

COMMERCIAL AND MULTI-FAMILY RESIDENCY QUALITY OF LIFE CODES

TITLE 22.00. - PROPERTY MAINTENANCE

- 1. – GENERALLY
- Sec. 22-101. - Title.

The title of this article shall be the Pendergrass City Commercial Property and Multi-Family Residence (MFR) Maintenance Ordinance and may be cited hereinafter as this Title.

- Sec. 22-102. - Purpose.

The purpose of this article is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the city. *This Ordinance applies to gated MFR and Commercial Developments, whether private or not, as well as non-gated MFR and Commercial Developments within the city limits of Pendergrass, Georgia.* All commercial properties must be maintained in clean and sanitary condition, free from the accumulation of trash, rubbish, and garbage. Grass, vegetation, and landscaping beds must be continually maintained. Property owners must maintain the parking lot up to standards, including clear paint striping and handicapped parking spaces. Pavement and pot holes must be in compliance. All vacant structures and land should be maintained in a clean, safe, secure, and sanitary condition so as not to cause blight or adversely affect public health. The owner or person in control of any premises as described in this Ordinance shall at all times maintain the premises free of litter. No person, corporation, or business owning, leasing, occupying, or having charge of any premises, vacant lots, buildings, structures, or other private property shall maintain an unsafe building or keep such property in an unhealthful or hazardous manner or an unsightly manner causing more than slight diminution in the value of other property, both private and public, in the neighborhood in which such private property is located. The keeping or maintaining of private property in an unsightly, unhealthful or hazardous condition is declared to be a nuisance and is subject to abatement as provided in this chapter.

- Sec. 11-103. - Scope.

This article shall apply to all commercial, office, warehouse, industrial and multifamily residential structures and premises, whether gated and private or not, and shall constitute the minimum requirements and standards for existing structures and premises.

- **Sec. 22-104. - Definitions.**

Unless otherwise noted, terms not defined herein shall have their meaning as defined in the zoning resolution, the development regulations, and the construction code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the term "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as if they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

Bathroom means a room containing plumbing fixtures, including a bathtub or shower.

Bedroom means a separate room planned or intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Boarding-up means erecting, installing, placing, or maintaining boards over the doors, windows, or other openings of any building or structure or otherwise securing such openings by a means other than the conventional method used in the original construction and design of the building or structure.

Code Enforcement Officer means an employee of the city sworn in as required by law and designated to perform the duties for a code enforcement officer. All sworn police officers of the city of Pendergrass are designated as Code Enforcement Officers.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The term "dwelling, building, or structure" also means any building or structure, or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Exterior property means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Family means one or more persons related by blood, marriage, adoption, or guardianship; or not more than three persons not so related who live together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan, based on an intentionally structured relationship providing organization and stability; or not more than two unrelated persons and any minor children related to either of them.

Garbage means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage of utility spaces, garages, and similar areas are not considered habitable spaces.

Junk vehicle means any vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

Local agent means any person or entity empowered by a creditor, mortgagee, or transferee to:

- (1) Ensure security and maintenance;
- (2) Comply with code enforcement orders issued by the city;
- (3) Provide a trespass authorization upon request of an enforcement officer;
- (4) Conduct inspections; and
- (5) Serve as an agent authorized to receive any citation under this article and notice pertaining to any court or enforcement proceeding in connection with the enforcement of this article.

Maintenance means the act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

Occupancy means the purpose for which a building is utilized or occupied.

Occupant means any individual living or sleeping in a building; or having legal possession of a space within a building.

Operator means any person who has charge, care or control of a structure or premises which is let or offered for occupancy. A real estate broker or salesperson licensed pursuant to O.C.G.A. title 43, Ch. 40 (O.C.G.A. § 43-40-1 et seq.) is not an operator for the purposes of this article unless such broker or salesperson is under contract to provide property management services to the owner of such structure or premises.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises means a lot, plot, or parcel of land including any structures, driveways, parking lots and yards thereon.

Property means any unimproved or improved residential or nonresidential real property, or portion thereof, situated in the City of Pendergrass and includes the buildings or structures located on the real property regardless of condition.

Rubbish means discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, and/or similar materials.

Securing means such measures as may be directed by the director of the department of planning and development or his designee that render the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, the repairing of doors, windows or other openings.

Swimming pool means a water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an aboveground pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

Toilet room means a room containing a water closet or urinal but not a bathtub or shower.

Trash means combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass, crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

Weeds means all rank vegetative growth, including, but not limited to, kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, the term "weeds" shall not include cultivated flowers, fruits and vegetables, and gardens. A more inclusive list follows in this Ordinance.

Yard trimmings means leaves, brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

- **Sec. 22-104.1 Determinations by public officer.**

(a) A City public officer may determine, under existing ordinances, that a dwelling, building or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling,

building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the city. Such conditions may include the following (without limiting the generality of the foregoing):

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light, or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair;
- (5) Structural defects;
- (6) Uncleanliness; and
- (7) Other additional standards which may from time to time be adopted and referenced herein by ordinance amendment.

(b) A City public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

- **Sec. 22-105. – Abatement and Penalties/ Abatement cumulative to other remedies.**

It is the intent of the city council that nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of any local enabling act, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

- **Sec. 11-105.2 - Authority for issuance of citations.**

Public officers designated herein may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by City ordinance, and conditions creating a public health hazard or general nuisance and may seek to enforce such citation in court of competent jurisdiction prior to issuing a complaint in rem as provided in this section.

No notice required prior to citation.

(a) Any notice and time period for correction allowed prior to an abatement proceeding do not apply to the issuance of citations or criminal prosecution. Citations for criminal violations under this Ordinance may be issued without prior notice. Prior warnings, if any, shall be admissible in the prosecution of any criminal violation under this chapter.

(b) In addition to the procedures and remedies in this article, the city official may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other technical codes adopted by this Code, and conditions creating a public health hazard or general nuisance and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this article.

- **Sec. 11-105.3. - Summary abatement.**

(a) A City public officer shall have the power to order the removal and abatement, without hearing, of those things which are declared either by common law or by the statute law to be nuisances, or which are nuisances per se and from their nature indisputably are so.

(b) Any requirement for service of notice to abate a nuisance, which may be summarily abated, may be complied with by the mailing of such notice by certified mail, return receipt requested, to the last-known address of the person so to be notified.

- **Sec 11-105.4 - Penalties**

(a) *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the city and shall be punished either by a fine not less than \$50.00 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed 30 days in jail, or both a fine and jail or work alternative. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(b) *Powers of the court.* The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment allowed by law.

(c) *Other legal remedies.* In any case in which a violation of this article has occurred, the city, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

State Law reference— *Municipal court Services – Violation of municipal ordinances, O.C.G.A. § 15-7-84; maximum punishments which may be imposed for violations of city ordinances.*

- **Sec. 22-106. - Transfer of ownership.**

It shall be unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the chief of police a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

- **DIVISION 2. - PROPERTY**

- **Sec. 22-107. - Fences and walls.**

(a) Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall be maintained free of nails protruding more than 1/16 -inch beyond the face of any uncovered fence member. Fences shall be maintained so as to present a freshly painted appearance. Plastic fences shall be free of mold and mildew and shall be kept clean and free of dirt and grime.

(b) All multifamily parcels which contain eight units per acre or more, excluding single-family attached dwellings on parcels that contain a minimum of three acres, shall be fenced on all sides with a chain-link or wrought iron fence, or other material approved by the director of the department of planning and development, no less than five feet in height. Any new fence required by the adoption of the ordinance from which this article is derived shall be constructed within six months from the effective date of the ordinance from which this article is derived. Mixed Use Zoning Districts shall not be subject to this provision.

(c) All damaged or missing portions of a fence shall be replaced with comparable materials and shall be attached to the existing portion of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

- **Sec. 22-108. - Graffiti.**

It shall be a violation of this article for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours. For purposes of this section, the term "graffiti" shall have the same meaning as set forth in O.C.G.A. § 17-15A-2.

- **Sec. 22-109. - Grass, weeds, and uncultivated vegetation.**

(a) Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of the maximum height permitted. It is unlawful for any person, corporation, partnership or legal entity owning OR occupying real property in the city to let the height of grass or weeds on such property grow beyond the maximum permitted inches or fail to remove from the property any such grass, weeds or refuse, dog manure or waste, unsightly or deleterious objects or structures, after having been given written notice by the city. THIS APPLIES TO ALL DETENTION PONDS AND AREAS ALSO.

(a) *Grass Control Standards.* Grass shall not be permitted to reach a height of more than 8 inches.

(b) *Weed Control Standards.* Weeds shall not be permitted to reach a height of more than six inches at any time or to otherwise create a fire hazard to structures or habitat for disease, insects or vermin. The term “weeds” means plants which are unwanted in the location where they are growing, and which are not part of the landscaping and include:

- Alyceclover (Oneleaf Clover)
- American Burnweed (Fireweed)
- Asiatic Hawksbeard
- Asiatic Pennywort (Centella, Coinwort)
- Bitter Sneezeweed
- Black Medic
- Bracted Plantain
- Brazil Pusley
- Bristly Mallow
- Broadleaf Pink Purslane
- Broadleaf Plantain
- Buckhorn Plantain
- Bushy Aster
- Bushy Buttonweed
- Carolina Falsedandelion
- Carolina Geranium (Wild Geranium, Crane's-bill, Stork's-bill)
- Carpetweed
- Catchweed Bedstraw
- Cetsear Dandelion
- Chamberbitter (Niruri, Gripeweed, Leaf-flower)
- Chicory
- Coat Buttons (Mexican Daisy)
- Common Beggarticks (Hairy Beggarsticks)
- Common Chickweed
- Common Lespedeza (Annual Lespedeza, Japanese Clover)
- Common Mullein
- Common Purslane
- Common Ragweed
- Common Venus-looking-glass
- Corn Speedwell
- Creeping Beggarweed
- Creeping Indigo
- Cuban Purple Woodsorrel
- Cupid's-Shaving-Brush (Tassel-flower)
- Curly Dock
- Cutleaf Evening-primrose
- Dandelion
- Dogfennel (Summer Cedar)
- Eclipta
- Field Madder

- Field Pansy (Johnny-Jump-Up)
- Field Violet
- Florida Bellflower
- Florida Betony (Rattlesnake Weed)
- Florida Pusley
- Gaillardia (Blanket-flower, Bandana Daisy, Rose-ring Gaillardia, Indian Blanket)
- Garden Spurge
- Ground Ivy
- Hairy Bittercress
- Hairy Buttercup
- Healall
- Heartleaf Drymary (West Indian Chickweed)
- Hemp Sesbania
- Henbit
- Horsenettle
- Horseweed (Marestail)
- Hyssop Spurge
- Indian Mockstrawberry
- Jamaica Feverplant (Punctureweed, Burnut, Puncturevine)
- Khakiweed
- Knawel
- Large Hop Clover
- Largeflower Pusley
- Lawn Burweed (Spurweed)
- Livid Amaranth
- Longstalked Phyllanthus
- Marcela
- Marsh Bedstraw
- Mat Lippia (Matchweed, Match Head)
- Mimosa Vine (Sensitive Vine)
- Mugwort
- Musk Thistle (Nodding Thistle)
- Narrowleaf Cudweed
- Narrowleaf Vetch (Common Vetch)
- Old World Diamond-flower
- Oldfield Cinquefoil
- Oldfield Toadflax
- Paleseed Plantain (Souther Plantain)
- Parsley-piert
- Pinnate Tansymustard
- Poorjoe
- Prostrate Knotweed
- Purple Cudweed
- Purple Deadnettle
- Purslane Speedwell (Neckweed)
- Rabbitfoot Clover

- Red Sorrel (Sheep Sorrel, Sourgrass, Indian Cane)
- Red Spiderling
- Redstem Filaree
- Rough Fleabane (Daisy Fleabane, White tops)
- Roundleaf Spurge
- Rustweed (Polypremen)
- Sand Vetch
- Sand-dune Spurge
- Shepardspurse
- Shiny Cudweed
- Showy Eveningprimrose
- Sibara
- Slender Amaranth
- Small Hop Clover (Low Hop Clover)
- Smallflower Buttercup
- Smooth Chaff-flower
- Smooth Pigweed (Common Pigweed)
- Southern Fleabane
- Southern Pencil-flower
- Southern Sida
- Spiny Sowthistle
- Spotted Burclover
- Spotted Spurge (Prostrate Spurge)
- Sprawling Horseweed
- Spreading Pricklypear (Prickly Cactus)
- Stalked Chickenweed
- Sticky Chickweed (Sticky Cerastium)
- Stiff Verbena (Tuber Vervain, Roadside Vervain)
- Swinecress
- Tall Lettuce (Wild Lettuce)
- Threeflower Beggarweed
- Tufted Knotweed (Smartweed)
- Violet
- Virginia Buttonweed
- Virginia Dwarf dandelion (Krigia Dandelion)
- Virginia Pepperweed
- Wandering Cudweed
- Wedelia (Creeping Oxeye)
- White Clover
- Whitehead Broom
- Wild Carrot (Queen Anne's Lace)
- Yellow Thistle (Horrible Thistle)
- Yellow Woodsorrel (Oxalis)
- Yellowtop

NOTE: This is not an all-inclusive list. Other weeds may and can be identified as such.

Exceptions:

(1) Any parcel zoned AR (Agriculture-Residence District) or A (Agriculture) that is greater than three acres in size.

(2) Any parcel within a single-family residential zoning classification that is greater than five acres in size.

(b) Property owners abutting a right-of-way shall not allow yard trimmings to accumulate on a public street or sidewalk.

(c) The unpaved areas of front, side and rear yards of all commercial and MFR dwellings shall be maintained with grass, ground covers or other types of landscaping to such an extent that the soil is not subject to erosion. NO BARE SOIL or wash or eroded surfaces shall be permitted on any Commercial or MFR dwelling property in the city.

(d) All areas subject to this ordinance covered with pine straw shall maintain any such pine straw to a thickness of at least 2 inches at all times. No rotted or decayed pine straw is permitted. Pine strawed areas of these properties shall be kept in good repair and maintained in an aesthetic manner at all times.

(e) All trees, bushes and shrubs shall be maintained and landscaped in a professional manner.

(f) ALL Grass shall be maintained at its proper height from the building or parking area edge to the roadway edge. NO EXCEPTIONS.

- **Sec. 22-110. – Junk/ inoperable vehicles.**

Junk vehicles shall not be kept, permitted, parked, stored or maintained on ANY premises, including Commercial or MFR dwellings or public right-of-way.

Exceptions:

(1) Junk vehicles which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicle for personal use;

(2) Junk vehicles which are kept on property in zoning districts authorized by the Land Use Management Code for repairing, reconditioning or remodeling junk vehicles and provided that such junk vehicles are not stored for the purpose of salvage of parts but are in the continual process of repair, reconditioning or remodeling;

(3) Junk vehicles which are kept on property in zoning districts as authorized by the Land Use Management Code for a junk or salvage yard.

(3) In no circumstance shall *vehicle repairs* be done to a vehicle in a MFR zoning district. Any vehicle in a MFR zoning district that is inoperable for any amount of time shall be towed from the property. No oil changes, tire repairs or the like shall be done by any person in these zoning districts unless in an enclosed garage area. No vehicles shall be allowed on jack stands or blocks or boards at any time in these zoning districts.

• **Sec. 22-111. – Driveways, Roadways and Walkways.**

All private driveways, roadways and walkways connecting a driveway or a road to a building shall be maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway or walkway is impassable if the driveway or walkway contains a grade separation of 1 inch or more.

(a) All paved and concrete roads, parking areas, garbage or dumpster areas as well as loading areas shall be maintained in a manner so there are no potholes, oil stains, dirt, grime, vegetation, or other blights or defects. No accumulation of dirt, grime, oil, or any debris shall be allowed.

(b) All concrete curbs and gutters shall be maintained so there are no cracks, chips, or defects present. This includes ALL concrete stormwater inlets, curbs, driveways, gutters, stormwater fixtures, irrigation inlets or any other concrete fixture on the premises.

(c) All owners of real property abutting or fronting upon any street, highway or alley within the city are required to keep the public sidewalks and private drive approaches connecting with the public sidewalk across or immediately abutting their property in good order and repair. Each such owner shall be liable to the city for all losses to the city or recoveries from the city for damages to persons or property caused by such owner's failure, or that of his agents, to keep in good order and reasonably safe all such sidewalks abutting or fronting owner's property upon any street, highway or alley within the corporate limits of the city. ALL Sidewalks shall be maintained so as there are NO cracks or raised portions or defects. The aesthetics of sidewalks in and around all commercial and MFR developments are of great importance to the City and its residents. Sidewalks shall be maintained free of debris, grass, dirt or other obstructions. This maintenance shall include removal of foliage, debris, tree limbs, trees, tree branches, or any other obstruction that blocks clear vision or obstructs pedestrian traffic. All persons who own real estate in the city which abuts upon any sidewalk which is paved shall be required to keep that portion of such sidewalk which lies between the property line and the curb line of the adjoining street, and upon which his real estate abuts, in good and smooth condition and free from growing weeds and other obnoxious and unsightly vegetation or other things which would mar or detract from the beauty and cleanliness of the street upon which their property abuts. Any property owner who shall

place or allow grass to grow upon the portion of the sidewalk lying between the property line and the curb line of the street as aforesaid, and upon which his real estate abuts, shall keep such grass properly mowed and free from rubbish of all kinds. If such owners are not in the possession of their property, then this section shall apply to their tenants or those who have possession or control of the same. Defacing sidewalks, streets, and curbs. It shall be unlawful for any person to deface any public sidewalk, street, or curb in the city by painting any signs thereon, whether for commercial advertising purposes or not, or to walk or drive any vehicle upon or injure in any way any newly laid street, sidewalk, or curbing pavement while the same is guarded by a warning sign or barricade or is soft or newly laid. It shall be unlawful for any person to cause, create, or maintain any obstruction on any street, alley, sidewalk, or other public way, except as may be provided in this chapter or in the ordinances and laws of the city. It shall be unlawful for any person to deposit on any street or sidewalk any material which may be harmful to the pavement thereof, or any waste material, or any glass or other article which may do injury to any person, animal, or property. It shall be unlawful for any person to discharge or allow to be discharged onto any public street or sidewalk any water or other fluid material containing objectionable material such as sewage, waste milk, or other organic material.

Sec. 22-111.1 – Off street and off-parking lot areas.

At no time shall any vehicle be parked in the grass or on an unimproved surface in any of the zoning classifications in this Ordinance. NO PARKING on GRASS or LANDSCAPED Areas.

Sec. 22-112. - Open or outdoor storage.

The open or outdoor storage of appliances, building material or debris, equipment, garbage, glass, material, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises. NO BOATS, RV'S, CAMPERS, COMMERCIAL VEHICLES larger than a 10 person passenger van, TRAILER'S, HORSE TRAILERS, HEAVY TRUCKS, TRUCK/TRACTORS, SCHOOL BUSES, COMMERCIAL OR PRIVATE WRECKERS, HEARSEs, AMBULANCES, TRUCKS USED FOR AGRICULTURAL PURPOSES, SEMI TRAILERS DRAWN BY A 5TH WHEEL ARRANGEMENT, or CONTRACTOR'S WORK TRUCKS are allowed to be parked or stored in ANY Multi Family Residency development unless in a separate designated parking area has been approved by the City (unless on the property to perform a job). This includes any gated or private MFR development.

Exceptions:

- (1) Property where outdoor storage is authorized by the Land Use Management Code;
- (2) Cut wood which is neatly stacked in lengths not to exceed three feet for the personal use of the owner or occupant, and which is stored in a side or rear yard;

(3) Rubbish, garbage, trash or other similar items placed outside for collection by an authorized waste hauler not more than 24 hours prior to the designated collection date for that property.

- **Sec. 22-113. - Trees.**

(a) *Dead trees.* Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist shall constitute prima facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree.

(b) *Tree stumps.* Tree stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than 22 days after the tree has been cut.

Exceptions:

(1) Property covered by a valid land disturbing permit;

(2) Property zoned AR (Agriculture-Residence District) or A (Agriculture).

(c) *Tree debris.* Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more than 22 days.

Exceptions:

(1) Property covered by a valid land disturbing permit;

(2) Cut wood which is neatly stacked in lengths not to exceed three feet, and which is stored in a side or rear yard;

(3) Property zoned AR (Agriculture-Residence District) or A (Agriculture);

(4) Composting activities which comply with state law.

- **Sec. 22-114. - Swimming pools.**

Swimming pools, spas, and similar structures aboveground, on ground, or in ground shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound condition, so as to prevent stagnant water, which is conducive to the harboring or breeding of mosquitoes or other insects. A finding by a health official of the county environmental health department shall constitute prima facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitoes or other insects. All swimming pools shall be completely surrounded by a fence or other

barrier having a minimum height of four feet. When the sides of an aboveground pool are used as the barrier the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by a barrier which meets these requirements.

- **Sec. 22-115. - Registered agents.**

Prior to the issuance of a certificate of occupancy for any multifamily development, commercial, or office or industrial property, or during the first 30 calendar days of each year, whichever occurs earlier, the owner and each occupation tax certificate holder for each multifamily development, commercial, office, or industrial property, must designate the name, address, and 24-hour phone number of an agent for the property. The agent shall reside in the city or in an adjacent city and shall be on 24-hour call, seven days a week, to accept notices of violation regarding any provision of the Pendergrass City Code. In addition, written notice to such agent shall be deemed delivered on the third business day following the mailing of such notice by first class mail to the agent at the address listed in such registration. The registration required by this section shall be submitted to the licensing and revenue section of the department of planning and development. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of an occupation tax certificate or the owner of the property desires to change the name or contact information with regard to the registered agent, the occupation tax certificate holder and/or owner shall supply written notice to the licensing and revenue section of the department of planning and development. No change in registration shall be effective until written modification thereof is received by the licensing and revenue section of the department of planning and development.

- **Sec. 22-116. – Garage / Yard Sales.**

A private individual or group within a zoning area as identified by this Ordinance may conduct, not more than once in a six-month period, a sale of used items, baked goods, or other food items. Such an event shall be limited to two consecutive days. Signs advertising these events shall not be placed within the public right of way, on trees, utility poles and or on traffic control devices. Signage allowed is as follows: up to four (4) square feet signs, or one (1) single sign with a maximum square footage of sixteen (16) feet.

Sec. 22-117. – Vehicle Parking Area –

In all commercial and MFR zoning districts, including gated and private developments, ALL roadway and parking lot stripping must be maintained in a clean, clear and easily discernible manner. ALL roadway and parking lot stripping shall be maintained as to be visible and easily understandable to all who use it. NO dull or missing stripping shall be allowed.

DIVISION 3. - BUILDINGS

- **Sec. 22-118. - Numbering requirements.**

(a) *Assignment.* Street numbers for places of business on all public streets and street numbers and/or building numbers for dwelling units and places of business within apartments/condominiums and nonresidential developments located on private streets shall be assigned by the Jackson County GIS Division in accordance with its administrative procedures.

(b) *One- and two-family dwelling unit requirements.* Each one- and two-family dwelling unit shall have posted and maintained in a conspicuous place on the property, visible from the street, providing general public access, the street number of such dwelling unit in figures at least four inches high on a contrasting background that will allow 24-hour visibility.

(c) *Multifamily requirements.* Each multifamily building with three or more dwelling units shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the addresses or numbers of the building in figures at least six inches high on a contrasting background and each individual apartment/unit within the building shall be marked on or about its main entrance with the individual apartment/unit number and/or address in figures at least four inches high on a contrasting background that will allow 24-hour visibility. In addition to these requirements, where a multifamily building has more than one exterior entrance, each such entrance shall be marked, in figures at least four inches high on a contrasting background, with the number and/or address of each and every individual apartment/unit or numerical range of apartment units to which access is provided through that common entrance.

(d) *Business and other nonresidential building requirements.* Each business or other nonresidential building shall have posted and maintained in a conspicuous place of the property, visible from the street providing public access, the address and/or street number of such building in figures at least four inches high on a contrasting background that will allow 24-hour visibility. If the numbers are not placed within 15 feet of the back of the street curbing or edge of the street surface, then such figures shall be at least six inches high. A quadrant designation will be posted as part of the address in figures at least two inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

- **Sec. 22-119. - Exterior surface treatment.**

All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint

shall be eliminated, and surfaces repainted. All siding and masonry joints shall be maintained weather-resistant and watertight.

- **Sec. 22-120. - Exterior walls.**

Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

- **Sec. 22-121. - Foundation walls.**

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads of the structure and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare. Every foundation, exterior wall, and other exterior surface shall be maintained in a workmanlike state of maintenance and repair.

- **Sec. 22-122. - Roofs.**

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof, including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

- **Sec. 22-123. - Exterior stairways, decks, porches and balconies.**

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All such structures are to be maintained in their original construction condition, properly painted and maintained.

- **Sec. 22-124. - Windows.**

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the director of the department of planning and development, and such glass or substitute material shall be without open cracks or holes. Screens, if provided, shall be securely fastened to the window and maintained in

good repair. Windows other than fixed windows shall be capable of being opened with reasonable ease and shall be held in position by appropriate window hardware.

- **Sec. 22-125. - Exterior doors and frames.**

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

- **Sec. 22-126. - Garage doors.**

Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface of garage doors shall be maintained weatherproof so as to prevent deterioration.

- **Sec. 22-127. - Decorative features.**

Cornices, belt courses, corbels, terra cotta trim, wall facings, shutters, light fixtures, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

- **Sec. 22-128. - Vacant structures.**

Vacant structures shall be maintained in good repair and be in compliance with all applicable laws, codes, and ordinances. Any vacant structure shall, at a minimum:

(1) Have all doors and windows and other openings weathertight and secured against entry by the general public as well as animals. The vacant structure shall be secured using the conventional methods used in the original construction. Where securing the structure through conventional methods is not feasible or where the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the department of planning and development.

(2) All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.

(3) The structure must be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.

(4) Supporting members of the structure shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.

(5) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather coating materials (paint or similar treatment).

(6) All balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather coating.

(7) Any accessories or appurtenant structures, including, but not limited to, garages, sheds or other storage facilities, shall meet the standards set forth in this section.

(8) Have a plan for winterization of the vacant property if necessary.

(9) Retaining walls, drainage systems, or other structures must be maintained in good repair and be structurally sound. Any existing fence shall be maintained in good repair with gates locked at all times.

(10) Be in compliance with all applicable provisions of this chapter and all other applicable codes and ordinances of the City of Pendergrass.

- **Sec. 22-129. - Boarding-up structures.**

(a) Boarding-up permit. No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in the original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this section. Any properties with boards existing at the time of the adoption of the ordinance from which this section is derived will have 60 days from the date of the adoption of the ordinance from which this section is derived to submit an application to the department of planning and development for a permit to continue to board.

(b) The department of planning and development may issue a boarding-up permit only upon satisfaction of the following conditions:

(1) Submission of a written application by the owner of the property or his authorized representative, including the following information:

a. Name, address and telephone number of the owner;

- b. Name, address and telephone number of any local agent of the owner;
- c. Tax parcel identification number of the premises on which the structure is situated;
- d. Common address of the structure;
- e. Other information as may be required by the department.

(2) Payment of the required fee by the owner of the property or his authorized representative.

(3) Submission of a written statement or plan by the owner or the property or his authorized representative specifying:

- a. Length of time the owner expects the boarding-up to continue;
- b. Proposed plan to secure or board up the structure, including a detailed description regarding the manner and materials.
- c. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.

(4) The city may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the department of planning and development.

(c) A boarding-up permit issued pursuant to this section shall authorize the boarding-up or other securing of a building or structure for a period of six months. An owner of a property desiring to continue to board his property beyond the six-month term must submit a renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed within 30 days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within 30 days of the expiration of the original permit.

(d) No boarding-up permit shall be required to board-up a building for up to 30 days in the event of a temporary emergency situation, including, but not limited to, damage caused by vandalism, theft or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than 30 days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.

(e) The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted

with a minimum of two coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.

(f) Any structure which is boarded shall be in compliance with all applicable codes and ordinances of the city.

(g) Any structure which is boarded up shall be posted with the name, permit information, and 24-hour contact phone number of the local agent.

- **Sec. 22-130. - Burned structures.**

Whenever any building or structure is partially burned, the owner or person in control shall, within 30 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within 60 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, a permit shall be obtained, and work shall begin within 60 days after completion of the scene investigation by the fire department and/or insurer of the property and shall be completed within 180 days from the date a permit is obtained.

- **DIVISION 4. - ENFORCEMENT AND UNLAWFUL ACTS**

- **Sec. 22-138. - Enforcement.**

(a) This article shall be enforced by the chief of police or his or her officers or the director of the city department of planning and development or their duly authorized representatives, as applicable.

(b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however, that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds. The officer of the city is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness and nothing in this section shall be construed to prevent the officer from entering a property to deliver a notice to the occupant of the property.

(c) Notice to Owner or Occupier. Upon a determination that a violation of the provisions of this section exists, the officer shall ascertain the name of the owner or

occupier and a description of the premises where the violation exists. The officer shall serve notice in writing upon the owner or occupant of such property, either personally or by certified mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county tax assessor, requiring such owner/occupant, as the case may be, to eradicate, destroy, remove or repair the nuisance causing such violation within such a time frame as the officer may designate, which shall be no less than 10 days from the date of service of such notice.

(d) If any owner or occupant of property described in the notice provided in this section fails to eradicate, repair, cut or destroy and such nuisance causing any violation, the city of Pendergrass shall be authorized to employ necessary assistance and cause such nuisance to be cut, destroyed or removed at the expense of the city. A city official shall then prepare an itemized statement of all expenses incurred in the removal and/ or repair of the nuisance and shall mail a copy thereof to the owner demanding payment within 20 days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner. In the event the owner fails to make payment in the amount set forth in such statement to the city clerk within 20 days of the date of mailing, the city may cause suit to be brought in an appropriate court of law. In the event of collection of expenses of removal or repair of the nuisance that are pursued through the courts, the city shall sue for and receive judgement for all expenses of the cost of the remedy, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. The amount of the cost of said abatement, or in all cases involving dwellings, buildings or structures such vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the payment of all costs by the municipality and the filing of an itemized statement of the total sum of said costs by the public officer in the office of the city clerk on a lien docket maintained by said clerk for such purposes. If the dwelling, building, or structure is removed or demolished by the public officer he shall sell the materials of such dwellings, buildings, or structures and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

Sec. 22-139. - Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this article.

- **Sec. 22-140. - Liability.**

No officer, agent, or employee of the city shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties pursuant to this article.

SECTION V. This Ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Pendergrass.

APPROVED AND ADOPTED this the 29th day of November 2022.

CITY OF PENDERGRASS, GEORGIA

By: Melvin Tolbert
Melvin Tolbert, Mayor

Harlan Robinson
Harlan Robinson, Vice Mayor

Tara L Underwood
Councilwoman Tara Underwood

Willie Pittmon, Councilman

Nick Geiman
Councilman Nick Geiman

Tawhia Justice
Councilwoman Tawhia Justice

Nathan Pitt
Councilman Nathan Pitt

Attest:

Approved as to Form:

Renee Martinez
Renee Martinez, City Clerk

Paula Stewart
Paula Stewart, City Attorney