

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE AUGUSTA, GEORGIA CODE, TITLE 7 CHAPTER 1, ARTICLE 5 PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY AND ARTICLE 8, INTERNATIONAL PROPERTY MAINTENANCE CODE – ADMINISTRATION AND ENFORCEMENT AND CHAPTER 2, ARTICLE 1 IN GENERAL; 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.

WHEREAS, Augusta, Georgia has invested significant amounts of public funds and time, energy, and effort to enforce the provisions of the Augusta, Georgia Code; and

WHEREAS, Owners of property subject to violations of the Augusta, Georgia Code that receive permits to do work necessary to correct those code violations are not swiftly beginning and finishing the work necessary to correct the code violation; and

WHEREAS, Repeat and chronic violators of the Augusta, Georgia Code have an outsize impact on the time, energy, and effort of the Augusta, Georgia Code Enforcement Division; and

WHEREAS, An offset to the extra expense of citation and management of repeated and chronic violators of the Augusta, Georgia Code is necessary to the safety and welfare of the general public and the efficient operations of the Augusta, Georgia Code Enforcement Division; and

WHEREAS, Some violations of the Augusta, Georgia Code cannot be efficiently enforced due to both the transitory and repetitious nature of the violation and mandatory and unnecessary service requirements, time frames, and waiting periods; therefore

BE IT ORDAINED BY THE AUGUSTA, GEORGIA COMMISSION AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME, that the following Ordinances be amended as follows:

SECTION 1. TITLE 7, CHAPTER 1, ARTICLE 5, SECTION 7-1-81 PERMIT APPLICATION; EXCEPTION IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-81 PERMIT APPLICATION; EXCEPTION IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT A” HERETO.

SECTION 2. TITLE 7, CHAPTER 1, ARTICLE 5, SECTION 7-1-89 CONDITIONS OF PERMIT IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-89 CONDITIONS OF PERMIT IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT A” HERETO.

SECTION 3. TITLE 7, CHAPTER 1, ARTICLE 8, SECTION 7-1-145.2 NOTICE OF VIOLATION IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY,

AND NEW SECTION 7-1-145.2 NOTICE OF VIOLATION IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 4. TITLE 7, CHAPTER 1, ARTICLE 8, SECTION 7-1-145.4 VIOLATION PENALTIES, IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-145.4 VIOLATION PENALTIES; REPEAT AND CHRONIC VIOLATORS, DEFINED; ADMINISTRATIVE FEES IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 5. TITLE 7, CHAPTER 1, ARTICLE 8 SECTION 7-1-146.1 NOTICES AND ORDERS IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-146.1 NOTICES AND ORDERS IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 6. TITLE 7, CHAPTER 1, ARTICLE 8 SECTION 7-1-146.2 FORM IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-146.2 FORM IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 7. TITLE 7, CHAPTER 1, ARTICLE 8 SECTION 7-1-146.3 METHOD OF SERVICE IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-146.3 METHOD OF SERVICE IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 8. TITLE 7, CHAPTER 1, ARTICLE 8 SECTION 7-1-147.6 ABATEMENT METHODS IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-147.6 ABATEMENT METHODS IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 9. TITLE 7, CHAPTER 1, ARTICLE 8 SECTION 7-1-150.1 APPLICATION FOR APPEAL IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-1-150.1 APPLICATION FOR APPEAL IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT B” HERETO.

SECTION 10. TITLE 7, CHAPTER 2, ARTICLE 1, SECTION 7-2-5 NUISANCES-PENALTIES IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-2-5 NUISANCES-PENALTIES; REPEAT AND CHRONIC VIOLATORS, DEFINED; ADMINISTRATIVE FEES IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT C” HERETO.

SECTION 11. TITLE 7, CHAPTER 2, ARTICLE 1, SECTION 7-2-3 NUISANCES-NOTICE IS HEREBY AMENDED BY DELETING THIS SECTION IN ITS ENTIRETY, AND NEW SECTION 7-2-3 NUISANCES-NOTICE IS HEREBY INSERTED TO REPLACE THE REPEALED SECTION AS SET FORTH IN “EXHIBIT C” HERETO.

SECTION 12. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Augusta, Georgia Commission hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 13. That nothing in this legislation hereby adopted shall be construed to affect any suit or proceeding impending in court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 14. This ordinance shall become effective upon adoption.

SECTION 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED AND EFFECTIVE this ____ day of _____, 2023

(SEAL)

AUGUSTA, GEORGIA

By: _____

Garnett L. Johnson

Mayor

Attest:

Clerk of Commission
STATE OF GEORGIA
RICHMOND COUNTY

FIRST READING _____

SECOND READING _____

CLERK'S CERTIFICATE

I, LENA J. BONNER, Clerk of Commission, DO HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of an ordinance adopted by the Augusta-Richmond County Commission ("the Commission") at an open public meeting duly called and lawfully assembled at 2:00 P.M., on the ____ day of _____, 2023, in connection with the foregoing ordinance, that such ordinance has not been modified or rescinded as of the date hereof, and the

original of such ordinance being duly recorded in the Minute Book of the Commission, which Minute Book is in my custody and control.

I do hereby CERTIFY that there was a quorum of the Commissioners present at such meeting, and that such ordinance was duly adopted by the pursuant to the constituting and governing laws of the Augusta-Richmond County Commission.

Witness my hand and the official seal of Augusta, Georgia this ____ day of _____, 2023.

(SEAL)

Lena J. Bonner
Clerk of Commission

EXHIBIT A

ARTICLE 5

PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY

Section 7-1-81 Permit application; exceptions.

(a) When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done shall first make application to the Building Official and obtain the required permit for the work.

(b) Exceptions. Permits shall not be required for the following mechanical work: (i) any portable heating appliance; (ii) any portable ventilation equipment; (iii) any portable cooling unit; (iv) any steam, hot or chilled water piping within any heating or cooling equipment regulated by this building code; (v) replacement of any part which does not alter its approval or make it unsafe; (vi) any portable evaporative cooler; or (vii) any self-contained refrigeration system containing 10 lb. (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(c) Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(e) Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

(f) Information required. Each application for a permit, with the required fee, shall be filed with the license and inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the license and inspection department.

(g) Time Limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time periods of not more than ninety (90) days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) Issuance to contractors only. No permit, except for homeowners as provided for in section 7-1-9 and section 7-1-121(a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta, Georgia.

Section 7-1-81 Permit application; exceptions.

(a) When required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done shall first make application to the Building Official and obtain the required permit for the work.

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(c) Temporary structures. A special building permit for a limited time shall be obtained before the erection of temporary structures such as construction sheds, seats, canopies, tents and fences used in construction work or for temporary purposes such as reviewing stands. Such structures shall be completely removed upon the expiration of the time limit stated in the permit.

(d) Work authorized. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

(e) Minor repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

(f) Information required. Each application for a permit, with the required fee, shall be filed with the license and inspection department on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information as may be required by the license and inspection department. Each application shall contain a timeline for inspections.

(g) Time Limitations. An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time periods of not more than ninety (90) days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

(h) Issuance to contractors only. No permit, except for homeowners as provided for in section 7-1-9 and section 7-1-121(a), shall be issued to anyone other than a properly licensed contractor under the laws of the State of Georgia and the ordinances of Augusta, Georgia.

Section 7-1-89. Conditions of permit.

(a) Permit intent. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this

~~building code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Building Official.~~

~~(b) Permit issued on basis of affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involved installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection are performed, and upon completion make and file with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official.~~

Section 7-1-89. Conditions of permit.

(a) Permit intent. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall such issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans or in construction, or of violations of this building code.

(1) Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Building Official.

(2) When permits are issued to correct, in lieu of, or in satisfaction of any settlement of a violation of any rule, regulation, or ordinance under this Code:

(i) Every such permit issued shall become invalid unless the work authorized by such permit is commenced within sixty (60) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of sixty (60) days after the time the work is commenced; provided that, for cause, one (1) or more extensions of time, for periods not exceeding sixty (60) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Code Enforcement Manager.

(ii) Every such permit issued shall become invalid unless an inspection, pursuant to Sections 7-1-94 through 97 of this Article, is conducted and approved within ninety (90) days after such permit's issuance; provided that, for cause, one (1) or more extensions of time, for periods not exceeding thirty (30) days each, may be allowed. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be granted in writing by the Code Enforcement Manager and the Building Official jointly.

(b) Permit issued on basis of affidavit. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involved installation under conditions which, in

the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise the work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspection are performed, and upon completion make and filed with the building official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official.

EXHIBIT B

ARTICLE 8

INTERNATIONAL PROPERTY MAINTENANCE CODE ADMINISTRATION AND ENFORCEMENT

~~SECTION 7-1-145.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.~~

SECTION 7-1-145.2 Notice of violation. The code official may serve a notice of violation or order in accordance with Section 7-1-146.1.

~~SECTION 7-1-145.4 Violation penalties. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in Sec. 1-6-1 and in addition to other fees that may be assessed.~~

SECTION 7-1-145.4 Violation penalties; repeat and chronic violators, defined; administrative fees.

1. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon trial as a misdemeanor and conviction, shall be subject to the penalties provided in Sec. 1-6-1 and in addition to other fees that may be assessed.

2. For repeat and chronic violators of this Article:

A. A repeat violator is a responsible party who is found to be in violation of this Chapter on at least two (2) separate dates within a period of one hundred and eighty (180) consecutive days.

B. A chronic violator is a responsible party who is found to be in violation of this Chapter on at least six (3) separate dates within a period of three hundred and sixty –five (365) consecutive days.

C. ‘Responsible party’ is considered an individual, such as the tenant, property owner or both; an agent, LLC, partnership, or corporation.

D. Upon receiving a violation notice on at least two (2) separate dates within one-hundred and eighty (180) consecutive days, the ‘repeat violator’ will be subject to an administrative fee of \$250.00 payable to the Augusta Planning & Development Department within fifteen days of receiving notice.

E. Upon receiving a violation notice on at least three (3) dates within three-hundred and sixty-five consecutive days, the “chronic violator” will be subject to an administrative fee of \$500.00 payable to the Augusta Planning & Development Department within fifteen days of receiving notice.

F. The obligation of payment of repeat and chronic violator administrative fees shall be stayed during the pendency of any appeal taken under this Article.

G. The administrative fees assessed in this Article may be collected by the Director of the Planning and Development Department at any time and by any method authorized by law, including as part of the resolution by settlement or sentence of conviction of any underlying code enforcement violation. The Director of the Planning and Development Department may bring an action in the courts of this county in the name of the Augusta-Richmond County Commission, to

collect the amount owed under this section, together with interest, court fees, filings fees, attorney's fees and other legal fees incident thereto.

NOTICES AND ORDERS

SECTION 7-1-146.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 7-1-146.2 and 7-1-146.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 7-1-147.3.

NOTICES AND ORDERS

SECTION 7-1-146.1 Notice to person responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice may be given in the manner prescribed in Sections 7-1-146.2 and 7-1-146.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures may also comply with Section 7-1-147.3. Notice may be given in the form of a court citation in lieu of a Notice of Violation Letter for repeat and chronic violators as defined in this Article.

SECTION 7-1-146.2 Form. Such notice prescribed in Section 7-1-146.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 7-1-145.3.

SECTION 7-1-146.2 Form. Such notice prescribed in Section 7-1-146.1 may be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Inform the property owner of the right to appeal.
5. Include a statement of the right to file a lien in accordance with Section 7-1-145.3.

SECTION 7-1-146.3 Method of service. Such notice shall be deemed be properly served if a copy thereof is:

1. Delivered personally.
2. Sent by certified or first class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

SECTION 7-1-146.3 Method of service. Such notice may be deemed properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified mail to the owner of record at the address as it appears on the Richmond County Clerk of Superior Court records; if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice; or
3. Sent by first class mail, to the owner of record at his/her address as it appears on the Richmond County Clerk of Superior Court records; and posting a notice in a conspicuous place in or about the structure affected by this notice.

MEANS OF APPEAL

SECTION 7-1-150.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Construction Advisory Board (Augusta Georgia Code, Title 7, Article 4 Construction Advisory Board, Section 7-1-46 through 7-1-57.), provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

MEANS OF APPEAL

SECTION 7-1-150.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Construction Advisory Board (Augusta Georgia Code, Title 7, Article 4 Construction Advisory Board, Section 7-1-46 through 7-1-57), provided that a written application for appeal is filed within five (5) business days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

EXHIBIT C

ARTICLE 1 IN GENERAL

Sec. 7-2-3. Nuisances—Notice.

~~Whenever an inspector of the Planning and Development Department or any other duly constituted inspection authority of the Augusta, Georgia Commission determines that a nuisance exists on any premises within Augusta, Georgia, he may serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; describe the premises where the nuisance is alleged to exist or to have been committed; and specify a reasonable period of time for the abatement of said nuisance. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made conspicuously posting the notice in or about the premises described in the notice, or by causing such notice to be published once in a newspaper of general circulation in Augusta, Georgia. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process.~~

Sec. 7-2-3. Nuisances—Notice.

1. Whenever an inspector of the Planning and Development Department or any other duly constituted inspection authority of the Augusta, Georgia Commission determines that a nuisance exists on any premises within Augusta, Georgia, he shall serve written notice upon the owner or occupant, or his agent having control thereof, to abate such nuisance. The notice shall, at a minimum, set forth the nature of the nuisance and the fact that the same constitutes a nuisance upon said property; and describe the premises where the nuisance is alleged to exist or to have been committed. For repeat and chronic violators as defined in this Article, notice may be given in the form of a court citation.

2. Said notice shall be served upon the owner or occupant of the premises by personal delivery, or by mailing said notice, certified mail, return receipt requested, addressed to the owner, occupant or agent or by mailing said notice, first class mail, addressed to the owner, occupant or agent and conspicuously posting the notice in or about the premises described in the notice. If service cannot be effectuated in such a manner after diligent effort to do so, service may be made by causing such notice to be published once in a newspaper of general circulation in Augusta, Georgia. If the owner or occupant is a corporation, notice may be served upon an officer, a manager or person in charge of any local business office of such corporation, or the corporation's registered agent for service of process by personal service or by certified mail, return receipt requested.

Sec. 7-2-5. Nuisances—Penalties.

Violations of the provisions of this Chapter shall be punished as provided in Section 1-6-1 of this Code.

Sec. 7-2-5. Nuisances—Penalties; repeat and chronic violators, defined; administrative fees.

1. Violations of the provisions of this Chapter shall be punished as provided in Section 1-6-1 of this Code.

2. For repeat and chronic violators of this Article:

A. A repeat violator is a responsible party who is found to be in violation of this Chapter on at least two (2) separate dates within a period of one hundred and eighty (180) consecutive days.

B. A chronic violator is a responsible party who is found to be in violation of this Chapter on at least six (3) separate dates within a period of three hundred and sixty –five (365) consecutive days.

C. ‘Responsible party’ is considered an individual, such as the tenant, property owner or both; an agent, LLC, partnership, or corporation.

D. Upon receiving a violation notice on at least two (2) separate dates within one-hundred and eighty (180) consecutive days, the ‘repeat violator’ will be subject to an administrative fee of \$250.00 payable to the Augusta Planning & Development Department.

E. Upon receiving a violation notice on at least three (3) dates within three-hundred and sixty-five consecutive days, the “chronic violator” will be subject to an administrative fee of \$500.00 payable to the Augusta Planning & Development Department.

F. The administrative fees assessed in this Chapter may be collected by the Director of the Planning and Development Department at any time and by any method authorized by law, including as part of the resolution by settlement or sentence of conviction of any underlying violation. The Director of the Planning and Development Department may bring an action in the courts of this county in the name of the Augusta-Richmond County Commission, to collect the amount owed under this section, together with interest, court fees, filings fees, attorney’s fees and other legal fees incident thereto.