a.m.  
872 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  
873 on Sunday, unless:
  - 874 a. Such activities are deemed emergency work, or
  - 875 b. Such activities meet the limits set forth in subsection (1)—(2)a.
- 876 At all other times, the limits set forth in subsection (1)—(2)a. do not apply to commercial or industrial  
877 power tools and landscaping and yard maintenance equipment.
- 878 (3) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00  
879 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  
880 time on Sunday, unless:
  - 881 a. Such activities are deemed emergency work; or
  - 882 b. Such activities meet the limits set forth in subsection (1)—(2)a.
- 883 This provision shall not apply if the chief of police determines that the loss or inconvenience that would  
884 result to any party in interest is of such a nature as to warrant special consideration. In such cases, the  
885 chief of police may grant a renewable permit for a period not to exceed ten days for this work to be  
886 done within the hours of 10:00 p.m. to 7:00 a.m.
- 887 (4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or  
888 making any other noise) for more than ten minutes without interruption or more than 30 minutes if  
889 intermittent.
- 890 (5) The collection of trash or refuse in residential districts is prohibited between the hours of 9:00 p.m. and  
891 7:00 a.m.
- 892 (6) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph,  
893 drum, musical instrument, or similar device in such a manner as to create a continuing noise

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894 disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-  
895 way or public space.

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

897 (a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal,  
898 routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and  
899 fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site,  
900 unless otherwise directed in this article. When instrumentation cannot be placed at or within the property  
901 line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise  
902 measurements are measurements are measured on the A- or C-weighted sound scale, as applicable, of a  
903 sound level meter of standard design and quality having characteristics established by ANSI.

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

905 **Sec. 16-156. Special variances.**

906 (a) The chief of police or the chief's designated representative shall have the authority, consistent with this  
907 article, to grant special variances.

908 (b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police  
909 or the chief's designated representative. The application shall contain information which demonstrates that  
910 bringing the source of sound into compliance with this article would constitute an unreasonable hardship on  
911 the applicant, on the community, or on the other persons. Notice of an application for a special variance shall  
912 be given by the chief or the chief's representative to persons who frequent the area of the sound or activity  
913 and who may be adversely affected by the granting of the variance. Any individual who claims to be  
914 adversely affected by allowance of the special variance may file a statement with the chief or the chief's  
915 representative containing any information to support such individual's claim.

916 (c) In determining whether to grant or deny the application, the chief or the chief's designated representative  
917 shall balance the hardship to the applicant, the community, and other persons of not granting the special  
918 variance against the adverse impact on the health, safety and welfare of persons affected, the adverse  
919 impact on property affected, and any other adverse impact of granting the special variance. Applicants for  
920 special variances may be required to submit any information the chief or the chief's representative may  
921 reasonably require. In granting or denying an application, the chief or the chief's representative shall place  
922 on public file a copy of the decision and the reasons for denying or granting the special variance.

923 (d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a  
924 time limit on the permitted activity. The special variance shall not become effective until all conditions are  
925 agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and  
926 subject the person holding it to those provisions of this article regulating the source of sound or activity for  
927 which the special variance was granted.

928 (e) Application for extension of time limits specified in special variances or for modification of other substantial  
929 conditions shall be treated like applications for initial special variances.

930 (f) The chief of police or the chief's designated representative may issue guidelines approved by city council  
931 defining the procedures to be followed in applying for a special variance and the criteria to be considered in  
932 deciding whether or not to grant a special variance.

933 **Sec. 16-157. Enforcement procedures; miscellaneous.**

934 (a) Except as provided in subsection (b) of this section, the city may prosecute noise related violations by  
935 issuance of a city ordinance citation, in which case, the penalty for a violation shall be as set forth in section

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936 1-11 of this Code. In addition to issuing any penalty as provided in section 1-11, or in lieu thereof, the  
937 municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be  
938 in violation of this section.

- 939 (1) Notwithstanding the generally punishments established above, the fine for a first conviction of this  
940 Chapter shall be not less than \$200.00, in addition to any other penalty imposed by the Court,  
941 however, the total fine shall not exceed \$1,000.00.
- 942 (2) Upon a second conviction within 12 months, measured from the date of the conviction, the Court shall  
943 impose a fine of not less than \$500.00, in addition to any other penalty imposed by the Court,  
944 however, the total fine shall not exceed \$1,000.00.
- 945 (3) Upon a third conviction within 24 months, measured from the date of the earliest conviction, the Court  
946 shall impose a fine of \$1,000.00, in addition to any other penalty imposed by the Court.
- 947 (4) Upon a third conviction within 24 months, measured from the date of the earliest conviction, if the  
948 offender has been granted or has applied for an alcohol license as a restaurant or as a late night  
949 establishment, such license shall automatically be suspended as of the date of the conviction, and  
950 proceedings initiated to revoke such alcohol license in accordance with the City of Pine Lake Alcohol  
951 Ordinance. The clerk of municipal court shall refer such third convictions to the attention of the city  
952 manager or her or his designee for action consistent with this paragraph.

953 **Secs. 16-158—16-192. Reserved.**

954 **ARTICLE VIII. VEGETATION**

955 **Sec. 16-193. Vegetation and debris.**

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

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## **ARTICLE IX. DERELICT PROPERTY**

977

978 **Sec. 16-200. Short title.**

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

980 **Sec. 16-201. Definitions.**

981 As used in this article, the term:

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

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

992 *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  
993 Substances Act".

994 *Dwellings, buildings, or structures* means any building or structure or part thereof used and occupied for  
995 human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any  
996 outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes  
997 any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall  
998 not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other  
999 building or structure used for the production, growing, raising, harvesting, storage, or processing of crops,  
1000 livestock, poultry, or other farm products.

1001 *Graffiti* means any inscriptions, words, figures, paintings, or other defacements that are written, marked,  
1002 etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private  
1003 property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick,  
1004 etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without  
1005 prior authorization from the owner or occupant of the property.

1006 *Governing authority* means the City Council of the City of Pine Lake, Georgia.

1007 *Interested party* means:

- 1008 (1) The "owner";
- 1009 (2) Persons in possession of said property and premises;
- 1010 (3) Those parties having an interest in the property as revealed by a certification of title to the property  
1011 conducted in accordance with the title standards of the State Bar of Georgia;
- 1012 (4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
- 1013 (5) Any other party having an interest in the property whose identity and address are reasonably  
1014 ascertainable from the records of the municipality or records maintained in the county courthouse or  
1015 by the clerk of court; provided, however, interested party shall not include the holder of the benefit or  
1016 burden of any easement or right-of-way whose interest is properly recorded which interest shall  
1017 remain unaffected.

1018 *Municipality* means the City of Pine Lake, Georgia.

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1019 *Owner* means the holder of the title in fee simple and every mortgagee of record.

1020 *Public authority* means the governing authority of the City of Pine Lake, any director of a public housing  
1021 authority, or any officer who is in charge of any department or branch of government (municipal, county or state)  
1022 relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or  
1023 structures, or use of private property within the city.

1024 *Public officer* means the city manager, who is authorized to exercise the powers prescribed by article, and  
1025 any officer or employee of the city, specifically including but not limited to code enforcement officers, to whom he  
1026 delegates such authority.

1027 *Repair* means altering or improving a dwelling, building, or structure so as to bring the structure into  
1028 compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal  
1029 of debris, trash, and other materials present and accumulated that create a health or safety hazard in or about any  
1030 dwelling, building, or structure.

1031 *Resident* means any person residing in the jurisdiction where the property is located on or after the date that  
1032 the alleged nuisance arose.

1033

1034 **Sec. 16-202. Duty of owners of real property and structures thereon.**

1035 It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to  
1036 construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in  
1037 force within the city or such laws and ordinances that regulate and prohibit activities on private property and that  
1038 declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property  
1039 in violation of such codes, laws or ordinances.

1040 **Sec. 16-203. Declaration of public nuisance.**

1041 Every dwelling, building, or structure within the city that (i) is constructed or maintained in violation of  
1042 applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial, or business use  
1043 or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an  
1044 imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural  
1045 catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the  
1046 commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to  
1047 the owner of such activities conducted therein; (vi) is abandoned; or (vii) is vacant for more than 6 continuous  
1048 months, or periodically for 12 months; (viii) otherwise constitutes an endangerment to the public health or safety  
1049 as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within  
1050 the city on which is being regularly conducted any activity or land use in violation of applicable laws and  
1051 ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property that  
1052 may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless  
1053 the overall condition or use of the property results in impaired health, safety, transmission of disease, infant  
1054 mortality, or crime.

1055 **Sec. 16-204. Powers of city manager or their designee.**

1056 (a) In carrying out his duties pursuant to this article, the city manager or his designee to whom his authority is  
1057 assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and  
1058 other ordinances of the city, be empowered to:

1059 (1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within  
1060 the city to determine those structures and property uses in violation of this article. Entries onto private  
1061 property shall be made in a manner so as to cause the least possible inconvenience; provided,

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1062                    however, the public officer shall not enter into any occupied dwelling or structure without first having  
1063                    obtained the consent of the owner or a person in possession. In those cases where consent to entry is  
1064                    denied after reasonable request, the public officer may apply to the municipal court for an  
1065                    administrative search warrant upon showing probable cause that a violation exists.

1066                    (2)    To retain experts including certified real estate appraisers, qualified building contractors, and qualified  
1067                    building inspectors, engineers, surveyors, accountants, and attorneys.

1068                    (3)    To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry  
1069                    out the purposes of this article; and

1070                    (4)    To delegate any of his functions and powers under this article to such officers, employees and agents  
1071                    as he may designate.

1072                    (b)    In addition to the procedures set forth in this article, the city manager or his designee(s) may issue citations  
1073                    for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted  
1074                    by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and  
1075                    to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as  
1076                    provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of  
1077                    the city to define and declare nuisances and to cause their removal or abatement by other summary  
1078                    proceedings.

1079                    **Sec. 16-205. Complaint in rem in municipal court; procedure; lien; appeal.**

1080                    (a)    Whenever a request is filed with the public officer by a public authority or by at least five residents of the  
1081                    municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for  
1082                    commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used  
1083                    in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result  
1084                    of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific  
1085                    dwelling, building, structure, or property and make a written report of his findings. Such officer shall be  
1086                    guided in his investigation by documenting conditions including but not limited to:

1087                    (1)    Defects therein increasing the hazards of fire, accidents, or other calamities;

1088                    (2)    Lack of adequate ventilation, light, or sanitary facilities;

1089                    (3)    Dilapidation;

1090                    (4)    Disrepair by failure to conform to applicable codes and ordinances;

1091                    (5)    Structural defects that render the structure unsafe for human habitation or occupancy;

1092                    (6)    Uncleanliness; or

1093                    (7)    The presence of graffiti that is visible from adjoining public or private property.

1094                    (b)    If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property  
1095                    is unfit for human habitation or for commercial, industrial, or business use and not in compliance with  
1096                    applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes  
1097                    an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public  
1098                    officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real  
1099                    property on which such dwelling, building, or structure is situated or where such public health hazard or  
1100                    general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested  
1101                    parties in such dwelling, building, or structure. The complaint shall identify the subject real property by  
1102                    appropriate street address and official tax map reference; identify the interested parties; state with  
1103                    particularity the factual basis for the action; and contain a statement of the action sought by the public

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1104 officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be  
1105 held before the municipal court at a date and time certain and at a place within the county or municipality  
1106 where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after  
1107 the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to  
1108 the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for  
1109 hearing.

1110 (c) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is  
1111 unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in  
1112 compliance with applicable codes; is vacant and being used in connection with the commission of drug  
1113 crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe  
1114 conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue  
1115 and cause to be served upon the interested parties that have answered the complaint or appeared at the  
1116 hearing an order:

1117 (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a  
1118 reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the  
1119 owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or  
1120 structure so as to bring it into full compliance with the applicable codes relevant to the cited violation;  
1121 and, if applicable, to secure by closing the structure so that it cannot be used in connection with the  
1122 commission of drug crimes; or

1123 (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it  
1124 into full compliance with applicable codes relevant to the cited violations cannot be made at a  
1125 reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the  
1126 owner, within the time specified in the order, to demolish and remove such dwelling, building, or  
1127 structure and all debris from the property.

1128 For purposes of this section, the court shall make its determination of reasonable cost in relation to the present  
1129 value of the dwelling, building, or structure without consideration of the value of the land on which the structure is  
1130 situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be  
1131 considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti,  
1132 the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to  
1133 repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a  
1134 factor in the court's determination. The present value of the structure and the costs of repair, alteration, or  
1135 improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as  
1136 provided in O.C.G.A. tit. 43, ch. 39A, qualified building contractors, or qualified building inspectors without actual  
1137 testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to  
1138 bring the structure into compliance with the applicable codes relevant to the cited violations in force in the  
1139 jurisdiction.

1140 (d) Notwithstanding the requirements of any other Code section in this chapter, if the owner fails to comply  
1141 with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such  
1142 dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or  
1143 demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any  
1144 time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section  
1145 or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days  
1146 in which such abatement action shall commence. The public officer shall cause to be posted on the main  
1147 entrance of the building, dwelling, or structure a placard with the following words:

1148 "This building is unfit for human habitation or commercial, industrial, or business use and does not  
1149 comply with the applicable codes or has been ordered secured to prevent its use in connection with  
1150 drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or  
1151 unsafe conditions. The use or occupation of this building is prohibited and unlawful."

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- 1152 (e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable  
1153 materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of  
1154 salvaged materials shall be used or applied against the cost of the demolition and removal of the structure,  
1155 and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials  
1156 may be made without the necessity of public advertisement and bid. The public officer and governing  
1157 authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged  
1158 materials, including, without limitation, defects in such salvaged materials.
- 1159 (f) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred  
1160 by the tax commissioner, and all other costs necessarily associated with the abatement action, including  
1161 restoration to grade of the real property after demolition, shall be a lien against the real property upon  
1162 which such cost was incurred.
- 1163 (g) The lien provided for in subsection (e) shall attach to the real property upon the filing of a certified copy of  
1164 the order requiring repair, closure, or demolition in the office of the clerk of superior court in DeKalb County  
1165 and shall relate back to the date of the filing of the lis pendens notice required under subsection (a). The  
1166 clerk of superior court shall record and index such certified copy of the order in the deed records of the  
1167 county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the  
1168 property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After  
1169 filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of  
1170 the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs  
1171 to the county tax commissioner.
- 1172 (h) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the  
1173 collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real  
1174 property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including  
1175 specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A § 48-4-78 that requires 12  
1176 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that  
1177 redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80  
1178 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time  
1179 following receipt of the final determination of costs from the public officer. The unpaid lien amount shall  
1180 bear interest and penalties from and after the date of final determination of costs in the same amount as  
1181 applicable to interest and penalties on unpaid real property ad valorem taxes.
- 1182 (i) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose  
1183 ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering  
1184 collection of the lien. Any such amount collected and retained for administration shall be deposited in the  
1185 general fund of the county to pay the cost of administering the lien.
- 1186 (j) In addition to the remedies and powers authorized elsewhere in this chapter, the governing authority may  
1187 waive and release any such lien imposed on property upon the owner of such property entering into a  
1188 contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling,  
1189 building, or structure on the property and demonstrating the financial means to accomplish such  
1190 rehabilitation.
- 1191 (k) Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building,  
1192 or structure shall be by *writ of certiorari* to the superior court under O.C.G.A. § 5-3-29.

1193 **Sec. 16-206. Service of complaints or orders upon owners and parties in interest.**

- 1194 (a) Summons and copies of the complaint shall be served in the following manner:
- 1195 (1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject  
1196 dwelling, building, structure, or property within three business days of filing of the complaint and at  
1197 least 14 days prior to the date of the hearing.
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- 1198 (2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint  
1199 and summons by certified mail or statutory overnight delivery, return receipt requested, to all  
1200 interested parties whose identities and addresses are readily ascertainable. Copies of the complaint  
1201 and summons shall also be mailed by first-class mail to the property address to the attention of the  
1202 occupants, if any;
- 1203 (3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of  
1204 the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such  
1205 county once a week for two consecutive weeks prior to the hearing; and
- 1206 (4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling,  
1207 building, structure, or property is located at the time of filing the complaint in municipal court.
- 1208 (b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the  
1209 hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a  
1210 prima facie showing of minimum procedural due process and shall constitute sufficient proof that service  
1211 was perfected.
- 1212 (c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner  
1213 provided in this section on every interested party who answers the complaint or appears at the hearing. Any  
1214 interested party who fails to answer or appear at the hearing shall be deemed to have waived all further  
1215 notice in the proceedings.

1216 **Sec. 16-207. Limitation of liability for code enforcement; no special duty created.**

1217 It is the intent of this article to protect the public health, life safety and general welfare of properties and  
1218 occupiers of buildings and structures within the city in general, but not to create any special duty or relationship  
1219 with any individual person or to any specified property within or without the boundaries of the city. Approval of a  
1220 permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof  
1221 that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and  
1222 regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to  
1223 impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or  
1224 breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law,  
1225 regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design  
1226 approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit,  
1227 approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it  
1228 shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy  
1229 such legal requirements.

1230 **Sec. 16-208. General cleanliness of premises.**

1231 The owner and occupant of property within the city shall each be independently responsible for keeping the  
1232 premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth,  
1233 dirt, ashes, trash, rubbish, or other offensive materials.

1234 (Ord. No. 2017-12-05, § 1, 12-12-2017)

1235 **Sec. 16-209. Disorderly house.**

1236 (a) Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly  
1237 house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common  
1238 disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided,  
1239 however, before any person is charged under this subsection, written notice shall be given the owner of the

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1240 property and the person in possession thereof by the chief of police stating the general, customary and  
1241 common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.

1242 (b) Any person who shall allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their  
1243 house, apartment or upon their property, after receiving oral notice from a police officer that boisterous,  
1244 noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of  
1245 the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no  
1246 person shall be charged under this subsection unless the owner or person in possession of the premises has  
1247 been afforded an opportunity to disburse the assembly or offending person from the premises. This  
1248 subsection shall not preclude a police officer from arresting any individual for criminal trespass where such  
1249 individual knowingly and without authority remains on private property after being notified by the owner or  
1250 lawful occupant to depart.

1251 **Sec. 16-210. Violations; enforcement penalties.**

1252 Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before  
1253 the municipal court and, upon conviction, shall be fined not less than \$100.00 and not more than \$1,000.00 and  
1254 shall be subject to the provisions of section 1-11; each day of continued violation, after citation, shall constitute a  
1255 separate offense. In addition to the foregoing fines, upon conviction, the director shall discontinue the public  
1256 water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass,  
1257 or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-  
1258 connection has been discontinued.

1259 **Secs. 16-211—16-300. Reserved.**

1260 ***ARTICLE X. BLIGHTED PROPERTY***

1261 **Sec. 16-301. Purpose.**

1262 The existence of real property that is maintained in a blighted condition increases the burden of the state  
1263 and local government by increasing the need for government services, including but not limited to social services,  
1264 public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for  
1265 such government services.

1266 In furtherance of its objective to eradicate conditions of slum and blight within the city, this board of  
1267 commissioners, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment,  
1268 of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of  
1269 slum and blight are found or are likely to spread.

1270 In recognition of the need for enhanced governmental services and in order to encourage private property  
1271 owners to maintain their real property and the buildings, structures and improvement thereon in good condition  
1272 and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax  
1273 incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983  
1274 Constitution of the State of Georgia.

1275 **Sec. 16-302. Definitions.**

1276 *Blighted property, blighted, or blight* means any urbanized or developed property that:

- 1277 (1) Presents two or more of the following conditions:  
1278 a. Uninhabitable, unsafe, or abandoned structure;



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1321 redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit  
1322 building and structures.

1323 **Sec. 16-304. Identification of blighted property.**

1324 (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and  
1325 subject to increased taxation, the following steps must be completed:

1326 (1) An inspection must be performed on the parcel of property. In order for an inspection to be  
1327 performed,

1328 a. A request may be made by the public officer or by at least five residents of the city for inspection  
1329 of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

1330 b. The public officer may cause a survey of existing housing conditions to be performed, or may  
1331 refer to any such survey conducted or finalized within the previous five years, to locate or  
1332 identify any parcels that may be in a blighted condition and for which a full inspection should be  
1333 conducted to determine if that parcel of property meets the criteria set out in this article for  
1334 designation as being maintained in a blighted condition.

1335 (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection  
1336 (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the  
1337 conditions found to exist on the property on the date of inspection shall be made and supplement the  
1338 inspection report. Where compliance with minimum construction, housing, occupancy, fire and life  
1339 safety codes in effect within the city are in question, the inspection shall be conducted by a certified  
1340 inspector possessing the requisite qualifications to determine minimal code compliance.

1341 (3) Following completion of the inspection report, the public officer shall make a determination, in writing,  
1342 that a property is maintained in a blighted condition, as defined by this article, and is subject to  
1343 increased taxation.

1344 (4) The public officer shall cause a written notice of his determination that the real property at issue is  
1345 being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax  
1346 digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon; provided,  
1347 however, where through the existence of reasonable diligence it becomes known to the public officer  
1348 that real property has been sold or conveyed since publication of the most recent tax digest, written  
1349 notice shall be given to the person(s) known or reasonably believed to then own the property or be  
1350 chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the  
1351 manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or  
1352 person chargeable with the payment of ad valorem taxes for purpose of this section, except that  
1353 posting of the notice on the property will not be required.

1354 (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such  
1355 person of the public officer's determination the real property is being maintained in a blighted condition and  
1356 shall advise such person of the hours and location where the person may inspect and copy the public  
1357 officer's determination and any supporting documentation. Persons notified that real property of which the  
1358 person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice to  
1359 request a hearing before the city's municipal court. Written request for hearing shall be filed with the public  
1360 officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall  
1361 notify the municipal court and the building inspector or person who performed the inspection and prepared  
1362 the inspection report.

1363 (c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and  
1364 location for the hearing and shall give at least ten business days' notice to the person(s) requesting the

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1365 hearing, the public officer and the building inspector or person who performed the inspection and prepared  
1366 the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the  
1367 designated legal organ in DeKalb County, at least five days prior to the hearing. Hearings may be continued  
1368 by the municipal court judge upon request of any party, for good cause.

1369 (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence  
1370 that the subject property is maintained in a blighted condition, as defined by this article. The municipal court  
1371 judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the  
1372 public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the  
1373 judge of municipal court shall make a determination either affirming or reversing the determination of the  
1374 public officer. The determination shall be in writing and copies thereof shall be served on the parties by  
1375 certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of  
1376 such determination shall also be served upon the Tax Commissioner of DeKalb County, who shall include the  
1377 increased tax on the next regular tax bill rendered on behalf of the city.

1378 (e) Persons aggrieved by the determination of the court affirming the determination of the public officer may  
1379 petition the Superior Court of DeKalb County for a writ of certiorari within 30 days of issuance of the court's  
1380 written determination.

1381 **Sec. 16-305. Remediation or redevelopment.**

1382 (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property that  
1383 has been officially designated pursuant to this article as property maintained in a blighted condition may  
1384 petition the public officer to lift the designation, upon proof of compliance with the following:

- 1385 (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's  
1386 planning and development director that addresses the conditions of blight found to exist on or within  
1387 the property, including compliance with all applicable minimum codes; or
- 1388 (2) Completion of work required under a court order entered in a proceeding brought pursuant to article II  
1389 or article IX of the Code of Ordinances of the City of Pine Lake.

1390 (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly  
1391 inspected by a building inspector who, by written inspection report, shall certify that all requisite work has  
1392 been performed to applicable code in a workmanlike manner, in accordance with the specifications of the  
1393 plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be  
1394 satisfactorily performed, the public officer shall issue a written determination that the real property is no  
1395 longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s)  
1396 chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of DeKalb County.

1397 (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with  
1398 the payment of ad valorem taxes on the real property and the director of the city's planning and  
1399 development department, and contain the following:

- 1400 (1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing  
1401 the subject property, and shall conform to any urban redevelopment plan adopted for the area within  
1402 which the property lies;
- 1403 (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or  
1404 restoration of existing structures, in accordance with minimal statewide codes; where structures are  
1405 demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the  
1406 property;
- 1407 (3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting  
1408 land uses, improved traffic, public transportation, public utilities, recreational and community facilities,  
1409 and other public improvements;
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- 1410 (4) The plan shall contain verifiable funding sources that will be used to complete its requirements and  
1411 show the feasibility thereof;
- 1412 (5) The plan shall contain a timetable for completion of required work; and
- 1413 (6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant  
1414 to this article) and governmental liens due and payable on the property must be satisfied in full.

1415 **Sec. 16-306. Decrease of tax rate.**

- 1416 (a) Real property that has had its designation as maintained in a blighted condition removed by the public  
1417 officer, as provided in section 16-304, Identification of Blighted Property, of this article, shall be eligible for a  
1418 decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to  
1419 the property, so that such property shall be taxed at a lower millage rate than the millage rate generally  
1420 applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be  
1421 applied beginning with the next tax bill rendered following removal of official designation of a real property  
1422 as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of  
1423 cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its  
1424 remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction;  
1425 provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than  
1426 four successive years.
- 1427 (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad  
1428 valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts  
1429 or other evidence of payment, of the amount expended.

1430 **Sec. 16-307. Notice to tax commissioner.**

1431 It shall be the duty of the public officer to notify the Tax Commissioner of DeKalb County in writing as to  
1432 designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall  
1433 identify the specific property by street address and tax map, block and parcel number, as assigned by the DeKalb  
1434 County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax  
1435 billing of those properties subject to increased or reduced ad valorem taxation under this article.

1436