

CITY OF JEFFERSON
COUNTY OF JACKSON
STATE OF GEORGIA

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JEFFERSON, GEORGIA, TO REPEAL SECTION 14-26, “ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE,” OF CHAPTER II, “TECHNICAL CODES,” OF CHAPTER 14, “BUILDINGS AND BUILDING REGULATIONS; TO ADOPT A NEW CHAPTER 15, “PROPERTY MAINTENANCE;” AND FOR OTHER LAWFUL PURPOSES

THE GOVERNING AUTHORITY OF THE CITY OF JEFFERSON HEREBY ORDAINS AS FOLLOWS:

Section 1.

Chapter 14, “Buildings and Building Regulations,” Chapter II, “Technical Codes,” is amended to repeal Sec. 14-26, “Adoption of International Property Maintenance Code.”

~~Sec. 14-26. Adoption of International Property Maintenance Code.~~

~~The city council intends to enforce, and accordingly hereby adopts the International Property Maintenance Code, 2012 Edition, with Georgia amendments, including all appendices. For purposes of Sec. 302.2 of said Code, the height of inches for weed shall be 16 inches.~~

Section 2.

A new Chapter 15, “Property Maintenance,” is hereby adopted to read as follows:

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PROPERTY MAINTENANCE

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ARTICLE I GENERAL PROVISIONS

Sec. 15-1. Authority.

In addition to powers conferred to the Governing Authority generally and via the City Charter, the city is authorized by general law, O.C.G.A. § 41-2-9, to adopt ordinances relating to the dwellings, buildings, or structures within such city which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

Sec. 15-2. Purpose and intent.

- (a) The purpose of this Chapter is to regulate and govern the conditions and maintenance of all buildings, structures and premises in the unincorporated portions of the city, by providing the standards for physical things and conditions essential to ensure that buildings, structures and premises are safe, sanitary, and fit for occupation and use.
- (b) It is the intent that existing buildings, structures and premises that do not comply with the provisions of this Chapter shall be altered or repaired to provide a minimum level of health and safety as required by the standards of this Chapter.
- (c) The requirements of this Chapter are not intended to provide a basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

- (d) This Chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises.

Sec. 15-3. Applicability.

- (a) This Chapter shall apply to all buildings, structures and premises in the City of Jefferson regardless of use (i.e., residential and nonresidential), whether such buildings, structures or premises are vacant or occupied.
- (b) The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

Sec. 15-4. Definitions.

Anchored: Secured in a manner that provides positive connection.

Approved: Approved by the code official with jurisdiction.

Basement: That portion of a building which is partly or completely below grade.

Bathroom: A room containing plumbing fixtures including a bathtub or shower.

Bedroom: A room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

Code official: The Building Official of the City of Jefferson or designee, or any other official charged with the administration and enforcement of this Chapter such as but not limited to a code enforcement officer, or any duly authorized representative of any such official.

Condemn: To adjudge unfit for occupancy.

Deterioration: To weaken, disintegrate, corrode, rust or decay or lose effectiveness.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

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

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

Guard: A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimized the possibility of a fall from a walking surface to a lower level.

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

Housekeeping unit: A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent danger: A condition which could cause serious or life-threatening injury or death at any time.

Infestation: The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inoperable vehicle: A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Let for occupancy or Let: To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Neglect: The lack of proper maintenance for a building or structure.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any individual living or sleeping in a building, or having possession of a space within a building.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: 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, city or municipality 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.

Person: An individual, corporation, partnership or any other group acting as a unit.

Pest elimination: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises: A lot, plot or parcel of land, easement or public way, including any structures thereon.

Public way: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming house: A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish: Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Sleeping unit: A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Structure: That which is built or constructed, or a portion thereof.

Tenant: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

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

Ultimate deformation: The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Weeds: All grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

Workmanlike: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

Yard: An open space on the same lot with a structure.

Sec. 15-5. Responsibility.

- (a) It is the duty of the owner of every dwelling, building, structure, or property within the City of Jefferson to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction including this Chapter, or such ordinances which regulate and prohibit activities on property including this UDC, 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. [cross reference: O.C.G.A. § 41-2-9]
- (b) The owner of the premises shall maintain the structures and exterior property in compliance with the requirements of this Chapter, except as otherwise provided for in this Chapter.
- (c) A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter.
- (d) Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
- (e) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this Chapter so as not to cause a blighting problem or adversely affect the public health or safety.

Sec. 15-6. Maintenance.

- (a) Equipment, systems, devices and safeguards required by this Chapter or another code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. Unless otherwise specified in this Chapter, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.
- (b) No owner, operator or occupant shall cause any services, facility, equipment or utility which is required under this Chapter to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress.

Sec. 15-7. Investigation.

Whenever a request is filed with the code official by a public authority or by at least five 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 official shall make an investigation or inspection of the specific dwelling, building, structure, or property. [cross reference: O.C.G.A. § 41-2-9].

Sec. 15-8. Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by enforcement of this Chapter shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

Sec. 15-9. Stop work order.

- (a) Whenever the code official finds any work regulated by this Chapter being performed in a manner contrary to the provisions of this Chapter or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.
- (b) A stop work order shall be issued in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
- (c) Where an emergency exists, the code official shall not be required to give written notice prior to stopping the work.
- (d) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine or penalties as prescribed in Section 1-8 of the Jefferson Code of Ordinances.

Secs. 15-10 to 15-20. Reserved.

ARTICLE II EXTERIOR PROPERTY AREAS

Sec. 15-21. Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Sec. 15-22. Grading and drainage.

All premises (except approved retention areas and reservoirs) shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Sec. 15-23. Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec. 15-24. Rodent harborage, infestation and pest elimination.

- (a) All structures and exterior property shall be kept free from insect and rodent harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate insect, rodent or pest harborage and prevent reinfestation.
- (b) The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.
- (c) The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises and for the continued rodent and pest-free condition of the structure, except when the infestation is caused by defects in the structure, in which case the owner shall be responsible for pest infestation.
- (d) The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Sec. 15-25. Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Sec. 15-26. Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained in a structurally sound condition and in good repair.

Sec. 15-27. Motor vehicles.

- (a) Except for properties zoned and authorized as a junk/salvage yard or wrecked motor vehicle compound defined and regulated by the land use management code of the city, no inoperable motor vehicle shall be parked, kept or stored on any premises.

- (b) Except for properties zoned and authorized as a junk/salvage yard, wrecked motor vehicle compound, or automobile service or repair shop as defined and regulated by the land use management code, no motor vehicle shall at any time be in a state of major disassembly, disrepair, or in the processes of being stripped or dismantled.

Sec. 15-28. Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

Sec. 15-29. Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 15-30. Accumulation of rubbish or garbage.

- (a) All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage.
- (b) The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage.
- (c) Each occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers.
- (d) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
- (e) Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

ARTICLE III EXTERIOR STRUCTURE

Sec. 15-31. General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Sec. 15-32. Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or as otherwise required by the code official:

- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (c) Structures or components thereof that of reached their limit state;
- (d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- (f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage or incapable of supporting all nominal loads and resisting all load effects;
- (i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- (j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, are not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

- (m) Except when substantiated otherwise by an approved method, chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Sec. 15-33. Protective treatment.

- (a) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.
- (b) 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.
- (c) All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.
- (d) All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
- (e) Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 15-34. Premises identification.

Buildings shall have approved address numbers permanently affixed in a position on the building, or on the mailbox serving the building, to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background and shall be a minimum of four (4) inches high with a minimum stroke width of ½ inch.

Sec. 15-35. Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Sec. 15-36. Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

Sec. 15-37. Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec. 15-38. Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec. 15-39. Decorative features.

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

Sec. 15-40. Overhang extensions.

All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound conditions. When required, all exposed surfaces or metal or wood shall be protected from the elements against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 15-41. Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 15-42. Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 15-43. Handrails and guards.

- (a) Every handrail and guard shall be firmly fastened and capable of supporting nominally imposed loads and shall be maintained in good condition.
- (b) Every exterior and interior flight of stairs having more than four (4) risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony,

porch, deck, ramp or other walking surface which is more than 30 inches above the floor or grade below shall have guards. Handrails shall not be less than 34 inches in height or more than 38 inches in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

- (c) Guards shall not be less than 36 inches in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface; provided, however, that guards shall not be required where exempted by the adopted building code.

Sec. 15-44. Windows, skylights and door frames.

- (a) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
- (b) All glazing materials shall be maintained free from cracks and holes.
- (c) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Sec. 15-45. Insect screens.

Every door, window and other outside opening required for ventilation of food preparation areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch. Screens shall not be required where other approved means are employed.

Sec. 15-46. Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Sec. 15-47. Basement hatchways.

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Sec. 15-48. Guards for basement windows.

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Sec. 15-49. Building security.

- (a) Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.
- (b) Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1) inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.
- (c) Operable windows located in whole or in part within six (6) feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.
- (d) Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

Sec. 15-50. Gates.

All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

ARTICLE IV INTERIOR STRUCTURE

Sec. 15-51. General.

- (a) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.
- (b) Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
- (c) Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Sec. 15-52. Unsafe conditions.

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the current adopted edition of the International Building Code or as otherwise required by the code official:

- (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (c) Structures or components thereof that have reached their limit state;
- (d) Structural members are incapable of supporting nominal loads and load effects;
- (e) Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- (f) Except when substantiated otherwise by an approved method, foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting load effects.

Sec. 15-53. Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

Sec. 15-54. Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Sec. 15-55. Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Sec. 15-56. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 15-57. Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Sec. 15-58. Component serviceability.

The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the current adopted edition of the International Building Code or as otherwise required by the code official:

- (a) Footing or foundation system has collapsed or has been damaged due to soil expansion, chemical reaction from the soil, or has other adverse effects due to ground water table, or where the allowable bearing capacity of the soil is in doubt;
- (b) Concrete that has been subjected to deterioration, ultimate deformation, fractures, fissures, spalling, exposed reinforcement, or detached, dislodged or failing connections;
- (c) Aluminum that has been subjected to deterioration, corrosion, elastic deformation, ultimate deformation, stress or strain cracks, joint fatigue or detached, dislodged or failing connections;
- (d) Masonry that has been subjected to deterioration, ultimate deformation, fractures in masonry or mortar joints, fissures in masonry or mortar joints, spalling, exposed reinforcement or detached, dislodged or failing connections;
- (e) Steel that has been subjected to deterioration, elastic deformation, ultimate deformation, metal fatigue, or detached, dislodged or failing connections;
- (f) Except when substantiated otherwise by an approved method, wood that has been subjected to deterioration, ultimate deformation, damage from insects, rodents and other vermin; fire damage beyond charring, significant splits and checks, horizontal shear cracks, vertical shear cracks, inadequate support, detached, dislodged or failing connections or excessive cutting and notching.

Secs. 15-59 and 15-60. Reserved.

ARTICLE V UNSAFE STRUCTURES, EQUIPMENT AND PREMISES

Sec. 15-61. Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Sec. 15-62. Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

Sec. 15-63. Structure unfit for human occupancy.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Chapter or another code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Sec. 15-64. Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

Sec. 15-65. Dangerous structure or premises.

For the purpose of this Chapter, any structure or premises that has any or all of the conditions or defects described in this section shall be considered dangerous:

- (a) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (b) The walking surface of any aisle, passageway, stairway, exits or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

- (c) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged.
- (d) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
- (e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- (f) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- (g) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- (h) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- (i) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- (j) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
- (k) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Sec. 15-66. Authority to disconnect service utilities.

- (a) The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and other applicable codes in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval.
- (b) The code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action.
- (c) If not notified prior to disconnection the owner or occupant of the building structure or service system shall be notified in writing as soon as practical thereafter.

Sec. 15-67. Notice.

Whenever the code official has condemned a structure or equipment under the provisions of this Chapter, notice in a form prescribed by this Chapter shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment. If the notice pertains to equipment, it shall be placed on the condemned equipment.

Sec. 15-68. Placarding.

- (a) Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word “condemned” and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (b) The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to penalties as provided by this UDC.

Sec. 15-69. Prohibited occupancy.

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this land use management code.

Sec. 15-70. Abatement.

The owner, operator, or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Sec. 15-71. Record.

The code official shall cause a report to be filed on the unsafe conditions. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Sec. 15-72. Imminent danger.

- (a) When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.
- (b) It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- (c) When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

Sec. 15-73. Repair, close or demolition of unfit structures by city.

- (a) Pursuant to O.C.G.A. § 41-2-7, whenever the Governing Authority finds that there exist in the municipality 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 municipality, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon the local government to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in O.C.G.A. § 41-2-7 and § 41-2-8 through § 41-2-17. [cross reference: O.C.G.A. §41-2-9]

- (b) If a code official'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 official 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 interested parties for such dwelling, building, or structure.
- (c) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the code official to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. Section 41-2-5, at a date and time certain and at a place within the municipality where the property is located.
- (d) Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (e) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
 - 1. If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - 2. If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

3. For purposes of this subsection, 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 factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. Chapter 39A of Title 43, 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.
- (f) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the code official may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. Code Section 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The code official 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."
- (g) If the code official has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The code official and Governing Authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.
- (h) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the city tax commissioner or municipal tax collector or city revenue officer, 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.

- (i) Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. [cross reference: O.C.G.A. § 41-2-9]

Secs. 15-74 to 15-80. Reserved.

Section 2.

Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed.

SO ORDAINED THIS 27th DAY OF NOVEMBER, 2017.

Roy Plott
Mayor

Steve Kinney
Council Member

Malcolm Gramley
Council Member

Mark Mobley
Council Member

Don E. Kupis
Council Member

Jon Howell
Council Member

Attest:

Priscilla Murphy
City Clerk