

AN ORDINANCE OF THE CITY COUNCIL OF EUHARLEE, GEORGIA SITTING FOR CITY PURPOSES FOR THE PURPOSE OF **ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES; PROVIDING FOR ENFORCEMENT INCLUDING CONDEMNATION AND DEMOLITION;** AND FOR OTHER PURPOSES AT A CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF EUHARLEE, GEORGIA HELD ON SEPTEMBER 20,2006.

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**WHEREAS,** the City of Euharlee desires to protect and serve the citizens of the City by promoting the public health, safety and welfare; and

**WHEREAS,** the City has determined it would be beneficial to adopt the 2003 edition of the International Property Maintenance Code, which governs the condition of existing buildings to insure they are safe, sanitary and fit for human occupation and use, and provides for the condemnation of unfit structures, and the demolition of same; and

**WHEREAS,** it is the purpose of this ordinance to minimize nuisances and promote the public health, safety and welfare;

**NOW THEREFORE BE IT ORDAINED** AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the City Council by law, that the 2003 edition of the International Property Maintenance Code, as published by the International Code Council and as modified herein, is adopted by reference as if entirely incorporated herein, with the following amendments:

- I. The following sections of the Code are hereby amended, with the existing text deleted and replaced with the following text, or amended, or simply deleted, as indicated:

Section 101

Section 101.1 **Title.**

These regulations shall be known as the *Euharlee Property Maintenance Code*, hereinafter referred to as "this Code" or the "Code."

Section 102

Section 102.3 **Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of state minimum standard codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Euharlee Zoning Ordinance or Euharlee Land Subdivision Regulations.

Section 103

Section 103 shall be entitled **Department of Code Enforcement.**

**Section 103.1 General.**

"Department" as used in this Code, refers to the City of Euharlee's Code Enforcement Department, and the Code Official charged with the administration, enforcement and interpretation of this Code shall be the Code Enforcement Official of the City, or a duly authorized representative.

**Section 103.2 Appointment.**

The Code Official shall be appointed by the City Council by resolution.

**Section 103.3 Deputies.**

The Code Official shall have authority to appoint deputies, and authorize other city employees to enforce this ordinance, with approval of the City Council and subject to normal budgetary procedures.

**Section 103.5 Fees.**

The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as adopted from time to time by the City.

Section 106

**Section 106.2 Notice of Violations; Citations.**

The Code Official may serve a notice of violation or may issue a citation to any person violating the provisions of this Code.

**Section 106.3 Prosecution of Violations.**

The Code Official, or any law enforcement official of the City of Euharlee, shall be authorized to issue citations for violations of this Ordinance. Such citations shall be heard in the Municipal Court of Euharlee. Citations shall be initiated by serving a citation personally on the offender, or by mailing a citation to the offender by certified mail, return receipt requested, if the property owner does not live in the City of Euharlee.

**Section 106.4 Violation Penalties.**

Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws. The minimum fine for a violation of this Code shall be \$200 for a first violation on a particular property, and \$400 for a second violation on a particular property. The municipal court shall also be authorized to impose jail terms of up to 60 days, pursuant to law. Each day that a violation continues shall be deemed a separate offense, with a separate fine. Such fines may be sought in actions brought in superior court for injunctive or other relief.

**Section 106.6 Other Actions to Enforce Code.**

The City or the Code Official shall be authorized to bring other actions to enforce this Code in addition to or in lieu of providing notice of violation or issuing a citation. Such actions include, but are not limited to, seeking mandamus or injunctive relief in superior court. Such actions may be filed by the city attorney or other designated attorney, and

may seek to recover fines, orders of abatement, and other necessary relief. The City shall be entitled to its attorney's fees in any case where relief is secured from Superior Court. Orders obtained in superior court shall be enforced by contempt actions if necessary. The City or Code Official shall also be authorized to file an action to abate a public nuisance under the municipal court's inherent powers as stated in O.C.G.A. § 41-2-5; such action shall be an alternative to superior court action, and the City may seek fines and fees in such action for any violations.

## Section 107

### Section 107.1 **Notice to Person Responsible.**

In the event the Code Official determines that there has been a violation of this code, notice may be given in the manner prescribed in Section 107.2. It shall not be required to give a notice of violation prior to issuing a citation or seeking other relief authorized by this code.

### Section 107.2 **Form.**

Subsection (5) relating to appeal and subsection (6) relating to liens are hereby deleted.

## Section 110

### Section 110.3 **Failure to Comply.**

If the owner of a premises fails to comply with a demolition order within the time prescribed, such failure shall be a violation of this ordinance subject to citation. The Code Official shall also be authorized to file an action in superior court for injunction or other relief, or to file an action in municipal court for an order to abate a public nuisance. The code official shall also have the option of proceeding under the Euharlee Unfit Property Ordinance, or other applicable ordinances.

## Section 111

### Section 111.1 **Application for Appeal.**

Any person directly affected by a decision or interpretation of the Code Official shall have the right to appeal to the Euharlee Hearing Examiner, as such official is established in the Euharlee Zoning Ordinance. The decision to issue a citation or initiate other enforcement or legal action shall not be appealable. A written application for appeal must be filed within 20 days of the decision or interpretation complained of. The applicable procedure for an appeal shall be otherwise as specified in the Zoning Ordinance, Article XIV, which provisions are incorporated herein by reference.

### Section 111.2 **Variances.**

The Hearing Examiner shall be authorized to grant variances to this Code under the procedures as contained in Article XIV of the Euharlee Zoning Ordinance, which provisions are incorporated herein by reference. However, requirements or regulations affecting public safety, and standards contained in underlying Standard Building Codes, or State Minimum Standard Codes as defined in O.C.G.A. § 8-2-20, or codes referenced in Chapter 8, may not be varied.

Section 111.2 is deleted.

Section 111.3 is deleted.

Section 111.4 is deleted.

Section 111.5 is deleted.

Section 111.6 is deleted.

Section 111.7 is deleted.

Section 111.8 is deleted.

## Section 302

Section 302.4 is deleted.

Section 302.8 is deleted.

## Section 303

Section 303.2 is deleted.

## Section 304

### Section 304.6 **Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. All exterior walls, except during construction or reconstruction or renovation of a structure, shall be covered with exterior siding materials such as stone, wood, stucco, shingles, masonry, fiber-cement siding, vinyl siding, and/or other approved exterior materials. Non-exterior rated materials, tarps, plastic sheeting, and other similar materials are not permitted to be used as exterior siding materials.

Section 304.14 is deleted.

## Section 305

Section 305.3 is deleted.

## Section 501

**Section 501.3 Sewage disposal.**

All dwellings and other structures with toilet, sink or bath facilities shall be property connected to either an approved on-site sewage management system (i.e., septic system) or to a public sewer system. No open discharge onto the ground surface, ditches, storm drains, or creeks or waterways, shall be permitted. All connections to, installations, modifications and repairs of, on-site systems shall be subject to the Bartow County Health Department regulations. Connections to sewer shall only be permitted as authorized under City and Bartow County regulations.

Section 505

**Section 505.5 Water supply.**

It shall be unlawful for water to be secured from one building or dwelling by means of above-ground hoses or pipes from another building or dwelling, or pulled from some other water source. Tapping into another property's or dwelling's water supply without permission or approval, or in a fashion in violation of the state minimum standard codes, shall be a violation of this ordinance. Water service shall require water taps and meters in accordance with City codes and regulations, or County codes and regulations, as applicable.

Section 602

Section 602.3 is deleted.

Section 602.4 is deleted.

Section 604

**Section 604.4 Power supply**

It shall be unlawful for power to be secured from one building or dwelling by means of extension cords from another building or dwelling, or pulled from some other power service. Similarly, any above-ground residential power service shall be unauthorized, unless installed by the power company or power authority, and installed in accordance with state minimum standard codes. Tapping into another property's or dwelling's power supply without permission or approval, or in a fashion in violation of the state minimum standard codes, shall be a violation of this ordinance.

**BE IT FURTHER ORDAINED** that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that if any section, subsection, sentence, clause or phrase of this Ordinance or the Code is, for any reason, held to be unconstitutional, unlawful or void, such decision shall not affect the validity of the remaining portions of this Ordinance or the

Code. The City of Euharlee hereby declared that it would have passed this Ordinance and the Code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unlawful, or void.

**SO ADOPTED** this 20th day of September, 2006, to be effective immediately, the public health, safety and welfare demanding.

CITY OF EUHARLEE, GEORGIA

Kathy S. Foulk, Mayor

ATTEST:

Liz H. Dempsey, City Clerk