

ENVIRONMENT

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**Section. 18-26 Jurisdiction**

The Municipal Court or Local Government Enforcement Boards, if applicable, shall have jurisdiction to try issues concerning the existence and abatement of public nuisances within the geographical limits of the City in accordance with the provisions of *O.C.G.A.* tit. 41, Ch. 2.

**Section. 18-27 Determination of Necessity; Power Conferred**

If it is found and declared that in the City there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with the applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City, or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City, and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or

structures. It is found and declared that where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Whenever the Code Enforcement Officer finds that there exist dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon the City to exercise its police power to repair, close, or demolish such dwellings, buildings, or structures in the manner provided in this article.

All the provisions of this article and *O.C.G.A.* §§ 41-2-8-41-2-17 including method and procedure may also be applied to private property where there exists an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity. A finding by any governmental health department, health officer, or building inspector that such property is a health or safety hazard shall constitute prima facie evidence that such property is in violation of this article. **Exception: The maintenance of properties designated as “historical properties” shall be as prescribed in Article 12 of the Watkinsville Zoning Ordinance.**

### **Section. 18-28 Definitions**

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

**1. Applicable Codes.**

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

**2. Closing.** Causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

**3. Code enforcement officer** means the officer who is authorized by this article to exercise the powers prescribed by this article or any agent of such officer or officers.

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**4. Drug Crime.** An act, which is a violation of *O.C.G.A.* tit. 16, ch. 13. Art. 2, known as the Georgia Controlled Substances Act.

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

**6. Governing Authority.** The Mayor and Council of the City of Watkinsville, Georgia.

**7. Municipality.** The City of Watkinsville, Georgia.

**8. Owner.** The holder of the title in fee simple and every mortgage of record.

**9. Parties in Interest.**

a. Persons in possession of such property and premises;

b. Persons having of record in the county in which the dwelling, building, or structure is located any vested right, title, or interest in or lien upon such dwelling, building, or structure or the lot, tract, or parcel of real property upon which the structure is situated or upon which the public health hazard or general nuisance exists based upon a fifty (50) year title examination conducted in accordance with the title standards of the State Bar of Georgia;

c. Persons having paid an occupational tax to the City of Watkinsville for a location or office at the subject building or structure; or

d. Persons having filed a property tax return with the Mayor and City Council as to the subject property, building, or structure.

**10. Public Authority.** Any member of a governing authority, or any officer who is in charge of any department or branch of the government of the city, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or city.

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

**12. Resident.** Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

### **Section. 18-29 Procedures for Abatement of Nuisances**

It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public

nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

The Code Enforcement Officer is designated and appointed to exercise the powers prescribed by this article.

Whenever a complaint is filed with the Code Enforcement Office by any public authority or by at least one (1) residents of the City charging that any dwelling, building structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Code Enforcement Officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the Code Enforcement Officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Code Enforcement Officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure.

**The complaint shall:**

- A. Identify the subject real property by appropriate street address and official tax map reference;
- B. Identify the owner and parties in interest;
- C. Date with particularity the factual basis for the action; and Local enforcement if applicable
- D. Contain a statement of the action sought by the Code Enforcement Officer to abate the alleged nuisance.

**The summons shall:** notify the owner and parties in interest that a hearing will be held before the Municipal Court at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than fifteen (15) days or more than forty-five (45) days after the filing of such complaint in the Municipal Court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

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

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

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

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

Notwithstanding the requirements and findings and in addition to the above paragraphs A&B the Municipal Court may levy a fine up to the amount of \$1000.

If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the Code Enforcement Officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The Code Enforcement Officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

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

If the Code Enforcement Officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against

the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The Code Enforcement Officer and the City are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

**Section. 18-30 Establishment of Lien**

The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

The lien provided for in this article shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the Clerk of Superior Court in the county where the real property is located and shall relate back to the date of the filing of the *lis pendens* notice required under this article. The clerk of Superior Court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of Superior Court, the Code Enforcement Officer shall forward a copy of the order and a final statement of costs to the City Clerk. It shall be the duty of the City Clerk to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically *O.C.G.A.* tit. 48, ch. 4, provided, however, that the limitation of *O.C.G.A.* § 48-4-78, which requires twelve (12) months of delinquency before commencing a tax foreclosure, shall not apply. The City Clerk shall remit the amount collected to the City. Thirty (30) days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

The tax commissioner shall collect and retain an amount equal to the cost of administering a lien authorized by this article unless such costs are waived by resolution of the City. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

The City may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

A review of the court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the Superior Court under *O.C.G.A.* § 5-3-29.

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### **Section. 18-31 Service of Complaints**

Complaints issued by the Code Enforcement Officer pursuant to this article shall be served in the manner described in this Section. In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, or structure within three (3) business days of filing of the complaint and at least ten (10) days prior to the date of the hearing. A copy of the complaint and summons shall be served in one of the following ways:

- A. Personal service upon each owner and party in interest if such parties are residents of the city. Service shall be perfected at least ten (10) days prior to the date of the hearing. Service may be made by the Code Enforcement Officer to abate nuisances or by any law enforcement officer of the City and a return of service, filed with the clerk of the Municipal Court, shall be deemed sufficient proof that service was perfected;
- B. Pursuant to the provisions of *O.C.G.A.* tit. 48, ch- 4, art. 5; or
- C. Statutory overnight delivery.

If any owner or party in interest is a resident of this state but resides outside of the city, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least fourteen (14) days prior to the date of the hearing.

Nonresidents; of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents of the state whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the legal advertisements appear in such county once a week for two (2) consecutive weeks prior to the hearing.

If either the owner or any party in interest is a minor, an estate, an incompetent person, or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or is a nonresident of this state, he shall be served as provided for in subsection 3 of this Section. If such owner or party in interest has no guardian or personal representative, service shall be perfected by serving the Judge of the Probate Court of the county wherein such property is located at least thirty (30) days prior to the date of the hearing, which judge shall stand in the place of and protect the rights of such minor, estate, or incompetent person or appoint a guardian ad litem for such person.

If unknown persons or unborn remaindermen who are likely to have any rights in the property or interest or the proceeds thereof, the Judge of the Probate Court of the county wherein such property or interest is located shall be personally served at least thirty (30)

days prior to the date of the hearing, and it shall be the duty of the Judge of the Probate Court to stand in the place of and protect the rights of such unknown parties or unborn remaindermen.

If the whereabouts of any owner or party in interest is unknown and such cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence or if any owner or party in interest cannot, after due diligence, be served as provided in this Section, the Code Enforcement Officer shall make an affidavit to that effect and serve by publication in the manner provided in this Section, and such publication shall be sufficient proof that service was perfected.

A notice of *lis pendens* shall be filed in the office of the clerk of Superior Court of the county in which the dwelling or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other *lis pendens* notices provided by law.

Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Section on the owner and any party in interest who answers the complaint or appears at the hearing. Any party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

#### **Section. 18-32 Standards for Determination of Nuisances**

A finding of noncompliance of any building, fire, health, sanitation, or life safety code, regulation or ordinance adopted by the Mayor and City Council shall constitute prima facie evidence that a public nuisance exists.

In addition to specified code violations without limiting the generality of subsection 1 of this Section, the following conditions are subject to abatement:

- A. Defects increasing the hazards of fire, accidents, or other calamities, including improper storage of materials on the premises;
- B. Lack of adequate ventilation light or sanitary facilities;
- C. Dilapidation and disrepair, including those structures which have been damaged by fire, wind, or other causes such that the external structure and roof have been destroyed or structural members weakened;
- D. Sanitation and general uncleanliness, including improper keeping of pets and animals on the premises, and improper disposal of human and animal waste;
- E. Accumulation of trash, weeds (having a height of twelve inches [12"] or more), debris, junk as defined in Section 18:41, filth, standing or stagnant water, and other unsafe conditions; weeds are further defined to include un-mowed lawns, excessive growth of underbrush when determined to be in non-compliance by the Code Enforcement Officer and as specifically defined and described in Section 18-56.

#### **Section. 18-33. Summary abatement.**

Nothing contained in section 18-27 shall prevent the mayor and city council from summarily and without notice ordering the abatement of any nuisance that

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is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.  
(Code 1982, § 33-103)

### Section. 18-.34. Regulation of open wells.

It shall be unlawful for any person to have or operate any open well on any property owned or controlled by him within the city limits of Watkinsville. Maintaining such a structure in violation of this section shall be deemed as creating a nuisance and shall be punishable as provided in this section.  
(Code 1982, § 33-104)

### Section. 18-35. Prohibition of abandoned refrigerators.

It shall be unlawful for any person to leave abandoned iceboxes or refrigerators on premises without removing the locks or doors.

Section 18-36- 18-40. Reserved.

### ARTICLE III. JUNK AND ABANDONED VEHICLES

Section 18-41 Definitions

Section 18-42 Enforcement- Penalties for Violation

Section 18-43 Accumulation of Junk

Section 18-44 Abandonment of Motor Vehicles

Section 18-45 Storing, Parking of Junked vehicles

Section 18-46 Notice to Remove

Section 18-47 Notice Procedure

Section 18-48 Actions Upon Non-compliance

Section 18-49- 18-55 Reserved

Section 18-41. Definitions.

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

1. **Junk:** is defined as scrap ferrous or non-ferrous metal materials, ropes, rags, fibers, or fabrics; used tires which includes the types from automobiles, truck, heavy equipment; bottles and cans, batteries, paper, trash, debris, waste lumber and building materials; parts of abandoned or destroyed buildings; junked, dismantled, ruined, inoperative or wrecked automobiles, or parts thereof; wastepaper and other waste or discarded material which might be prepared to be used again in some form. Junk is also defined as household garbage, trash and debris stored under an open carport in a single-family district. Trash and debris includes; old inoperable household appliances, furniture, boxes of household belongings etc. and any items normally considered for interior usage. Junk shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes. Junk shall also include the storage of farm and industrial equipment on a lot not zoned for such use.
2. **Junkyard:** means any establishment, which is maintained or used for storing, buying, or selling junk, or for an automobile graveyard, sanitary fills, and scrap processor establishments. Such junkyards are prohibited in the City of Watkinsville
- (3) **Vehicle:** is any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, industrial machinery, go-carts, golf carts, campers, recreational vehicles, boats, airplanes, train cars and any means of conveyance

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which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, abandoned mobile homes and double-wides, wagons, farm equipment, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to motor vehicles on the roadway. Excluded: Antique farm equipment maintained for display purposes only.

(4) **Junked vehicle:** is any vehicle defined in subsection (3) above which vehicle either does not have lawfully affixed on it an unexpired license plate or tax stamp, or which vehicle is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded. Included in this definition are junk parts of any size or type from any vehicle as defined in 31-109.1(a) above.

### **Section 18-42. Enforcement; penalty for violation.**

(a) Violation of any of the provisions of this division shall be unlawful and shall be punishable as provided by section 1-7. Each offense shall constitute a separate offense for each day such violation shall continue.

### **Section 18-43. Accumulation of Junk.**

It shall be unlawful for any owner or resident of any property in the City to permit to accumulate on such property any junk as defined in Sec 18-41.

(1) Notice to remove. It shall be the duty of the Code Enforcement Officer to notify, in writing, the owner or occupant of any premises upon which junk is permitted to accumulate in violation of the provisions of this Section that such material must be removed within thirty (30) days from the date of such notice.

It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property on which the junk is located and duplicate copies are sent by registered mail to the occupant or owner, if unoccupied, of the private property at his/her last known address.

(2) Action upon noncompliance. Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such junk within the 30 day time period a citation or official warning shall be issued by registered mail to said owner or occupant at his last known address. Violation shall be punishable as provided for in section 1-107. At the discretion of the Code Enforcement Officer the citation issued may take the form of an official warning.

### **Section 18-45 Storing, parking or leaving unattended any junked vehicle or abandoned motor vehicle prohibited; declared nuisance; exceptions.**

(1) No person shall park, store, leave, or permit the parking storing or leaving of any abandoned motor vehicle or any junked vehicle upon any public property within the City of Watkinsville for any time period. Nor shall any person park, store, leave or permit the parking, storing or leaving of any junked vehicle upon any private property within the City

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of Watkinsville for a period of time in excess of 30 days. The presence of an abandoned motor vehicle on public property or of a junked vehicle or any parts of such a vehicle on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Section. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held by an automotive maintenance, repair, or salvage facility, or similar business enterprise, lawfully licensed by the City of Watkinsville and properly operated in an appropriate business zone, pursuant to the Zoning Ordinance of the City of Watkinsville. Violation of this Section shall be punishable as provided for in Section 1-7.

(2) No person shall park, store, leave, or permit the parking storing or leaving of any vehicle "For Sale" upon any public property within the City of Watkinsville for any time period. Nor shall any person park, store, leave or permit the parking, storing or leaving of more than one (1) vehicle "For Sale" upon any private property within the City of Watkinsville for a period of time in excess of 60 days per calendar year. Duly licensed used/new car dealers, automotive maintenance or similar business enterprise are exempt from this requirement.

### **Section 18-46 Notice to remove.**

(1) Whenever it comes to the attention of the City of Watkinsville that any vehicle defined in section 18-41 exists in the City of Watkinsville upon private property, a notice in writing shall be served on the occupant of the land where the nuisance exists, and when there is no occupant, then notice shall be served on the owner of the land or his/her agent. Notice shall be served upon owner or occupant pursuant to section 18-47.

(2) If a basis for the notice to remove is that the vehicle is inoperative, then the official serving said notice on the owner or occupant of private property on which a vehicle is located shall request the person served to demonstrate the operability of the vehicle to the officer. In the event that the person who is served shall demonstrate that the vehicle can be started and operated lawfully upon the roadway to the officer, then the officer shall make a note of same. However, in the event that the person served shall refuse or is unable to demonstrate the operability of the vehicle to the officer, then the officer shall make a note of same and shall introduce said note into evidence at any hearing or trial on the matter, and such evidence shall constitute a rebuttable presumption that the vehicle is inoperative.

### **Section 18-47 Notice procedure.**

The City of Watkinsville Code Enforcement Officer shall give notice for removal to the owner or occupant of private property where a junked vehicle is located, at least 30 days before the deadline for compliance with this chapter. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the occupant or owner, if unoccupied, of the private property at his/her last known address.

### **Section 18-48 Actions Upon Non-compliance.**

Upon the failure, neglect, or refusal of any owner or occupant so notified to remove such

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vehicles(s) within the designated time period a citation shall be issued by registered mail to said owner or occupant at his last known address. Violation shall be punishable as provided for in section 1-7. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property on which the vehicle(s) is located and duplicate copies are sent by registered mail to the occupant or owner, if unoccupied, of the private property at his/her last known address.

### **Section 18.49- 18.55. Reserved.**

## **ARTICLE IV WEEDS AND VEGETATION**

### **Section 18-56. Weeds, Debris, Undesirable Vegetation**

Ornamental shrubbery and ground cover, provided that such uses are part of a landscaping theme and are not associated with a general deterioration of the property, are not in an overgrown or unmanaged condition, or are planted, maintained so as to not encroach over or onto adjacent properties are allowed. The growth of weeds and undesirable vegetation within the city, being deemed injurious to public health, are declared to be a nuisance. Tall weeds are a breeding ground for rats and mice snakes etc.; a source of fuel for fires, and a nuisance to the neighborhood. City Code requires property to be kept free of the uncultivated growth of grass, weeds, and brush. This includes all property under the owner's control, including alleyways and right-of-way areas.

### **Section 18-57 Prohibited.**

(1) It shall be unlawful for the owner, tenant, or person in possession of any real estate within the corporate limits of the city of Watkinsville to permit or allow tall or unsightly weeds, grass or undesirable vegetation of any kind to grow exceeding ten inches (10") on such premises within a distance of 30' to the rear, 10' from sides and 50' from front of any building or structure used or maintained for the purposes of business or habitation.

(2) No person shall permit a tree or tree part, dead or alive (including a stump displaced from the ground), to stand on private property if it is hazardous.

(3). No person shall maintain a fallen tree, brushwood, or part of a fallen tree on private property that constitutes a harborage place for vermin or disease.

(4) Vegetation taller than 3' above a street surface, except an urban forest tree, is not permitted within 20' of the corner of a property located at an intersection of 2 streets.

(5) No person shall permit any vegetation on private property to encroach on, impede vehicular or pedestrian passage upon, or to overhang within 8' above any street or sidewalk, or obstruct any traffic control device.

(6) Violation shall be punishable as provided for in section 1-7. It shall constitute sufficient

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notice when a copy of the notice is posted in a conspicuous place upon the private property on which the offense is located and duplicate copies are sent by registered mail to the occupant or owner, if unoccupied, of the private property at his/her last known address.

(7) No grass clippings, brush or tree trimmings shall be placed in a drainage ditch or gutter so as to impede the flow of water.

**A. Removal Required.** If any person allows such weeds or vegetation to grow upon such premises or dead trees or dead limbs to remain on such premises, it shall be the duty of the Code Enforcement Officer to notify such person to remove such weeds, vegetation, dead trees or dead tree limbs. It shall be unlawful for any person receiving such notice to fail or refuse to remove such weeds, vegetation, dead trees or dead tree limbs within the times specified in such notice which time shall not exceed fifteen (15) days.

**B. Removal by City.** If any person after receiving a notice to abate the nuisance or after a Municipal Court decision fails to comply may be subject to the City of Watkinsville taking action to abate the nuisance. The Code Enforcement Officer with the Mayors approval may send it agents and/or employees upon said property for the purpose of abating the nuisance and bringing such property into compliance with the terms of this article. Upon doing so, the city may charge and assess the owner the cost and expense of correcting the violation. The cost shall include the hourly wages plus benefits of employees involved in the clean up plus the costs of fuel and equipment. The costs of abatement, if not promptly paid by the owner, shall be a lien on the property that shall be added to and collected in the same manner as property taxes. The decision to take this action will be made if there exists a public safety or health hazard issue and in the public good as determined by the Mayor

Secs. 18-58-18-80. Reserved.

**ARTICLE V NOISE**

Sec. 18-81. Penalties for violation.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be fined in an amount not exceeding \$100.00 or imprisonment for a period not exceeding 90 days, or both such fine and imprisonment. A separate offense shall be deemed to have been committed each day during or upon which a violation occurs or is permitted to continue. (Code 1982, § 14-104)

Sec. 18-82. Enforcement.

The operation or maintenance of any device, vehicle, or machinery in violation of any provision of this article which causes discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health, or peace of residents of this city shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Code 1982, § 14-105)

## ENVIRONMENT

### Sec. 18-83. General regulations.

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary, or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing within the city limits.

(Code 1982, § 14-101)

### Sec. 18-84. Prohibited noises.

The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this article, but such enumeration shall not be deemed to be exhaustive:

- (1) **Motor vehicle horns.** The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the city except as a warning signal.
  
- (2) **Radios, television sets, and similar devices.** The using, operating, or permitting to be played, used, or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to disturb the peace, quiet, and comfort of neighboring residents.
  
- (3) **Construction equipment and activity.** The operating of any equipment or the performing of any outside construction or repair work on buildings, structures, roads, or projects within the city between the hours of 10:00 p.m. and 7:00 a.m. unless a permit for such construction or repair work between such hours has been obtained from the mayor.
  
- (4) **Exhausts.** The discharging into the open air of the exhaust of any internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  
- (5) **Animals and birds.** The keeping of any animal or bird which by frequent or continuous barking, chirping, or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.
  
- (6) **Vehicle repair in residential area.** The repairing, rebuilding or testing of any motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.
  
- (7) **Schools, courts, churches, hospitals.** The creating of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided

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conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.

(8) **Hawkers and peddlers.** The selling of anything by outcry within the residential areas of the city, except at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

(10) **Drums.** The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the city, unless a permit for such use has been obtained from the mayor. (Code 1982, § 14-102)

Sec. 18-85. Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this article:

(1) **Noises of safety signals and warning devices.**

(2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or actions in time of emergency.

(3) Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

**Secs. 18-86-18-105. Reserved.**

**ARTICLE IV. SOIL EROSION AND SEDIMENTATION\***

**See Revised Stand Alone Ordinance dated- December 31, 2004**