

ORDINANCE NO. 7387

AN ORDINANCE TO AMEND THE AUGUSTA, GEORGIA CODE, TITLE 4 CHAPTER 2, SECTION 4-2-2, TO PROVIDE STANDARDS FOR THE UNLAWFUL DUMPING OR STORING OF SOLID WASTE, OR THE ACCUMULATION OF WEEDS AND NOXIOUS VEGETATION ON VACANT LOTS, AND UNOCCUPIED PARCELS OF LAND; TO REPEAL ALL CODE SECTIONS AND ORDINANCES AND PARTS OF CODE SECTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

NOW, BE IT ORDAINED BY THE AUGUSTA-RICHMOND COUNTY COMMISSION AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME THAT ALL UNDEVELOPED OR UNOCCUPIED PARCELS OF LAND WITHIN THE JURISDICTION SHALL COMPLY WITH THE PROVISIONS OF THE AUGUSTA, GA CODE, AS FOLLOWS:

SECTION 1. SECTION 4-2-2 OF AUGUSTA, GA. CODE TITLE FOUR, CHAPTER TWO AS SET FORTH IN THE AUGUSTA, GA. CODE, IS HEREBY AMENDED BY STRIKING THIS SECTION IN ITS ENTIRETY. NEW SECTION 4-2-2 IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN "EXHIBIT A" HERETO.

SECTION 2. This ordinance shall become effective upon its adoption in accordance with applicable laws.

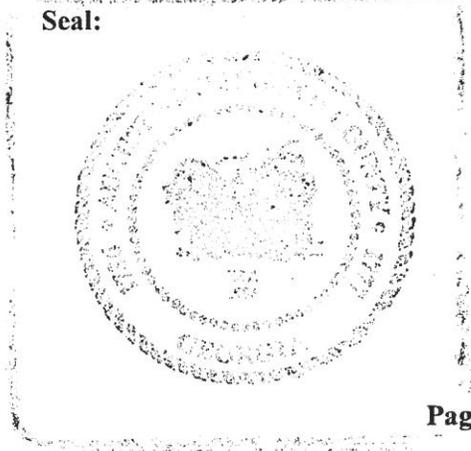
SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 5 day of March, 2013.

David S. Copenhaver
David S. Copenhaver
As its Mayor

3/12/13

Attest: Nancy W. Morawski
NANCY W. MORAWSKI
~~Lena J. Bonner~~, Clerk of Commission
Seal:



CERTIFICATION

The undersigned Clerk of Commission, Lena J. Bonner, hereby certifies that the foregoing Ordinance was duly adopted by the Augusta, Georgia Commission on March 5, 2013 and that such Ordinance has not been modified or rescinded as of the date hereof and the undersigned further certifies that attached hereto is a true copy of the Ordinance which was approved and adopted in the foregoing meeting(s).

Nancy W. Morawski
Lena J. Bonner, Clerk of Commission
NANCY W. MORAWSKI

Published in the Augusta Chronicle.

Date: 3-14-13

1st reading Feb 19, 2013

“EXHIBIT A”

(Lot Ordinance)

Sec. 4-2-2. Unlawful dumping or storing of solid waste, or the accumulation of weeds and noxious vegetation on vacant lots, and unoccupied parcels of land.

a) Prohibition.

No owner of any vacant lot, undeveloped lot or unoccupied parcel of land within Augusta shall permit or allow the existence of excessive accumulation or untended growth of weeds, undergrowth or other plant life grow to a height exceeding twelve (12) inches; or stagnant water, rubbish, garbage, refuse, debris, trash, including but not limited to household furnishings, and all other objectionable, unsightly or unsanitary matter upon any lot, tract or parcel of land, or on the area between the lot or parcel of land and the street curb, be it uncovered or under open shelter, to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety, or welfare, or may reasonably cause disease, or adversely affects and impairs the economic welfare of adjacent property.

b) Definitions.

- Construction/Demolition Waste means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, and other non-putrescible wastes which have a low potential for groundwater contamination.
- Lot/Parcel means any lot of record identified with a map and parcel number assigned by the Tax Assessor's Office.
- Scrap Tire means a tire or portion thereof.
- Tire means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.
- Undeveloped Lot means a lot in its natural state, i.e.: a lot in a residential neighborhood that has not been built upon.
- Unoccupied Parcel means a lot which has a structure/dwelling which is not occupied.
- Vacant Lot means a previously developed Lot, once occupied with a structure/dwelling.

c) Duty of Property Owners Generally.

It shall be the duty of the owner of each Vacant Lot or Unoccupied Parcel of land to reasonably regulate and effectively control excessive growths and accumulations, as enumerated in Section 4-2-2 (a), on the property and on the portion of the adjoining public right-of-way between the property and the street. It shall also be the duty of the owner to drain, re-grade or fill any lot, tract, or parcel, including swimming pools thereon, which shall be unwholesome or unsanitary, have stagnant water thereon, or be in such other condition as to be susceptible to producing disease.

d) *Notice.*

Augusta shall notify in writing the owner of any Vacant Lot or Unoccupied Parcel of land within Augusta to comply with Section 4-2-2(a) to include but not be limited to cutting, destroying or removing any weeds, grass, trash, rubbish or noxious matter found growing, lying or located on such owner's property or upon the sidewalk or street right-of-way abutting the property within ten (10) days from the date of the annual notice. Notice will include a one direct mailing to the property owner's address on record, and other notices published throughout the year which may include an insert in the Property Tax Bill, a notice in other publications or billings, and publication in the newspaper, to the extent allowed by law. Upon the failure of the owner to do so, Augusta will cause such weeds, grass, rubbish or noxious matter to be cut, destroyed and/ or removed. Such notice shall be deemed to be sufficient if it is mailed to the last owner of record on file in the office of the property appraiser.

e) *Issuing of One-Time, Annual Written Notifications.*

Augusta shall not be required to notify a property owner each and every time a property is in violation. A property owner will receive one written notice per parcel of land through an annual mailing. This serves as a notice for the entire year.

f) *Removal of Weeds, etc. by Augusta.*

If after ten (10) days from the date of the notice the conditions, as enumerated in Section 4-2-2 (a) and described in the notice, have not been remedied, the Director of Environmental Services or his designee shall cause the condition to be remedied by Augusta at the expense of the property owner; to include the removal of trash, filth, garbage or other refuse, and the chemical treatment, cutting down and abating from any private premises all weeds, including those growing thereon to a height exceeding twelve (12) inches whenever the owner of such premises or other person who is required by this chapter to cut down and remove the same fails or refuses to do so.

g) *Cutting and Cleaning of Lots; Assessment of Costs; Liens.*

Upon the completion of any combination of the removal, chemical treatment, cutting down, cleaning or abating by Augusta of any lot or parcel of land within Augusta by removing or abating therefrom; the excessive accumulation or untended growth of weeds, undergrowth or other plant life growing to a height exceeding twelve (12) inches; or stagnant water, rubbish, garbage, refuse, debris, trash, including but not limited to, household furnishings, scrap tires, construction/demolition waste, and all other objectionable, unsightly or unsanitary matter, the Director of Environmental Services or his designee shall certify the abatement of the offensive matter described above, specifying the lot or parcel so improved and the nature of the improvements. Thereafter, the improvements and the costs thereof, shall be assessed and appropriate action as necessary shall be taken to charge and collect monies for services provided by Augusta to abate the issue.

h) *Enforcement.*

The code enforcement division of the Environmental Services Department as well as the License and Inspection Department is hereby authorized and directed to carry out the

provisions of sections 4-2-2 hereof, as may be deemed reasonable by the Director of the department.

i) Violation; Penalty.

In addition to causing the condition of the property to be remedied as authorized in subsection (f), the enforcement officer may make a case against the offending party and upon trial and conviction thereof, the offending party shall be subject to the penalties provided by section 1-6-1.