

## ARTICLE V. - SAFE PROPERTY STANDARDS

### DIVISION 1. - GENERALLY

#### Sec. 18-101. - Title.

The title of this article shall be the "Baldwin County Safe Property Standards Ordinance" and may be cited hereinafter as "this article."

( [Ord. of 9-16-2014](#) )

#### Sec. 18-102. - 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 county.

( [Ord. of 9-16-2014](#) )

#### Sec. 18-103. - Scope.

This article shall apply to all commercial, office, industrial, multi-family, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

( [Ord. of 9-16-2014](#) )

#### Sec. 18-104. - Interchangeability.

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

( [Ord. of 9-16-2014](#) )

#### Sec. 18-105. - Definitions.

Terms not defined herein shall have their meaning as defined in the land use regulations, the development regulations, and the construction codes, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

*Approved* means approved by the code official.

*Basement* means that portion of a building which is partly or completely below grade.

*Detached* means a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

*Dilapidated* means falling to pieces or into disrepair; broken down; shabby and neglected.

*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.

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

*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 or utility spaces, and similar areas are not considered habitable spaces.

*Infestation* means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Maintenance* means the act of keeping property and structures in a proper condition so as to prevent their decline.

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

*Occupant* means any individual living or sleeping in a building; or having possession of a space within a building or of the premises themselves.

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

*Owner* means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or as recorded in the official records of the State of Georgia or Baldwin 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.

*Person* means an individual, corporation, partnership or any other group acting as a unit.

*Pest Elimination* means 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* means a lot, plot or parcel of land including any structures thereon.

*Public View* means visible from the public right-of-way.

*Rooming House* means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

*Sanitary* means an exterior condition that is free of infestation; unusual and excessive rodent residues such as droppings, urine, gnaw marks, grease marks, or nest debris; unusual and excessive insect residues such as droppings, debris, or body parts; human or unusual and excessive animal waste; mold; wastewater; sewage; rotting material; and accumulation of rubbish or garbage.

*Structure* means that which is built or constructed or a portion thereof.

*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.

( [Ord. of 9-16-2014](#) )

Sec. 18-106. - 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 county and shall be punished as a misdemeanor. 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 county, 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 and this article shall be considered cumulative, and not restrictive, as to other remedies and actions that may be pursued by county.

( [Ord. of 9-16-2014](#) )

Sec. 18-107. - 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, premises, or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the code administrator or designee 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.

( [Ord. of 9-16-2014](#) )

Sec. 18-108. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

( [Ord. of 9-16-2014](#) )

Sec. 18-109. - Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements; and
- (2) Deemed neither to limit nor repeal any other powers granted under the ordinances of Baldwin County or any state statutes.

( [Ord. of 9-16-2014](#) )

Secs. 18-110—18-200. - Reserved.

## DIVISION 2. - PROPERTY

Secs. 18-201.— Exterior Property Areas

**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.

**Grading and drainage.** All *premises* 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.

**Exception:** *Approved* retention areas and reservoirs.

**Sidewalks and driveways.** All privately constructed sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions in a *structure* containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential *structure*.

All *premises* and *exterior property* shall be maintained free any accumulation of dead weeds, grass, or brush that may provide safe harborage for rats, mice, snakes and/or other vermin which are within *public view*. Excluded are ornamental grasses in landscaped areas of properties.

**Rodent harborage.** All *structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents 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 rodent harborage and prevent reinfestation.

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

**Abandoned Vehicle.** A vehicle, including airplanes, cars, trucks, trailers, boats, motorcycles, recreational vehicles, mobile homes, manufactured homes, or any other similar vehicle that is within *public view* that meets one or more of the following conditions:

- (1) Has been left unattended upon a street, or alley or other public property outside a designated parking space for a period of 48 hours; and/or,
- (2) Is inoperable and uncovered, partially or wholly dismantled, wrecked, junked, discarded, or of similar condition, or any vehicle without a current license plate if required by law, and is located outside of an enclosed building, garage, carport, wrecked motor vehicle compound, or other place of business designated and lawfully used for the storage of such inoperable vehicles, for a period exceeding 90 days unless ongoing significant,

visible, and definable work on vehicle is in progress unless vehicle is neatly covered with a weatherproof cover, anchored to the vehicle and in a *sanitary* condition.

Painting of vehicles for commercial purposes is prohibited.

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.

Secs. 18-202. – Trash and Garbage

Accumulation of *trash* or *garbage*. All *exterior property* and *premises*, shall be free from any accumulation of *trash* or *garbage*.

**Exception:** This section does not apply to composts.

Disposal of trash. Every *occupant* of a *structure* shall dispose of all *trash* in a clean and *sanitary* manner by placing such *trash* in *approved* containers outside of *public view*.

- (1) Trash storage facilities. The *owner* of every *occupied premises* shall supply *approved* covered containers for *trash*, and the *owner* of the *premises* shall be responsible for the removal of *trash*.
- (2) Appliances. No appliances and similar equipment may be in *public view* for more than 72 hours. All appliances and similar equipment not in operation but stored on *premises* must have doors removed or have doors secured properly. Appliances and similar equipment removed from property must be disposed of properly. Excluded are places of business that store and repair appliances that meet the applicable Baldwin County land use ordinance.

Disposal of *garbage*. Every *occupant* of a *structure* shall dispose of *garbage* in a clean and *sanitary* manner by placing such *garbage* in secured or tied bags and disposed in an *approved garbage* disposal facility or *approved garbage* containers.

Garbage facilities. Every dwelling shall have an *approved* leakproof, covered container.

Containers. 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.

Secs. 18-203-18-205. - Reserved.

Sec. 18-206. - Swimming pools.

Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any premises. A finding by a health official of the county 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. Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound condition.

( [Ord. of 9-16-2014](#) )

Sec. 18-207. - Registered agents.

Prior to the issuance of a certificate of occupancy for any multi-family development, commercial, office, or industrial property, or mobile home park, or during the first 30 calendar days of each year, whichever occurs earlier, the owner and each manager for each multi-family development, commercial, office, or industrial property, or mobile home park must designate the name, Baldwin County address, and 24-hour phone number of an agent for the property. The agent shall reside in Baldwin County and shall be on 24-hour call, seven days per week, to accept notices of violation regarding any provision of this 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 paragraph shall be submitted to the county building department. Such registration shall be confirmed at the time of each annual registration. In the event that the holder of a business license or the owner of the property desires to change the name or contact information with regard to the registered agent, the business licensee and/or owner shall supply written notice to the Building department. No change in registration shall be effective until written modification thereof is received by the building department.

( [Ord. of 9-16-2014](#) )

Secs. 18-208—18-220. - Reserved.

### DIVISION 3. - BUILDINGS

Sec. 18-221—18-227. - Reserved.

Sec. 18-228. - Vacant buildings.

Every vacant or dilapidated dwelling, house, building (residential or commercial) or other similar structure within the unincorporated area of Baldwin County shall comply with the following requirements:

- (1) All exterior doors and windows shall be kept in sound working condition free of broken glass.
- (2) All exterior doors shall be equipped with a workable lock or locking device and shall be kept securely locked during the period of time said building is vacant.
- (3) All windows shall be secured by latch, lock or other means so as to prevent easy entry into such structure by children, vagrants, or unauthorized persons.
- (4) All exterior walls and roofs shall be kept in good repair and free of holes, cracks, defective materials and structural deterioration so as to keep such building from becoming a breeding place for rodents, roaches and disease-carrying insects.
- (5) The exterior of said building and the premises thereon shall be kept free of any accumulation of flammable or combustible trash or waste materials of sufficient quantity to constitute a danger to said building or any other building or premises in the event that such waste materials shall become ignited.

- (6) The exterior of the premises shall be kept free of any accumulation of trash, garbage, trash or any waste material of such quantity as to constitute an unsanitary condition
- (7) Any existing fence shall be maintained in good repair with gates locked at all times. Exceptions:
  - a. Property that is used primarily for agricultural purposes is exempted from the requirements of this section. This exception shall specifically exempt any farm, building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

( [Ord. of 9-16-2014](#) )

Sec. 18-229. - Burned structures.

Whenever any building or structure is partially burned, the owner or person in control shall, within 120 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 to being repaired, the owner or person in control shall, within 180 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, work shall begin within 180 days and shall be completed within 180 days after completion of the scene investigation by the fire department and/or insurer of the property.

( [Ord. of 9-16-2014](#) )

Sec. 18-230—18-240. - Reserved

DIVISION 4. - RESERVED

Secs. 18-241—18-260. - Reserved.

DIVISION 5. - ENFORCEMENT, UNLAWFUL ACTS AND NOTICE OF VIOLATION

Sec. 18-261. - Enforcement.

- (a) This article shall be enforced by the code administrator or his/her designee or the office of the building official of the county, as applicable.
- (b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever a law enforcement 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.
- (c) Upon a finding by the code administrator, or his designee, that a violation of this article exist, a notice of violation shall be served on the owner of the property. The notice of violation shall provide the necessary options available to the owner in order to remedy the violations. The notice of violation shall provide that the owner shall have up to 180 days from receipt of the notice of violation to remedy the violations. The notice of violation shall contain a statement that the owner may appeal the notice of violation. The request for an appeal shall be filed within ten days from the date that the owner receives the notice of violation. The filing of a notice of appeal by the owner shall stay the 180-day remedy period. The appeal request shall be served by the owner on the county manager. The date for the filing

of the appeal shall be the date that it is postmarked, if mailed, or the date that it is received by the county manager, if served in person. The appeal shall be reviewed by a code enforcement panel on a date not less than 30 days from the date of the appeal and not more than 45 days from the date of the appeal. The code enforcement panel shall consist of the county manager, county fire marshal, one person designated and appointed by the county board of health and two individuals appointed by the Baldwin County Board of Commissioners. The recipient of the complaint has the right to appear and be represented by counsel before the code enforcement panel at the time of the appeal review. If the code enforcement panel finds by a preponderance of the evidence presented that a violation exists, the owner will be given 180 days from the date that the code enforcement panel renders its decision to remedy the violation.

- (d) If the violation is not remedied within 180 days from the ruling of the code enforcement panel, or within 180 days from receipt of a notice of violation if no appeal is filed, the code administrator, or his designee, shall issue a citation to the owner for the alleged violation. The citation shall be prosecuted in the Baldwin County Magistrate Court.

( [Ord. of 9-16-2014](#) )

Sec. 18-262. - Unlawful acts.

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

( [Ord. of 9-16-2014](#) )

Sec. 18-263. - Liability.

No officer, agent, or employee of Baldwin County shall be personally liable for any damage that may accrue to persons or property as a result of the good faith efforts to carry out the purposes and intents of this Ordinance, and to enforce this Ordinance.

( [Ord. of 9-16-2014](#) )

Sec. 18-264. - Effective date.

This article shall become effective immediately upon the adoption of the ordinance from which it derives.

( [Ord. of 9-16-2014](#) )