

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION AGENDA – THURSDAY, DECEMBER 1, 2022  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
TO IMMEDIATELY FOLLOW THE 4:00 PM WORK SESSION**

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**A. ROLL CALL**

**B. OPENING PRESENTATIONS**

1. Development Authority of Dawson County (DADC) Quarterly Update- DADC Chairman Brian Trapnell
  
2. Dawson County Chamber of Commerce and Office of Tourism Development Update- Chamber of Commerce President and CEO Mandy Power

**C. INVOCATION AND PLEDGE OF ALLEGIANCE**

**D. ANNOUNCEMENTS**

**E. APPROVAL OF MINUTES**

1. Minutes of the Work Session held on November 17, 2022
2. Minutes of the Voting Session held on November 17, 2022

**F. APPROVAL OF AGENDA**

**G. PUBLIC COMMENT**

**H. PUBLIC HEARINGS**

1. Proposed Property Maintenance Ordinance (*1st of 1 hearing*)
  
2. Amendments to the Litter Control and Solid Waste Management Ordinance (*1st of 1 hearing*)
  
3. Amendments to the Abatement of Nuisance Property Ordinance (*1st of 1 hearing*)

**I. PUBLIC COMMENT**

**J. ADJOURNMENT**

***\*An Executive Session may follow the Voting Session meeting.***

*Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.*

# ECONOMIC DEVELOPMENT UPDATE



December 1, 2022

## 2022 Accomplishments

- New Director of Economic Development was hired – May 2022
- Training completed for new board member – Dr. Carroll Turner
- Multiple Economic Development project opportunities for Industrial Park and other economic development drivers.
- Collaborations of Public and Private partnership opportunities.
- Economic Development support for existing industries.
- Finalization of Business Recruitment Investment.



## Regional Development Institute Projects

### **Develop a Marketing Strategy Plan for Economic Development.**

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COMING SPRING 2023  
with VSU Business  
Marketing Center

### **Community Wide Strategic Plan**

- Utilize existing strategic plans from stakeholders create strategic goals and objectives that may be accomplished with collaboration.
- Graduate Class has begun working on the draft plan.

### **Retail Strategy**

- 1 Year Grant to fund Retail Strategies assistance.
- Tools and strategies to attract desired retail and discover retail gaps.

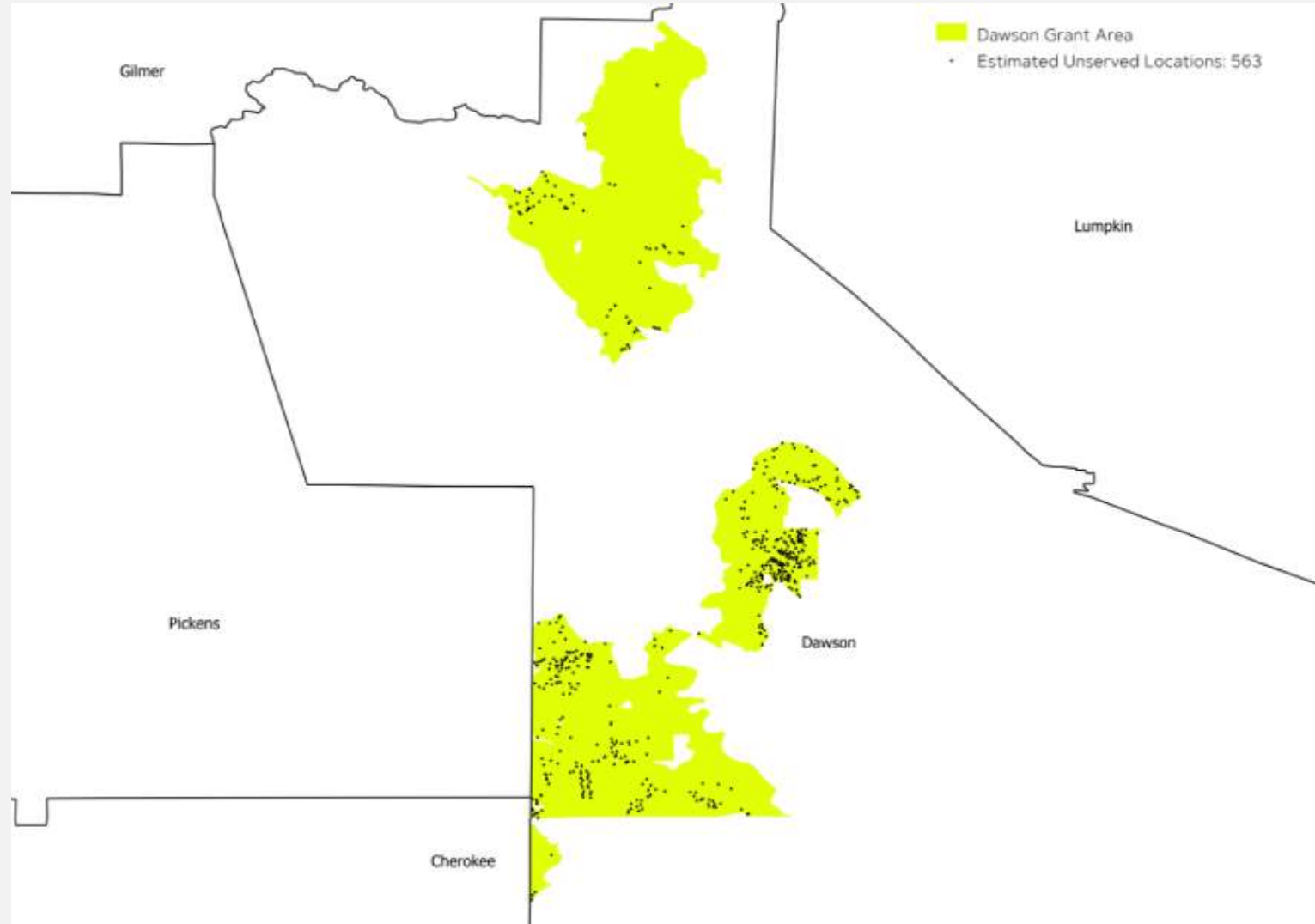
# AMERICAN RESCUE PLAN UPDATE

**Broadband Infrastructure &  
Water/Sewer Infrastructure  
Awarded \$1,332,621.00**

**Matching funds from ETC  
\$675,600**



**UNDER  
CONSTRUCTION**



Top Location Decision Factors	'21	'20	'19	'18	'17	'16
Labor Costs	1	5	3	2	2	3
Availability of Skilled Labor	2	1	2	1	3	2
Energy Availability & Costs	3	3	7	8	13	8
Inbound/Outbound Shipping Costs	4	10	15	18	X	X
Highway Accessibility	5	2	1	3	1	1
Raw Materials Availability	6	X	X	X	X	X
Corporate Tax Rate	7	7	6	4	8	6
State & Local Incentives	8	9	14	7	9	5
Environmental Regulations	9	13	9	16	X	X
Tax Exemptions	10	8	8	5	5	7
Quality of Life	11	4	4	6	4	10
Occupancy/Construction Costs	11	6	5	10	5	4
Right-to-Work State	13	11	11	15	15	16
Proximity to Markets	14	12	10	14	7	9
Available Buildings	15	14	12	9	14	11

*Area Development Magazine, Survey of Corporate Decision Makers, 1<sup>st</sup> Q 2022*

# Dawson County Industry Mix

INDUSTRY	Average Number of Establishments	Average Monthly Employment	Average Weekly Wages
<b>Goods-Producing</b>	<b>126</b>	<b>1,490</b>	<b>1,088</b>
Agriculture, Forestry, Fishing & Hunting	6	34	592
Construction	92	468	977
Manufacturing	28	988	1,157
<b>Service-Providing</b>	<b>659</b>	<b>6,592</b>	<b>635</b>
Utilities	1	*	*
Wholesale Trade	32	268	863
Retail Trade	188	3,023	548
Transportation and Warehousing	17	60	913
Information	10	44	995
Finance and Insurance	38	187	1,646
Real Estate and Rental and Leasing	33	67	981
Professional Scientific & Technical Svc	76	300	1,094
Management of Companies and Enterprises	1	*	*
Admin., Support, Waste Mgmt, Remediation	43	217	733
Education Services	6	18	690
Health Care and Social Assistance	65	523	885
Arts, Entertainment, and Recreation	16	199	446
Accommodation and Food Services	80	1,425	415
Other Services (except Public Admin.)	53	253	646

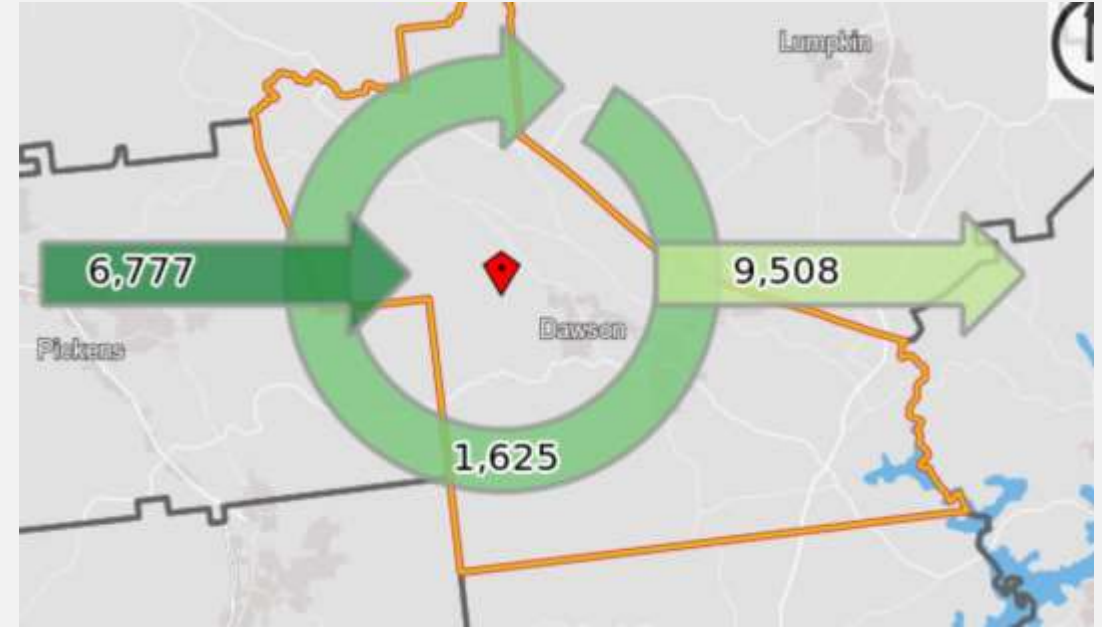
Note: \*Denotes confidential data relating to individual employers and cannot be released. These data use the North American Industrial Classification System (NAICS) categories. Average weekly wage is derived by dividing gross payroll dollars paid to all employees - both hourly and salaried - by the average number of employees who had earnings; average earnings are then divided by the number of weeks in a reporting period to obtain weekly figures. Figures in other columns may not sum accurately due to rounding. All data represent the Annual 2021.

Source: Georgia Department of Labor. These data represent jobs that are covered by unemployment insurance laws.

Area: Dawson County

### Job Counts in Work Blocks by Distance Only.

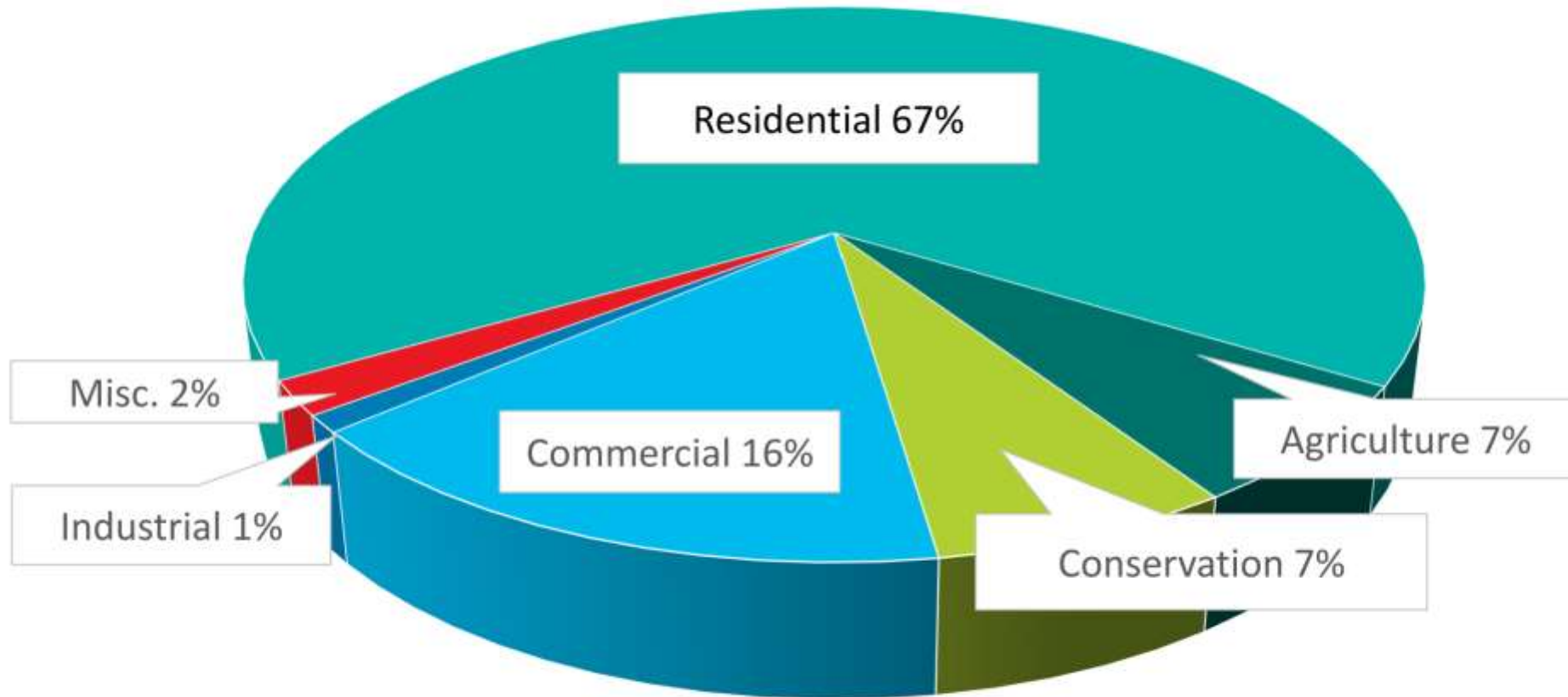
	2019	
	Count	Share
Total All Jobs	11,133	100.0%
Less than 10 miles	1,955	17.6%
10 to 24 miles	3,944	35.4%
25 to 50 miles	3,977	35.7%
Greater than 50 miles	1,257	11.3%



# Workforce Inflow/Outflow



# 2021 Dawson County Tax Digest



2023 Dawson County  
Development Authority  
Key Objectives

- Transportation
- Infrastructure
- Entertainment District/Destination Nodes
- Comprehensive Plan
- Partnerships

# Key Objectives

## Transportation

- Connectivity
- 4-lane connection to Gainesville Inland Port and associated businesses
- Internal connectivity – Auxiliary to GA 400
- Brand our GA 400 Corridor
- Right-of-way for new roads

## Infrastructure

- Land
- Water/Sewer
- Fiber

# Key Objectives

## Entertainment District/Destination Nodes

- Greenspace
- Enhancing entertainment
- Quality of life

## Comprehensive Plan

- Review and create a strategy for the 400 Corridor
- Alternative transportation options
- Review of regulations and ordinances for 400 Corridor
- Review of inter-parcel connectivity and auxiliary road network

## Partnerships

- Creation of Economic Development Council (County, City, Schools, Lanier Tech, UNG, DADC)
- Seek long term plans from local utility partners and understand their future growth.
- AGL's long term plan.

Questions?





# Presentation

Dawson County Board of Commissioners

December 1, 2022

Cover photo: John Seibel Photography



# MEET OUR TEAM



Mandy Power

**PRESIDENT & CEO**



Brenda Mason

**DIRECTOR OF OPERATIONS**



Jessica Grigsby

**MEMBERSHIP DIRECTOR**



Dustin Heard

**TOURISM & EVENTS DIRECTOR**



Anna Graefen

**EVENTS DIRECTOR**



Kevin Herritt

**ECONOMIC DEVELOPMENT DIRECTOR**



Kitty

**GREETER**

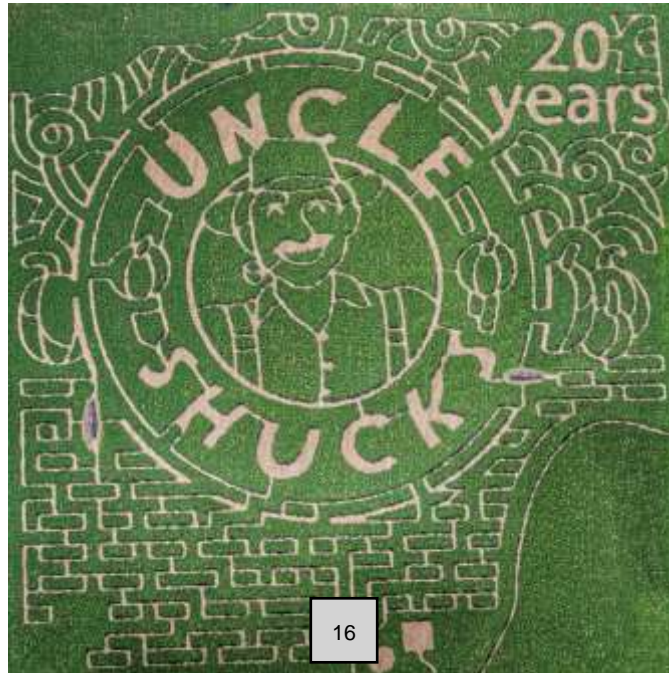
# Multimedia Partner Projects

Completed since last presentation. Craig Miller Production Company  
Producing high quality videos for tourism partners to promote digitally.

Fausett Farms Sunflowers



Uncle Shucks Corn Maze & Pumpkin Patch



North Georgia Premium Outlets





# Multimedia Partner Projects in Progress

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Craig Miller Production Company  
Producing high quality videos for tourism  
partners to promote digitally.

**FILMED November 2022**

- Quality of Life/Lifestyle
- Georgia Racing Hall of Fame
- Moonshine Festival Update
- Fall in Dawsonville Spotlight



# Multimedia Partner Projects

## COMPLETED PROJECTS



Craig Miller Production Company  
Producing high quality videos for tourism  
partners to promote digitally.

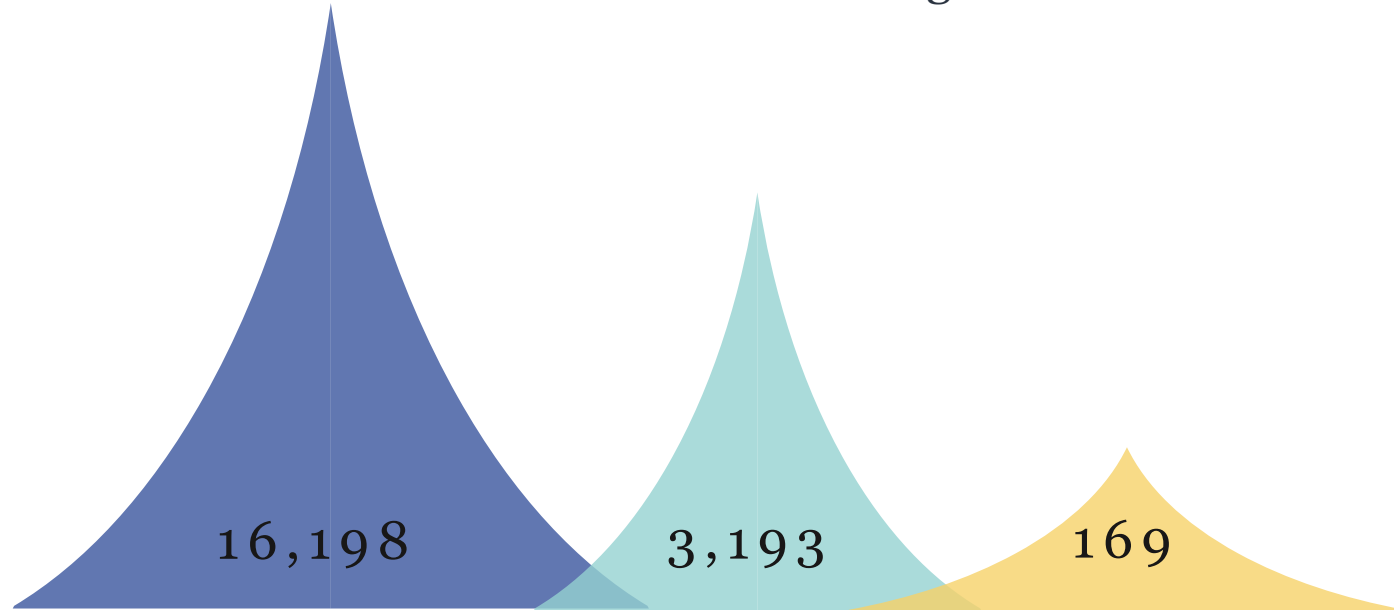
Amicalola Falls State Park and Lodge  
Len Foote Hike Inn  
Burt's Pumpkin Farm  
Moonshine Festival  
Around Back at Rocky's Place  
Etowah Valley Sporting Clays  
Lake Lanier  
Atlanta Motorsports Park  
Edge of the World Kayaking  
Steele Bridge Fly Fishing



# Social Media Networks



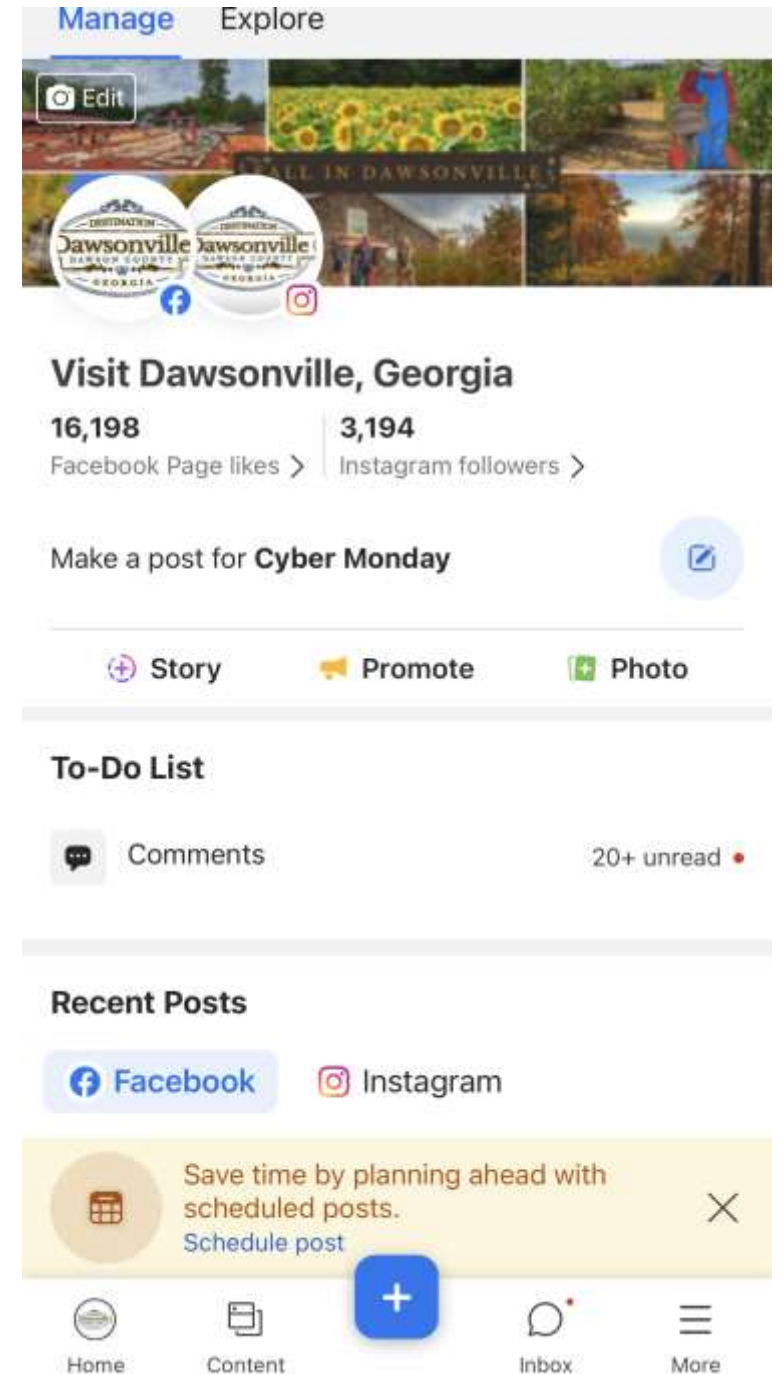
## Audience Following



✓ Facebook  
9,230 growth since 2019

✓ Instagram  
2,126 growth since 2019

✓ TikTok (Launched 9/2021)



# Social Media Outreach - Facebook

## Burt's Pumpkin Farm

**Visit Dawsonville, Georgia is at Burt's Pumpkin Farm.**  
Published by Dustin Heard · August 28, 2021 · Dawsonville ·

How can we be less than a week away from the official opening of pumpkin season already? 🍂  
Burt's Pumpkin Farm opens for their 2021 Season on September 1st! 🍁 #Dawsonville

565 Likes · 363 Comments · 1.2K Shares

**Performance for your post**

250046	People reached	
8463	Likes, comments & shares	
9127	Post clicks	
2561	7	6559
Photo views	Link clicks	Other clicks

[View more details](#)

**Negative feedback**

2	Hide all posts	25	Hide post
0	Report as spam	0	Unlike Page

8463 Likes, comments & shares

**Branded content distribution** [View breakdown](#)

250046	250046	0
Total reach	Organic reach	Paid reach
300625	300625	0
Total impressions	Organic impressions	Paid impressions

20

### ORGANIC POST REACTIONS (Not a Paid Promotion)

**REACH:**  
**250,046**

**ENGAGEMENTS:**  
**17,590**

**SHARES:**  
**3,026**

**LIKES:**  
**9,126**

Visit Dawsonville, Georgia is with Janet Hanaway Coleman. Published by Dustin Heard October 9, 2021

Pumpkins, sunflowers and corn... It's the weekend in Dawsonville!

250 Total likes  
13 Comments 30 Shares

9962 People reached  
510 Likes, comments & shares  
371 Post clicks

134 Photo views 0 Link clicks

1 Hide all posts 0 Report as spam

9962 Total reach 9962 Organic reach  
12370 Total impressions 12370 Organic impressions

Visit Dawsonville, Georgia is with Haylee Newton at Fausett Farms Sunflowers. Published by Dustin Heard September 4, 2021

Good morning from the happiest place in Dawsonville! Fausett Farms Sunflowers is now open for their 2021 Season!

Fun fact - Fausett's is located less than 3 miles from Burt's Pumpkin Farm and Amicalola Falls State Park & Lodge.

320 Total likes  
74 Comments 130 Shares

34827 People reached  
882 Likes, comments & shares  
1382 Post clicks

153 Photo views 1 Link clicks 1228 Other clicks

2 Hide all posts 4 Hide post  
0 Report as spam 0 Unlike Page

882 Likes, comments & shares

34827 Total reach 34827 Organic reach 0 Paid reach  
37086 Total impressions 37086 Organic impressions 0 Paid impressions

Visit Dawsonville, Georgia Published by Dustin Heard September 8, 2021

A magical place in every season, but especially the Fall! The mountains will be coming to life soon and one of our favorite places to experience the color is the Len Foote Hike Inn, Georgia's only backcountry lodge.

For more information visit: [hike-inn.com](http://hike-inn.com)

37 Total likes  
9 Shares

3608 People reached  
78 Likes, comments & shares  
78 Post clicks

4 Photo views 11 Link clicks 63 Other clicks

0 Hide all posts 1 Hide post  
0 Report as spam 0 Unlike Page

78 Likes, comments & shares

3608 Total reach 3608 Organic reach 0 Paid reach  
3608 Total impressions 3608 Organic impressions 0 Paid impressions

Reach  
9,962

Engaged  
881

Clicks  
371

Reach  
34,827

Engaged  
2,264

Clicks  
1,382

Reach  
3,608

Engaged  
156

Clicks  
78

## Fall Adventure Campaigns

Burt's, Fausett's, Bradley's, Uncle Shuck's | Fausett Farms Sunflowers | Len Foote Hike Inn

# Instagram Reach

Amicalola Falls State Park

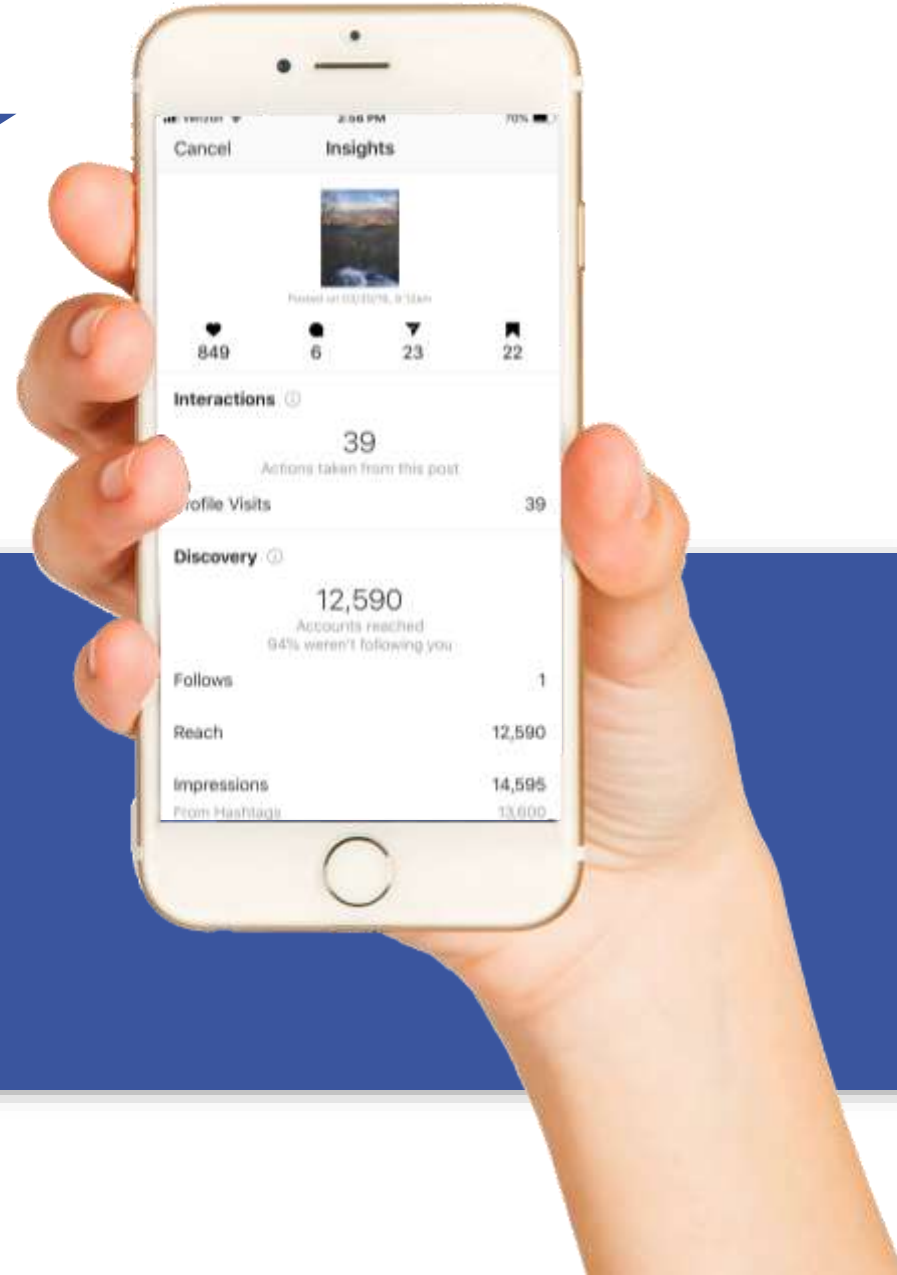


Reach  
12,590

Impressions  
12,590

Likes  
849

22



# Launched A New Tourism Website

Released in July 2020  
[DestinationDawsonville.org](https://DestinationDawsonville.org)



[LEARN MORE >](#)



23

*Our Story*

\*\*\*\*\*

**MOUNTAINS,  
MOONSHINE &**



# New Visitors Guide launched in 2022

Available at VIC's Statewide

## Shopping, Dawson County Style



24



Opposite: Kate Spade. Clockwise from left: The Blue Barn, North Georgia Premium Outlets, The Purple Corn Boutiques.



**N**O MATTER WHAT'S ON YOUR LIST, you'll find it in Dawsonville. Deal hunters should start at North Georgia Premium Outlets ([PREMIUMOUTLETS.COM](http://PREMIUMOUTLETS.COM)), where more than 140 name-brand and designer stores—including Kate Spade, Pottery Barn Outlet, Gucci, Prada, and many others—offer savings of up to 65% off retail prices. The sprawling shopping complex also hosts local food trucks and the Artisans of Atlanta Market on select days.

Style-savvy shoppers mustn't miss The Purple Corn Boutique ([FACEBOOK.COM/THEPURPLECORNBOUOTIQUE](https://www.facebook.com/thepurplecornboutique)) for cute loungewear, accessories, and boho-inspired dresses at equally attractive values. On the hunt for a curated blend of clothes, home furnishings, art, baby gifts, and more? The Blue Barn ([THEBLUEBARNCHICKS.COM](http://THEBLUEBARNCHICKS.COM)) is a one-stop shop. For handmade decor, crafts, and gifts, Days Gone By Vintage Market ([DAYSGONEBYVINTAGEMARKET.COM](http://DAYSGONEBYVINTAGEMARKET.COM)) could keep you engaged for hours, thanks to a selection of antique and artisan-made items. If you're looking for a massive selection—more than 30 vendors spread across 9,000-square-feet of showroom space—by artists, dealers, and designers, Soul Sisters Antiques & Home Decor ([FACEBOOK.COM/SOULSISTERSANTIQUES](https://www.facebook.com/soulsistersantiques)) fits the bill.

Want to add something special to your jewelry box? Family owned Jewelry by Selin ([JEWELRYBYSELIN.COM](http://JEWELRYBYSELIN.COM)) specializes in creating bespoke engagement rings and more and can use heirloom pieces that need a refresh. Similarly, Tripp & Company Jewelers ([TRIPPANDCOMPANYJEWELERS.COM](http://TRIPPANDCOMPANYJEWELERS.COM)) creates one-of-a-kind stunners or can help you choose from a host of nationally known designer brands. Though there's much more to Dawsonville than its shopping opportunities, the retail therapy alone makes it worth a visit.



# ROAD MAP

DAWSON COUNTY, GEORGIA



## New City/County Maps Launched in 2022

# The Weather Channel Morning Show

Over 4 minutes of National coverage for the the Len Foote Hike Inn

THE LEN FOOTE  
**HIKE INN**  
AT AMICALOLA FALLS STATE PARK



# Dawsonville, Georgia

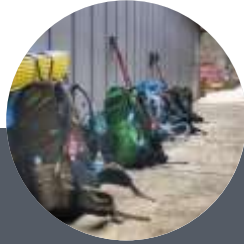
Nominated by Blue  
Ridge Outdoors as a  
Top Adventure Town  
2022



# Event Promotions



Atlanta Motorsports  
Park Events



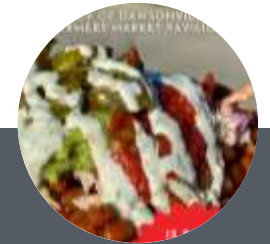
Appalachian Trail  
Kick-Off Weekend



Amicalola Falls  
Events



Christmas in  
Dawsonville



City Food Truck  
Events



North Georgia  
Premium Outlets Events



Georgia Racing Hall  
Of Fame Events



Bowen Center  
Events



Mountain Moonshine  
Festival & Car Show



Veteran's Day  
Parade



# FAUSETT FARMS SUNFLOWER 5K

DAWSONVILLE, GEORGIA



### Results

Paid reach ⓘ

32,855 ↓ 49%

Facebook Page reach ⓘ

16,431 ↑ 100%



[See results report](#)

### Content ⓘ

Sort by: Reach ▾



Apr 12, 2021  
**Fausett Farms Sunflower 5K...**  
Ad  
Reach 9,188



Oct 5, 2021  
**Event: Fausett Farms Sunflo...**  
Ad  
Reach 7,155



May 10, 2021  
**Event: Fausett Farms Sunflo...**  
Ad  
Reach 3,868



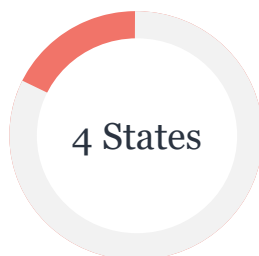
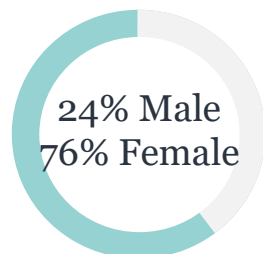
Jun 29, 2021  
**Join us on October 16th for ...**  
Post  
Reach 3,708



Aug 10, 2021  
**Event: Fausett Farms Sunflo...**  
Ad  
Reach 2,933



Jun 29, 2021  
**Post: "Join us on October 16..."**  
Ad  
Reach 2,749



29



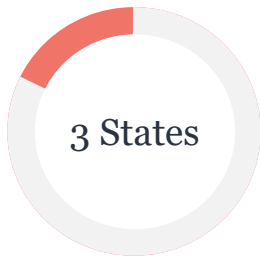
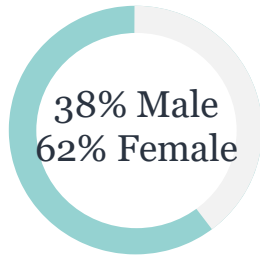
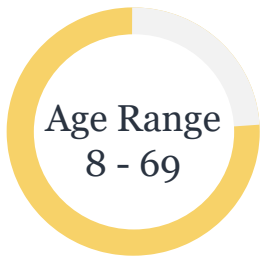
Reach  
34,400 saw the event



Responses  
1,500 interacted with the event



Ticket Clicks  
466 People



**MAR 23** Mountain Madness 15K Trail Run  
Public · Hosted by Mountain Madness Trail Run and 2 others

✓ Going ▾

🕒 Saturday, March 23, 2019 at 8 AM – 11:30 AM  
about 2 months ago

📍 Fausett Farms Sunflowers  
Hwy 138 West, Dawsonville, Georgia 30534

Show Map

 <b>34.4K</b> People Reached +1 last 7 days	 <b>1.5K</b> Responses +0 last 7 days
 <b>466</b> Ticket Clicks +0 last 7 days	<b>Audience</b> <b>Women 35-44</b> 21% of ticket clicks

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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Facebook © 2019

# Mountain Moonshine Festival

- Chamber promotes the Mountain Moonshine Festival year-round
- Chamber staff volunteered at the 2022 Moonshine Festival
- Chamber creates brochures and flyers for the festival every year
- Printed over 5,000 flyers for mailing
- Printed envelopes for car show mailing
- Promoted event through live social media feeds throughout the festival

REACH:  
July 5<sup>th</sup> Ad  
**84.2K People**

REACH:  
October 7<sup>th</sup> Ad  
**58K People**

Visit Dawsonville, Georgia added an event.  
July 5 · 🌐

**FRI, OCT 21**  
**55th Annual Mountain Moonshine Festival & Car Show**  
Dawsonville, GA  
2,780 Went · 34,114 Interested

**3,690** People reached      **351** Engagements      [Boost a post](#)

Boosted on	By	Status	People reached	Event Responses	View results
October 7	Dustin Heard	Completed	58K	1K	<a href="#">View results</a>
July 5	Dustin Heard	Completed	84.2K	> <	<a href="#">View result:</a>

# OCTOBER/NOVEMBER 2020

# SMOKY MOUNTAIN Living

Celebrating THE Southern Appalachians



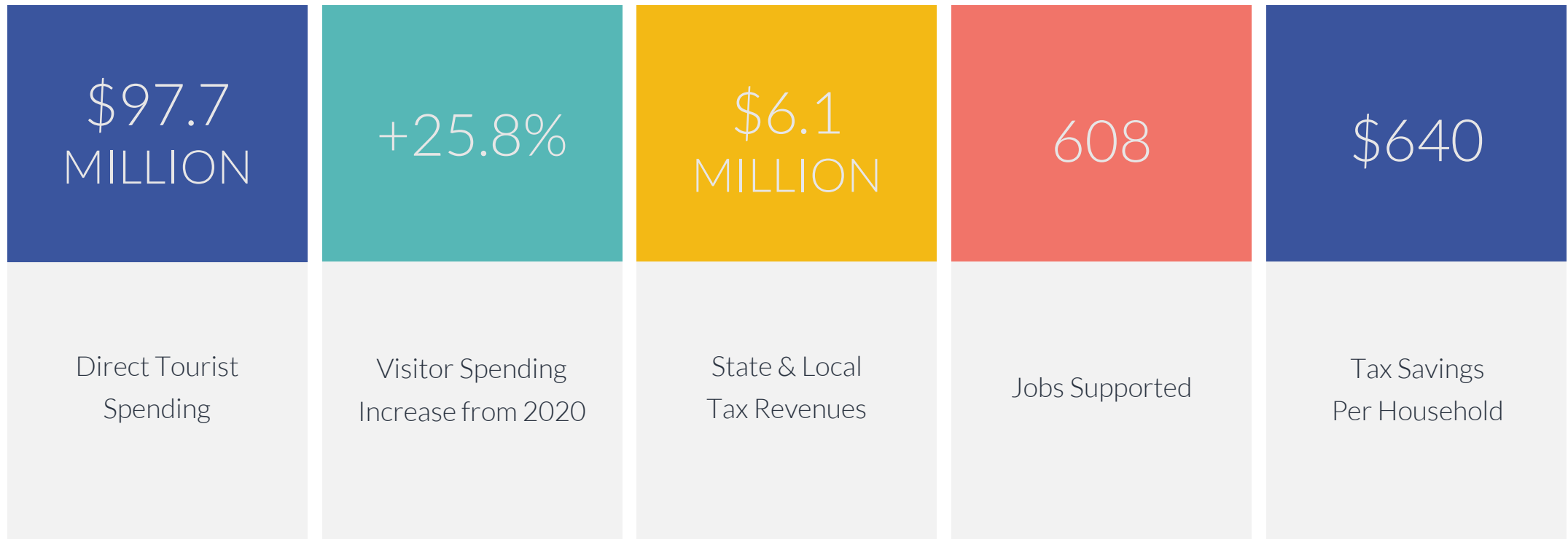
# Print Advertising

Advertising in:	Reaches
ENCORE/Playbills	Atlanta/Charlotte, North Carolina
Alabama Living	AL, FL, GA
Good House Keeping	Atlanta Market
North Georgia Living	North Georgia (targeting women 30+)
Southbound Magazine	TN, SC, NC, AL, LA, FL
Smoky Mountain Living	Nationwide
Mountain Traveler	North Georgia
Amicalola Falls Guest Guide	6,000+ visitors
Georgia Travel Guide	Statewide and all Georgia Visitors Centers
Discover North Georgia	30,000 Statewide / 11 Visitor's Centers
Blue Ridge Outdoors	GA, PA, VA, NC, SC, PA, WV, MD, TN, KY, Metro DC
Braves Championship Yearbook	SunTrust Park throughout season
Travel, Taste & Tour	Nationwide
Big Canoe Directory	Big Canoe Community
Woman's Day	Atlanta Market
Blue Ridge Country	National/Regional – 36 State and D.C.
Georgia State Parks Guide	Statewide and all Georgia Visitors Centers





# TOURISM IMPACT BY THE NUMBERS



\*\*\*All data comes from the 2021 Georgia Department of Economic Development, Tourism Division

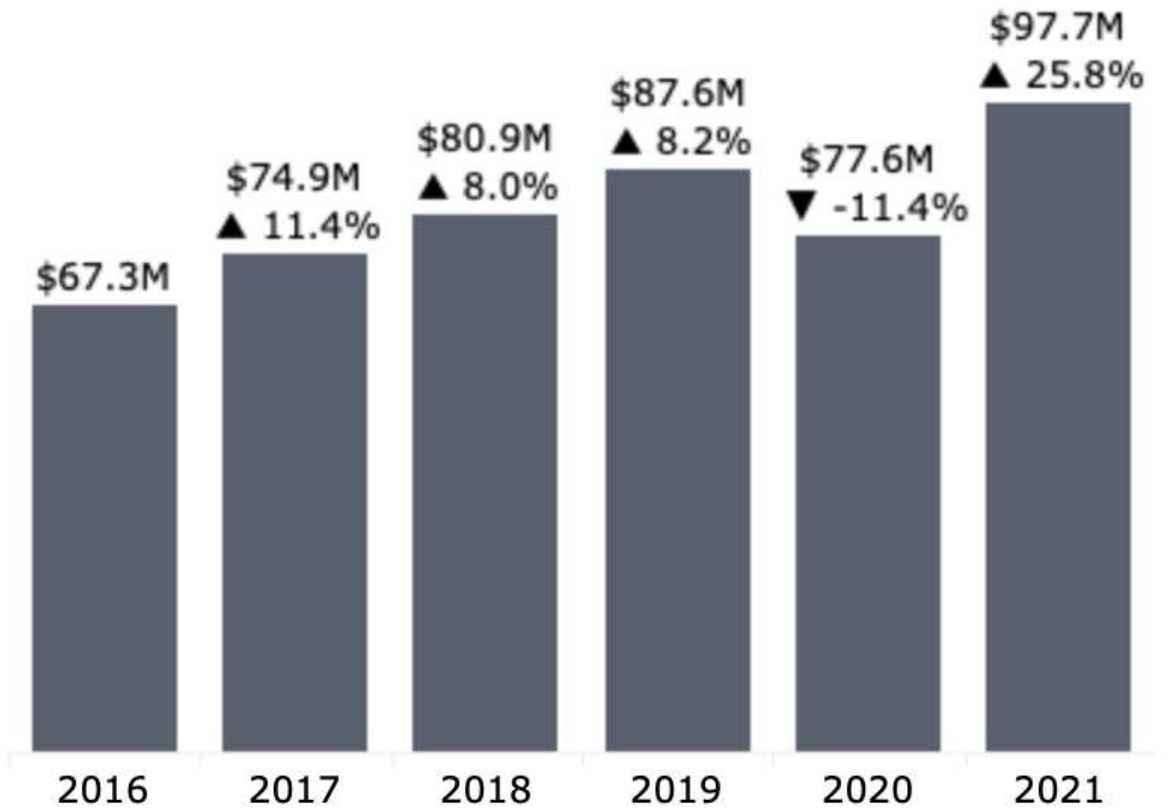
# Dawson County Tourism Industry Breaks Economic Impact Records



- Numbers released of the 2021 Economic Impact of Tourism show that direct tourist spending in Dawson County increased by more than \$20.1 million from 2020 to 2021, with a total of \$97.7 million spent in 2021.
- “Each Dawson County household would need to be taxed an additional \$640 per year to replace taxes generated by tourism economic activity,”



## Visitor Spending Actual & % change YOY

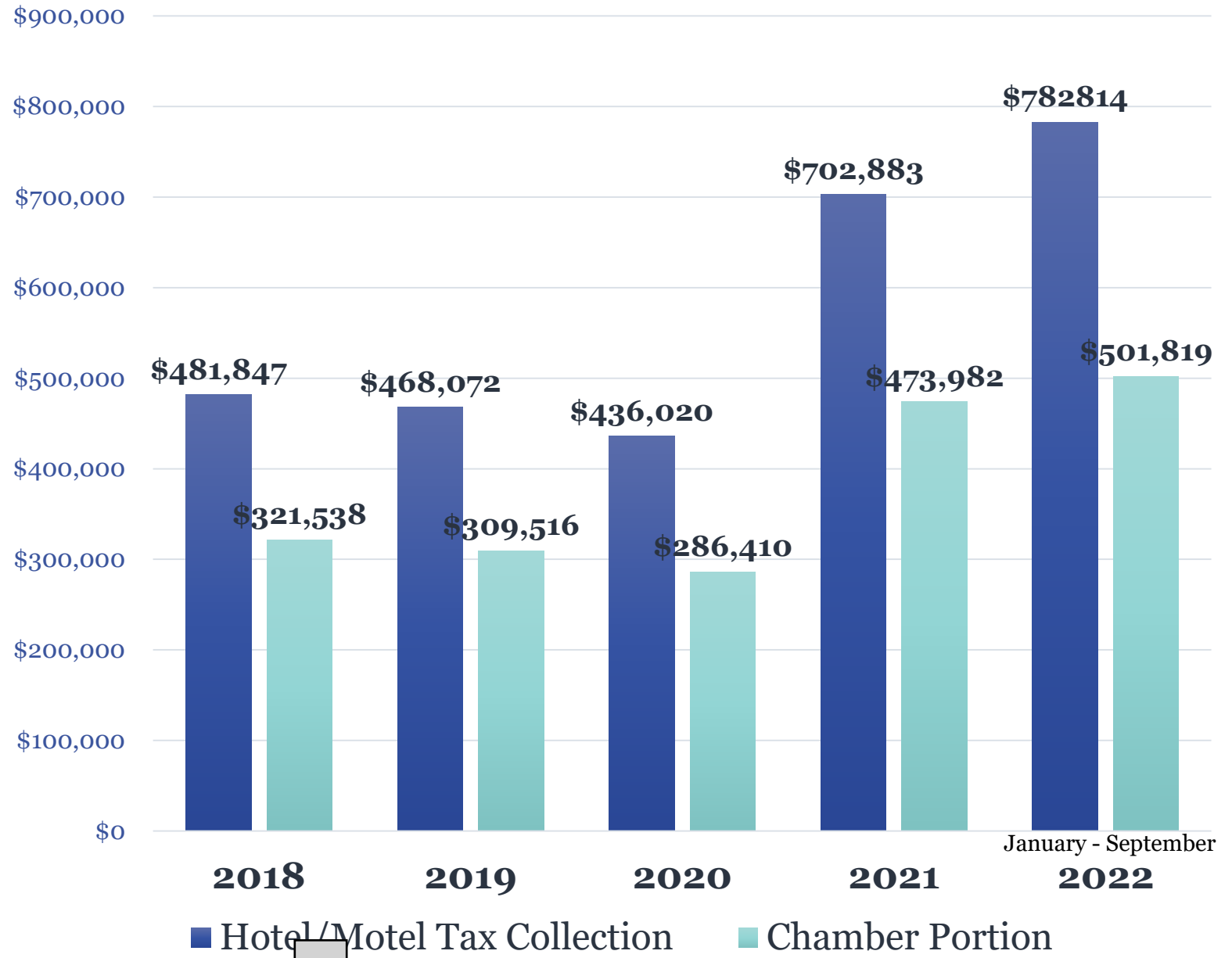




Each Dawson County household saves **\$640** annually due to tourism activity

Total collections have increased 45% since 2018

# Hotel/Motel Tax Collection



# Amicalola Regional Farmers Market





492 Members

31 Ribbon Cuttings

2022  
**CHAMBER  
STATS**

Many Celebrations!



Dawsonville Hardware's  
75<sup>th</sup> Year Celebration



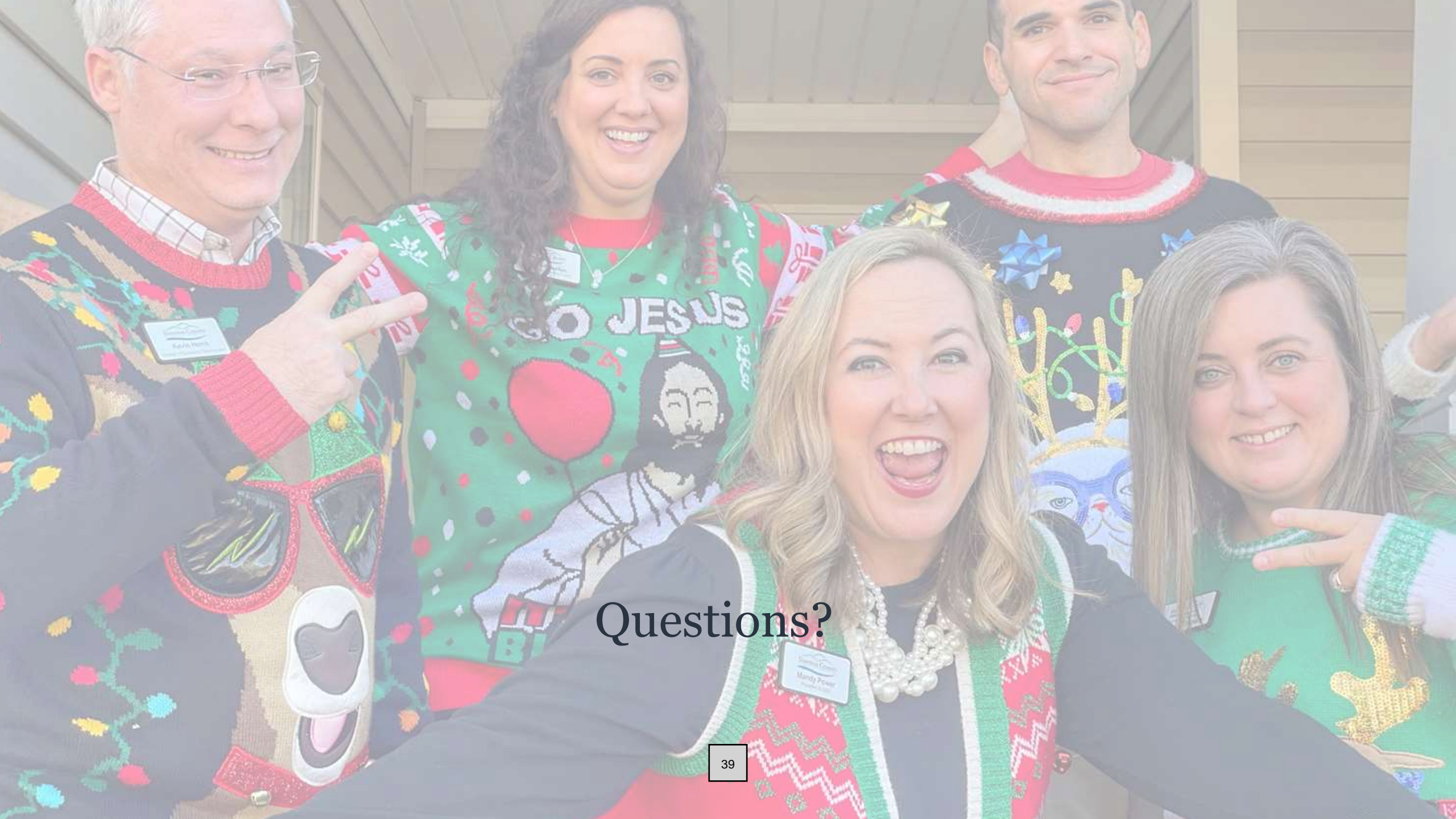
Chick Fil A's 20<sup>th</sup>  
Year Celebration



Groundbreaking for  
Amicalola's Visitor's  
Center



Burt's Farm 50<sup>th</sup> Year  
Celebration



Questions?

**DAWSON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES – NOVEMBER 17, 2022  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
4:00 PM**

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*Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.*

**NEW BUSINESS**

1. County Manager Report

*This item was for information only.*

*Interim County Manager Neikirk requested guidance on two items: 1. An agreement with Georgia Mountains Regional Commission (GMRC) concerning the county obtaining LiDAR as part of a GMRC regional orthoimagery project in the area of the 400 Corridor/Lake Lanier in order to update the county's topography map; and 2. A recycling contract with Waste Management.*

*An agreement with Georgia Mountains Regional Commission (GMRC) concerning the county obtaining LiDAR as part of a GMRC regional orthoimagery project in the area of the 400 Corridor/Lake Lanier in order to update the county's topography map will be added to the November 17, 2022, Voting Session Agenda for consideration.*

*A recycling contract with Waste Management will be placed on the December 1, 2022, Work Session Agenda for presentation.*

2. County Attorney Report

*County Attorney Davis discussed a land donation agreement approved by the board in August 2022 between Anne Styles and Dawson County. She said the transaction closed on November 17, 2022, which results in the donation by Ms. Styles of 120 acres off Highway 183/Elliott Family Parkway to the county. She commended Commissioner Fausett for her work on the matter.*

*Commissioner Fausett thanked Ms. Styles, who will "leave such a legacy." She said the county is "blessed" to have the land for a future park.*

*Chairman Thurmond also thanked Ms. Styles and her family, as well as Commissioner Fausett for her efforts in spearheading the transaction.*

APPROVE:

ATTEST:

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Billy Thurmond, Chairman

---

Kristen Cloud, County Clerk



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VOTING SESSION MINUTES – NOVEMBER 17, 2022  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

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**ROLL CALL:** Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; Interim County Manager Vickie Neikirk; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

**OPENING PRESENTATION:**

*Recognition of Parks & Recreation's Super Bowl Champions - Elementary Flag Football, 2<sup>nd</sup> Grade Football and 2<sup>nd</sup> Grade Cheer*

Parks & Recreation Director Matt Payne recognized the department's 2022 Super Bowl Champions: Elementary Flag Football, 2<sup>nd</sup> Grade Football and 2<sup>nd</sup> Grade Cheer.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Chairman Thurmond

**ANNOUNCEMENTS:**

None

**APPROVAL OF MINUTES:**

Motion passed 4-0 to approve the Minutes of the Work Session held on November 3, 2022. Dooley/Gaines

Motion passed 4-0 to approve the Minutes of the Voting Session held on November 3, 2022. Fausett/Dooley

**APPROVAL OF AGENDA:**

Motion passed 4-0 to approve the agenda with the following change:

- Addition of No. 2 under New Business:
  - Agreement with Georgia Mountains Regional Commission (GMRC) concerning the County Obtaining LiDAR as part of a GMRC Regional Orthoimagery Project in the Area of the 400 Corridor/Lake Lanier in Order to Update the County's Topography Map

Gaines/Satterfield

**PUBLIC COMMENT:**

None

**PUBLIC HEARING:**

*Extension of an Existing Moratorium on the Acceptance of Residential Rezoning Applications (1st of 1 hearing)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on an Extension of an Existing Moratorium on the Acceptance of Residential Rezoning Applications and, hearing none, closed the hearing.

Motion passed 4-0 to approve, by way of a resolution, an Extension of an Existing Moratorium on the Acceptance of Residential Rezoning Applications until February 17, 2023. Gaines/Fausett

**ZONING:**

Chairman Thurmond announced that if anyone contributed more than \$250 to the commissioners or chairman in the past two years and wished to speak they would have to fill out a disclosure form, which would be made available to them. Under normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 22-22 - Royce Flynn requests to rezone TMP 119-039 from RSR (Residential Sub-Rural) to COI (Commercial Office Institutional) for the purpose of opening an office space.

Planning & Development Director Sharon Farrell said an existing building on the property once operated as a recording studio. There has been some remodeling of the interior, said Farrell, adding that the applicant wishes to use the building for an office space for real estate business. She said the Planning Commission recommended approval of the application with stipulations.

Applicant Royce Flynn said, “We’re just going to open a real estate office to educate agents better to sell real estate. There’s a calling for it. We used to have some more offices in Dawson and, in the falling market, a lot of them closed down and never came back; and this is just a start, because the county’s growing again, to see if there’s interest in it.”

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 4-0 to approve ZA 22-22 with the following stipulations:

1. Office use only – no retail sales or display;
2. Any expansion of the building footprint is limited to those changes required to meet commercial code;
3. A 10-foot landscape buffer shall be planted and/or maintained along the frontage of the parcel. Supplemental plantings shall consist of evergreen trees, shrubs or a combination native to the region. All trees planted shall be a minimum of 6 feet in height at the time of planting. All shrubs planted shall be a minimum of 3 feet in height at the time of planting; and
4. This project will need to complete a commercial plan review and permitting for the change of use.

Fausett/Satterfield

**NEW BUSINESS:**

Consideration of Health Department Remodel

Motion passed 4-0 to approve a Health Department Remodel for a total of \$60,968.86, \$5,000 of which is a contingency. The board waived the purchasing policy ordinance to bid the repairs collectively. Purchase orders will be issued to Flack’s Flooring for flooring for \$31,027.20, All About Painting for painting for \$12,980, Engineered Openings for door replacement for \$7,413.96, and E-Systems Electrical for electrical for \$4,547.70. Funds will come from General Fund’s fund balance, and the Facilities department will manage and oversee the work. Dooley/Satterfield

Consideration of an Agreement with Georgia Mountains Regional Commission (GMRC) concerning the County Obtaining LiDAR as part of a GMRC Regional Orthoimagery Project in the Area of the 400 Corridor/Lake Lanier in Order to Update the County's Topography Map

Motion passed 4-0 to approve an Agreement with Georgia Mountains Regional Commission (GMRC) concerning the County Obtaining LiDAR as part of a GMRC Regional Orthoimagery Project in the Area of the 400 Corridor/Lake Lanier in Order to Update the County's Topography Map. Satterfield/Fausett

Motion passed 4-0 to amend the motion to include that \$18,000 will come from General Fund's fund balance. Satterfield/Gaines

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk

DRAFT



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning and Development  
 Prepared By: S.O. Farrell, Director  
 Presenter: S.O. Farrell

20  
 Work Session: 10/06/22  
 Voting Session: 11/03/22  
 Public Hearing: Yes

**Agenda Item Title:** Presentation of Ordinance shall be known and may be cited as "The Dawson County Property Maintenance Ordinance".

**Background Information:**

The current county ordinances do not provide a clear enforcement vehicle when residents file complaints regarding outdoor storage, junk vehicles/vessels and property nuisances.

**Current Information:**

This ordinance is "new"; amendments to the Nuisance Abatement Ordinance and the Litter Control Ordinance are submitted on separate agenda requests on the same timeline for adoption.

Budget Information: *Not Applicable.*

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**Recommendation/Motion:** Staff recommends that the BOC approve the request to advertise for public hearing for a new code to be known as "The Dawson County Property Maintenance Ordinance".

Department Head Authorization: <u>S.O. Farrell</u>	September 15, 2022
Finance Dept. Authorization: <u>Nikki Heikkinen</u>	Date: <u>10/11/22</u>
County Manager Authorization: <u>Paul Bendley</u>	Date: <u>9/26/22</u>
County Attorney Authorization: <u>Angela Davis w/ vac</u>	Date: <u>9/23/22</u>

**Attachment:**

Draft Ordinance – Chapter 44.

BOC Work session – October 20

**AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS REGARDING THE ADOPTION OF NEW CHAPTER 44 OF THE DAWSON COUNTY CODE CONCERNING PROPERTY MAINTENANCE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and,

**WHEREAS**, O.C.G.A. § 41-2-7 authorizes counties to counties to adopt ordinances relating to the dwellings, buildings, structures or property within such county which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of criminal activity, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; and,

**WHEREAS**, the Board of Commissioners of Dawson County has determined that it is in the public interest to adopt an ordinance concerning property maintenance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Dawson County, Georgia, as follows:

**SECTION 1.**

Chapter 44 of the Code of Dawson County, Georgia, entitled “Property Maintenance Ordinance,” contained in Exhibit “A,” attached hereto, and incorporated by specific reference is adopted.

**SECTION 2.**

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION 3.**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 4.**

This Ordinance shall become effective upon adoption, the public good demanding the same.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**Dawson County Board of Commissioners**

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Chris Gaines, Member

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Emory Dooley, Member

Attest:

By: \_\_\_\_\_  
Kristen Cloud, County Clerk

[COUNTY SEAL]

**CHAPTER 44: PROPERTY MAINTENANCE ORDINANCE**

<b><u>44-1.</u></b>	<b><u>Title</u></b>
<b><u>44-2.</u></b>	<b><u>Purposes</u></b>
<b><u>44-3.</u></b>	<b><u>Scope and Applicability</u></b>
<b><u>44-4.</u></b>	<b><u>Definitions</u></b>
<b><u>44-5.</u></b>	<b><u>Property Maintenance Required</u></b>
<b><u>44-6.</u></b>	<b><u>Securing Unoccupied/Vacant Structures</u></b>
<b><u>44-7.</u></b>	<b><u>Vacant Non-Residential Structures</u></b>
<b><u>44-8.</u></b>	<b><u>Stagnant Water</u></b>
<b><u>44-9.</u></b>	<b><u>Private Swimming Pools</u></b>
<b><u>44-10.</u></b>	<b><u>Outdoor Storage</u></b>
<b><u>44-11.</u></b>	<b><u>Vegetation</u></b>
<b><u>44-12.</u></b>	<b><u>Health and Sanitation</u></b>
<b><u>44-13.</u></b>	<b><u>Graffiti</u></b>
<b><u>44-14.</u></b>	<b><u>Tenant Responsibility for Maintenance</u></b>
<b><u>44-15.</u></b>	<b><u>Owner Responsibility for Maintenance</u></b>
<b><u>44-16.</u></b>	<b><u>Maintenance of Real Property After Casualty Damage</u></b>
<b><u>44-17.</u></b>	<b><u>Vermin Infestation Control</u></b>
<b><u>44-18.</u></b>	<b><u>Unfit Dwellings or Buildings</u></b>
<b><u>44-19.</u></b>	<b><u>Enforcement</u></b>
<b><u>44-20.</u></b>	<b><u>Penalties</u></b>
<b><u>44-21.</u></b>	<b><u>No Liability-County</u></b>

**44-1. TITLE**

The title of this Ordinance shall be known and may be cited as "The Dawson County Property Maintenance Ordinance."

**44-2. PURPOSES**

- (A) The Board of Commissioners of Dawson County finds that there are a number of residential and nonresidential properties in Dawson County that are poorly maintained and neglected by their owners. These properties adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values and by creating public health and safety problems.
- (B) These adverse effects also increase the incidence of illegal habitation, vandalism, criminal activity, and fire. The Board of Commissioners finds that the elimination and prevention of these conditions is necessary and is in the best interest of the county and its citizens.
- (C) Additionally, the Board of Commissioners finds that in Dawson County there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation, or for commercial, industrial, or business occupancy or use, and are inimical to the welfare and are dangerous and injurious to the health, safety, and welfare of the citizens of Dawson County. The Board of Commissioners finds that it is necessary and in the best interest of the county and its citizens to utilize the authority granted to the

county by O.C.G.A. § 41-2-7, et seq., to adopt this ordinance and to repair, close, seize, or demolish and remove unfit dwellings or structures.

#### **44-3. SCOPE AND APPLICABILITY**

This Chapter shall apply to all commercial, office, industrial, multifamily, and single-family residential structures and properties, and any person owning, occupying, managing, or controlling any such property in Dawson County. This Chapter shall constitute the minimum requirements and standards for existing structures and property, as well as any future construction.

- (A) Every property (including unimproved lots) and every building, dwelling or structure in the unincorporated area of the county, whether occupied or vacant, shall conform to the requirements of this Chapter, regardless of when such building, dwelling or structure may have been constructed, altered, or repaired. When a building, dwelling or structure is vacant, the owner, immediately upon vacating, shall ensure that the property is free of trash and debris, and that the dwelling or structure is secured in a closed and inaccessible manner until reoccupied, and continue maintaining the exterior of the property in compliance with this Chapter.
- (B) Certain provisions of this Chapter may not be mandatory for existing buildings, dwellings or structures designated by the state or the county as historic buildings when such buildings, dwellings or structures are judged by the applicable Public Official to be safe and in the public interest of health, safety, and welfare.
- (C) Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas in compliance with this Chapter shall be the joint and shared responsibility of the owners and tenants.

#### **44-4. DEFINITIONS**

Terms not defined herein shall have their meaning as defined in the Dawson County Zoning Ordinance, the development regulations, building codes, and any other applicable portion of the Dawson County Code of Ordinances, or in the absence of such definition, words shall have their common dictionary meaning. Whenever the words "dwelling unit," "dwelling room," "property," "building," "rooming house," "rooming unit," or "story" are stated in this Chapter, they shall be construed as though they were followed by the words "or any part thereof." The following words, terms, and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

*Authorized litter receptacle* means a litter storage and/or collection receptacle as defined or required by this Chapter.

*Building* means any structure upon a property, presently or formerly used, or intended to be used in whole or in part for residential uses or the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage, or any other purpose.



*Building Inspector* means any employee of Dawson County whose responsibilities include enforcement of the provisions of this Chapter.

*Building Official* means the official or other designated authority charged by the county board of commissioners with the administration and enforcement of the state minimum codes and all other building related codes within the county.

*Certified Mail* means that class or type of mail designated by the U.S. Postal Service as "certified mail" and also includes the class or type of mail designated as "registered mail" and "registered mail, return receipt requested".

*Commercial building or establishment* means any structure, whether public or private, presently or formerly intended for occupancy, for transaction of business, for rendering professional service, for amusement, for the display, sale, or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, apartment buildings, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns, and other structures on property used for business purposes.

*Commercial, industrial, or heavy vehicle or equipment* means any of the following:

- (a) Any vehicle with more than two axles; or
- (b) Any vehicle exceeding a gross vehicle weight rating of 20,000 pounds; or
- (c) Any bulldozer, tractor/backhoe, or similar heavy construction or farm equipment.
- (d) This definition shall not apply to school buses as that term is defined herein.

*Compost pile* means plant debris, soil and other putrescible wastes stacked so as to encourage rapid decomposition for the ultimate use as plant fertilizer.

*Condemned* means any structure on a property which has been determined and noticed by the Public Official to be structurally unsound and unsafe for habitation, unsanitary due to sewer malfunctions, polluted water, or insect or vermin infestations, or otherwise determined to be uninhabitable for any other health or safety reasons.

*County* means Dawson County, Georgia.

*Court* means a court of competent jurisdiction.

*Demolish* means to destroy a building and to remove all resultant debris and waste materials from the lot on which the building stood.

*Deteriorate, Deterioration or deteriorated* means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, insect, rodent, or vermin infestation or destruction.

*Dumpster* means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

*Dwelling* means a building that contains one or more dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes, including single-family, duplex, and multifamily residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized home, but not including, hotels and motels.

*Dwelling unit – single family* means a single unit providing complete independent living facilities for a single family as defined in this Chapter and any other applicable Dawson County ordinances, including provisions for living, sleeping, eating, cooking, and sanitation, designed for the exclusive use of a family maintaining a household.

*Dwelling unit – multiple family* means any dwelling containing more than two dwelling units.

*Emergency* means a condition which is a violation of this Chapter, and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.

*Exterior property* means open space on the property and on any adjoining property under the control of the same owners or operators of such property.

*Extermination* means the control or eradication of insects, vermin, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal elimination methods.

*Family* means an individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit; provided however that a domestic servant employed full-time on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

*Garbage* means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Trash, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

*Garbage bag* means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

*Graffiti* means images or letters scratched, scrawled, painted, or marked in any manner on property, which is unsightly and unwanted by the property's owner or occupant.

*Handbill* means any printed or written matter any sample, device, dodger, circular, leaflet, sampler, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature, political or nonpolitical, for profit or nonprofit, for commercial or noncommercial purposes not included in the definitions of "newspaper," except the word "handbill" shall not include any notice or any document relating to legal proceedings, court proceedings, or action of any government agency, including Dawson County.

*Hazardous* means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

*Hazardous waste* means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

*Heavy vehicle or equipment.* See "commercial, industrial or heavy vehicles or equipment," defined herein.

*Household trash* means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial Waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

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

*Inoperable or Junk vehicle* means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle ("ATV"), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- (a) Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- (b) Which does not have a valid license plate where required; and/or

- (c) Where it is incapable of movement by its own power.

*Inoperable or Junk marine vessel* means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- (a) Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- (b) Which does not have a valid vessel registration where required; and/or
- (c) Where it is incapable of movement by its own power.

*Intended* means:

- (a) The purpose, operation, and/or arrangement for which something has been designed or built; or
- (b) The purpose, operation, and/or arrangement for which something is currently safely and legally being used.

*Interested parties* means:

- (a) Owner;
- (b) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (c) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (d) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the complainant or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of an easement or right-of-way whose interest is properly recorded, which interest shall remain unaffected; and
- (e) Persons in possession of said property and premises.

*Junk* means any used and discarded or abandoned materials or articles including, but not limited to, Junk or Inoperable Vehicles, Junk or Inoperable Marine Vessels, trailers, machinery, equipment, appliances, house furnishings, furniture, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs, structures, recreational equipment, building materials and debris, vehicle parts, marine and vessel parts, rimless tires, scrap, and parts and any other article or material which has been discarded and is not generally useable for the purpose for which it was manufactured.

*Junkyard* means land on which Junk, two or more Inoperable or Junk Vehicles or Inoperable or Abandoned Marine Vessels are parked, standing, or allowed to remain.

*Litter* means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used, or unconsumed substance, which is not handled in accordance with the provisions of this Chapter.

*Litter receptacle* means a container for the disposal of litter of not more than 60-gallon capacity; provided that garbage containers or other waste containers serving single-family or multifamily residences are not included in this definition.

*Marshal's Office* means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

*Maintenance* means the act of keeping property and structures in good repair, in proper condition to prevent the deterioration or failure thereof, structurally sound, and free from rubbish, garbage, infestation, and other debris. The property should be kept so that it is not conducive to the harboring or breeding of reptiles, rodents, mosquitos, or insects.

*Newspaper* means any newspaper of general circulation, any newspaper duly entered with the U. S. Postal Service Department of the United States in accordance with federal statute or regulation, and, in addition thereto, means and includes any periodical or magazine regularly published with not less than four issues per year and sold or distributed to the public.

*Nonresidential structure* means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, and living space or sleeping space for one or more human beings, either permanently or transiently.

*Noxious weed* means any plant designated by federal, state or local government officials as injurious to public health, agriculture, recreation, wildlife or property.

*Occupant* means any person, over one year of age, living or having actual possession of a dwelling unit.

*Operator* means any person who has charge, care or control of a dwelling, building, or structure, or part thereof, in which dwelling units are let.

*Owner* means any person, firm, corporation, or entity who, alone or jointly or severally with others:

- (a) Has legal title to any property, dwelling, dwelling unit, building, or structure, with or without accompanying actual possession thereof; or
- (b) Has charge, care or control of any property, dwelling, dwelling unit, building, or structure, as owner or agent of the owner, prime tenant, real estate agent, mortgagor, bank, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

*Park* means a park, reservation, playground, beach, recreation center, or any other public area in Dawson County, owned or used by Dawson County, and devoted to active or passive recreation.

*Parking Lot* means

- (a) an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- (b) any commercial parking lot or garage; and
- (c) the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

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

*Property* means any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

*Public authority* means any housing authority officer or any officer who is in charge of any department or branch of the government of the county or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in Dawson County.

*Public officer* means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

*Public record* means deeds, mortgages and other instruments of record relating to land titles.

*Recreational vehicle* means any vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use that either has its own motorized power or is mounted on or drawn by another vehicle. This shall include, but not be limited to, travel trailers, camping trailers, truck campers, and motor homes. This shall also include boats, personal watercraft, wave runners, all-terrain vehicles, trailers of any type, or school buses. Recreational vehicles are not permitted to have attachments such as stairs, steps, handrails, porches, decks, and the like.

*Refuse* means all decayable and non-decayable solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes, residue from street cleaning, and solid market and industrial wastes.

*Regular mail* means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular mail shall also include post cards and postal cards.

*Resident* means any person residing in Dawson County on or before the date on which the alleged nuisance arose.

*Residential structure* means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a dwelling, home, residing place, and living space or sleeping space for one or more human beings, either permanently or transiently.

*Residential district* or *residential property* or *residential-zoned property* means property approved for residential use according to the Dawson County Zoning Ordinance, as it may be amended from time to time.

*Responsible person* means an owner, operator, and/or a person or persons designated in this Chapter as being responsible for meeting the standards of this Chapter.

*Road* or *street* shall be mutually inclusive and shall likewise be deemed to include any public or private alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

*Rooming house* means any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or occupant to three (3), but not more than twenty (20), persons who are not related by genetics, adoption, or marriage.

*Rooming unit* means any room or group of rooms within a dwelling used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rubbish* means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials.

*Safe* means a condition that is not likely to do harm to humans or to real or personal property.

*Sanitary* means the absence of a condition that is conducive to the spreading of disease or illness, or conducive to harboring vermin.

*Scavenge* or *scavenging* means any unauthorized or uncontrolled retrieval of discarded garbage or refuse materials.

*School bus* means any public or private school bus that is being operated as a school bus in Dawson County.

*Secure* or *Securing* means measures directed by the Public Officer that render the property inaccessible to unauthorized persons including, but not limited to, repairing fences and walls, chaining or padlocking gates, repairing doors, windows, or other openings.

*Signature* means the handwritten or electronically generated name of a person, or a facsimile thereof found on a document.

*Structure* means anything constructed or placed upon or within a property which is permanently or temporarily affixed to the property, and which is supported by the ground or another structure,

including but not limited to, garages, carports, sheds, racks, and swimming pools, but not including a currently operable and licensed vehicle, trailer, or recreational vehicle.

*Structural alterations* mean any change in the supporting structural members of a building such as load-bearing walls, joists, columns, beams, or girders, except repair or replacement of supporting structural members.

*Trash* means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

*Unfit for human habitation* means designation of dwellings or dwelling units as so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public and which are condemnable. This term shall specifically include, but not be limited to, dwellings or dwelling units that lack basic sanitation such as connection to public water and sewer or septic necessary for supply of potable water.

*Unsafe* means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.

*Vehicle* means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

*Vermin* means rodents, birds and insects that are destructive of real or personal property or injurious to health.

*Vermin control* means block sanitation, distribution of poison, and/or the setting of traps or such other methods recommended by a licensed pest control operator, as may be approved to control the rat, rodent, and/or vermin population.

*Vermin harborage* means any condition under which vermin may find shelter or protection, and shall include any construction or condition, which permits the entrances of vermin into any building.

*Vermin-proofing* means taking action to prevent the ingress of vermin into business buildings through the exterior walls, ground, or first floors, basements, roofs, sidewalk gratings, sidewalk



openings, foundations, and other places that may be reached and entered by vermin climbing, burrowing, or otherwise.

- (a) The material to be used for rodent-proofing shall include cement concrete, brick masonry laid in cement concrete mortar, sheet metal, 24 or 26-gauge wire cloth of not less than 19-gauge having a mesh not larger than three-eighths of an inch.
- (b) All material for rodent proofing shall be of such strength and thickness as to be impervious to rodent gnawing.
- (c) Windows and other openings for light or ventilation that may be reached or entered by rodents shall be covered with wire cloth screen incorporated in a metal frame conforming to the above gauge and dimensions.
- (d) All exterior doors shall be protected against the gnawing of rodents by the use of materials prescribed above.
- (e) When closed, all exterior doors shall have a maximum clearance between doors, doorsills, and jambs of not exceeding three-eighths of an inch.

*Vintage car* means a car or light truck more than 20 years old that is in good operating and cosmetic condition or in the process of being restored to good condition.

*Weeds* means active vegetative growth including, but not limited to, kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths. This term shall not include cultivated flowers, fruits, vegetables, and gardens.

*Yard trimmings* means leaves, brush, grass, clippings, shrubs, and tree pruning's, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural and silvicultural operations.

#### **44-5. PROPERTY MAINTENANCE REQUIRED**

All property regulated by this Chapter, whether occupied or unoccupied, shall meet or exceed the standards of this Chapter. All property shall be maintained in a manner so as to ensure that the property is not unsafe, uninhabitable, or a nuisance.

#### **44-6. SECURING UNOCCUPIED/VACANT STRUCTURES**

- (A) A dwelling, building or structure, or any such part thereof, that is not physically occupied by a person shall be kept secured by the owner against unauthorized entry and water damage. Securing shall further be accomplished by ensuring doors and windows are closed and locked and/or boarding of doors and windows with exterior grade plywood. Securing shall be in a manner which is consistent with the building codes and regulations of Dawson County and as determined by the Building Official, which may include such additional acts of repairs to fences and walls, chaining or padlocking gates, and repairing doors, windows, or other openings.

(B) Alternative Methods of Securing. Notwithstanding subsection (A) of this section, the Building Official may approve alternative methods of securing doors, windows or other openings of any building or structure. In making the determination to approve any alternative method, the Building Official shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

#### **44-7. VACANT NON-RESIDENTIAL STRUCTURES**

A non-residential building or non-residential structure that is not occupied for 90 days shall be deemed a vacant non-residential structure and shall be maintained in good repair and comply with applicable laws, codes, and ordinances, including all requirements of this Chapter. Any vacant commercial structure shall conform to the following additional minimum standards:

- (A) A placard 24 inches by 24 inches with a red background, white reflective stripes and a white reflective border shall be placed on the front of the vacant structure and shall be visible from the street. An "X" within the placard shall signify significant structural deficiencies within the building, which will limit firefighting to exterior operations only with entry occurring only for known life hazards;
- (B) All doors and windows and other openings shall be weather-tight and secured against entry by the general public and animals;
- (C) All roof and roof flashings shall be sound and tight so that no rain or other precipitation shall penetrate the structure and shall allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure;
- (D) The structure and all plumbing therein shall be maintained in good repair and be structurally sound; the structure shall be free from rubbish, garbage and other debris;
- (E) Supporting members of the structure shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load;
- (F) The exterior of the structure shall be free of loose and rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather coating materials (paint or similar treatment);
- (G) All balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather coating;
- (H) Any accessories or appurtenant structures including, but not limited to, garages, sheds or other storage facilities shall meet the standards set forth herein; and

- (I) Retaining walls, drainage systems, or other structures shall be maintained in good repair and shall be structurally sound. Any existing fence shall be maintained in good repair with gates locked at all times.

**44-8. STAGNANT WATER**

Stagnant water which has not been chemically treated or is not circulated as to not be conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any property.

**44-9. PRIVATE SWIMMING POOLS**

Private swimming pools, hot tubs, and spas containing more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**44-10. OUTDOOR STORAGE**

No property owner shall allow outdoor storage of any Inoperable or Junk Vehicle, Inoperable or Junk Marine Vessel, junk, trash, garbage, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, used or damaged lumber, damaged outdoor furniture, household furniture, stoves, refrigerators, freezers or other appliances intended for indoor use, sinks, toilets, cabinets or other household fixtures, yard waste, and/or any other item, whole or in part, regardless of item condition, including but not limited to, rusted, wrecked, junked, dismantled, abandoned, discarded, or inoperable, which is not completely enclosed within a building or dwelling and which may become a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county.

This does not apply to any issue that may be existing as a result of the natural and undisturbed state of the property that is free from any act of human conduct. Nothing herein shall preclude the storage of stacked firewood for use on the property. Further, this section shall not apply to construction sites or licensed businesses for which all applicable permits have been issued by the county and such storage is compliant with all other applicable rules and regulations.

**44-11. VEGETATION**

It shall be unlawful for any person to maintain, cause or allow growth of weeds or grass in excess of 18” (eighteen inches) to grow on any property on which is located a residential dwelling, commercial establishment or vacant commercial property where excessive growth may become a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county. Noxious weeds shall be prohibited. This does not apply to agriculturally zoned property, property used for agricultural purposes, county-designated green space, or areas existing in their natural, undisturbed state.

In any event, no tree, shrub or other vegetation shall obstruct the safe vision of a sidewalk, drive, or road.

**44-12. HEALTH AND SANITATION**

All exterior property shall be maintained in a sanitary and safe condition. All exterior property shall be free of trash and garbage to the extent such trash and garbage shall create a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county. Notwithstanding the foregoing, the composting of vegetative materials is allowed provided that it does not create odors, health hazards, or nuisances.

**44-13. GRAFFITI**

Any person who causes graffiti to appear on property shall be subject to penalty under this Chapter, as well as all other applicable criminal laws. The owner of the property on which the graffiti appears shall be responsible for removal of the graffiti, whether by cleaning the graffiti off, painting over the graffiti, or otherwise. Failure by the property owner to remove the graffiti within 30 days of written notice to do so by a Public Officer shall constitute a violation of this Chapter by the property owner.

**44-14. TENANT RESPONSIBILITY FOR MAINTENANCE**

A tenant, in addition to the owner, shall be responsible for complying with the standards of this Chapter on that portion of the property controlled exclusively by the tenant.

**44-15. OWNER RESPONSIBILITY FOR MAINTENANCE**

The owner of a property shall be responsible for complying with the standards set forth in this Chapter, except as otherwise stated in this Chapter.

**44-16. MAINTENANCE OF REAL PROPERTY AFTER CASUALTY DAMAGE**

(A) All buildings or structures not being presently and physically occupied, which have been rendered hazardous by fire or other acts of nature, shall immediately be made secure by the

owner and/or operator to prevent unauthorized access to the hazardous property. If the property remains physically unoccupied and hazardous to public health and safety 90 days after the casualty damage occurred, unless a natural disaster is declared by an authorized governmental entity, the owner and/or operator shall be subject to the enforcement provisions of Chapters 48 of the Dawson County Code of Ordinance for abatement of a nuisance.

(B) Burned structures.

If any building or structure is partially burned, then the owner and/or operator shall, within 30 days after completion of the investigation by the fire department and law enforcement and/or the insurer of the property, remove from the premises all refuse, garbage, trash, debris, and all charred and partially burned lumber and material. If the building or structure shall be burned to an extent that the building or structure cannot be repaired, then the owner and/or operator shall, within 60 days after completion of the investigation by the fire department and law enforcement and/or the insurer of the property, remove from the premises the remaining portion of the building or structure. If the building or structure is to be repaired, then a permit shall be obtained, and work shall begin within 60 days after completion of the investigation by the fire department and law enforcement and/or insurer of the property.

**44-17. VERMIN INFESTATION CONTROL**

(A) Non-Residential Buildings.

- (1) The owners of all non-residential buildings shall have such buildings vermin-proofed and kept vermin-proofed in accordance with this Chapter.
- (2) Whenever conditions inside or under any such non-residential buildings or on any property on which a non-residential building is located provide harborage for vermin such that the Public Official deems it necessary that such harborage be eliminated, the Public Official shall order the owner to take such steps toward the elimination of the harborage as the Public Official, in his/her discretion, deems essential.

(B) Duties of occupants of non-residential buildings.

The owner, operator, and/or occupants of any non-residential buildings or property on which a non-residential building is located in Dawson County shall at all times comply with the following regulations:

- (1) Store all garbage in a vermin-proof metal container or other type approved by the Public Official, pending removal of such garbage;
- (2) Keep non-residential buildings and property free of trash, garbage, debris, rubbish, salvage, or similar materials which provide nesting places and harborage for vermin; and

- (3) Maintain buildings and/or property in a vermin-free condition by pursuing a program of vermin proofing.

(C) Residential Buildings.

- (1) The owner of any residential building shall be responsible for vermin elimination within the building prior to renting or leasing the structure.
- (2) The occupant of a one-family dwelling shall be responsible for vermin elimination on the premises.
- (3) The owner of a building containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for vermin elimination in the public or shared areas of the building and exterior property. If an infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for vermin elimination.
- (4) The occupant of any building shall be responsible for the continued vermin free condition of the building. Except where the infestations are caused by defects in the building, the owner shall be responsible for vermin elimination.

(D) Inspections.

The Public Official is hereby authorized to make inspection of all buildings and property in Dawson County for the purpose of determining the conditions as to vermin proofing and rodent infestation where there is reasonable cause for the Public Official to believe that vermin infestation or harborage exists. All owners, operators, and/or occupants of buildings and property shall permit such inspection when requested by the Public Official.

**44-18. UNFIT DWELLINGS OR BUILDINGS**

(A) Unfit dwellings and buildings defined.

Any dwelling or building, which has any or all of the following defects, as determined by the Building Official, shall be deemed unfit for human habitation, as defined by this Chapter, and subject to condemnation by the County. The following is a non-exclusive list of conditions that will be deemed unfit for human habitation:

- (1) Any dwelling or building whose walls or vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members.
- (2) Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40 percent damage or deterioration of the non-supporting, enclosed, or outside walls or covering.

- (3) Any dwelling or building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Any dwelling or building which has been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants.
- (5) Any dwelling or building which has parts thereof, which are so attached that they may fall and injure persons or property.
- (6) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level, whether such unobstructed egress is at ground level or via steps to ground level.
- (7) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.
- (8) Any dwelling or building, which does not have an installed kitchen sink in each dwelling unit properly, connected to the hot and cold-water supply pipes and the sewer system, and which connection is actively providing a potable water supply.
- (9) Any dwelling or building which does not have an installed tub or shower and lavatory properly connected to hot and cold-water supply pipes and sewer system, and which connection is actively providing a potable water supply.
- (10) Any dwelling or building which does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, and which connection is actively receiving a water supply so as to allow a toilet to be flushed.
- (11) Any dwelling or building which does not have installed and operational (i.e., electricity running through the lines) electric lighting facilities installed and functioning in accordance with the minimum requirements of the National Electric Code.

(B) Renting an unfit dwelling or building.

It shall be unlawful for any owner, operator, occupant, and/or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling, building, or rooming unit which is unfit for human habitation as determined by inspection by the Dawson County Building Official, for any reason set out in this Chapter, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building or rooming unit unsafe or unsanitary or dangerous.

Upon discovering that a dwelling, building, or rooming unit has been deemed by the Public Official to be unfit for human habitation, any person shall have 72 hours or three business days (in the case of office closure) after execution of a lease for such dwelling, building, or rooming unit to rescind the lease by providing notice in writing to the landlord that the dwelling or building has been discovered to be unfit as described in this Chapter.

(C) Persons occupying dwellings or buildings.

In addition to limitations on occupants and residents and the definition of family under this Chapter and any other applicable Dawson County ordinance, the number of persons beyond c persons related by blood, marriage, adoption, or guardianship occupying any dwelling unit shall be limited by the following additional requirements: The total of all habitable rooms in a dwelling or building shall be such as to provide at least 200 square feet of total building square footage (as determined and maintained in the records of the Dawson County Board of Tax Assessors) per each adult occupant thereof. Any floor space under a ceiling less than five feet high shall not be counted.

(D) Rooming houses.

If the use is allowed in the zoning district, and all other applicable requirements under the applicable zoning ordinance are satisfied, the owner and/or operator of a rooming house must comply with the following additional requirements:

- (1) Each rooming house and room shall be in compliance with the minimum standards set forth in this Section, Section 44-17-A, subsections (1) through (7), and (11), and Section 44-17-C above.
- (2) Each rooming house shall be equipped with at least one flush water closet, one lavatory, an installed tub or shower for each five persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system as required by Section 44-18-A.
- (3) Each flush water closet, lavatory, tub, or shower required above, shall be located within the rooming house, in a room, or rooms, which:
  - (a) Affords privacy;
  - (b) Is accessible by a common hall without going outside the rooming house;
  - (c) Is accessible by a common hall without going through sleeping quarters of others; and
  - (d) Is not more than one story removed from the room of an occupant intended to share the facilities.



(E.) Non dwelling structures.

It shall be unlawful for any owner, operator, occupant or any party of interest to connect a non-dwelling structure to utilities and be used as a dwelling in any zoning district. Non dwelling structures shall not be parked or stored to be used as a dwelling on any property unless the property is zoned, licensed, and operated as a Recreational Vehicle Park.. Non dwelling structures include but are not limited to: campers, travel trailers, recreational vehicles, motor homes, busses, pickup campers, converted trucks or buses, motorized homes, tent campers, tents, or other short-term housing or shelter arrangements and devices, boats and boat trailers, combinations thereof and other similar equipment, cases and boxes, and utility buildings.

**44-19. ENFORCEMENT**

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

**44-20. PENALTIES**

- (A) The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
- (B) Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.
- (C) Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
- (D) Each violation of this Chapter shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the

offending person will be subject to the penalties in subsection B above for each day of noncompliance.

**44-21. NO LIABILITY-COUNTY**

No officer, agent, or employee of Dawson County shall be personally liable for any damage that may accrue to persons or property resulting from any act required or permitted when discharging duties pursuant to this Chapter.



# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Work Session: 10/20/22

Voting Session: 11/03/22

Public Hearing: Yes

Department: Planning & Development

Prepared By: S.O. Farrell, Director

Presenter: S.O. Farrell

Agenda Item Title: Presentation of amendments to the Litter Control /Solid Waste Management code.

**Background Information:**

A new chapter for Property Maintenance is being proposed, creating the need to amend the current Litter Control/Solid Waste code.

**Current Information:**

Staff worked with legal counsel to draft the amendments to the Litter Control/Solid Waste Management code, in conjunction with the new code Chapter 44 Property Maintenance.

Budget Information: Not Applicable.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**Recommendation/Motion:** Staff recommends that the BOC approve the request to advertise for public hearing to amend the Litter Control/Solid Waste code

Department Head Authorization: S.O. Farrell

October 6, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley Date: 10-11-2022

County Attorney Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment:**

Chapter 46 amended and a "clean" copy of changes incorporated.

## **CHAPTER 46: LITTER CONTROL AND SOLID WASTE MANAGEMENT**

- 46-1. Title**
- 46-2. Definitions**
- 46-3. Public Collection and Disposal**
- 46-4. Private Collection and Disposal**
- 46-5. Private Litter Control**
- 46-6. Practices and Procedures**
- 46-7. Community Health and Welfare**
- 46-8. Enforcement**

### **46-1. TITLE**

This Chapter shall be known and may be cited as “The Dawson County Litter Control and Solid Waste Management Ordinance.”

### **46-2. DEFINITIONS**

#### **A. General**

Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” is always mandatory. The word “may” is permissive and is not mandatory. The “Board of Commissioners” refers to the Board of Commissioners of Dawson County, Georgia.

#### **B. Specific Definitions**

When used in this Chapter, the following words and phrases shall have the following meanings:

*Biomedical Wastes* means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, and other such waste materials.

*Business Trash* means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to business operations.

*Commercial Solid Waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

*Compactor* means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.

*Construction/Demolition Wastes* means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.

*Construction/Demolition Waste Landfill* means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

*County* means the duly authorized governing body of Dawson County, Georgia, or the geographical area of Dawson County, Georgia, outside the corporate limits of any incorporated municipality therein.

*Dumpster* means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

*Garbage* means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

*Garbage bag* means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

*Hazardous* means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

*Hazardous waste* means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

*Household Trash* means every waste accumulation of paper, sweepings, dust, rags, bottles cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

*Industrial Waste* means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

*Inoperable or Junked Vehicles* means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle (“ATV”), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid license plate where required; and/or
- c. Where it is incapable of movement by its own power.

*Inoperable or Junk marine vessel* means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid vessel registration where required; and/or
- c. Where it is incapable of movement by its own power.

*Landfill, Sanitary* means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

*Leachate Collection System* means a system at a landfill for collection of the leachate, which may percolate through the waste and into the soils surrounding the landfill.

*Litter* means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this Chapter.

*Marshal's Office* means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

*Municipal Solid Waste* means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and including solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

*Municipal Solid Waste Disposal Facility* means any facility or location where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

*Municipal Solid Waste Landfill* means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*Parking Lot* means:

- a. an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- b. any commercial parking lot or garage; and
- c. the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

*Public officer* means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

*Public or Private Property* means the right of way of any road, street or highway; and any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests. Any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

*Putrescible Waste* means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes, which are contaminated by such wastes.

*Recycling* means any process, by which material, which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

*Road or Street* shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

*Rubbish* means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials.

*Scavenge or Scavenging* means any unauthorized or uncontrolled retrieval of discarded solid waste or garbage materials.

*Sharps* means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

*Solid Waste* means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

*Transfer Station* means a designated location where members of the public may dispose of solid waste subject to the restrictions set forth in this Chapter. Waste collected at Transfer Station(s) will be periodically hauled to a landfill.

*Trash* means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

*Vehicle* means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat



trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

*Yard Trimmings* means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

*Exemptions.* Provisions of these rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle; provided that if such individual, corporation, partnership, or cooperative shall provide an approved disposal system which is capable of properly disposing of the run-off from a ten year storm such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

### C. Classification of Solid Wastes

1. Accepted Solid Wastes-Compactors. The following types of solid wastes shall be classed as “domestic solid wastes” and shall be accepted for disposal in compactors or dumpsters:
  - a. Garbage in garbage bags.
  - b. Household trash in garbage bags.
2. Accepted Construction/Demolition Wastes Landfill. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:
  - a. Construction/demolition wastes.
  - b. Other types of non-putrescible solid wastes.
3. Accepted Solid Wastes-Sanitary Landfills. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:
  - a. Garbage,
  - b. Household trash,
  - c. Business trash,
  - d. Rubbish,
  - e. Litter, and
  - f. Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.

4. Non-Accepted Solid Wastes. The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:
  - a. Some types of industrial waste
  - b. Hazardous wastes
  - c. Inoperable or Junked vehicles and parts thereof
  - d. Inoperable or Junked marine vessels and parts thereof
5. Recyclables. Materials for recycling may be separated for storage at each disposal site.

#### **46-3. PUBLIC COLLECTION AND DISPOSAL**

##### **A. Public Compactors**

1. The Board of Commissioners may designate areas in the County where Transfer Stations, intended to be for public use, are located and maintained. These Transfer Stations shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.
2. It shall be unlawful for any person to place or deposit any garbage, refuse, litter, household trash or other material of any kind at a Transfer Station without authorization.
3. It shall be unlawful to place or deposit industrial waste or construction/demolition wastes at a Transfer Station.
4. It shall be unlawful to place or deposit any hazardous solid wastes of any kind at a Transfer Station.
5. It shall be unlawful for any person to dispose of or discard at a Transfer Station any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
6. No combustible liquid shall be placed or deposited at a Transfer Station. Non-Combustible Liquids are also prohibited unless they are solidified so that they cannot pass through a paint filter.
7. No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited at a Transfer Station.

8. It shall be unlawful to place or deposit any garbage or household trash at a Transfer Station without first placing and securing such in a garbage bag of suitable strength and thickness. Objects, which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.
9. It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to a Transfer Station compactor, unless otherwise directed by on-site staff, and except that recyclable materials may be placed in designated containers where provided. Any person using a compactor shall clean up any spills caused by his use of the compactor and shall not drop or discard any garbage or household trash in the area surrounding the compactor.
10. Dead or live animals shall not be placed or deposited at a Transfer Station.
11. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.

**B. Public Construction/Demolition Wastes Landfill and Sanitary Landfill**

1. The County may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of Municipal Solid Waste Landfill.
2. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Dawson County Sanitary Landfill.
3. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
4. The County may restrict certain sites or portions thereof to a specific type or types of solid wastes. The County may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
5. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
6. Residents of the County and businesses located in Dawson County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instruction of the site attendant.

7. Municipalities located within Dawson County may use the public landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
8. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Board of Commissioners through amendment of this Chapter or adoption of superseding regulation.
9. Authorized public disposal sites shall be operated on the days established from time to time by the Board of Commissioners. During the hours designated by Board of Commissioners, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
10. No person shall enter a disposal site, including any Transfer Station, except during the hours and days prescribed by the Board of Commissioners. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

**46-4. PRIVATE COLLECTION AND DISPOSAL**

A. Private Collectors

It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Dawson County Business License. This provision includes the collection or transportation of solid waste by an individual for his or her neighbors. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.

B. Private Landfills

1. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste within Dawson County. This shall not apply to Solid Waste Transfer Stations in operation at the time of adoption of this Ordinance, provided such existing Solid Waste Transfer Station at all times has maintained without interruption and shall maintain without interruption a current business license issued by Dawson County and any and all state and/or federal permits or licenses for the handling of solid waste.
2. For renewals of business licenses for Solid Waste Transfer Stations established prior to the adoption of this Ordinance the following shall apply:
  - a. No permit shall be issued by Dawson County until the applicant has shown, to the satisfaction of the Board of Commissioners, that all Federal, State and County

regulations and ordinances have been, and will be, complied with continuously and without interruption in the operation and management of the Solid Waste Transfer Station, and that the location of said Solid Waste Transfer Station is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Dawson County.

- b. No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Dawson County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the Solid Waste Transfer Station is to be located, the names of the owner or owners of such property, the names of the operator or operators of the Solid Waste Transfer Station, and a description of the types of waste to be handled at said facility.
- c. It shall be the duty and responsibility of the owner of any Solid Waste Transfer Station site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- d. The Board of Commissioners hereby designate the Dawson County Marshal's Office as its designee and/or the Dawson County Sheriff's Office who shall have the right to enter a private Solid Waste Transfer Station at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Chapter and all other pertinent laws and regulations of the County.

#### **46-5. PRIVATE LITTER CONTROL**

##### **A. Commercial Establishments**

1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide solid wastes containers of that character, size, number and type as to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.
2. All commercial and industrial establishments shall store their solid waste in containers as specified in this Chapter so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Any spillage or overflow shall be immediately cleaned up by said establishment.

3. Bulk containers shall be locked at all times and posted with signage notifying the general public that said containers are for the private use of the establishment.

#### B. Loading and Unloading Areas

All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. The occupant of the premises shall maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

#### C. Parking Lots

1. All parking lots and establishments with parking lots shall provide solid wastes receptacles. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.
2. It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
3. The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.

#### D. Construction Sites and Demolition Sites

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be adequate based upon the size of the job. If it appears that inadequate measures have been taken the County Marshal may require additional measures be taken to accommodate the amount of solid waste being produced. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or

subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

E. Residences and Private Properties

1. All owners or occupants of property shall maintain their property in litter-free condition. Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Chapter or by placing in proper containers in a suitable place readily accessible to sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed from the curb no later than twenty-four (24) hours after the scheduled pickup time and placed out of view of the public street.
2. No person shall sweep into or deposit onto any street or sidewalk or adjacent property any accumulation of litter, garbage, grass or yard trimmings, or any other material from any building or property.

**46-6. PRACTICES AND PROCEDURES**

A. General

1. The following practices and procedures shall be employed by persons in Dawson County in order to facilitate the collection of solid waste:
  - a. Solid Wastes. All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.
  - b. Garbage. All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.
  - c. Household Trash. Household trash may be combined with other bagged garbage.
  - d. Injurious Trash Items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

2. Dumping Unlawful. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of solid waste on any road or street or any public or private property in the County, unless:
  - a. The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.
3. Public Streets and Private Property. No person shall place any accumulations of solid waste, trash, grass or yard trimmings or any other material in any street, median strip, alley or other public place of travel, parking lot, upon any private property, except with the written consent of the owner of the property, and then only in accordance with the provisions of this Ordinance.
4. Blockage of Drainage. No person shall place any solid wastes, trash, solid wastes receptacles, or containers, grass or yard trimmings or any other material on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
5. Unauthorized Storage. Any accumulation of solid wastes or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of solid wastes after written notice from the Public Official shall raise the presumption that such person intended to violate this Ordinance.
6. Appliances. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in Official Code of Georgia Annotated § 16-11-100.
7. Use of Streets. It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing, falling, leaking or spilling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.
8. Junk. It shall be unlawful for any person to place or leave outside any building or dwelling, any machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge



the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

9. Scavenging. No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.
10. Scattering of Solid Wastes and Littering. It shall be unlawful for any person to: (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property; (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

B. Contagious Disease Solid Wastes

The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Dawson County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.

C. Hypodermic Instruments

No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.

D. Hazardous Waste and Industrial Waste

No hazardous waste or Industrial Waste shall be placed in any receptacle at any time. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.

E. Yard Trimmings

1. It shall be unlawful to place or mix yard trimmings with municipal solid waste within Dawson County.
2. Yard trimmings shall not be disposed of at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within Dawson County.

Yard trimmings, including, but not limited to, grass, leaves and tree limbs shall be composted on the owner's premises or removed by the owner of the property and/or disposed of in a manner consistent with state law. This part shall not require the removal of wood cut and stored for later use as firewood. Tree and shrubbery branches, limbs and trimming cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be removed by the person(s) or entity completing said work.

F. Receptacles and Containers

1. Every person in possession, charge or control of any building or residence from which trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.
2. All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.

G. Maintenance

It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

H. Burning

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal. This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from Dawson County, and the incinerator is operated and maintained in compliance with all applicable regulations.

I. Handbills and Advertising Matter

The distribution of information such as public announcement, political endorsement, opinions, invitation, solicitations, and commercial advertisements is an activity protected by both the U.S.

Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.

1. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement of any handbill, circular, pamphlet, poster, or other literature on any automobile in the County so long as the same is secured to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, so long as the following conditions are met:
  - a. Such publications and materials may be placed in a box provided for that purpose, secured to a doorknob or placed in a secure area of a building such as a door jamb or screen door; or
  - b. Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials “sweeps” the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as “sweeping.” Any papers distributed and not “Swept” from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
3. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he/she does not wish to receive such publications at a particular street address, continued delivery of publication directly to said property by the publisher or his/her agents shall constitute a violation of this Ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.
4. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way or in any means erect said signs within the public right-of-way.

J. Dead Animals

1. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40- 16-2; or the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., as applicable.

K. Lead Acid Vehicle Batteries

No person shall place or dispose of a lead acid vehicle or boat battery in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of a lead acid

vehicle or boat battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle or boat batteries.

L. Motor Oil

No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.

M. Recyclable Material

The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.

N. Biomedical Wastes

All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

**46-7. COMMUNITY HEALTH AND WELFARE**

A. Declared Nuisances

Declared Nuisances shall be governed by the Dawson County Nuisance Abatement Ordinance. Declared Nuisances shall not apply to poultry farms, agricultural activities and or farm operations which are in compliance with state guidelines regarding the same.

B. Trash

Within the County, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or causes injury to neighboring property.

**46-8. ENFORCEMENT**

A. Enforcing Officers

The Dawson County Marshal's Office and or the Dawson County Sheriff's Office or designee shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists, which constitutes a violation of any provision of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the

accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the Public Official who completes and serves it.

B. Rebuttable Presumptions

1. Whenever solid waste is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima-facie evidence that the operator of the conveyance has violated this Ordinance. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.
2. Whenever any solid waste which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including but not limited letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.
3. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance.

C. Enforcement

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

D. Penalties

1. The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
2. Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.

3. Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
4. Each violation of this Chapter shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the offending person will be subject to the penalties in subsection B above for each day of noncompliance.



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development  
 Prepared By: S.O. Farrell, Director  
 Presenter: S.O. Farrell

Work Session: 10/20/22  
 Voting Session: 11/03/22  
 Public Hearing: Yes

Agenda Item Title: Presentation of amendments to the *Abatement of Nuisance Property* code.

**Background Information:**

A new chapter for Property Maintenance is being proposed, creating the need to amend the Abatement of Nuisance Property code.

**Current Information:**

Staff worked with legal counsel to draft the amendments to the Abatement of Nuisance Property Code, in conjunction with the new code Chapter 44 Property Maintenance.

Budget Information: Not Applicable.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

**Recommendation/Motion:** Staff recommends that the BOC approve the request to advertise for public hearing to amend the Litter Control/Solid Waste code

Department Head Authorization: S.O. Farrell October 6, 2022  
 Finance Dept. Authorization: Vickie Neikirk Date: 10/11/22  
 County Manager Authorization: David Headley Date: 10-11-2022  
 County Attorney Authorization: \_\_\_\_\_ Date: \_\_\_\_\_

**Attachment:**

Chapter 48 amended and a "clean" copy of changes incorporated.

**CHAPTER 48: ABATEMENT OF NUISANCE PROPERTY**

- 48-1. Purpose and Authority**
- 48.2. Definitions**
- 48-3. Duty of Owners**
- 48-4. Enforcement**
- 48-5. Complaints Relating to Unfit Dwellings or Structures**
- 48-6. Service of Complaints**
- 48-7. Order of the Court**
- 48-8. Failure to Comply with Order of the Court**
- 48-9. Salvage of Reusable Materials**
- 48-10. Lien on Property**
- 48-11. Waiver of Lien**
- 48-12. Appellate Review; Injunction**
- 48-13. Summary Proceedings**

**48-1. PURPOSE AND AUTHORITY**

This Chapter is intended to provide additional enforcement authority to the County in accordance with the abatement of nuisance provisions set forth in O.C.G.A. § 41-2-1, et seq.

- A. The County intends that this Chapter shall comport with, and be susceptible to enforcement under, O.C.G.A. § 41-2-1, et seq. Pursuant thereto, it is found and declared that there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are detrimental to the welfare and are dangerous and injurious to the health, safety, and welfare of the people of this County; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings or structures. It is further found and declared that where there is in existence a condition or use of property which renders adjacent property unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of this County and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent property unsafe or inimical to safe human habitation.
- B. Such dwellings, buildings, and property may be deemed unfit due to the following reasons; dilapidation and not in compliance with applicable codes; defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; properties that have an accumulation of weeds, trash, junk, filth, and/or other unsanitary or unsafe conditions which create a public health hazard or a general nuisance to those persons residing in the vicinity; other conditions resulting in a violation of this article which renders such dwellings, buildings, or property unsafe, unsanitary, dangerous or detrimental to the health, safety, or welfare, or otherwise detrimental to the welfare of the residents of the County; or vacant, dilapidated dwellings or buildings in which drug crimes are being committed.



**48-2. DEFINITIONS**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense; the singular shall include the plural, and the plural the singular; and the use of masculine or feminine gender is for convenience only, and the use of each shall include the other.

As used in this chapter, the term:

*Applicable codes* mean:

1. any optional housing or abatement standard provided in O.C.G.A. Title 8, Chapter 2, as adopted by ordinance or operation of law, or other property maintenance or solid waste standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
2. (ii) any fire or life safety code as provided for in O.C.G.A. Title 25, Chapter 2; and
3. (iii) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Title 8, Chapter 2, after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

*Closing* means causing a dwelling, building, structure, or property to be vacated and secured against unauthorized entry.

*County* means Dawson County.

*Drug crime* means an act which is a violation of O.C.G.A. Title 16, Chapter 14, art. 2, known as the "Georgia Controlled Substances Act."

*Dwellings, buildings, structures, or properties* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design and any associated property. However, as used in this article, the term "dwellings, buildings, structures, or properties" shall not mean or include any farm, any building, structure, or property 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.

*Interested parties* means:

1. Owner;
2. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
3. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;

4. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
5. Persons in possession of said property and premises.

*Owner* means the holder of the title in fee simple and every mortgagee of record.

*Public authority* means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of Dawson County or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, structures, or properties in the county.

*Public Officer* means the officer or officers who are authorized to exercise the powers prescribed by this article or any agent or designee of such officer or officers.

*Repair* means altering or improving a dwelling, building, structure, or property so as to bring the structure or property into compliance with the applicable codes in the jurisdiction where the property is located. This includes, but is not limited to, and the cleaning or removal of tall grass, weeds, debris, trash, and other accumulated materials which create a health or safety hazard in or about any dwelling, building, structure, or property.

*Resident* means any person residing in Dawson County on or after the date on which the alleged nuisance arose.

### **48-3. DUTY OF OWNERS**

Every owner of every dwelling, building, structure, or property within Dawson County, Georgia, has the duty to construct and maintain such dwelling, building, structure, or property in conformance with the applicable Dawson County Ordinances or other applicable codes which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

### **48-4. ENFORCEMENT**

#### **A. Designation of Public Officers**

The Dawson County Manager, Dawson County Director of the Planning and Development, the Dawson County Marshal, Dawson County Building Official, the Dawson County Sheriff's Office and their designees are all designated and appointed to exercise the power presented by this Ordinance as Public Officers.

## **B. Powers of Enforcement Authorized**

Each Public Officer is hereby authorized to exercise such power as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A § 41-2-8 to § 41-2-17, including the following additional powers:

1. To investigate the dwelling conditions in the unincorporated area of the County in order to determine which dwellings, buildings, structures, or properties therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and shall follow applicable due process of law;
4. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this Ordinance;
5. To delegate any of his/her functions and powers under this Ordinance to such officers and agents as he may designate; and
6. To consult with any engineers or other qualified professionals in carrying out the functions and powers of this Ordinance.

## **C. Standards for Determining Violation**

The Public Officer may determine, under existing ordinances, including, but not limited to, the Dawson County Property Maintenance Ordinance and the Dawson County Litter Control and Solid Waste Management Ordinance, that a dwelling, building, structure, or property is unfit for human habitation or is unfit for its current residential, commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, structure, or property which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, structure or property; of the occupants of neighborhood dwellings, buildings, structures or properties; or of other residents of Dawson County, Georgia; such conditions may include the following (without limiting the generality of the foregoing):

1. Defects increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects;
6. Uncleanliness constituting an unsanitary condition;

7. Tall grass and weeds which indicate long-term neglect, abandonment or vacancy;
8. Improperly maintained swimming pools which indicate long-term neglect, abandonment, or vacancy;
9. Dwellings, buildings or structures that have been burned and left unrepaired;
10. An accumulation of solid waste or presence of inoperable or junked vehicles or inoperable or junked marine vessels as such are defined in the Dawson County Property Maintenance Ordinance and the Litter Control and Solid Waste Management Ordinance;
11. Standing water allowed to pool in containers or on surfaces; and
12. Tire storage piles located less than fifty (50) feet from lot lines and buildings.

**48-5. COMPLAINTS RELATING TO UNFIT DWELLINGS OR STRUCTURES**

- A. Whenever a written request for an investigation to be conducted using the appropriate form is filed with the Marshal's Office or notification is received from a public authority or by at least five residents of the County charging that any dwelling or building is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; or is vacant and being used in connection with the commission of illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Marshal's Office along with other appropriate personnel shall make an investigation or inspection of the specific dwelling, building, structure, or property.
- B. If the Marshal's Office investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with commission of illegal activities; or constitutes an endangerment to the public health or safety as the result of unsanitary or unsafe conditions, the Marshal's Office shall notify the board of commissioners of such finding and shall either issue a 30-day notice to comply or file a complaint in rem as indicated below.
- C. *Issuance of 30-day notice.* The Marshal's Office may issue and cause to be served via certified and regular mail upon the owner and any interested parties notice that the dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The notice shall instruct the owner to repair, alter, improve, vacate and close or demolish said dwelling, building, structure, or property within 30 days of the date the notice is mailed via regular delivery.

- D. *Filing a complaint.* If the dwelling, building, structure or property is not repaired, altered, improved, vacated and closed or demolished within 30 days, or, if the public official determines that it is in the best interest of the county to proceed without first issuing a 30-day notice, the Marshal's Office may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, structure or property.
- E. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and other interested parties; state with particularity the factual basis for the action; and contain a statement of the actions sought by the Marshal's Office to abate the nuisance. The summons shall notify the interested parties that a hearing will be held before the Magistrate Court at a date and time certain and at a place within the County where the property is located. Such hearing shall be held not less than 15 days, nor more than 45 days after the filing of said complaint in the Magistrate Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.

**48-6. SERVICE OF COMPLAINTS**

- A. Complaints issued by the Marshal's Office pursuant to this division shall be served in the following manner. At least 14 days prior to the date of the hearing, the Marshal's Office shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by First Class Mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- B. For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the legal organ in which the County's advertisements appear in Dawson County once a week for two consecutive weeks prior to the hearing.
- C. A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in Dawson County at the time of filing the complaint in the Magistrate Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- D. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

**48-7. ORDER OF THE COURT**

If, after notice and hearing as provided above, the Magistrate Court determines that the dwelling, building, structure, or property under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use; or is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall issue an order that states in writing its findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing, an order as follows:

- A. If the repair, alteration, or improvement of the said dwelling, building, structure, or property can be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner within the time specified in the order, to repair, alter or improve such dwelling, building, structure, or property so as to bring it into full compliance with the applicable codes relevant to the cited violation, and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- B. If the repair, alteration or improvement of the said dwelling, building, structure, or property cannot be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.

For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, structure or property" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia Appraiser classification as provided in O.C.G.A. Title 43, Chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alternation, or improvement of the structure shall be the costs necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in Dawson County.

**48-8. FAILURE TO COMPLY WITH ORDER OF THE COURT**

If the owner fails to comply with an order of the court to repair, alter, improve, remove, close, or demolish the dwelling, building, structure, or property, the Marshal's Office may cause such dwelling, building, structure, or property to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which

such abatement action must commence. The Marshal's Office shall cause to be posted on the main entrance of the dwelling, building, structure, or property a placard with the following words: "This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this dwelling, building or structure is prohibited and unlawful."

**48-9. SALVAGE OF REUSABLE MATERIALS**

If the Marshal's Office has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any money shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid, according to O.C.G.A. § 41-2-9(a)(6). The Marshal's Office and Board of Commissioners are relieved of any and all liability resulting from, or occasioned by, the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials consistent with O.C.G.A. § 41-2-9(a)(6).

**48-10. LIEN ON PROPERTY**

- A. The cost of repairing, altering, improving, removing, closing or demolishing the dwelling, building or structure incurred by the Marshal's Office in accordance with exercising his/her authority as described in this Article, including all court costs, appraisal fees, administrative costs incurred by the Dawson County Tax Commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court of Dawson County and shall relate back to the date of the filing of the lis pendens notice required in this article. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- B. Upon final determination of costs, fees and expenses incurred in accordance with this section, the Marshal's Office shall transmit to the Dawson County Tax Commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the Marshal's Office shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the County Tax Commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including, specifically, O.C.G.A. Title 48, Chapter 4; provided, however, that the limitation of O.C.G.A. § 48-4-78, which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The County Tax Commissioner shall remit the amount collected to the Dawson County Board of Commissioners.

- C. Enforcement of liens pursuant to this section may be initiated at any time following receipt by the Dawson County Tax Commissioner of the final determination of costs. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this section.
- D. The redemption amount in any enforcement proceeding pursuant to this article shall be the full amount of the costs as finally determined in accordance with this section, together with interest, penalties, and costs incurred by the County and the Dawson County Tax Commissioner in the enforcement of such lien. Redemption of property from the lien may be in accordance with O.C.G.A. § 48-4-80 and § 48-4-81.
- E. This section is intended to adopt and be consistent with O.C.G.A. § 41-2-9(b).

**48-11. WAIVER OF LIEN**

The County may waive and release any lien imposed on property if the owner of such property enters into a contract with the County agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

**48-12. APPELLATE REVIEW; INJUNCTION**

Review of the Magistrate Court's order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the Dawson County Superior Court according to O.C.G.A. § 5-3-29.

Any person affected by an order issued by the Public Officer may petition to the Dawson County Superior Court for an injunction restraining the Public Officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be held by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

**48-13. SUMMARY PROCEEDINGS**

Nothing in this Article shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise when, upon a majority vote of the Dawson County Board of Commissioners, the County determines that a nuisance exists and the repair, alteration, improvement, removal, closing or demolition will not exceed \$1,000.00.