

CITY OF DALTON
ORDINANCE
Ordinance No. 21-01

An Ordinance Of The City Of Dalton To Amend Article VI “Nuisances” Of Chapter 50 “Environment” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton By Amending Section 50-179 To Provide For Collection Of The Costs Of Abatement; By Amending Section 50-180 To Provide For Examples Of Nuisances; By Adding Section 50-183 To Provide For The Revocation Of City Licenses; By Adding Section 50-184 To Provide For Summary Abatement Of Nuisances; By Adding Section 50-185 To Provide For The Emergency Abatement Of Nuisances; By Adding Section 50-186 To Provide For Powers Of The Chief Of Police; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, the Article VI “Nuisances” of Chapter 50 “Environment” Of the Revised Code of Ordinances Of 2001 Of The City Of Dalton has been amended from time to time;

WHEREAS, the Mayor and Council declare that there exists within the city limits of the City of Dalton nuisances upon private property that endanger and constitute a hazard to the health, safety, and welfare of the people of the City;

WHEREAS, the City desires to revise and amend Article VI “Nuisances” of Chapter 50 “Environment” to provide clarity and the orderly abatement of nuisances within the City;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by adding Section 50-179 (d) to read as follows:

Sec. 50-179 (d)

(d) In the event the respondent fails to abate the existence or continuance of the nuisance within the time imposed by the court, the City shall be authorized to take all reasonable and necessary actions to abate the nuisance. Costs of the proceedings shall be imposed upon the respondent in all cases wherein the court finds the respondent responsible for the existence or continuance of the nuisance. Upon appropriate findings, the court may order the payment of restitution by the respondent for the actual cost of the abatement. In addition, the cost of abatement shall be a lien upon the subject property until the cost of abatement is paid in full. The City Attorney is authorized to take all reasonable and necessary actions to file said lien. Said lien may be collected as provided for in Article X Dangerous Buildings. The cost of abatement is hereby declared to be a personal debt of the owner of the subject property owed to the City of Dalton and said debt may be collected as provided for the collection of personal debts under state law.

-3-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by revision of Section 50-180 to read as follows:

Sec. 50-180. – Cause of action; examples of public nuisances.

Conditions or activities occurring on private property that may constitute public nuisances shall include, but not be limited to, the following:

- (1) Stagnant water on premises.
- (2) Any real property on which there has been allowed to accumulate any dead or decaying matter; weeds; vegetation; or any fruit, vegetable, animal or rodent or other unsanitary or unsafe conditions upon premises which is odorous or capable of causing disease or annoyance to the residents, occupants, or the inhabitants of the city.
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city.
- (4) Any discharge of pollutants off the real property on which the discharge originates, except pursuant to a valid permit and discharges resulting from fire suppression activities.
- (5) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto.
- (6) Maintaining a dangerous or diseased animal or fowl.
- (7) Obstruction of a public street, highway or sidewalk without a permit.
- (8) Loud or unusual noises which are detrimental or annoying to the public.
- (9) All walls, trees and buildings that may endanger persons or property.

- (10) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent such activities.
- (11) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed.
- (12) Any other condition constituting a nuisance under state law.
- (13) Abandoned vehicles, which are defined as vehicles which are not road worthy, inoperable, do not have current license plates and are not located completely within a fully enclosed, standing and permanent structure.
- (14) Any building, structure, or place used for the purpose of lewdness, prostitution, or other unlawful sexual activity.
- (15) Any building, structure, or place used for the purpose of gang related or drug related activity.
- (16) Any building, structure, or place which, due to dilapidation, age or obsolescence, has defects which increase the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light or sanitary facilities; or where other conditions exist rendering such building, structure, or place unsafe or unsanitary.
- (17) Any building, structure, or other place or location where any activity is conducted, performed, or maintained in violation of local, state, or federal law which constitute a hazard to the health, safety, and welfare of the people of the City.
- (18) The condition of a private storm water drainage pipe or ditch causing backup, drainage, or emptying outside the drainage way of the public right of way or another private property.

-4-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by adding Section 50-183 to read as follows:

Sec. 50-183. – Revocation of city license, permit, etc.

Upon the order of the Mayor, any license, privilege or permit granted by the City of Dalton may be suspended or revoked for the failure to abate the existence or continuance of a public nuisance as ordered by the court or as ordered by the Chief of Police within the time period prescribed for the abatement.

-5-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances

Of 2001 of the City of Dalton, as amended, is hereby amended by adding Section 50-184 to read as follows:

Sec. 50-184. – Summary abatement of public nuisance.

- (a) The Chief of Police, or his or her designee, is hereby authorized to provide written notice to the owner, occupant, or agent of the subject property that a public nuisance exists upon the subject property. Said notice shall be personally served upon the owner, occupant, or agent. In the event the owner, occupant, or agent cannot not be located for service, the notice shall be served by U.S. mail to the owner of the subject property at the address maintained by the Tax Commissioner of Whitfield County for real property taxes. Said notice shall provide a detailed statement of the conditions constituting the nuisance and shall provide a deadline to abate the existence or continuance of the nuisance.
- (b) In the event the owner, occupant, or agent does not abate the existence or continuance of the nuisance as ordered by the Chief of Police within the time period prescribed for the abatement, then the City shall be authorized to take all reasonable and necessary actions to abate the nuisance. The cost of abatement shall be a lien upon the subject property until the cost of abatement is paid in full. The City Attorney is authorized to take all reasonable and necessary actions to file said lien. Said lien may be collected as provided for in Article X Dangerous Buildings. The cost of abatement is hereby declared to be a personal debt of the owner of the subject property owed to the City of Dalton and said debt may be collected as provided for the collection of personal debts under state law.

-6-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances

Of 2001 of the City of Dalton, as amended, is hereby amended by adding Section 50-185 to read as follows:

Sec. 50-185. – Emergency abatement of public nuisance.

- (a) The Chief of Police is hereby authorized to determine that the existence or maintenance of a nuisance constitutes an emergency to the health, safety, and welfare of the owner, occupant, or general public. The Chief of Police shall notify the Public Works Director of the existence of an emergency condition requiring abatement. The City, its employees, and agents shall be authorized to take all reasonable and necessary actions to abate the emergency conditions of the nuisance.
- (b) Once the emergency condition has been abated, the Chief of Police, or his or her designee, shall provide written notice to the owner, occupant, or agent of the subject

property that an emergency condition existed upon the subject property and shall provide a detailed summary of the emergency conditions and all actions taken by the City to abate said emergency conditions. Said notice shall be served as provided in Section 50-184.

- (c) The cost of abatement shall be a lien upon the subject property until the cost of abatement is paid in full. The City Attorney is authorized to take all reasonable and necessary actions to file said lien. Said lien may be collected as provided for in Article X Dangerous Buildings. The cost of abatement is hereby declared to be a personal debt of the owner of the subject property owed to the City of Dalton and said debt may be collected as provided for the collection of personal debts under state law.

-7-

Article VI “Nuisances” of Chapter 50 “Environment” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by adding Section 50-186 to read as follows:

Sec. 50-186. - Powers of Chief of Police.

In the performance of his duties under this article, the Chief of Police shall have the power, in addition to any others granted in this article, to:

- (a) Investigate the conditions in the city in order to identify the existence or maintenance of public nuisances;
- (b) Enter upon private property for the purposes of making examinations of public nuisances; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (c) Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article;
- (d) Delegate any of his functions and powers under this article to such officers and agents as he may designate.

-8-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity

of the remaining portions of the ordinance not so declared to be unconstitutional, invalid, or unlawful.

-9-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-10-

This Ordinance shall take effect and be in force following its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the ___ day of _____, 20___, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Council member _____, second by Council member _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Attest:

MAYOR

CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the _____ day of _____, 20__.

CITY CLERK
CITY OF DALTON