

AN ORDINANCE
NO. _____

An Ordinance amending Article VII of Chapter 13 of the Columbus Code to add a new Section 13-172.2 to establish requirements for disposing of solid waste removed pursuant to an eviction; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEARBY ORDAINS:

SECTION 1.

Article VVI of Chapter 13 of the Columbus code is hereby amended to add a new Section 13-172.2 to read as follows:

“13-172.2 - Removal of Solid Waste pursuant to Executions of Writ of Possession

- (a) It shall be unlawful for any landlord, owner or person or entity taking possession of the property pursuant to a writ of execution obtained in accordance with O.C.G.A. 44-7-55(c) to place any personal property and debris removed from any residential or commercial structure pursuant to the execution of such writ including all property and debris that is being discarded by a tenant vacating any residential or commercial structure (“eviction materials”) on the right-of-way, sidewalks or streets of the city.
- (b) Eviction materials shall be handled in the following manner. Upon the execution of the writ, the executing officer shall direct an appropriate location on the private property of the premises for such Eviction Materials to be set out. Such property shall be secured such as to prevent scavenging or other involuntary disbursal, on the premises or may be removed by the landlord to another location as may be approved by the executing officer or as permitted by Georgia law or a specific judicial order. Tipping fees will be waived by the consolidated government for eviction materials removed from the premises and taken to the designated city landfill, if the person bringing the property presents proof that an eviction has taken place within the three (3) business days following the eviction.
- (c) If the landlord has not removed the eviction materials from the premises within three (3) business days, the owner of the property will be cited by a code enforcement officer for a violation of this code section. Under the direction of a code enforcement officer, a contractor retained by the consolidated government may remove the personal property, garbage or debris from the premises, and the consolidated government will invoice the owner of the property on whose behalf the Writ of Possession was executed for the cost of

the removal of the eviction materials and clean-up of the property. If such invoice remains unpaid for a period of more than thirty (30) days from the issuance of the invoice, then the Finance Director of the Columbus Consolidated Government shall issue execution against the particular real estate for which the service was rendered and against the owner thereof. Such real estate shall then be levied on, advertised, and sold under such executions as in cases of levy and sale under executions for street improvement assessments due Columbus, Georgia, with the same procedure, including defendant's right to defense by affidavit of illegality and the right of Columbus, Georgia, to purchase at the sale. A lien for the cost of removal shall attach to the property.

- (d) Citation for a violation of paragraph (c) above shall not issue, if during the three (3) business days allowed for the landlord to remove the eviction materials, that landlord has contacted the Department of Inspections and Code, requested the removal of such property by the designated vendor of the consolidated government and prepaid the amount of \$500.00 to secure the payment of the contractor. The contractor shall then remove the property and the consolidated government will invoice the landlord for any amount in excess of the \$500.00 already paid. Failure to pay any amount remaining due on the invoice within thirty (30) days from its issuance will result in a citation for a violation of this paragraph, with the penalty set forth below and a lien shall attach to the property for the remainder of the cost of removal in accordance with the same procedures specified in paragraph (c) above.
- (e) Each violation of paragraphs (a), (b), (c), or (d) of this Code Section shall be punished with a fine of \$500.00 for the first offense and \$1000.00 for each subsequent offense.

SECTION 2.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the ____ day of _____, 2022, introduced a second time at a regular meeting of said Council held on the ____ day of _____, 2022 and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen	voting	_____
Councilor Barnes	voting	_____
Councilor Crabb	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor House	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Tucker	voting	_____
Councilor Woodson	voting	_____

Sandra T. Davis
Clerk of Council

B.H. "Skip" Henderson, III
Mayor