

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION AGENDA – THURSDAY, NOVEMBER 3, 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. INVOCATION AND PLEDGE OF ALLEGIANCE**

**C. ANNOUNCEMENTS**

**D. APPROVAL OF MINUTES**

1. Minutes of the Work Session held on October 20, 2022
2. Minutes of the Voting Session held on October 20, 2022

**E. APPROVAL OF AGENDA**

**F. PUBLIC COMMENT**

**G. PUBLIC HEARING**

1. Proposed FY 2023 Budget (*3rd of 3 hearings; 1st hearing was held at the October 20, 2022, Work Session and the 2nd hearing was held at the October 20, 2022, Voting Session*)

**H. NEW BUSINESS**

1. Consideration of Management of Lake Parks in Dawson County
2. Consideration of Request for Chairman's Signature on Updated Notice of Intent for Georgia Environmental Protection Division Concerning Municipal Separate Storm Sewer System (MS4) Program
3. Consideration to Move Forward to Public Hearings for a Request to Add a Sunset Clause to Additional Zoning Classifications as Recommended by the Long Range Planning Committee
4. Consideration to Move Forward to a Public Hearing for a Proposed Property Maintenance Ordinance
5. Consideration to Move Forward to a Public Hearing for Amendments to the Litter Control and Solid Waste Management Ordinance
6. Consideration to Move Forward to a Public Hearing for Amendments to the Abatement of Nuisance Property Ordinance
7. Consideration of Appointment of Emergency Management Agency Director
8. Consideration of the Acceptance of Notice of Resignation and Retirement Agreement with County Manager David Headley

**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.*

**DAWSON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION MINUTES – OCTOBER 20, 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; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.*

**PUBLIC HEARING**

*Proposed FY 2023 Budget (1<sup>st</sup> of 3 hearings; 2<sup>nd</sup> hearing will be held at the October 20, 2022, Voting Session and the 3<sup>rd</sup> hearing will be held on November 3, 2022)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Proposed FY 2023 Budget.

The following spoke on a Proposed FY 2023 Budget:

- District Attorney Lee Darragh said he was reiterating his need for an administrative employee in his office at an annual salary of \$46,500. He also said he was asking again for a \$16,789 supplement for Assistant District Attorney Robert Gardner, rather than the \$12,318 that previously was approved by the Board of Commissioners.

Chairman Thurmond asked if there was anyone else present who wished to speak on a Proposed FY 2023 Budget and, hearing none, closed the hearing.

The next hearing concerning a Proposed FY 2023 Budget will be held at the October 20, 2022, Voting Session.

**NEW BUSINESS**

1. Presentation of Highway Enforcement of Aggressive Traffic (HEAT) Grant Continuation Award for FY 2023- Sheriff's Office Chief Deputy Greg Rowan  
*This item, presented by Sheriff Jeff Johnson, will be added to the October 20, 2022, Voting Session Agenda.*
2. Presentation of FY 2024 Georgia Department of Transportation / Federal Transit Administration Section 5311 Transit Contract- Senior Services Director Dawn Johnson  
*This item will be added to the October 20, 2022, Voting Session Agenda.*
3. Discussion Concerning Lake Parks in Dawson County- Parks & Recreation Director Matt Payne  
*This item will be placed on the November 3, 2022, Voting Session Agenda.*
4. Presentation of Request for Chairman's Signature on Updated Notice of Intent for Georgia Environmental Protection Division Concerning Municipal Separate Storm Sewer System (MS4) Program- Stormwater Manager Robbie Irvin  
*This item will be placed on the November 3, 2022, Voting Session Agenda.*

5. Presentation of Request to Add a Sunset Clause to Additional Zoning Classifications as Recommended by the Long Range Planning Committee- Planning & Development Director Sharon Farrell  
*This item will be placed on the November 3, 2022, Voting Session Agenda for consideration to move forward to public hearings.*
6. Presentation of Annual Capital Improvements Element Update- Planning & Development Director Sharon Farrell  
*This item is scheduled for a public hearing during the October 20, 2022, Voting Session.*
7. Presentation of a Proposed Property Maintenance Ordinance- Planning & Development Director Sharon Farrell  
*This item will be placed on the November 3, 2022, Voting Session Agenda for consideration to move forward to a public hearing.*
8. Presentation of Amendments to the Litter Control and Solid Waste Management Ordinance- Planning & Development Director Sharon Farrell  
*This item will be placed on the November 3, 2022, Voting Session Agenda for consideration to move forward to a public hearing.*
9. Presentation of Amendments to the Abatement of Nuisance Property Ordinance- Planning & Development Director Sharon Farrell  
*This item will be placed on the November 3, 2022, Voting Session Agenda for consideration to move forward to a public hearing.*
10. Presentation of Request to Authorize Chairman to Sign No-Cost Building Lease Agreement with The Good Shepherd Clinic on Behalf of Family Connection- County Manager David Headley  
*This item will be added to the October 20, 2022, Voting Session Agenda.*
11. Presentation of Appointment of Emergency Management Agency Director- County Manager David Headley  
*This item will be placed on the November 3, 2022, Voting Session Agenda.*
12. County Manager Report  
*This item was for information only.*
13. County Attorney Report  
*County Attorney Davis had no information to report and requested an Executive Session.*

APPROVE:

ATTEST:

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

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

**DAWSON COUNTY BOARD OF COMMISSIONERS  
VOTING SESSION MINUTES – OCTOBER 20, 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; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County.

**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 October 6, 2022. Satterfield/Dooley

Motion passed 4-0 to approve the Minutes of the Voting Session held on October 6, 2022. Fausett/Gaines

**APPROVAL OF AGENDA:**

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

- Addition of Nos. 4-6 under New Business:
  - Highway Enforcement of Aggressive Traffic (HEAT) Grant Continuation Award for FY 2023
  - FY 2024 Georgia Department of Transportation / Federal Transit Administration Section 5311 Transit Contract
  - Request to Authorize Chairman to Sign No-Cost Building Lease Agreement with The Good Shepherd Clinic on Behalf of Family Connection

Fausett/Dooley

**PUBLIC COMMENT:**

None

**PUBLIC HEARINGS:**

*Proposed FY 2023 Budget (2<sup>nd</sup> of 3 hearings; 1<sup>st</sup> hearing was held at the October 20, 2022, Work Session and the 3<sup>rd</sup> hearing will be held on November 3, 2022)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Proposed FY 2023 Budget and, hearing none, closed the hearing.

A brief discussion, led by Commissioner Satterfield, concerning including employee longevity pay in steps of merit increases, was held. Commissioner Satterfield also mentioned his desire to increase the number of school resource officers at the schools, saying he would like the Board of Education “to step up and fund some of that, too.”

The next hearing concerning a Proposed FY 2023 Budget will be held at the November 3, 2022, Voting Session.

*Annual Capital Improvements Element Update (1st of 1 hearing)*

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on an Annual Capital Improvements Element Update and, hearing none, closed the hearing.

Motion passed 4-0 to approve, by way of a resolution, an Annual Capital Improvements Element Update. Gaines/Dooley

**NEW BUSINESS:**

*Consideration of Georgia Forestry Commission Volunteer Fire Assistance 50/50 Grant*

Motion passed 4-0 to approve a Georgia Forestry Commission Volunteer Fire Assistance 50/50 Grant. Satterfield/Fausett

*Consideration of Appointment to the Board of Elections & Registration*

Motion passed 4-0 to approve the appointment of Paul McComiskey to the Board of Elections & Registration for a term of January 2023 through December 2026. Fausett/Satterfield

*Consideration of an Emergency Extension of an Existing Moratorium on the Acceptance of Residential Rezoning Applications*

Motion passed 3-1 to approve, by way of a resolution, an Emergency Extension of an Existing Moratorium on the Acceptance of Residential Rezoning Applications until November 18, 2022. Gaines/Fausett- Commissioner Satterfield opposed the motion

*Consideration of Highway Enforcement of Aggressive Traffic (HEAT) Grant Continuation Award for FY 2023*

Motion passed 4-0 to approve a Highway Enforcement of Aggressive Traffic (HEAT) Grant Continuation Award for FY 2023. Fausett/Satterfield

*Consideration of FY 2024 Georgia Department of Transportation / Federal Transit Administration Section 5311 Transit Contract*

Motion passed 4-0 to approve a FY 2024 Georgia Department of Transportation / Federal Transit Administration Section 5311 Transit Contract. Dooley/Gaines

*Consideration of Request to Authorize Chairman to Sign No-Cost Building Lease Agreement with The Good Shepherd Clinic on Behalf of Family Connection*

Motion passed 4-0 to approve a Request to Authorize Chairman Thurmond to Sign a No-Cost Building Lease Agreement with The Good Shepherd Clinic on Behalf of Family Connection following approval by the county's legal counsel. Satterfield/Gaines

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**EXECUTIVE SESSION:**

Motion passed 4-0 to enter into Executive Session to discuss personnel. Satterfield/Fausett

Motion passed 4-0 to come out of Executive Session. Fausett/Gaines

APPROVE:

ATTEST:

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

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

DRAFT



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: BOC

Work Session: October 6, 2022

Prepared By: Natalie Johnson

Voting Session: \_\_\_\_\_

Presenter: Billy Thurmond

Public Hearing: Yes \_\_\_\_\_ No \_\_\_\_\_

Agenda Item Title: Presentation of Proposed FY 2023 Budget

### Background Information:

Annually, the Chairman presents his proposed budget for the upcoming budget year. Three public hearings will follow and the budget must be adopted no later than December 31<sup>st</sup> of the current year.

### Current Information:

Budget Public Hearing #1 – October 20, 2022, Work Session

Budget Public Hearing #2 – October 20, 2022, Voting Session

Budget Public Hearing #3 / Tentative Budget Adoption – November 3, 2022, Voting Session

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: x Budgeted: Yes \_\_\_\_\_ No x

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: Vickie Neikirk

Date: 9/19/22

County Manager Authorization: David Headley

Date: 9-19-2022

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

Date: \_\_\_\_\_

Comments/Attachments:

# DAWSON COUNTY GOVERNMENT PROPOSED BUDGET PRESENTATION FY 2023



Presented by:  
Chairman Billy Thurmond  
October 6, 2022



# Budget Goals

- ▶ Prepare a realistic, revenue based budget.
- ▶ Budget conforms to the reduced millage rate from 7.625 to 7.2225.
- ▶ Provide same or improved level of funding for all departments—thus improving level of service.
- ▶ Provide all departments/agencies the opportunity to present their requests to the full Board during public hearings.

# Budget Challenges

- ▶ Increased personnel costs from pay increases granted during the last 3+ years
- ▶ Increasing operational needs of multiple departments
- ▶ Anticipate any foreseeable changes in revenue sources
- ▶ Maintain strong fund balance

# Increases for Personnel Costs

<u>YEAR</u>	<u>COST*</u>	<u>\$ Change</u>	<u>% Change</u>
2019	\$ 19,547,657 (Actual)		
2020	\$ 21,355,731 (Actual)	\$ 1,808,074	9.25%
2021	\$ 22,935,479 (Actual)	\$ 1,579,748	7.40%
2022	\$ 26,307,062 (Current budget)	\$ 3,371,583	14.70%
2023	\$ 28,931,238	\$ 2,624,176	9.98%

**\*These numbers include salary and benefits**

# General Fund

- ▶ Main operating fund of the County. All property tax received by the County government provides revenue to the General Fund.
- ▶ In this proposed budget, property tax provides 38.26% of revenue for General Fund.
- ▶ L.O.S.T. provides 28.16% of revenue

# Where we started.....

- ▶ General Fund operating requests totaled \$35,043,410.
- ▶ Over \$9.6 million in capital requests to be funded in FY 23.
- ▶ Over \$2.7 million in new personnel/salary change requests.

FY 2022 Original Budget was \$32,486,680

FY 2022 Current budget is \$35,118,395

# General Fund Revenue Changes

- ▶ In 2021, the County received word it would receive \$5 million from the Federal Government as a part of the American Rescue Plan Act (ARPA). The Board made the decision to use these funds to offset the cost of pay increases for First Responders.
- ▶ In this proposed budget, those funds are programmed to help cover salary increases provided to First Responders– includes Sheriff officers, Emergency Services and Public Works. Those costs total over \$1.6 million for 2023 and are budgeted in Special Revenue fund 230. This funding will help cover these costs for the next 2 years.
- ▶ This proposed budget includes use of fund balance (reserves) of \$2,098,495 or 5.63% of revenue.

# ARPA FUNDS

**COUNTY TOTAL AWARD**

**\$ 5,071,173.00**

	<b><u>Total allocated to ARPA</u></b>	<b><u>COVID PTO*</u></b>
FY 21 (Actual)	\$ 1,101,278.00	\$ 71,767.84
FY 22 (Budget)	\$ 1,670,021.00	\$ 142,367.00
FY 23 (Budget)	\$ 1,640,207.00	\$ 100,000.00
FY 24 (Budget)	<u>\$ 659,667.00</u>	
<b>Total</b>	<b><u>\$ 5,071,173.00</u></b>	

\*NOTE: THESE FUNDS HAVE BEEN USED TO PROVIDE COVID-PTO FOR ALL DEPARTMENTS.

# Proposed General Fund Revenues

	FY 2023 Proposed	FY 2022 Amended	% Change	FY 2022 Original	% of revenue
Property Taxes	14,267,096	12,604,780	13.19%	12,604,780	38.26%
L.O.S.T.	10,500,000	9,300,000	12.90%	9,300,000	28.16%
Other taxes	5,316,500	5,035,200	5.59%	5,035,200	14.26%
Licenses & Permits	1,331,450	1,240,550	7.33%	1,240,550	3.57%
Intergovt. Revenues	397,000	338,500	17.28%	338,500	1.06%
Charges For Services	2,694,920	2,587,623	4.15%	2,523,116	7.23%
Fines & Forfeitures	378,500	311,000	21.70%	301,000	1.01%
Investment Income	13,225	42,050	-68.55%	42,050	0.04%
Donations	-	30,803	-100.00%	-	0.00%
Miscellaneous Revenue	183,575	398,262	-53.91%	181,800	0.49%
Transfers In	111,860	75,000	49.15%	75,000	0.30%
Use Of Fund Balance	2,098,495	3,154,627	-33.48%	844,684	5.63%
<b>Totals</b>	<b>\$ 37,292,621</b>	<b>\$ 35,118,395</b>	<b>6.19%</b>	<b>\$ 32,486,680</b>	<b>100.00%</b>

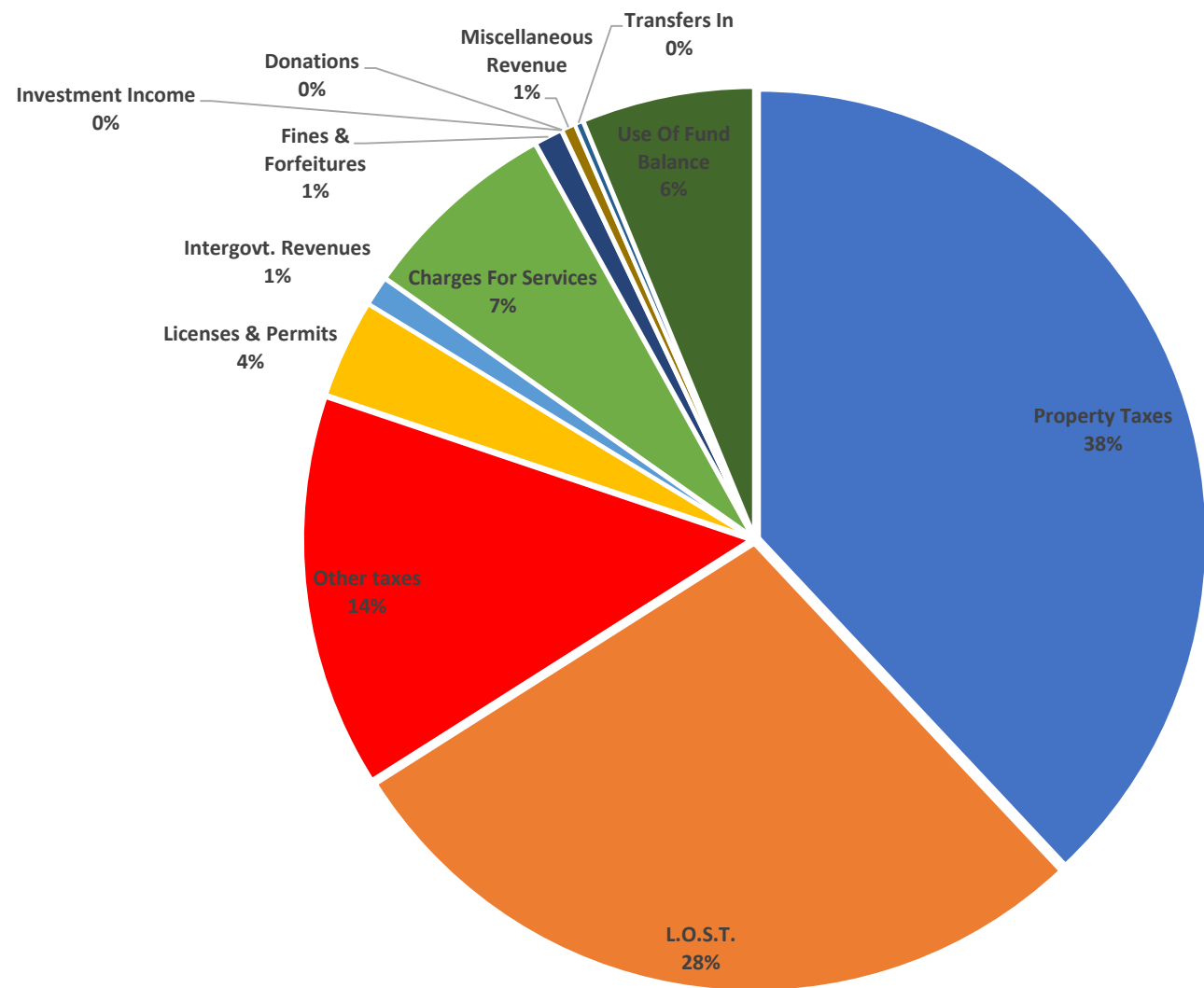
Change from Original Budget

14.79%

\$ 4,805,941



# Revenue Sources



- Property Taxes

■ L.O.S.T.

■ Other taxes

■ Licenses & Permits
- Intergovt. Revenues

■ Charges For Services

■ Fines & Forfeitures

■ Investment Income
- Donations

■ Miscellaneous Revenue

■ Transfers In

■ Use Of Fund Balance

# Proposed General Fund Expenditures by Function

	<b>FY 2023 Proposed Budget</b>	<b>FY 2022 Budget Amended</b>	<b>% Change</b>	<b>FY 2022 Budget Original</b>
General Government	7,669,172	6,832,748	12.24%	6,646,131
Judicial	4,440,184	4,087,116	8.64%	3,873,181
Public Safety-Sheriff	10,270,805	9,097,957	12.89%	8,887,258
Public Safety	7,159,237	6,171,710	16.00%	6,054,459
Public Works	2,174,497	1,958,768	11.01%	1,910,536
Health & Welfare	381,168	454,870	-16.20%	373,304
Recreation & Culture	1,932,986	1,967,450	-1.75%	1,735,485
Housing & Development	1,363,869	1,252,581	8.88%	1,273,381
Transfers out (uses)	1,900,703	3,295,195	-42.32%	1,732,945
<b>Totals</b>	<b>37,292,621</b>	<b>35,118,395</b>	<b>6.19%</b>	<b>32,486,680</b>

**Change from Original Budget      14.79%**

# General Government

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Board of Commissioners	211,700	176,636	176,206	19.85%
County Administration	272,349	263,967	248,293	3.18%
Elections/Registrar	364,872	402,957	388,305	-9.45%
General Government	2,056,742	1,191,645	1,492,816	72.60%
Finance	672,271	653,757	623,962	2.83%
Information Technology	907,474	925,787	777,947	-1.98%
Human Resources	267,989	262,089	246,940	2.25%
Tax Commissioner	507,073	514,021	496,400	-1.35%
Tax Assessor	614,286	590,134	563,236	4.09%
Board of Equalization	20,545	21,621	21,621	-4.98%
Risk Management	426,634	529,871	398,800	-19.48%
Facilities	1,139,546	1,186,540	1,102,867	-3.96%
Public Relations	116,717	113,723	108,738	2.63%
GIS	90,974			
<b>Total General Government</b>	<b>7,669,172</b>	<b>6,832,748</b>	<b>6,646,131</b>	<b>12.24%</b>
<b>Change from 2022 Original Budget</b>				<b>15.39%</b>

# Judicial

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Superior Court	691,127	678,777	660,141	1.82%
Clerk of Court	761,678	733,769	651,706	3.80%
District Attorney	871,869	852,724	830,828	2.25%
Magistrate Court	558,640	548,387	494,375	1.87%
Probate Court	404,331	376,068	347,172	7.52%
Juvenile Court	378,747	355,521	354,599	6.53%
Public Defender	561,609	541,870	534,360	3.64%
Treatment Court	212,183			
<b>Total Judicial</b>	<b>4,440,184</b>	<b>4,087,116</b>	<b>3,873,181</b>	<b>8.64%</b>
<b>Change from 2022 Original Budget</b>				<b>14.64%</b>

# Public Safety

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Marshals	296,569	291,582	279,072	1.71%
Fire	2,979,422	2,529,954	2,486,483	17.77%
Fire Marshal & Prevention	34,835	29,256	23,510	19.07%
EMS	3,387,698	2,890,146	2,843,635	17.22%
Coroner	157,974	134,365	129,352	17.57%
EMA	129,939	136,407	132,407	-4.74%
Humane Society	172,800	160,000	160,000	8.00%
<b>Total Public Safety</b>	<b>7,159,237</b>	<b>6,171,710</b>	<b>6,054,459</b>	<b>16.00%</b>
<b>Change from 2022 Original Budget</b>				<b>18.25%</b>

# Sheriff

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Sheriff	4,743,178	4,318,946	4,251,358	9.82%
Sheriff-K-9	49,850	34,350	34,350	45.12%
Sheriff-Jail	3,985,510	3,251,689	3,182,534	22.57%
Sheriff-School Traffic Mgmt.	60,000	60,000	60,000	0.00%
Sheriff-School Resource Officers	514,672	474,199	467,556	8.54%
Sheriff- Donations	-	49,457	-	-100.00%
Sheriff-Court Services	895,065	887,186	869,330	0.89%
Sheriff-Special Event Officers	22,530	22,130	22,130	1.81%
<b>TOTAL SHERIFF</b>	<b>10,270,805</b>	<b>9,097,957</b>	<b>8,887,258</b>	<b>12.89%</b>
<b>Change from 2022 Original Budget</b>				<b>15.57%</b>

# Public Works

## PUBLIC WORKS

	<b>FY 2023 Proposed Budget</b>	<b>FY 2022 Budget Amended</b>	<b>FY 2022 Budget Original</b>	<b>% Change From Amended</b>
Public Works -Admin	300,195	233,507	227,195	28.56%
Roads Department	1,859,369	1,712,123	1,670,308	8.60%
Keep Dawson Co. Beautiful	14,933	13,138	13,033	13.66%
<b>Total Public Works</b>	<b>2,174,497</b>	<b>1,958,768</b>	<b>1,910,536</b>	<b>11.01%</b>
<b>Change from 2022 Original Budget</b>				<b>13.82%</b>

# Health & Welfare

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Health Department	162,000	162,000	162,000	0.00%
Good Shepherd Clinic	30,000	30,000	30,000	0.00%
Avita	10,000	7,500	7,500	33.33%
CASA	9,000	9,000	9,000	0.00%
DFACS	35,300	35,300	35,300	0.00%
No one alone (NOA)	5,000	5,000	5,000	0.00%
Indigent Welfare	7,000	7,000	7,000	0.00%
Senior Center	116,338	114,555	111,254	1.56%
Senior Services Donations	-	77,970	-	-100.00%
Medicare Silver Sneakers	6,530	6,545	6,250	-0.23%
<b>Total Health &amp; Welfare</b>	<b>381,168</b>	<b>454,870</b>	<b>373,304</b>	<b>-16.20%</b>

**Change from 2022 Original Budget**

**2.11%**



# Recreation & Culture

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Park	1,398,936	1,297,880	1,237,704	7.79%
Park Donations	-	50,370	-	-100.00%
Park Women's Club	-	219	-	-100.00%
Park Pool	44,836	40,530	39,030	10.62%
War Hill Park	39,214	153,451	33,751	-74.45%
Library	450,000	425,000	425,000	5.88%
<b>Total Recreation &amp; Culture</b>	<b>1,932,986</b>	<b>1,967,450</b>	<b>1,735,485</b>	<b>-1.75%</b>
<b>Change from 2022 Original Budget</b>				<b>11.38%</b>

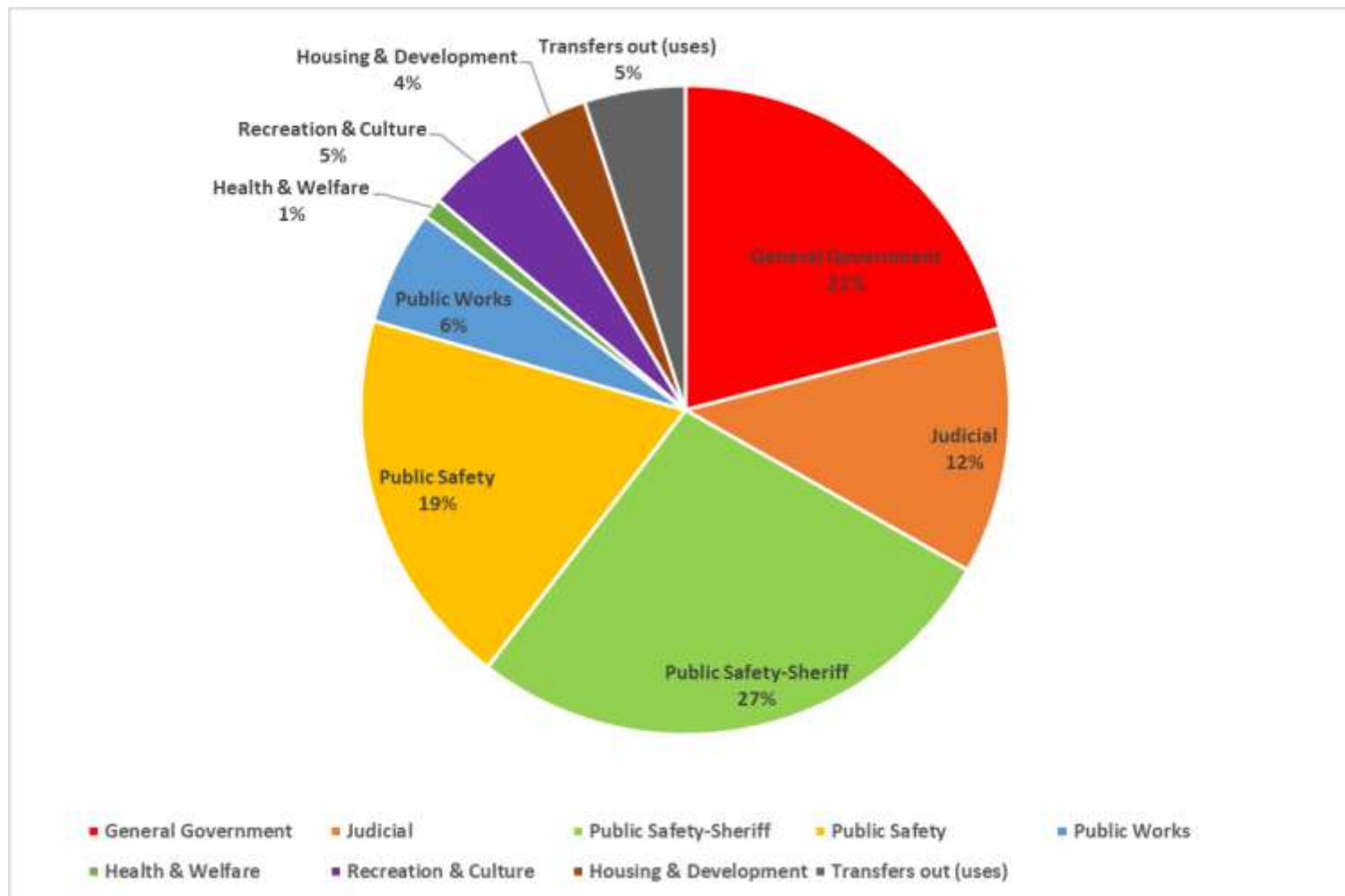
# Housing & Development

	<b>FY 2023 Proposed Budget</b>	<b>FY 2022 Budget Amended</b>	<b>FY 2022 Budget Original</b>	<b>% Change From Amended</b>
County Extension	114,168	99,190	95,738	15.10%
Planning & Development	949,701	913,391	937,643	3.98%
Development Authority	300,000	240,000	240,000	25.00%
<b>Total Housing &amp; Development</b>	<b>1,363,869</b>	<b>1,252,581</b>	<b>1,273,381</b>	<b>8.88%</b>
<b>Change from 2022 Original Budget</b>				<b>7.11%</b>

# Other financing uses

	<b>FY 2023 Proposed Budget</b>	<b>FY 2022 Budget Amended</b>	<b>FY 2022 Budget Original</b>	<b>% Change From Amended</b>
Transfer out to Family Connection	49,041	45,852	44,488	6.95%
Transfer out to Grants	807,458	699,816	742,772	15.38%
Transfer out to Capital	17,000	1,616,330	53,000	-98.95%
Transfer out to SW Fund		14,520		
Transfer out to Fleet	420,781	360,651	347,942	16.67%
Transfer out to E-911	606,423	474,845	464,700	27.71%
Transfer out to DCARGIS	-	83,181	80,043	-100.00%
	<b>1,900,703</b>	<b>3,295,195</b>	<b>1,732,945</b>	<b>-42.32%</b>
<b>Change from 2022 Original Budget</b>				<b>9.68%</b>

# Expenditure allocation



# Proposed budget highlights

- ▶ Added \$1 million to budget for Salary contingency
- ▶ \$1.6 million of personnel costs (for First responders) moved from General fund to special ARPA fund
- ▶ Many capital requests proposed to be funded out of SPLOST VI remaining funds
- ▶ \$342,392 budgeted for debt service
- ▶ GIS has been moved from a separate fund and budgeted in General Fund

# Proposed new Personnel

In this budget proposal:

3 part-time Firefighter/Paramedic positions and  
3 part-time Firefighter/EMT positions to be changed  
to full-time.

With the elimination of other PT positions, this will  
be cost neutral to the budget.

# Capital Projects Fund

- ▶ Capital Projects Fund is funded by transfers from General Fund.
- ▶ This budget proposes one item to be purchased using Capital Projects Funding.
  - \$17,000 for a mower for Parks

# SPLOST VI

SPLOST VI collections ended June 30, 2021.

\$4,000,000 budgeted to be used for projects as needed. These projects will follow the guidelines set by the resolution that approved SPLOST VI.



# SPLOST VII

- ▶ SPLOST VII Collections began July 1, 2021
- ▶ \$11,685,000 in sales tax revenue budgeted to be received in 2023

# SPLOST VII

## SPLOST VII BUDGET/PLAN OF PROJECTS FOR FY 2023

Level II Project - EOC/Communications **\$4,000,000** (Project will be completed in FY 24 ?  
and will require additional funding)

<u>Project</u>	<u>Estimated Cost</u>
IT	\$ 200,000
Fire Engine replacement	750,000
Ambulance replacement	460,000
Courthouse Security Upgrade	1,500,000
Sheriff Vehicles	250,000
PW Vehicles/Equipment	625,000
County Roads/Culverts	2,700,000
County admin vehicle/equipment	300,000
Fueling Center	600,000
Warhill Park Playground	300,000
County Projects	7,685,000
Level Two	<b>4,000,000</b>
<b>TOTAL FOR FY 23</b>	<b>\$ 11,685,000</b>

# Grant Transfers

<u>GRANT NAME</u>	<u>GRANT AWARD</u>	<u>COUNTY MATCH/BUDGET</u>
VOCA	\$ 74,419	in kind
Treatment Court	273,984	in kind
Family Treatment Court	108,696	in kind
K-9	112,000	-
H.E.A.T. Grant	120,731	24,147
Bulletproof Vest Grant	13,710	6,855
GA Forestry	10,000	5,000
EMPG	15,568	7,784
EMS Trauma Equipment Grant	5,000	-
Hazard Mitigation	30,000	4,500
LMIG	573,142	132,264
Legacy Link	500,000	439,080
Legacy Link (Respite Care)	45,000	28,742
DOT Capital Grant	25,000	25,000
Transit	306,170	84,086
<b>Totals</b>	<b>\$ 2,213,420</b>	<b>\$ 757,458</b>

# All Funds Proposed Budgets

<b>FUND</b>	<b>FY 2023 Proposed Budget</b>	<b>FY 2022 Amended Budget</b>	<b>% Change</b>
General Fund	37,292,621	35,118,395	6.19%
D.A.T.E Fund	25,000	25,000	0.00%
Jail Fund	34,900	34,900	0.00%
LVAP (Crime Victims)	17,350	17,350	0.00%
Law Library	24,360	24,360	0.00%
Family Connection	101,570	250,673	-59.48%
Inmate Welfare	85,000	85,000	0.00%
DA Forfeiture	1,500	3,000	-50.00%
Confiscated Assets -Sheriff	10,700	10,700	0.00%
Emergency 911	1,157,123	1,150,045	0.62%
ARPA Local Fiscal Recovery	1,640,207	1,670,021	-1.79%
Multiple Grants Fund	2,263,420	2,414,070	-6.24%
Hotel-Motel Tax	572,000	602,991	-5.14%
SPLOST VI	4,000,000	7,212,000	-44.54%
SPLOST VII	11,685,000	12,000,000	-2.63%
Capital Projects	17,000	2,074,550	-99.18%
Solid Waste	650,000	991,233	-34.43%
DCAR GIS	-	88,181	-100.00%
Fleet & Fuel	422,006	417,378	1.11%
Inmate Escrow	80,000	80,000	0.00%
Impact Fees	1,312,500	4,666,775	-71.88%
<b>Total ALL FUNDS</b>	<b>61,392,257</b>	<b>68,936,622</b>	<b>-10.94%</b>

# FY 2023 Public Budget Hearings

- ▶ 4:00 p.m. Thursday, October 20, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ Following Work Session at 4:00 (during the Voting Session) Thursday, October 20, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ Following Work Session at 4:00 (during the Voting Session) Thursday, November 3, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ At the November 3, 2022, Voting Session, the Board will consider and may adopt the FY 2023 Budget.

# In closing.....

Thank you to elected officials, department heads and agencies and their staff in their assistance with this budget process.





## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Parks & Recreation

Work Session: 10/20/2022

Prepared By: Matt Payne

Voting Session: 10/20/2022

Presenter: Matt Payne

Public Hearing: Yes ☐ No ☒

Agenda Item Title: Presentation of

### Background Information:

Facilitate discussion concerning lake parks in Dawson County. Corps of Engineers has presented Dawson County with a couple of options concerning the addition of parks into the Dawson County Parks & Recreation system.

### Current Information:

N/A

Budget Information: Applicable: ☐ Not Applicable: ☒ Budgeted: Yes ☐ No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: Vickie Neikirk

Date: 10/13/22

County Manager Authorization: David Headley

Date: 10-13-2022

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

Date: \_\_\_\_\_

Comments/Attachments:

# LAKE LANIER / CORPS NEGOTIATION

Thompson Creek / Nix Bridge  
Toto Creek Campground





































# Staff Request

The Recreation and Parks Department respectfully requests that the board consider a resolution to allow the Recreation Department, under the leadership of the county manager, to enter into negotiations with the Corps of Engineers to facilitate lease agreements for Thompson Creek Park, Toto Creek Park, and Nix Bridge Park.



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning and Development

Work Session: October 20, 2022

Prepared By: Robbie Irvin \_\_\_\_\_

Voting Session: November 3, 2022

Presenter: Robbie Irvin \_\_\_\_\_

Public Hearing: Yes \_\_\_\_\_ No X

Agenda Item Title: Approval for Chairman's Signature on NOI.

### Background Information:

Dawson County must provide Georgia EPD with an updated Notice of Intent (NOI) for our mandated Municipal Separate Storm Sewer System (MS4) program.

### Current Information:

This form must be completed and submitted to EPD at least 30 days prior to the expiration date of the 2017 Phase II Small MS4 permit. The 2017 Phase II Small MS4 permit is due to expire on December 5, 2022.

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: \_\_\_\_\_ Budgeted: Yes \_\_\_\_\_ No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: 10-10-22

Finance Dept. Authorization: \_\_\_\_\_

Date: 10/11/22

County Manager Authorization: \_\_\_\_\_

Date: 10/11/22

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

Date: \_\_\_\_\_

Comments/Attachments:

**GEORGIA NOTICE OF INTENT (NOI)**

General NPDES Permit No. GAG610000 for  
Phase II Municipal Separate Storm Sewer Systems (MS4)

**1. General Information**

- A. Name of small MS4: Dawson County\_\_\_\_\_
- B. If the MS4 is a City, provide the County where located: N/A\_\_\_\_\_
- C. Name of responsible official: Mr. Billy Thurmond\_\_\_\_\_  
Title: Chairman, Dawson County Board of Commissioners\_\_\_\_\_  
Mailing Address: 25 Justice Way\_\_\_\_\_  
City: Dawsonville\_\_\_\_\_ State: GA\_\_\_\_\_ Zip Code: 30534\_\_\_\_\_  
Telephone Number: 706-344-3500\_\_\_\_\_  
Email Address: bthurmond@dawsoncountygga.gov\_\_\_\_\_
- D. Designated stormwater management program contact:  
Name: Mr. Robbie Irvin\_\_\_\_\_  
Title: Planner/Stormwater Manager\_\_\_\_\_  
Mailing Address: 25 Justice Way\_\_\_\_\_  
City: Dawsonville\_\_\_\_\_ State: GA\_\_\_\_\_ Zip Code: 30534\_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_
- E. Provide the river basin(s) to which your MS4 discharges: Etowah River-  
ACT-River Basin and the Upper Chattahoochee River sub-basin of the  
Apalachicola-Chattahoochee-Flint River Basin\_\_\_\_\_
- F. Provide the latitude and longitude of the MS4 center (e.g. City Hall,  
County offices, MS4 mailing address) using Global Positioning System  
(GPS) – WGS84:  
Latitude: 34.423333 N\_\_\_\_\_ Longitude: 84.119444 W\_\_\_\_\_

**2. Sharing Responsibility**

- A. Has another entity agreed to implement a control measure or BMP on your  
behalf? \_\_\_\_\_ No \_\_\_\_\_ (If No, skip to Part 3)

Control Measure #1:

1. Name of entity \_\_\_\_\_

2. Control measure or component of control measure to be implemented by entity on your behalf: \_\_\_\_\_

B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

3. **Certification Statement**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Billy Thurmond Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: Chairman Dawson County BOC



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Planning & Development**

Work Session: October 20, 2022

Prepared By: S. Farrell

Voting Session: November 3, 2022

Presenter: Sharon Farrell

Public Hearing: **No**

Agenda Item Title: **Sunset Clause – incorporation into additional Land Use categories.**

### Background Information:

The Long Range Planning Committee (LRPC) has evaluated the benefits of having a Sunset Clause for zoning applications that are approved – then no land disturbance plans are proposed or approved after a specific period of time. At present, language is provided for properties zoned to Residential Planned Community (RPC). Staff is seeking the BOC's direction regarding this policy.

### Current Information:

**Land Use 121-72 :** Lapse of approval shall occur two years after the approval of the development plan or if the applicant fails to reasonably maintain the development schedule (delay over six months for any phase of the project without satisfactory explanation). The planning commission may extend approval for one year at its discretion. Upon lapse of approval, all approved documents shall be revoked and the area shall be returned to the previous district classification following appropriate notice, hearings and approvals of the board of commissioners. The developer shall receive a minimum of 60 days' notice of intent to revoke approval prior to initiating the application.

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: \_\_\_\_\_ Budgeted: Yes \_\_\_\_\_ No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: Sharon O. Farrell

Date: October 3, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley

Date: 10-11-2022

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

Date: \_\_\_\_\_

Comments/Attachments:

**DAWSON COUNTY LONG RANGE PLANNING COMMITTEE MINUTES**  
**WEDNESDAY, MAY 25, 2022**  
**DAWSON COUNTY GOVERNMENT COMPLEX**  
**ADMINISTRATIVE TRAINING ROOM**

Present were: Terri Tragesser, Steve Pawlik, Cal Miller, Emily Bagwell, Sharon Farrell, Jim Braley, Mandy Powers and Kevin Herrit.

Absent: Jane Graves, Gary Pichon

Meeting called to order by chairperson Terri Tragesser at 11:05 AM.

Introductions: The Chair introduced Jim Braley as a prospective new member representing Big Canoe. His appointment is in process through the Board of Commissioners.

Mandy Powers introduced the newly hired Director of Dawson County's Development Authority, Kevin Herrit.

Minutes of the April 27th meeting were reviewed and upon motion from Steve Pawlik and seconded by Emily Bagwell, they were approved as submitted.

Old Business:

The benefits of a Sunset Provision for Dawson County were clearly identified during discussion as follows:

- Reduce spec zoning requests
- Allow for a more predictable flow of projects coming thru the county's development process
- Provide a better forecasting environment for transportation, public works and all county service delivery including in addition to Etowah water/sewer demand
- Provide possible self-correcting land use inconsistencies



A review of several surrounding county sunset provisions was conducted with a goal to better manage infrastructure demand and volume predictability going forward. The Committee felt the Forsyth County provision would best serve the needs of Dawson County with modifications as recommended by staff and legal counsel.

The committee noted that any terms used in the provision should be clearly defined as part of the provision such as:

Land disturbance  
Constitutional zoning

The committee had concerns about the last sentence in the Forsyth provision and recommended close staff and legal review.

***Nothing contained within this paragraph shall impair or otherwise limit the board's authority to initiate a rezoning of property at any time subject only to vested right considerations.***

There was discussion on the 18 month time line. Following input from staff, development interests, and committee input, the 18 month time line was considered ample time for a project to go from rezoning approval to the land disturbance phase.

## **Forsyth County**

Any approved rezoning of property, to include approval of a conditional use permit, where there has been no application for land disturbance permit submitted within eighteen months from the date of zoning approval shall result in a notice being delivered to the owner and the zoning applicant, if different, advising that a county-initiated rezoning to a

constitutional zoning designation for the subject property may occur if no land disturbance permit application is tendered within thirty days of said notice. Upon no land disturbance permit application being tendered within the timelines set forth in this paragraph, the property shall be placed upon a board agenda for consideration of a county-initiated rezoning. **Nothing contained within this paragraph shall impair or otherwise limit the board's authority to initiate a rezoning of property at any time subject only to vested right considerations.**

Upon proper motion and approval, the Committee recommended that a Sunset Provision be recommended to the BOC for development and implementation in Dawson County and in the shortest time possible utilizing the Forsyth example as a base starting point. It was noted that this provision would only apply to those rezoning approvals going forward and would not impact previously approved zoning requests.

Next LRPC meeting will be held on Wednesday, June 22, 2022.

Meeting adjourned at 12:15 P.M.

Cal Miller  
Acting Secretary



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

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

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
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**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: S.O. Farrell

September 15, 2022

Finance Dept. Authorization: Nickie Heikkinen

Date: 10/11/22

County Manager Authorization: Paul Henderson

Date: 9/26/22

County Attorney Authorization: Angela Davis

Date: 9/23/22

**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 drug crimes, 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* means 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.

**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

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 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
<del>46-9.</del>	<del>Yard Trimmings Disposal Regulations</del>

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

This ~~article~~ 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 ~~Article~~ 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.

~~Code Compliance Officer~~Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Article.

Commercial Solid Waste means: aAll 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* ~~shall also~~ 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 any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 1992, codified as Appendix VIII to 40 C.F.R. Part 261—Identification and Listing of Hazardous Waste.~~

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.

~~includes any wrecked or inoperable automobile, truck or other vehicle, or vehicle, which does not bear a current license plate.~~

*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—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 ~~Article~~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 —aAny solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and include~~ings~~ 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 aAny facility or location where the final ~~disposition~~deposition 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- Aa 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. ~~(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. ~~(b)~~—any commercial parking lot or garage; and
- a-c. ~~(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. ~~includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material and similar material.~~

*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 ArticleChapter. 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 vehicle parts thereof
  - ~~e-d. Inoperable or Junked or abandoned 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 [Article-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.

**~~C. Unauthorized Use of Identification Devices to Deposit Solid Waste.~~**

**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 ~~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, within Dawson County.~~ This shall not apply to Solid Waste Transfer Stations in operation at the time of adoption of this ~~e~~Ordinance, provided such existing Solid Waste Transfer Station at all times has maintained without interruption and shall maintain without interruption which maintain a current business license issued by Dawson County and which maintain 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 O~~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 ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station, and that the location of said ~~landfill, waste disposal area, or waste storage area~~ 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. ~~3.~~ 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 ~~landfill, waste disposal area, or waste storage area~~ 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 ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station, and a description of the types of waste to be handled at said facility.
  - c. ~~4.~~ It shall be the duty and responsibility of the owner of any ~~private disposal~~ 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. ~~5.~~ The Board of Commissioners hereby designate ~~its Code Compliance Officer~~ (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 ~~disposal site~~ 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 ~~Article 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 ~~may be specified by the Board of Commissioners or its designee~~ 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 wastes in containers as specified in this ~~Article Chapter~~ so as to eliminate wind-driven debris and unsightly litter in and about their establishments. ~~Approved methods of containerization shall include solid wastes receptacles, bulk containers and detachable containers.~~ 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.

NOTE: Is this addressed in the Zoning Ordinance as to containers? If not, consider eliminating the obligation on the Board to specify size of containers. Proposed edits to remove.

### 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 ~~determined by the County or its designee, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee~~ 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 County or its designee shall have the authority to determine the number and types of receptacles necessary to provide proper containerization, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee.~~ 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, be determined by the size of the job, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. 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.
- ~~2.~~ 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 Article-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 removed as soon as practicable 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 ~~within the buildable area of the lot, but not between the front yard and the street out of view of the public street.~~

~~3-2~~ No person shall sweep into or deposit ~~in-onto~~ any street or sidewalk or adjacent property any accumulation of litter, ~~and/or~~ 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 wastes ~~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 wastes ~~and~~ trash, grass or yard trimmings or any other material in any street, median strip, alley or other public place of travel, parking lot, or upon any private property, except with the written consent of the owner of the property thereof, 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 ~~appropriate-written~~ notice from the

Board of Commissioners or its designee 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.
- ~~1.2.~~ 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.

#### ~~HF.~~ Receptacles and Containers

1. Every person in possession, charge or control of any building or residence from which ~~business~~ 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.

#### ~~I.~~ Household Furniture and Furnishings.

#### ~~K.~~ Covered Trucks.

#### ~~L.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.

#### ~~MH.~~ Burning

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal ~~except leaves, trimmings and the like may be burned if a burn permit is first obtained from GA Forestry Commission and weather conditions are favorable; however, no burning shall be allowed within a mobile home park.~~ 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~~the Board of Commissioners, and the incinerator is operated and maintained in compliance with all applicable regulations.

#### ~~NJ.~~ 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, ~~it shall be lawful to place nothing herein shall restrict the placement of any handbill, circular, pamphlet, poster, or other literature~~ on any automobile in the County ~~any handbill, circular, pamphlet, poster, or other literature~~ so long as the same is secured to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, ~~it shall be lawful for any person to~~ nothing herein shall restrict the placement place 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 door knob 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.

~~OJ.~~ 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.

~~2. The term "dead animals" means the carcasses, parts of carcasses, effluent, or blood of farm livestock, including poultry and equines, except where dead animals are found within the rights-of way of all highways within the state maintained either totally or in part with state funds, in which case "dead animals" means the carcasses or parts of carcasses of all animals, regardless of whether they are considered to be farm livestock, poultry, equines, domesticated animals, pets, or any other type of animal and includes all such animals regardless of the cause of death of such animals.~~

~~P.~~ Abandoned Motor Vehicles.

~~RK.~~ 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.

~~SL.~~ 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.

~~FM.~~ 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.

~~UN.~~ 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**

~~Within the County, it shall be unlawful for any person to create a nuisance on his property or property occupied by him, or to allow a nuisance to remain on his property or property occupied by him. Dead animals, stagnant water, decayed vegetables or fruits, filthy privies or unkept stables or anything having an offensive odor, or anything that causes injury or damage to the health or life of any other person, are 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 and Weeds**

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. ~~Drive-in restaurants and other food establishments that permit carry-out food service shall maintain at all times on their premises sufficient receptacles for the disposal of trash, garbage and miscellaneous solid wastes.~~

~~2. Within the County, it shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property on which is located a residential dwelling or commercial establishment or vacant dwelling or establishment intended for such use under such circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitute a fire hazard.~~

#### **46-8. ENFORCEMENT**

##### **A. Enforcing Officers**

##### **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.

#### C.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 offense. 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.

- ~~1. Pursuant to O.C.G.A. §§ 36-1-20, any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by one or more of the following:~~

**~~Sec. 46-9. YARD TRIMMINGS DISPOSAL.~~**

~~Commonwealth of Massachusetts Department of Environmental Protection  
2. Placement and Disposal of Yard Trimmings: Prohibitions.~~

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

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

### **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**

<b>48-1.</b>	<b>Purpose and Authority</b>
<b>48-2.</b>	<b>Definitions</b>
<b>48-3.</b>	<b>Duty of Owners</b>
<b>48-4.</b>	<b>Enforcement</b>
<b>48-5.</b>	<b>Complaints Relating to Unfit Dwellings or Structures</b>
<b>48-6.</b>	<b>Service of Complaints</b>
<b>48-7.</b>	<b>Order of the Court</b>
<b>48-8.</b>	<b>Failure to Comply with Order of the Court</b>
<b>48-9.</b>	<b>Salvage of Reusable Materials</b>
<b>48-10.</b>	<b>Lien on Property</b>
<b>48-11.</b>	<b>Waiver of Lien</b>
<b>48-12.</b>	<b>Appellate Review; Injunction</b>
<b>48-13.</b>	<b>Summary Proceedings</b>

### **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* means:

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.

## CHAPTER 48: ABATEMENT OF NUISANCE PROPERTY

48-1.	Purpose and authority
<del>48.2.</del>	<del>Definitions</del>
<del>48-32.</del>	<del>Duty of Owners</del>
<del>48-43.</del>	<del>Enforcement</del>
<del>48-354.</del>	<del>Complaints Relating to Unfit Dwellings or Structures</del>
<del>48-654.</del>	<del>Service of Complaints</del>
<del>48-765.</del>	<del>Order of the Court</del>
<del>48-876.</del>	<del>Failure to Comply with Order of the Court</del>
<del>48-987.</del>	<del>Salvage of Reusable Materials</del>
<del>48-1098.</del>	<del>Lien on Property</del>
<del>48-1109.</del>	<del>Waiver of Lien</del>
<del>48-1210.</del>	<del>Appellate Review; <u>Injunction</u></del>
<del>48-1321.</del>	<del>Summary Proceedings</del>

### 48-1. PURPOSE AND AUTHORITY

This ~~Article~~ 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. ~~The remedies provided in Article III this Chapter are in addition to those remedies available to the County for violations of the article under section 12-104. It is intended that violations of this Article Chapter shall be addressed according to section 12-104 as a general matter, and that only those properties that fail to come into compliance and which constitute a nuisance as such is defined by state law and under the terms of this division Chapter will require resort to the enforcement remedies provided in Article III this Chapter.~~

A. The County intends that this ~~division~~ Chapter shall comport with, and be susceptible to enforcement under, O.C.G.A. § 41-2-~~71~~, 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 ~~inimical-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 inimical-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 means:

1. ~~(i)~~ 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. (1) Owner;
2. (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. (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
4. (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. (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 materials present and 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.

## **48-32. DUTY OF OWNER**

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.

## **48-243. ENFORCEMENT**

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

The Dawson County Manager, Dawson County Director of the Planning and Development ~~Department~~, the Dawson County Marshals, Dawson County ~~Compliance Officers~~ ~~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**

~~The 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 Ordinances;
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; ~~and~~
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 Ordinanceboats;:-
11. Standing water allowed to pool in containers or on surfaces; and
- 9.12. Tire storage piles located less than fifty (50) feet from lot lines and buildings.

48-~~54~~3.

### COMPLAINTS RELATING TO UNFIT DWELLINGS OR STRUCTURES

- A. Whenever a written request for an investigation to be conducted using the appropriate complaint form is filed with ~~Code Compliance~~the Marshal's Office or notification is received by 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 ~~drug crimes~~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's 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 ~~drug crimes~~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 ~~drug crimes~~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.
- ~~B-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, ~~or~~ 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-~~65~~4.**

#### **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-~~76~~5.**

#### **ORDER OF THE COURT**

If, after notice and hearing as provided above, the Magistrate Court determines that the dwelling, ~~or~~ 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, ~~or structure, or~~ property can be made at a reasonable cost in relation to the present value of the dwelling, building, ~~or structure, or~~ property requiring the owner within the time specified in the order, to repair, alter or improve such dwelling, building, ~~or 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, ~~or structure, or~~ property cannot be made at a reasonable cost in relation to the present value of the dwelling, building, ~~or 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.

~~C.~~—For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, ~~or 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. ~~the Title~~ 43, ~~ch.~~ 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-enforced in the jurisdiction.

**48-~~87~~6.**

#### **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, ~~or structure, or~~ property, the Marshal's Office may cause such dwelling, building, ~~or 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, ~~or 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".

**48-798.**

### **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).

**48-1098.**

### **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. ~~tit~~Title 48, ~~ch~~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-~~110~~9.**

### **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.

**48-1~~0~~21.**

### **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 P~~u~~public O~~o~~fficer 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.

**48-1~~32~~1.**

### **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.



Billy Thurmond  
Chairman

Sharon Fausett  
Commissioner  
District 1

Chris Gaines  
Commissioner  
District 2

Tim Satterfield  
Commissioner  
District 3

Emory Dooley  
Commissioner  
District 4

David Headley  
County Manager

Kristen Cloud  
County Clerk

## DAWSON COUNTY BOARD OF COMMISSIONERS

November 3, 2022

Mr. James Stallings, Director  
Georgia Emergency Management Agency  
Office of Homeland Security  
P.O. Box 18055  
Atlanta, GA 30316-0055

Re: New EMA Director Nomination

Dear Director Stallings,

This is to inform you that Mr. Troy Leist has been nominated by the Dawson County Board of Commissioners to serve as the director of the Dawson County Emergency Management Agency. This position will be full time and will report directly to the Dawson County Manager.

We look forward to working with you on this all-important position.

Please call if you have any questions.

Sincerely,

Billy Thurmond, Chairman  
Dawson County Board of Commissioners

cc: File  
Tim Reeve, Area Six Field Coordinator

David Headley  
6007 Tradewinds Cove  
Gainesville, GA., 30506

October 25, 2022

Dawson County Board of Commissioners  
25 Justice Way  
Dawsonville GA. 30534

Dear Chairman & Board of County Commissioners,

I am writing to inform you of my intention to resign from my position as Dawson County, County Manager effective November 4, 2022.

My career goals have changed since I started working here seventeen years ago. I feel that the time has come for me to pursue another opportunity that is more aligned with my new aspirations.

I appreciate the opportunities that have been presented to me during my time at Dawson County. Please let me know what assistance I can offer as I transition as well as the county, out of my current role during my remaining time here.

On a personal note, I would like to thank the chairman for his continued support and leadership during my tenure here. His commitment to excellence of government has been rewarding and an enjoyable experience.

Sincerely

A handwritten signature in blue ink, appearing to read "David Headley", written in a cursive style.

## **RETIREMENT AGREEMENT**

This Retirement Agreement ("Agreement") is made and entered into between Mr. David Headley and Dawson County, Georgia (the "County") (collectively "the Parties").

### **1. RETIREMENT AND SETTLEMENT OF EMPLOYMENT.**

Mr. Headley wishes to retire and the Parties wish to facilitate his retirement and to provide for full and final resolution of all issues between the Parties arising out of Mr. Headley's employment with the County.

### **2. CONSIDERATION.**

Mr. Headley covenants and agrees to waive and release any and all claims relating to his employment with and separation from the County as detailed in Paragraph 3.

Mr. Headley and the County covenant and agree that:

- A. Mr. Headley will retire effective as November 4, 2022;
- B. Mr. Headley will receive a retirement stipend equivalent to nine (9) months salary at his current rate of pay, and compensation for all accrued PTO, payable upon the conclusion of the seven-day ADEA revocation period addressed in Section 6 herein.

### **3. FULL AND FINAL RELEASE.**

Mr. Headley, for himself, his attorneys, dependents, heirs, executors, administrators, personal representatives, successors, beneficiaries and assigns (collectively the "Headley Parties"), fully, finally, and forever releases and discharges the County, and all of its divisions, departments, offices, affiliates, officers (including Constitutional officers), elected and appointed persons, officials, employees, servants, agents, insurers, and attorneys, in their official and individual capacities, together with their predecessors, successors, and assigns, both jointly and severally (collectively the "County Parties"), of and from all charges, complaints, claims, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts, and expenses of any nature whatsoever, known or unknown, suspected or unsuspected, as a result of actions, representations, or omissions related to Mr. Headley and Mr. Headley's employment and occurring through Mr. Headley's effective separation date, as set forth in Paragraph 2 above. Specifically included in this waiver and release are, among other things, any and all claims regarding the deprivation of civil, constitutional, or equal rights under local, state, or federal law including, but not limited to, 42 U.S.C. §§ 1981, 1983, 1985, 1986 and/or 1988; Title VII of the Civil Rights Act of 1964, as amended; the Civil Rights Act of 1991; the Age Discrimination in Employment Act ("ADEA"); the Americans with Disabilities Act ("ADA"); the Older Workers Benefit Protection Act; and the Rehabilitation Act of 1973, as well as any claims for alleged wrongful discharge, negligent retention or hiring, sexual harassment, assault, battery,



retaliation, negligent or intentional infliction of emotional distress, breach of contract, fraud, any claims of violation of or retaliation under O.C.G.A. § 45-1-4 (i.e., the Georgia Whistleblower Statute), or any claims of violation of or retaliation under any and all whistleblower protection statutes under federal law, or any other unlawful behavior.

Notwithstanding any other provision of this Paragraph or of this Agreement, Mr. Headley does not hereby waive any rights or claims for which waivers or releases are prohibited by applicable law or any rights or claims under the ADEA that may arise after the effective date of this Agreement, which for purposes of this Agreement shall be the day on which the Agreement is executed by Mr. Headley.

The County Parties fully, finally, and forever release and discharge the Headley Parties of and from all charges, complaints, claims, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts, and expenses of any nature whatsoever, known or unknown, suspected or unsuspected, as a result of actions, representations, or omissions related to Mr. Headley and Mr. Headley's employment and occurring through Mr. Headley's effective retirement date, as set forth in Paragraph 2 above.

**4. CONSULTATION WITH ATTORNEY.**

The County hereby advises Mr. Headley in writing to consult with an attorney prior to executing this Agreement and waiver of claims under the ADEA.

**5. TWENTY-ONE DAY REVIEW PERIOD PROVIDED.**

Mr. Headley hereby acknowledges that, in accordance with federal law, he has been allowed up to twenty-one (21) days to consider whether to execute this Agreement and that he has had sufficient time to read and consider this Agreement before executing it. Mr. Headley acknowledges that he has received valuable and good consideration to which Mr. Headley is not otherwise entitled in exchange for his execution of this Agreement and executes this Agreement voluntarily, with a full understanding of its significance, and intending to be bound by its terms. Mr. Headley agrees that if he decides to shorten the 21-day period by executing this Agreement before the expiration of 21 days, he does so knowingly and voluntarily.

**6. SEVEN-DAY REVOCATION PERIOD.**

Mr. Headley may revoke and cancel this Agreement at any time within seven (7) days after Mr. Headley's execution of this Agreement by providing written notice to the County in the manner prescribed herein. If MR. HEADLEY does so revoke, this Agreement will be null and void and the County shall have no obligation to provide any consideration to Mr. Headley including, but not limited to that specified in Paragraph 2 of this Agreement. This Agreement shall not become enforceable until after the expiration of the seven (7) day revocation period; after such time, if there has been no revocation, the Agreement shall be fully enforceable. In the event that Mr. Headley chooses to revoke the Agreement, Mr.

Headley or his counsel shall notify the County by facsimile and e-mail to its designated agent for this purpose, Angela E. Davis, 222 Webb Street, Cumming, Georgia 30040, with the facsimile number 678.455.7149, and the e-mail address of adavis@jarrard-davis.com, no later than 5:00 p.m. on the last day of the revocation period.

7. **NO OTHER CLAIMS.**

The Parties acknowledge and represent that each does not have any pending claims or charges against the other. The Parties also acknowledge and represent that neither party will file, or assign to others the right to file, or make claims or charges against the other Parties at any time for actions, representations, or omissions covered by the Full and Final Release provisions in Paragraph 3 of this Agreement.

Mr. Headley also acknowledges and represents that he has received all leave required under the Family and Medical Leave Act of 1993, as amended ("FMLA"), and does not claim that the County violated or denied his rights under the FMLA. Mr. Headley further acknowledges and represents that he was properly classified under the Fair Labor Standards Act of 1938, as amended ("FLSA"), has been fully paid (including any overtime to which he was entitled, if any) for work performed for the County, and does not claim that the County violated or denied his rights under the FLSA.

8. **RETURN OF PROPERTY.**

Mr. Headley states that, in accordance with his existing and continuing obligations to the County, he has returned, or will immediately return to the County, all property of the County, including, but not limited to, keys, files, records, maps, computer access codes, and computer programs, instruction manuals, business plans, and other property which Mr. Headley maintained, prepared or helped to prepare in connection with his employment with the County. In no event will Mr. Headley remove any such items off the premises of the County, or duplicate any such items for removal from the County premises.

9. **COOPERATION.**

Mr. Headley agrees to fully cooperate with the County in any and all investigations, inquiries, or litigation in any judicial, administrative, or public, quasi-public, or private forum, in which the County is involved, whether or not Mr. Headley is a party to or a subject of such investigations, inquiries, proceedings, or litigation. Mr. Headley shall provide such testimony, background information, and other support and cooperation as the County may reasonably request. Mr. Headley acknowledges, agrees, and covenants that he will not voluntarily disclose any information related to personnel, payroll, risk management, claims, insurance, or attorney-client privileged matters, or any other information that is sensitive, private, and confidential, received during the course and scope of his employment to any person or entity except the County or its designee. Mr. Headley further agrees that he will not directly or indirectly cooperate or assist with the initiation or advancement of any claims, lawsuits, actions, or demands against the County on behalf of himself or any other individual.



10. **NON-DISPARAGEMENT.**

- A. Mr. Headley agrees that he will not make statements to anyone that is in any way disparaging or negative towards the County Released Parties.
- B. The members of the County Board of Commissioners agree that they will not make statements to employees of the County or members of the public that are in any way disparaging or negative towards Mr. Headley.

11. **NON-ADMISSION OF LIABILITY OR WRONGFUL CONDUCT.**

The Agreement shall not be constituted as an admission of any liability, wrongdoing, retaliation, or discrimination, nor shall it be considered to be evidence of such liability, wrongdoing, retaliation, or discrimination by the Parties to the Agreement, all of whom hereby affirmatively deny any wrongdoing.

12. **CONFIDENTIALITY.**

- A. The nature and terms of this Agreement are strictly confidential, and they have not been and shall not be disclosed by Mr. Headley to any other person, except Mr. Headley's lawyer without the prior written consent of the County, and except as necessary in any legal proceedings directly related to the provisions and terms of this Agreement, to prepare and file income tax forms, pursuant to court order after reasonable notice to the County, or otherwise as required by law.
- B. Likewise, the County has not and will not disclose the nature and terms of this Agreement at any time to any person other than County officials, lawyers, auditors, or accountants that have a legitimate business reason to know such information, except as necessary in any legal proceeding directly related to the provisions and terms of this Agreement, to prepare and file income tax or claim forms, pursuant to court order after reasonable notice to Mr. Headley, or otherwise as required by law, including, but not limited to, the adoption of the Retirement Agreement by the Board of Commissioners and pursuant to the Georgia Open Records Act, O.C.G.A. § 50-18-70, et seq.

13. **GOVERNING LAW.**

This Agreement shall be interpreted under the laws of the State of Georgia.

14. **SEVERABILITY.**

The provisions of this Agreement are severable, and if any part of this Agreement is found by a court of law to be unenforceable, the remainder of the Agreement will continue to be valid and effective.

**15. SOLE AND ENTIRE AGREEMENT.**

This Agreement sets forth the entire agreement between the Parties. Any prior agreements between or directly involving the Parties to the Agreement are superseded by the terms of this Agreement and thus are rendered null and void. However, any noncompete agreements or prior agreements between the Parties related to inventions, business ideas, and confidentiality of corporate information remain intact.

**16. NO OTHER PROMISES.**

Mr. Headley affirms that the only consideration for him signing this Agreement is that set forth in Paragraph 2, that no other promises or agreements of any kind have been made to or with him by any person or entity to cause him to execute this document.

**17. ADVICE OF COUNSEL.**

Mr. Headley acknowledges both that he fully understands his right to discuss all aspects of this Agreement with his attorney and that he has been given a reasonable period of time to consider whether he should execute this Agreement. Mr. Headley acknowledges and represents that he has read this Agreement in full and, if desired with advice of his counsel, understands and voluntarily consents and agrees to each and every provision contained herein.

**18. SIGNATURE.**

The Agreement may be signed in counterparts.

**19. LEGALLY BINDING AGREEMENT.**

Mr. Headley understands and acknowledges that (A) this is a legally binding Agreement that includes a full release of claims; (B) by signing this Agreement, he is hereafter barred from instituting claims against the County and/or the County Released Parties in the manner and to the extent set forth herein and (C) this Agreement is final and binding.

**PLEASE READ CAREFULLY. THIS AGREEMENT INCLUDES A RELEASE OF ALL KNOWN AND UNKNOWN CLAIMS.**

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date shown below.

  
MR. DAVID HEADLEY

Date: 10-25-72

**DAWSON COUNTY, GEORGIA**

By: Billy Thurmond

Title: Chairman, Dawson County Board of  
Commissioners

Date: \_\_\_\_\_