

STATE OF GEORGIA
COUNTY OF CLAYTON

ORDINANCE NO. 2007 – 182

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 62, OFFENSES AND MISCELLANEOUS PROVISIONS, SO AS TO REORGANIZE THE EXISTING SECTIONS WITHIN CHAPTER 62 INTO A NEW ARTICLE I "GENERAL", TO ADD A NEW ARTICLE II "QUALITY OF LIFE CODE", TO ADD A NEW SECTION 62-201 "PURPOSE AND DEFINITIONS" AND SUBSECTIONS, SETTING OUT THE LEGISLATIVE FINDINGS AND DEFINITIONS USED IN THE QUALITY OF LIFE CODE, TO ADD A NEW SECTION 62-202 "MAINTAINING PROPERTY AND VACANT STRUCTURES, NUISANCE AND ABATEMENT THEREOF", AND SUBSECTIONS, TO ADD A NEW SECTION 62-203 "ABANDONED OR VACANT BUILDINGS TO BE SECURED", AND SUBSECTIONS, TO ADD A NEW SECTION 62-204 "PARKING OR STORAGE OF COMMERCIAL VEHICLES, BUSES, TRAILERS, TRUCKS OR EQUIPMENT", AND SUBSECTIONS, TO ADD A NEW SECTION 62-205 "OFF-ROAD PARKING OR STORAGE OF UNLICENSED OR INOPERABLE VEHICLES, TRAILERS OR EQUIPMENT" TO ADD A NEW SECTION 62-206 "PROPERTY OF DISPOSSESSED TENANT OR DISPOSSESSED MORTGAGOR TO BE REMOVED WITHIN 48 HOURS OF THE DATE AND TIME OF EXECUTION OF THE WRIT OF POSSESSION", TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part

II, Chapter 62, by reorganizing the existing code sections and subsections within Chapter 62 as Article I "General" and all existing code sections now within Chapter 62 are hereby adopted by reference and placed sequentially within the new Article I entitled "General".

Section 2. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 62, by adding a new Article II entitled "Quality of Life Code" and to add sections and subsections there under so that said Article II shall read as follows:

"ARTICLE II QUALITY OF LIFE CODE

Section 62-201. Purpose and Definitions

(a) The Board of Commissioners deems it in the best interest of the County and in furtherance of public safety and public welfare to enact certain requirements for the owners and occupants of real property which will require such property to be maintained in good repair, free from accumulation of rubbish and uncut vegetation, with pools and similar structures maintained in good repair or covered to prevent the breeding of mosquitoes, to provide for securing of vacant or abandoned structures and to control the parking of certain vehicles within residential districts of the County.

(b) Definitions. As used in this Quality of Life Code the following definitions shall apply:

(1) Code Official shall mean any county law enforcement officer, code enforcement officer of the Police Department, and any employee designated by the director of the Department of Community Development.

(2) Notice shall mean a notice of violation of these regulations by personal service or service by certified mail or first class mail to the last known address of the party responsible for the violation. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(3) Regulations shall mean the requirements set out in this Quality of Life Code.

Section 62-202. Maintaining property and Vacant Structures, Nuisance and abatement thereof

(a) It shall be unlawful for the owner, occupant or person in possession of any real property to utilize such real property for the outside storage of any ice box, refrigerator, stove or other appliance, furniture, clothing, machinery, equipment, glass, iron, paper, cordage, or other waste material, including building rubbish, trash, garbage or similar items, without a special permit therefore issued by the

director of the Department of Community Development.

(b) It shall be unlawful for the owner, occupant or person in possession of any real property to allow grass, weeds, and similar plants to grow on said property to a height in excess of ten inches. It shall be the duty and responsibility of every such owner, occupant or person in possession to keep the property clean and to remove from the premises all such abandoned or prohibited items listed in the Quality of Life Code, including but not limited to dead trees, trash, rubbish, garbage, and the like.

(c) It shall be unlawful for the owner, occupant or person in possession of any real property to allow a swimming pool, wading pool, hot tub or any similar structure to be in disrepair such that water can stand in the pool or structure and become a breeding ground for mosquitoes. All pools and similar structures must be in good operating condition with the water filtered and chlorinated or fully covered and any exposed water in the pool, structure or on the cover must be treated to prevent the breeding of mosquitoes.

(d) The owner, tenant, or person in possession of any real property may be punished as provided in section 1-12 of the Code of Clayton County for a violation of this section.

(e) After giving proper notice of a violation and five business days thereafter to correct the deficiencies, the county shall have the authority to enter the property and bring such structure into compliance with these regulations. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county.

Section 62-203. Abandoned or vacant buildings to be secured

(a) The owner or person in possession of any abandoned or vacant buildings or structures shall secure and board up such buildings or structures to prevent entry by animals, vermin or trespassers. The structure shall be deemed secure if the windows, doors and other openings are boarded up or in the case of solid doors, the doors are securely locked.

(b) The owner or person in possession of any real property may be punished as provided in section 1-12 of the Code of Clayton County for a violation of this section.

(c) After giving proper notice of a violation and five business days thereafter to correct the deficiencies, the county shall have the authority to enter the property and bring it into compliance with these regulations. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county.

Section 62-204. Parking or storage of commercial vehicles, buses, trailers, trucks or equipment.

(a) In all residential zoning districts the parking of the following commercial vehicles is prohibited: limousines, flat bed trucks, dump trucks, tow trucks,

transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, wheeled attachments or trailers, buses, earth-moving machinery, semi-trailers, and any vehicle over 20 feet in length, or seven feet in height, or seven feet in width. Vehicles or equipment used for agricultural purposes on agricultural zoned property with five or more acres are permitted if parked outside the required front yard setback.

(b) In all residential zoning districts, the parking of the following commercial vehicles is permitted:

1. An automobile, pick-up truck, van or SUV used to provide daily transportation to and from work.
2. A commercial vehicle that is parked temporarily in conjunction with a commercial service, sale, delivery or pick-up.

(c) In all residential zoning districts recreational vehicles or equipment, including non-commercial trailers, may be parked or stored only in the side yard or rear yard or in an enclosed building. No such recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(d) With the exception of recreational vehicles and commercial vehicles parked temporarily in conjunction with a service, sale, delivery or pick-up, no vehicle with more than six wheels or two axles or that weighs more than 14,000 pounds or that is over 20 feet in length, or seven feet in height, or seven feet in width shall be parked in a residential district.

(e) The owner or person in possession of any real property may be punished as provided in section 1-12 of the Code of Clayton County for a violation of this section.

(f) After giving proper notice of a violation and five business days thereafter to correct the deficiencies, the county shall have the authority to enter the property and bring it into compliance with these regulations by impounding any vehicle found parked on the property in violation of this section. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county. The impounded vehicle may be reclaimed by the vehicle's owner who shall be responsible for payment of the towing and storage fees, otherwise the vehicle shall be disposed of in accordance with state law.

Section 62-205. Off-road parking or storage of unlicensed or inoperable vehicles, trailers or equipment.

(a) The owner, occupant or person in possession of real property within a residential zoned district shall not allow vehicles or trailers of any kind to be parked thereon without current license plates, unless such vehicle is parked within a fully enclosed garage or carport attached to the residence.

(b) The owner or occupant of real property within a residential zoned district shall not allow any vehicles, trailers or other motorized equipment to remain in an inoperable condition for more than thirty (30) days unless such vehicle, trailer or other motorized equipment is parked within a fully enclosed garage or carport

attached to the residence. It shall be prima facie evidence of a violation of this section for a vehicle or trailer to be without one or more wheels or tires, or be in a state of disrepair for more than thirty (30) days.

(c) The owner or occupant of real property within a residential zoned district shall not allow any vehicles or trailers to be covered so as to obscure the license plate unless such vehicle or trailer is parked within a fully enclosed garage or carport attached to the residence.

(d) The owner or person in possession of any real property may be punished as provided in section 1-12 of the Code of Clayton County for violation of this section.

(e) After giving proper notice of a violation and five business days thereafter to correct the deficiencies, the county shall have the authority to enter the property and bring it into compliance with these regulations by impounding any vehicle found parked on the property in violation of this section. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county. The impounded vehicle may be reclaimed by the vehicle's owner who shall be responsible for payment of the towing and storage fees, otherwise the vehicle shall be disposed of in accordance with state law.

Section 62-206. Property of dispossessed tenant or dispossessed mortgagor to be removed within 48 hours of the date and time of execution of the writ of possession.

(a) Personal property of a dispossessed tenant or dispossessed mortgagor must be removed from the property of the plaintiff in the writ of possession within 48 hours from the date and time the writ of possession is executed pursuant to Article V of Chapter 82 of the Code of Clayton County.

(b) After the expiration of 48 hours from the date and time the writ of possession was executed, the county Refuse Control, or any other employee or agent designated by the chief of police, shall have the authority to enter the property and bring it into compliance with these regulations by removing the abandoned personal property of a dispossessed tenant or dispossessed mortgagor to the County landfill. The expense of such county action shall be charged against the real property and become a lien on the real property, and be collected by the same means, process and manner by which taxes are collected by the county."

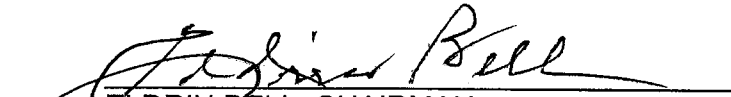
Section 3. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.


Section 5. This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 20th day of November, 2007.

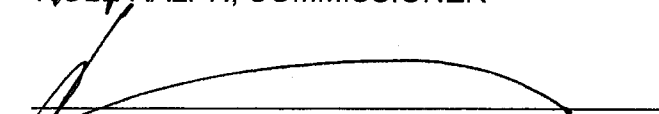
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

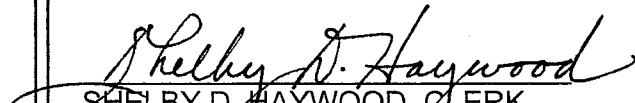

SONNA SINGLETON, VICE CHAIRWOMAN


VIRGINIA BURTON GRAY, COMMISSIONER


WOLF RALPH, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK

Briefing for the Board of Commissioners

The purpose of this ordinance is two fold: First, to reorganize Chapter 62 of the County Code into two articles. All existing code sections within Chapter 62 will be placed under a newly created Article I "General".

The second purpose is to provide the Code Enforcement officers with additional means and methods to better service our community. This is accomplished by the creation of a Quality of Life Code within Article II of Chapter 62.

There are several changes from the work session copy:

- Section 62-201 has been renamed to better explain the content of the section,
- Section 62-202 the order of the criminal provision and the civil provision in the code section have been switched and only the civil provision now contains the five day notice requirement,
- Sections 62-204 and 62-205 now have a civil provision that will allow the county to remove the prohibited vehicles after notice and an opportunity to correct is given.
- A new Section 62-206 has been added to specifically address the issue of household effects that are abandoned after a tenant or mortgagor is dispossessed from a residence. The new code section will allow Refuse Control to enter the real property to remove the abandoned household effects 48 hours after the writ of possession is executed.
- The final change is that there is no longer a requirement to give notice and opportunity to correct before a violator can be issued a citation for a violation of the Quality of Life Code; however, the notice and opportunity to correct is still in place for the civil penalty that allows the County to force clean or remove junk cars and the like.