

TITLE 3
Public Safety*

AMENDED
Three Pages
3-31

*Editor's Note: The ordinance dated March 15, 1994 repealed Titles 3, 8, and 9 and replaced all provisions with a new Title 8, entitled Public Safety. In order to facilitate use of this code, the new provisions have been editorially changed to Title 3, Public Safety.

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CHAPTER 1

Law Enforcement

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Sec. 3-1-1 Composition of police department.

The department shall consist of the chief of police and those officers and employees of those ranks and positions as approved by the mayor, chief of police and city council. (Ord. of 3/15/94)

Sec. 3-1-2 Responsibilities.

The department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments and for any other matters of public safety and law enforcement as directed. (Ord. of 3/15/94)

Sec. 3-1-3 Rank structure.

- (a) Chief of police;
- (b) Lieutenant;
- (c) Sergeant/investigator;
- (d) Patrolman;

The chief of police will be appointed by the mayor and city council and shall hold the rank of chief executive officer.

All other police personnel will be appointed/selected by the chief of police. (Ord. of 3/15/94)

Sec. 3-1-4 General duties and responsibilities--Chief of police.

- (a) He shall make all promotions within the police department;
- (b) He shall be the official representative of the police department when required by protocol;
- (c) He shall coordinate the activities of the police department to ensure a high degree of cooperation with other cities, counties, state and federal agencies;
- (d) He shall appoint an acting commanding officer in his absence;
- (e) He shall exercise immediate authority over all organizational components of the department which he commands, and members and employees therein, and over all matters of the administration, policies, operations and discipline within the department;
- (f) He shall confer regularly with the mayor on operational activities, problems, and department needs. This includes the responsibilities of budgeting and other administrative planning functions for the department;
- (g) It shall be the duty of the chief of police and of any officer of the police department to report or cause to be reported at each sitting of the recorder's court all violations of this code or any other ordinance of the city that may come to their knowledge and such officers shall cause to be brought before such court all persons committed or arrested for violations of this code or ordinance of the city. Such officers also cause summons to be served on

offenders and witnesses to appear before the recorder's court and shall cause to be executed every warrant, process or summons which may be directed to them pursuant to this code or by any other ordinance;

(h) It shall be the duty of the chief of police or his designated representative of the police department to attend all regular and called meetings of the city council;

(i) In cases to be prosecuted before the superior court or other courts, the chief of police may be the prosecutor and the city collector of revenues shall be his security, if security is necessary. (Ord. of 3/15/94)

Sec. 3-1-5 General duties/responsibilities of other police personnel.

(a) All police personnel will adhere to the responsibilities of Section 3-1-2.

(b) All other duties and responsibilities will be designated by the chief of police. (Ord. of 3/15/94)

Sec. 3-1-6 Personal property in possession of police department--Sale.

It shall be the duty of the chief of police to sell or dispose of any personal property, except weapons of any kind, which are to be destroyed, or other personal property that comes into the possession of the police department when the ownership thereof is not known or the same is unclaimed; provided, that no such property shall be sold or disposed of until after the same shall have been in the possession of the police department for not less than one (1) year. (Ord. of 3/15/94)

Sec. 3-1-7 Sale to be public; advertisement, inspection of property.

All sales of personal property required to be made by Section 3-1-6 shall be made by advertising, once a week for two (2) weeks, in the newspaper wherein other city advertisement are published and the time and place of the sale. Such sale shall be public and the property awarded to the highest and best bidder for cash. The advertisement therefor shall contain only a general description of the articles of personalty to be sold and a statement that such personalty may be examined on any day, between the first appearance of such advertisement and the sale day, named, between the hours of 9:00 a.m. and 12:00 noon, each day, by any person who may apply to the chief of police for such privilege. (Ord. of 3/15/94)

Sec. 3-1-8 Claims to property before sale.

(a) Should any person claim any of the personalty to be sold by the chief of police in accordance with section 3-1-6, such person shall claim the same by an affidavit particularly describing the personalty claimed, and upon the filing of such claim with the chief of police, it shall be the duty of the police chief to file the same with the mayor and city council of the city.

(b) Thereafter, at such time and place as may be named by such council, after at least three (3) days written notice shall have been given the claimant thereof, it shall be the duty of such council to hear and determine the right of property claimed, the claimant to have all rights of appeal provided by law from the decision of judgment of such council. If such claim shall be sustained, it shall be the duty of the chief of police to deliver such claimed personally to the successful claimant, but should such claim be denied, it shall be the duty of the chief of police to advertise for sale such claimed personalty at any time after the expiration of 30 days from the judgment on such claim by such council as herein provided for. (Ord. of 3/15/94)

Sec. 3-1-9 Records to be kept of sale; claims to proceeds of sale.

It shall be the duty of the chief of police to keep an accurate record of all property sold and proceeds collected that the police department is responsible for. (Ord. of 3/15/94)

CHAPTER 2

General Offenses

- § 3-2-1 Disorderly conduct.
- § 3-2-2 Hanging in a known drug area.
- § 3-2-3 Public drunkenness.
- § 3-2-4 Discharging firearms within the city limits.
- § 3-2-5 Gambling general--Prohibited in public places.
- § 3-2-6 Assembling for purpose of gambling.
- § 3-2-7 Games, etc., in street; flying kites; playing ball, etc.
- § 3-2-8 Skating etc., on streets.
- § 3-2-9 Authority for impoundment and disposal.

Sec. 3-2-1 Disorderly conduct.

"Public place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the use of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas or parks.

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

- (a) Act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear or danger of safety for his/her life, limb or health;
- (b) Act in a violent or tumultuous manner towards another, whereby public property of any other person is placed in serious danger of being destroyed or damaged;
- (c) Use fighting words directed towards another, who becomes outraged and thus creates a turmoil;
- (d) Violently interferes with another's pursuit of a lawful occupation;
- (e) Congregates, obstructs, either singly or together with others to halt the flow of vehicular or pedestrian traffic and refuses to clear the way when ordered by the city police or other lawful authority to do so;
- (f) Who shall endanger lawful pursuit of another by acts of violence or threats of bodily harm;

- (g) Who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property;
- (h) Who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl;
- (i) Who shall collect in bodies or in crowds and engage in unlawful activities; Being loud, cursing or interfering with a police officer in the line of duty;
- (j) Who shall frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so, or begs for handouts;
- (k) Who damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
- (l) Interferes with another's pursuit of a lawful occupation by acts of violence;
- (m) In a public place under the influence of an intoxicating liquor or drug in such a condition as to be unable to exercise care for his own safety or the safety of others;
- (n) Consumes alcoholic beverage on any public street, sidewalk, or any other public property within the corporate limits of the city. Possession of open containers of alcoholic beverages or containers with the seal broken shall be prima facie evidence of consumption;
- (o) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed or the travelling public annoyed;
- (p) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

Exemptions: This chapter shall not be constructed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws. (Ord. of 3/15/94)

Sec. 3-2-2 Hanging in a known drug area.

"Known drug area" is defined as any public place and shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the use of the public.

It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas or parks.

The following guidelines and criteria to be met when charging under this city chapter:

(a) Subjects must be known by the officer to have been convicted of drug related charges, or subjects show characteristics of drug intoxication or usage (i.e., obvious intoxication with the odor of alcohol absent, needle tracks, etc.) or subject possesses drug related objects;

(b) Subject is known to be under observation has grounds to believe subject is acting as a look-out or subject giving signs, signals, whistling, etc., when officer approaches;

(c) Subject is physically identified as a member of a gang or association which has as its purpose illegal drug activity;

(d) Subject transfers small packages for money in a secret or inconspicuous manner;

(e) Subject takes flight upon the appearance of police officer to avoid arrest or detention;

(f) Subject attempts to hide or hide objects which could reasonably be involved in illegal activity or shows actions out of the ordinary;

(g) Subject is loitering in an area which is known as a drug use/trafficking area and does not reside in the area;

(h) The premises are known to have been reported to law enforcement personnel as a place suspected of drug activity or known to have had search warrants served for drug related activity, etc. (Ord. of 3/15/94)

Sec. 3-2-3 Public drunkenness.

Any person who, within the city or within its police jurisdiction or upon or around the sewage plant or park, or

on the streets of the city or in any public place, or within the curtilage of any private residence, not his own, other than by invitation of the owner or lawful occupants in an intoxicated condition or found drunk in any such places. (Ord. of 3/15/94)

Sec. 3-2-4 Discharging firearms within the city limits.

It shall be unlawful for any person to discharge a firearm, including pistol, rifles and shotgun or to shoot an air gun, including BB gun and pellet gun, within the city limits, except for law enforcement personnel in the line of duty, military personnel, when on drill or parade, and at funerals in honor of the dead. It shall not be unlawful for any person to shoot a BB gun on private property if that person shall have first obtained the expressed permission of the owner of that property. (Ord. of 3/15/94)

Sec. 3-2-5 Gambling general--Prohibited in public places.

Gambling on any street or in any public place is prohibited. (Ord. of 3/15/94)

Sec. 3-2-6 Assembling for purpose of gambling.

It shall be unlawful for two (2) or more persons to assemble at any place in the city for the purpose of gambling. (Ord. of 3/15/94)

Sec. 3-2-7 Games, etc., in street; flying kites, playing ball, etc.

It shall be unlawful for any person to fly a kite, or play or practice hockey, baseball, football or any similar game in any frequented street or settled part of the city. (Ord. of 3/15/94)

Sec. 3-2-8 Skating etc., on streets.

It shall be unlawful for any person to participate in any form of skating on roller skates, scooter or skate boards in or upon the streets of the city. (Ord. of 3/15/94)

Sec. 3-2-9 Authority for impoundment and disposal.

The chief of police or members of the police department are authorized to contract with private automobile wrecking firms for the removal and impounding of discarded, dismantled, wrecked, scrapped, ruined or junked motor vehi-

cles or parts thereof, discarded appliances, household furnishing and other personal property. Such vehicles or parts thereof, discarded appliances, household furnishing and other personal property shall be disposed of in accordance with terms and procedures set out in sections 3-1-6 through 3-1-9. (Ord. of 3/15/94)

CHAPTER 3

Traffic Regulations, Control and Parking Regulations

- § 3-3-1 Uniform Rules of the Road adopted.
- § 3-3-2 Temporary traffic regulations.
- § 3-3-3 Vehicle cover required.
- § 3-3-4 Traffic, speed, truck, parking and other zones, signs and traffic control devices; schedule.
- § 3-3-5 Obstruction of view and use by trees and shrubs; notice.
- § 3-3-6 Free flow of traffic; obstruction prohibited.
- § 3-3-7 Speed limits established.
- § 3-3-8 Traffic signs, signals, and markings.
- § 3-3-9 Tracked vehicles prohibited on streets.
- § 3-3-10 Vehicles to be parked within marked spaces.
- § 3-3-11 Parking prohibited at all times in certain locations.
- § 3-3-12 Parking prohibited in certain locations, certain days and hours.
- § 3-3-13 Parking time limited in certain locations, certain days and hours.
- § 3-3-14 Special purpose parking zones established; parking otherwise prohibited.
- § 3-3-15 Penalty for violation.

Sec. 3-3-1 Uniform rules of the road adopted.

Pursuant to Title 40, Chapter 6, known as the "Uniform Rules of the Road," are adopted as and for the traffic regulations of this city with like effect as if recited herein. (Ord. of 3/15/94)

Sec. 3-3-2 Temporary traffic regulations.

In cases where traffic upon the streets of the city may become congested upon occasions of parades, at theaters and other public assemblages where large numbers of vehicles are assembled, the chief of police may make temporary rules directing and regulating the traffic in these congested districts, and any person, after being warned of the temporary traffic regulations, who shall violate them shall be liable therefor as for other violations of this code. (Ord. of 3/15/94)

Sec. 3-3-3 Vehicle cover required.

No person shall operate or load any vehicle on the public streets and roads of this city unless the vehicle is constructed, loaded and securely covered so as to prevent

any of its load from dropping, escaping or shifting in such a manner so as to litter the streets and roads of the city. (Ord. of 3/15/94)

Sec. 3-3-4 Traffic, speed, truck, parking and other zones, signs and traffic control devices; schedule.

(a) The police chief or a designee thereof, upon approval by ordinance of the mayor and city council, is authorized to designate and maintain with appropriate traffic control signs, markings and devices after engineering and traffic investigations:

- (1) Speed zones;
- (2) Truck routes and streets to be designated specifically to prohibit various classes of trucks;
- (3) One-way streets and other directional control devices;
- (4) Freight loading zones and regulations;
- (5) Parking and no parking zones and regulations thereon;
- (6) Stop, yield and other right-of-way signs;
- (7) Stop signals and other traffic signals.

(b) The police chief or a designee thereof is authorized to issue written orders designating by appropriate traffic control signs, markings and devices after engineering and traffic investigations:

- (1) Pedestrian crosswalks;
- (2) Other safety zones for pedestrians;
- (3) Traffic lanes;
- (4) Any other sign, marking or zone necessary for orderly and safe conditions on the streets of the city.

(c) The police chief shall maintain or cause to be recorded a current schedule of all traffic rules, regulations and orders under this section, which record shall be available for inspection by the public. For items listed in subsection (a) of this section, this schedule, and any amendments thereto, shall become effective only upon approval thereof by ordinance of the mayor and council and

this schedule is incorporated herein and copies thereof shall be available for public inspection in the office of the city clerk.

(d) All traffic control signs, signals, devices and markings shall conform to specifications in the "Manual on Uniform Traffic Control Devices" adopted by the state transportation board. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this code shall be official traffic control devices of the city.

(e) Any violation of any traffic zone, marking, sign, or other traffic control device established hereunder shall be a violation of this code. (Ord. of 3/15/94)

Sec. 3-3-5 Obstruction of view and use by trees and shrubs; notice.

(a) No person owning, occupying or in any way controlling property in this city shall permit any tree, bush or shrub on the property to project over any street or sidewalk of this city so as to obstruct or interfere with the view and use of persons walking or riding in a vehicle on the street or sidewalk or of other persons or vehicles approaching from cross or intersecting streets.

(b) It shall be unlawful for any person, whether the owner, tenant, agent or person controlling property in the city to fail to remove any tree, bush or other obstruction from the streets or sidewalks of this city after 10 days' notice by the city to do so.

(c) If any property owner does not comply within 10 days, the city shall remove item and charge the owner, tenant, agent or person controlling the property for the removal on the next water bill. (Ord. of 3/15/94)

Sec. 3-3-6 Free flow of traffic; obstruction prohibited.

All persons are prohibited from engaging in driving procedures which obstruct the free flow of traffic in, around over and through the streets, alleyways and other public way of the city. Any person is prohibited from stopping his vehicle (except at a stop signal or stop sign or to honor another) as to obstruct the free and orderly flow of traffic by the maneuver, or to engage in unduly slow driving procedures so as to block or dawdle or make

unnecessary rapid accelerations and decelerations or to in any other manner constitute a traffic nuisance or hazard. (Ord. of 3/15/94)

Sec. 3-3-7 Speed limits established.

(a) No person shall operate any motor vehicle or tractor upon any of the streets and highways of the city at a greater speed than is reasonable and proper having regard to the width, traffic and use thereof or so as to endanger the property or life or limb of any person.

(b) Twenty-five miles per hour shall be the maximum speed on all streets or portions of streets within the city unless otherwise indicated by officially posted signs designating the maximum vehicular speed upon those streets as approved by the mayor, chief of police, city council and department of transportation.

(c) Speed limits that were established by the department of transportation (letter dated August 3, 1993) and approved by the mayor and city council (Ordinance Number 07-93-002, dated October 21, 1993) shall be the speed limits within the city limits.

(d) The chief of police or a designee thereof, upon the approval by the mayor and city council, is authorized to designate speed limits on other roadways which are not covered under Ordinance Number 07-93-002. (Ord. of 3/15/94)

Sec. 3-3-8 Traffic signs, signals, and markings.

All traffic shall obey and be directed by official traffic control signals, signs and markings erected at street intersections and other locations now or hereafter approved by the mayor, chief of police and city council. (Ord. of 3/15/94)

Sec. 3-3-9 Tracked vehicles prohibited on streets.

It is unlawful for any person to operate any tracked or other vehicle having metal tracks or wheels upon the city streets. (Ord. of 3/15/94)

Sec. 3-3-10 Vehicles to be parked within marked spaces.

Whenever a space is marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding that space. (Ord. of 3/15/94)

Sec. 3-3-11 Parking prohibited at all times in certain locations.

(a) It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the streets and alleys of the city specifically designated by posted signs indicating the prohibited parking.

(b) There is established a no parking zone within the city on the south side of and within the southern one-half (½) of the right-of-way of Georgia Highway No. 24 beginning at a point at the west corner of the intersection of Farm Street and said Georgia Highway No. 24 and proceeding in a westerly direction to the east corner of Cemetery Street and said Highway 24 within the city. Appropriate signs or markings shall be erected or placed within said area. (Ord. of 3/15/94)

Sec. 3-3-12 Parking prohibited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the days and between the hours indicated and specified by posted signs indicating the prohibited parking. (Ord. of 3/15/94)

Sec. 3-3-13 Parking time limited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any of the places on the streets and alleys of the city, at any time on the days and between the hours indicated and specified by posted signs limiting parking time in certain locations on certain days and hours. (Ord. of 3/15/94)

Sec. 3-3-14 Special purpose parking zones established; parking otherwise prohibited.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any locations on the streets and alleys of the city established and designated as special purpose parking zones indicated and specified by posted signs approved by the mayor and council. (Ord. of 3/15/94)

Sec. 3-3-15 Penalty for violation.

Any person who shall violate any provisions of this chapter shall, upon conviction, be punished as provided in section 1-1-5 of this code. (Ord. of 3/15/94)

CHAPTER 4

Nuisances

§ 3-4-1	Noises; creating unnecessary noise.
§ 3-4-2	Posting signs on poles without consent.
§ 3-4-3	Definitions.
§ 3-4-4	Jurisdiction to try and abate.
§ 3-4-5	Complaint of nuisance hearing.
§ 3-4-6	Abatement by city.
§ 3-4-7	Nuisance per se, exception; summary abatement.
§ 3-4-8	Offense; penalty.

Sec. 3-4-1 Noises; creating unnecessary noise.

(a) The creating of any unreasonably loud disturbing and unnecessary noise within the limits of the city is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited and shall be disposed of in accordance with terms and procedures set out in section 1-1-5.

(b) The following acts among others are declared to be loud, disturbing and unnecessary noises and in violation of this section but this enumeration shall not be deemed to be excessive namely:

(1) Horns. The sounding of any horns or signal device on any automobile, motorcycle, bus or other vehicle while not in motion; except, as a danger signal shall be deemed as unnecessary or unreasonable;

(2) Musical Instruments. The playing of any radio, phonograph or any musical instrument in such a manner or with such a volume particularly during the hours between 12:00 midnight and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other types of residence or any persons in the vicinity; except, this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.;

(3) Voices. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m. as to annoy or disturb the quiet, comfort or response of persons in any office, hospital or in any dwelling, hotel or other types of residence, or any person in the vicinity;

(4) Noisy Vehicles. The use of any automobile, motorcycle or vehicle so out of repair, loud mufflers, or so loaded or in any manner as to create loud and unnecessary grating, grinding or rattling or other noise;

(5) Exhausts. To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(6) On Streets of Institutions Requiring Quiet. The creation of any excessive noise on any street adjacent to any school, institution of learning, churches or court while the same are in session or adjacent to any hospital, which unreasonably interferes with the working or sessions thereof;

(7) Loudspeakers on Vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes;

(8) None of the foregoing terms or prohibitions shall apply to or be enforced against:

(A) Any vehicle of the city while engaged upon necessary public business,

(B) Excavations or repairs of bridges, streets or highways, by or on behalf of the city, county or state during the night season, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor,

(C) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character;

(9) The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the city clerk;

(10) It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the city; provided that nothing in this section shall apply to the United States of America, the state, the county nor the city, nor to public agencies. (Ord. of 3/15/94)

Sec. 3-4-2 Posting signs on poles without consent.

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof. (Ord. of 3/15/94)

Sec. 3-4-3 Definitions.

The following conditions may be declared to be nuisances:

- (a) Stagnant water on premises;
- (b) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- (c) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;
- (d) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;
- (e) Maintaining a dangerous or diseased animal or fowl;
- (f) Obstruction of a public street, highway or sidewalk without a permit;
- (g) Loud or unusual noises which are detrimental or annoying to the public, including without limitations, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (h) All walls, trees and buildings that may endanger persons or property;
- (i) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;

(j) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;

(k) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city;

(l) Any other condition constituting a nuisance under state law. (Ord. of 3/15/94)

Sec. 3-4-4 Jurisdiction to try and abate.

The recorder's court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 3-4-6 of this code. (Ord. of 3/15/94)

Sec. 3-4-5 Complaint of nuisance hearing.

(a) Any official or inhabitant of the city may direct a complaint of nuisance to the city police department, who shall investigate and may place the complaint on the recorder's court docket for a hearing upon the basis of the investigation. The recorder's court after a 10-day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance must be abated within so many hours or days as the recorder shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(b) Animal control officers, license and building inspectors shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers. (Ord. of 3/15/94)

Sec. 3-4-6 Abatement by city.

(a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the recorder that it must be immediately abated, the recorder may issue an order of the chief of police directing the nuisance to be abated. The chief of police in such case, shall keep record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues.

(b) Other city officers and employees shall assist the chief of police as is necessary in abating nuisances hereunder. (Ord. of 3/15/94)

Sec. 3-4-7 Nuisance per se, exception; summary abatement.

Nothing contained in this chapter shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger. (Ord. of 3/15/94)

Sec. 3-4-8 Offense; penalty.

(a) It is declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

(b) State Law Reference. Failure to abate nuisance after order to do so is a state crime. (Ord. of 3/15/94)

CHAPTER 5

Animal Control

- § 3-5-1 Short title.
- § 3-5-2 Definitions.
- § 3-5-3 Bird sanctuary; wildlife.
- § 3-5-4 Fowl or livestock running at large prohibited.
- § 3-5-5 Enclosures for animals and fowl.
- § 3-5-6 Dogs; duty of owner to keep dog under control.
- § 3-5-7 Dogs on public streets to be on leash or enclosed in vehicle, cage.
- § 3-5-8 Identification and vaccination required.
- § 3-5-9 Duty of owner to provide collars.
- § 3-5-10 Attachment or removal of vaccination tags.
- § 3-5-11 Licensed veterinarians to vaccinate dogs.
- § 3-5-12 Impoundment--For running at large.
- § 3-5-13 If owner unknown.
- § 3-5-14 Notice to owner; redemption; adoption; fees; disposition of unredeemed dogs.
- § 3-5-15 Vicious or diseased dogs.
- § 3-5-16 Rabies treatment required.
- § 3-5-17 Summons.
- § 3-5-18 Poisoning animals.
- § 3-5-19 Disposal of dead animals.
- § 3-5-20 Penalties.

Sec. 3-5-1 Short title.

This chapter shall be known and cited as the "Animal Control Law of the City of Sardis." (Ord. of 3/15/94)

Sec. 3-5-2 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) Dog. A "dog," or canine of either sex, or any other animal, where applicable, whether vaccinated against rabies or not.

(b) Dog Under Control. A "dog under control" if he is controlled by a leash, is at heel, or is beside a competent person and obedient to that person's commands, or is within a vehicle being driven or parked on the streets, or is within the property limits of his owner. (Ord. of 3/15/94)

Sec. 3-5-3 Bird sanctuary; wildlife.

(a) The entire area embraced within the corporate limits of the city is designated as a bird sanctuary.

(b) It shall be unlawful to trap, hunt, molest or kill any wild bird or to rob any wild bird's nest; provided, however, if nuisance birds such as starlings are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the mayor and council, those birds may be destroyed as humanely as possible, under the supervision of the police department, in such numbers and in such manner as is deemed advisable by the mayor and council.

(c) It shall be unlawful to trap, hunt, molest or kill any other wild game in the city except by order of the chief of police. (Ord. of 3/15/94)

Sec. 3-5-4 Fowl or livestock running at large prohibited.

* AMENDED
12/19/2006

It shall be unlawful for any owner or person in control of any domestic fowl or livestock to allow that domestic fowl or livestock to run at large upon the streets or in the confines of public or private parks of the city. (Ord. of 3/15/94)

Sec. 3-5-5 Enclosures for animals and fowl.

* AMENDED
12/19/2006

Any housing or enclosure used for the keeping of animals or fowl shall be well drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary. (Ord. of 3/15/94)

Sec. 3-5-6 Dogs; duty of owner to keep dog under control.

It shall be unlawful for the owner of, possessor or person who harbors or keeps any dog within the limits of the city to permit such dog to be out of control and unattended off the premises of the owner, or upon the property of another person without permission of the owner or person in possession thereof. This section shall not apply to those dogs who are actively engaged in hunting, field trials and dog shows or exhibitions. (Ord. of 3/15/94)

Sec. 3-5-7 Dogs on public streets to be on leash or enclosed in vehicle, cage.

(a) It shall be unlawful for the owner or person in possession of any dog to allow the same upon the public

See next pages

streets except on leash, accompanied by an individual, or enclosed within a vehicle, cage, carton, crate, box or other suitable container to prevent escape.

(b) It shall be unlawful for any owner or possessor of any dog to allow the dog to run at large, whether wearing a collar and tag or not, within the city. Any and all such dogs found running at large, whether wearing a collar and tag, or not, shall be immediately impounded by officers of the city.

(c) Any dog is considered running at large and not under immediate control if it is not on a leash, not at heel, or not beside a competent person and obedient to that person's commands. A dog is under control when it is in a vehicle driven or parked, or confined within the property limits of his or her owner. (Ord. of 3/15/94)

Sec. 3-5-8 Identification and vaccination required.

It shall be unlawful for the owner of any dog in the city to allow such dog to be without a collar which shall have attached a valid vaccination tab as required by the laws of the state, and identification showing the name and address of the owner of such dog. (Ord. of 3/15/94)

Sec. 3-5-9 Duty of owner to provide collars.

It shall be the duty of each dog owner to provide a collar with identification as provided in this chapter and an inoculation tag for each dog; except when such dog is under immediate control of the owner, or is participating in a dog show or exhibition. (Ord. of 3/15/94)

Sec. 3-5-10 Attachment or removal of vaccination tags.

It shall be unlawful for any person to attach a vaccination tag to any dog for which it was not issued, or to remove a vaccination tag or collar from an dog without consent of its owner or custodian. (Ord. of 3/15/94)

Sec. 3-5-11 Licensed veterinarians to vaccinate dogs.

No person shall vaccinate dogs against rabies who is not licensed to practice veterinary medicine. (Ord. of 3/15/94)

Sec. 3-5-12 Impoundment--For running at large.

Any and all dogs found running at large upon the public places or the premises of another in violation of this chapter shall be immediately impounded by the city or its duly authorized officers and agents. (Ord. of 3/15/94)

Sec. 3-5-13 If owner unknown.

In the event that the owner or possessor of a dog is not known, and such dog is upon the streets, alleys, sidewalks, school grounds, public places or premises of another, any law enforcement officer or agent or employee duly authorized by the city shall be authorized to take possession of such dog and impound it in accordance with the rules and regulations now or hereinafter provided by this code or other laws or ordinances of this city for the detention, control and disposition of dogs impounded pursuant to such laws or ordinances applicable. (Ord. of 3/15/94)

Sec. 3-5-14 Notice to owner; redemption; adoption; fees; disposition of unredeemed dogs.

(a) Any dog seized or impounded under any provision of this article shall be detained at the city dog pound. By mail, the officers, agents and employees of the city shall notify the owner of such dog, if known or can be reasonably ascertained, that such dog has been impounded. The owner of any dog impounded may, within five (5) days after the mailing of such notice, reclaim such dog upon the payment of an impounding fee of \$5.00, plus a boarding fee of \$3.00 per day for the first five (5) days, and a \$2.00 per day for any day thereafter the dog is impounded, and the cost of a rabies inoculation tag, if required.

(b) In the event such dog is not claimed in the time provided herein, the city may offer for the adoption by any person any dog unredeemed or unclaimed by the owner upon payment of the costs as provided in this section, including the cost of rabies inoculation if applicable, and the impounding fee of \$5.00.

(c) If the dog is not claimed by the owner within the time prescribed in this section, then the city shall be authorized to dispose of such dog in as humane and painless a manner as possible. Such dogs, if not claimed or adopted as provided, may be donated to any public or private institution for disposition. (Ord. of 3/15/94)

Sec. 3-5-15 Vicious or diseased dogs.

(a) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog on the streets of the city or in any other public places therein, at any time, unless and in addition to the other requirements of this chapter, such dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

(b) Any dog that has attacked and bitten a person or other animal without provocation or has attempted to bite a person or another animal without provocation shall be deemed a vicious dog.

(c) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious or diseased dog on the streets or public places of the city or allow the dog to run on the premises of another, at any time, unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal. (Ord. of 3/15/94)

Sec. 3-5-16 Rabies treatment required.

(a) All persons residing within the city limits who owns, have and keep dogs within the city limits, are required to have those dogs treated for rabies by some licensed veterinarian, and to keep a valid certificate of inoculation as proof of vaccination.

(b) If the owner of any dog or dogs, after 10 days notice to him, fails or refuses to have the dog or dogs so treated, the chief of police or any member of the police department of the city shall impound the dog or dogs. After dogs are so impounded, an impounding fee as fixed from time to time by the mayor and city council shall be collected by the police department for a period of up to five (5) days, after which, if said dog or dogs are unclaimed, they may be disposed of by proper means. (Ord. of 3/15/94)

Sec. 3-5-17 Summons.

A city officer, at his discretion may elect not to impound a dog or other animals found in violation of any section of this chapter, but to issue or cause to be issued a summons directed to the owner or possessor of the dog to appear before the recorder's court on a certain day to stand trial for the violation of this chapter. (Ord. of 3/15/94)

Sec. 3-5-18 Poisoning animals.

No person shall put out or cause to be put out any poison within the city limits for the killing of any dog or other animal. (Ord. of 3/15/94)

Sec. 3-5-19 Disposal of dead animals.

(a) No person shall bury the carcass of any dead animal other than household pets anywhere inside the city limits.

(b) No person owning or interested in any animal which has died shall leave the body or carcass thereof anywhere inside the city limits. (Ord. of 3/15/94)

Sec. 3-5-20 Penalties.

Any person violating this chapter may be prosecuted and punished as provided in section 1-1-5 of this code. (Ord. of 3/15/94)

CHAPTER 6

Golf Carts

*AMENDED
July
Pages 3-31*

- § 3-6-1 Findings; Definition.
- § 3-6-2 Registration/inspection certification.
- § 3-6-3 Operation regulations.
- § 3-6-4 Recreation path users--Authorized.
- § 3-6-5 Prohibited use of recreation paths and sidewalks.
- § 3-6-6 Hazardous activities and special rules.
- § 3-6-7 Liability.

Sec. 3-6-1 Findings; Definition.

(a) The local governing body finds that all public streets and paved recreational paths located within its territorial boundaries and under its jurisdiction are designed and constructed so as to safely permit the use thereof by regular vehicular traffic and also the driving thereon of motorized carts, except as stated elsewhere in this title.

(b) "Motorized carts" are defined as those electric and gasoline powered pleasure carts, commonly called golf carts. These are the only carts authorized for use under this chapter. (Ord. of 3/15/94)

Sec. 3-6-2 Registration/inspection certification.

(a) Electric Carts.

It shall be the duty of every owner of an electric motorized cart that is operated over the recreation paths and streets of Sardis to register the cart in the city no later than December 1, 1993, or within 10 business days of the date of purchase, whichever is sooner. Two (2) numerical decals shall be issued upon registration and a record of each electric cart number, along with the name and address of the owner, shall be maintained by the police department. The decals must be affixed to the sides of the cart in such a manner as to be fully visible at all times. The registration fee for electric carts shall be \$10.00 and the registration shall be effective until such time as the cart is sold or otherwise disposed of. Upon the occurrence of a sale of the cart to another resident of Sardis, the registration must be transferred to the new owner within 10 business days of the change in ownership at a cost of \$5.00. If the registration is not transferred within 10 business days, a \$20.00 penalty will be applied in addition to the \$5.00 transfer charge and the cart shall be considered an unregistered cart after the 10 business day period.

(b) Gasoline Carts. The registration and transfer of ownership of gasoline carts shall be in accordance with subsection (a) of this section, except that the initial registration shall be effective for two (2) years or until such time as the gasoline cart is sold or disposed of. The following additional requirements shall be adhered to in the registration of gasoline carts:

(1) Every two (2) years the cart must be inspected by a qualified golf cart dealer holding a valid Golf Cart business license and said dealer must certify that the noise and exhaust levels emitted by the gasoline cart meets the standards for such emissions as shall be published by the city from time to time. Said certifications must be presented to the City of Sardis within 10 business days following the end of each two (2) year period at no charge. If said certification is not presented within 10 business days the gasoline cart shall be considered an unregistered cart.

(2) All gasoline carts purchased on or after December 31, 1993 must have a dealer certification in order to be registered, and after December 1, 1995, no gasoline powered cart may be registered, renewed or transferred without dealer certification.

(c) Rental Carts.

Cart dealers and distributors, as well as other commercial establishments, may rent carts to the public for use on the recreation paths and streets of Sardis. Each such establishment renting carts shall be required to register each such rental cart in accordance with section 3-6-2(a) and (b) and shall maintain a written record of each person who rents each cart. Renters shall be required to furnish positive identification, shall be provided a copy of this chapter to read and must be at least twelve (12) years of age. The registration fee and transfer fees and regulations shall be the same as those in section 30-602(a) and (b). (Ord. of 3/15/94)

Sec. 3-6-3 Operation regulations.

(a) Those persons who are 12 years of age and older may drive a motorized cart on the recreation paths and/or streets of Sardis.

(b) No person under the age of 12 shall be permitted to drive a motorized cart on the recreation paths and/or streets of Sardis under any circumstances. (Ord. of 3/15/94)

Sec. 3-6-4 Recreation path users--Authorized.

Authorized users of recreation paths and sidewalks are as follows:

- (a) Pedestrians;
- (b) Non-motorized vehicles;
- (c) Roller skaters, roller bladers and skateboarders (daylight only);
- (d) Bicycles. (Ord. of 3/15/94)

Sec. 3-6-5 Prohibited use of recreation paths and sidewalks.

Prohibited use of recreation paths and sidewalks are as follows:

- (a) Automobiles and trucks (except authorized maintenance vehicles);
- (b) Motorcycles;
- (c) Street and trail motorized bikes or vehicles;
- (d) Minibikes and mopeds;
- (e) Go-carts;
- (f) Unregistered electric powered golf carts;
- (g) Unregistered gasoline powered golf carts. (Ord. of 3/15/94)

Sec. 3-6-6 Hazardous activities and special rules.

Recreation paths are for transportation and public recreation by the various groups of permitted users. No individual or group shall engage in hazardous activities on the paths. Such hazardous activities, and the special rules pertaining to them include, but are not limited to the following:

- (a) Racing of any form, except for special events approved by the city;
- (b) Blocking of public access, except for special events approved by the city;

(c) None of the prohibited uses in section 3-6-5 shall use the path system or the bridges and/or underpasses therein for any purpose whatsoever;

(d) Pedestrians, skaters and permitted vehicles shall not loiter or park on recreation path bridges, in underpasses, or on city streets;

(e) Normal rules of the road shall apply to the recreation paths and city streets. For instance, when approaching oncoming path users, each user shall move to his right side of the path. Passing shall be on the left side of the path;

(f) Pedestrians should be given due consideration and reasonable right-of-way by other users of the recreation paths to ensure them safe passage;

(g) A warning or announcement shall be given by operators of golf carts and other users of the recreation paths, such as bicyclists and skaters, when approaching pedestrians from the rear. Said warning or announcement may be verbal, but it is recommended that bicyclists and golf cart operators equip their vehicles with a warning device such as a horn or bell. Each user of the recreation paths shall be considerate of the safety and welfare of other users and dangerous conduct will not be tolerated;

(h) All laws and ordinances relative to alcohol and the use thereof, including open container laws, which apply to traffic on the streets of Sardis also apply to the recreation paths;

(i) All litter shall be deposited in the receptacles provided along the recreation paths or retained by the path user for proper disposal later. Littering on the recreation paths shall be subject to twice the fines and penalties as littering on the streets;

(j) Golf carts will not be operated on any state highway;

(k) Golf carts will not be operated after dark under any circumstances. (Ord. of 3/15/94)

Sec. 3-6-7 Liability.

(a) Any person who violates the terms of this chapter shall be punished as provided in section 1-1-5 of the city code of ordinances except that any fine for a littering offense shall be doubled.

(b) Any violations of this chapter shall be charged against the registered owner of the golf cart, or the driver, if of age. All fines and penalties shall be levied against the registered owner of the golf cart or driver, as follows:

- (1) First Offense: A fine of not less than \$50.00;
- (2) Second Offense: A fine of not less than \$100.00;

(3) Third Offense: If a third offense is committed within one (1) year of conviction for a second offense, the minimum fine shall be \$250.00, and the registered owner's golf cart registration shall be revoked. Said registered owner or family member cannot thereafter register a golf cart for use in the city for a period of two (2) years following a third conviction. (Ord. of 3/15/94)

Take or

SARDIS POLICE DEPARTMENT
GOLF CART SAFETY INSPECTION
CHECKLIST

<u>Items To Be Checked</u>	<u>Satisfactory</u>	<u>Unsatisfactory</u>	<u>Remarks</u>
Headlights (If Applicable)	_____	_____	_____
Horn	_____	_____	_____
Brakes	_____	_____	_____
Brake Lights	_____	_____	_____
Tail Lights	_____	_____	_____
Rearview Mirror	_____	_____	_____
Turn Signals	_____	_____	_____
Tires	_____	_____	_____
Front Suspension	_____	_____	_____
Front Tire Hubs	_____	_____	_____
Brake Cable	_____	_____	_____

Date of Inspection: _____

Name of Inspector: _____

Circle One: Passed/Failed

MOTORIZED CART ORDINANCE

AN ORDINANCE TO AMEND TITLE 3 CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF SARDIS BY THE MAYOR AND CITY COUNCIL RELATING TO TRAFFIC; TO PROVIDE FOR MOTORIZED CART USE ON CERTAIN DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF PERSONAL TRANSPORTATION VEHICLE USE ON CERTAIN DESIGNATED PUBLIC ROADS, AND OTHER PUBLIC PROPERTY; TO PROVIDE FOR USE OF OTHER VEHICLES ON DESIGNATED PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY; TO DESIGNATE PUBLIC ROADS, RECREATION PATHS, RIGHTS-OF-WAY, AND OTHER PUBLIC PROPERTY TO BE USED BY SUCH MOTOR VEHICLES; TO PROVIDE FOR PLACES OF CROSSING HIGHWAYS AND PUBLIC ROADS; TO PROVIDE FOR REGISTRATION REQUIREMENTS; TO PROVIDE FOR LICENSING REQUIREMENTS; TO PROVIDE FOR RULES OF OPERATION; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

SECTION ONE

Title 3 Chapter 6 of the Municipal Code of the City of Sardis is amended which shall include the following language:

Chapter 6

Sec. 3-6-1. Short Title.

This Article shall be known as the "City of Sardis Community Transportation Vehicle Ordinance."

Sec. 3-6-2. Findings and Intent.

This ordinance is adopted to address the interest of public safety. Motorized carts, personal transportation vehicles, electric personal assistive mobility devices and other similar vehicles are not designed or manufactured to be used on public highways, streets and roads, (hereafter "public roads") and the City of Sardis in no way advocates their operation on the public roads within its jurisdiction. Adoption of this ordinance is not to be relied upon as a determination by the City of Sardis that operation of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads is safe or advisable if done in accordance with this Article. By regulating such operation the city is merely addressing safety issues. All persons who operate or ride in motorized carts, personal

transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on public roads do so with their own judgment and at their own risk, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Notwithstanding any law to the contrary, the City of Sardis has no liability in negligence, nuisance or under any other cause of action for losses resulting from the use of motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on roads, sidewalks, recreation paths, rights-of-way or other public property under this Article. Any person who operates motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles is responsible for procuring appropriate insurance as may be required by any State of Georgia law or this Chapter as a condition of operating motorized carts, personal transportation vehicles, electric personal assistive mobility devices, low-speed vehicles, and other similar vehicles on the roads of the City of Sardis.

Sec. 3-6-3. Definitions.

The following words and phrases when used in this Article shall have the definitions respectively ascribed to them in this Article.

All-Terrain Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(3).

Rough Terrain Vehicle (RTV) or Utility Terrain Vehicle (UTV) – A Side by Side vehicle that is a small 2-person or 4-person four-wheel drive off road vehicle, often utilizing truck-like features for working, instead of recreation.

Bicycle shall have the same definition as set forth in O.C.G.A. § 40-1-1(6).

Dealer shall have the same definition as set forth in O.C.G.A. § 40-1-1(11).

Electric personal assistive mobility device (EPAMD) shall have the same definition as set forth in O.C.G.A. § 40-1-1(15.6).

Gross Weight means the unladen weight of the vehicle plus the weight of any load thereon.

Low-Speed Vehicle (LSV) shall have the same definition as set forth in O.C.G.A. § 40-1-1(25.1).

Moped shall have the same definition as set forth in O.C.G.A. § 40-1-1(28).

Motorized Cart shall have the same definition as set forth in O.C.G.A. § 40-1-1(32).

Motor Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(33).

Pedestrian shall have the same definition as set forth in O.C.G.A. § 40-1-1(42).

Personal Transportation Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(43.1).

Public Road means the entire width between the boundary lines of every right-of-way or place open to the use of the public for purposes of vehicular travel within the boundaries of the City of Sardis, including streets and alleys.

Sidewalk means that portion of public property of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use only by pedestrians.

Recreation Path means a right-of-way adjacent to motor vehicle travel lanes or other portion of public property of a street between the curb lines, or the later lines of a railway, and the adjacent property lines, or in any other designated public right-of-way or public property designated by signs for shared use by motorized carts, personal transportation vehicles, EPAMD vehicles, bicycles, and pedestrians. Such paths may be designated by resolution of the City Council.

Unladen Weight means the weight of a vehicle without load as per the manufacturer's specifications for such vehicle.

Valid Motor Vehicle Driver's License means any current and valid certificate issued by the state, other state of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the state.

Vehicle shall have the same definition as set forth in O.C.G.A. § 40-1-1(75).

Sec. 3-6-4. Nomenclature.

Any personal transportation vehicle, as defined by this Chapter, which also qualifies as a motorized cart, as defined by this Chapter, shall only be considered a motorized cart under this Chapter and be subject only to the requirements, including registration, equipment, and inspections for motorized carts under this Chapter.

Sec. 3-6-5. Personal Transportation Vehicle Equipment.

(a) All personal transportation vehicles shall have a braking system sufficient for the weight and passenger capacity of the vehicle including a parking brake, a reverse warning device functional at all times when the directional control is in the reverse position, a main power switch which shall render the power circuit inoperative when the switch is in the 'off' position or the key or other activating device is removed, such key or other activating device only being removable in the 'off' position, head and tail lamps (when utilized during darkness), hand holds and a displayed slow moving motor placard.

(b) All personal transportation vehicles which do not also qualify as motorized carts shall comply with all applicable provisions of Article 1, Chapter 8, Title 40 of the Official Code of Georgia Annotated.

(c) If equipped on motorized cart, seat belts must be worn.

Sec. 3-6-6. Motorized Cart Operation Regulations.

- (a) Motorized carts may only be driven on designated public roads, recreation paths, rights-of-way or other public property of the city.
- (1) The designated public roads shall include all public roads within the jurisdiction of the city which have a speed limit of thirty-five (25) miles per hour or less or on other public roads as the Mayor and City Council shall approve, and as the Mayor and City Council shall deem appropriate for use as designated public road for use by motorized carts.
- (2) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Chapter, by this subsection, or by state law, and does not include the following: City Parks
- (b) Motorized carts shall not be operated on sidewalks at any time.
- (c) No person shall operate a motorized cart on a public road of the City of Sardis unless that road is designated for motorized cart use by this Article.
- (d) No motorized cart may cross any street, road or highway which is part of the state highway system unless such crossing is made at a crossing or intersection designated for that purpose by the Department of Transportation.
- (e) Motorized cart owners shall maintain their motorized carts in a manner which ensures that an unobstructed view from the driver's seat to the rear is maintained at all times the motorized cart is in operation on public roads.
- (f) The maximum occupancy of a motorized cart traveling on public roads, sidewalks, paths, rights-of-way or other public property shall be one person per designated seat.
- (g) All operators of motorized carts shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, recreation paths, rights-of-way or other public property of the city. Where recreation paths exist for motorized carts they must be used in preference to parallel roads with the exclusion of privately held paths.

Sec. 3-6-7.

Personal Transportation Vehicle, Low-Speed Vehicle, *Rough Terrain Vehicle (RTV)* or *Utility Terrain Vehicle (UTV)* and All-Terrain Vehicle Operation Regulations.

- (a) Personal transportation vehicles which are not also motorized carts may only be driven on designated recreation paths, rights-of-way or other public property of the city.
- (1) Designated rights-of-way or other public property includes all public rights-of-way and public property of the city except public property excluded by this Chapter, by this subsection, or by state law, and does not include the following: City Parks

(b) Only personal transportation vehicles which also qualify as a motorized cart may be operated on the public roads within the territorial boundaries of the city. Such personal transportation vehicles must comply with all of the requirements for motorized carts under state law and this Article.

(c) Personal transportation vehicles and low-speed vehicles shall not be operated on sidewalks at any time.

(d) Personal transportation vehicles which do not also qualify as motorized carts may only be operated on designated recreation paths, rights-of-way within the boundaries of the city and may only cross public roads which are part of the City of Sardis street system at Department of Transportation designated crossings of the state highway system.

(e) All operators shall abide by all traffic regulations applicable to vehicular traffic when using the designated public roads, paths, rights-of-way or other property accessible to the public in the city. Where paths exist for personal transportation vehicles they must be used in preference to parallel roads with the exclusion of privately held paths.

(f) No low-speed vehicle shall be permitted to operate on any public road within the territorial boundaries of the city where the posted speed limit exceeds 35 miles per hour. Except as prohibited by law, low-speed vehicles shall be permitted to cross over streets of which the posted speed limit exceeds 35 miles per hour as long as the low-speed vehicle is traveling from one street with a posted speed limit of 35 miles per hour or less to another street with a posted speed limit of 35 miles per hour or less.

(g) Personal transportation vehicles which are not also motorized carts may operate on recreational paths, rights-of-way and other public property at night only when utilizing head lamps and tail lamps.

Sec. 3-6-8. Motorized Cart Operator Licensing Regulations.

(a) Those persons possessing a valid motor vehicle driver's license issued by the state, other state of the United States of America, or international agency which permits such person to operate a motor vehicle on the highways of the state may operate and drive a motorized cart on designated public roads, recreation paths, rights-of-way or other permitted public property of the city.

(b) Those persons who are twelve (12) years of age or older but do not hold a valid motor vehicle driver's license may drive a motorized cart on the designated public roads, recreation paths, rights-of-way or other public property of the city if they are accompanied by a person at least eighteen (18) years of age who holds a valid motor vehicle driver's license.

(c) No person under the age of twelve (12) years shall be permitted to operate a motorized cart on designated public roads, recreation paths, rights-of-way or other public property of the city.

(d) Those persons who are sixteen (16) years of age and older, possessing a valid photo identification card indicating their age may drive a motorized cart on designated public roads,

recreation paths, rights-of-way or other public property of the city without possessing a valid motor vehicle driver's license.

Sec. 3-6-9. Liability.

(a) The owner or operator of a motorized cart is liable for his or her own actions and takes full responsibility for damages occurred by all drivers of this vehicle.

Sec. 3-6-10. Hazardous Activities and Special Rules.

(a) Blocking of public access to any public roads, sidewalks, recreation paths, rights-of-way or other public property of the city shall be prohibited, except for permitted events.

(b) All operators and passengers of motorized carts, low-speed vehicles, personal transportation vehicles, and other motor vehicles shall remain seated at all times during the operation of motor vehicle.

Sec. 3-6-11. Penalties.

(a) Any person who violates the terms of this Article shall be cited to appear before the municipal court or other court of appropriate jurisdiction and, upon conviction, punished as provided in the Code of the City of Swainsboro, Georgia.

(b) In addition to enforcing sanctions against the operator, all fines and penalties shall be levied against the operator of the vehicle as follows:

(1) For the first offense, will be a written warning;

(2) For the second offense committed within one year of conviction for a first offense, a fine of not to exceed \$25.00; and

(3) For a third offense committed within one year of conviction for a second offense for a vehicle, a fine of not to exceed \$50.00;

(4) For all additional offenses committed within one year of conviction for a third offense for a vehicle, a fine of not to exceed \$300.00, set by the municipal court judge, to include the possibility of the privilege to operate a vehicle as described in this article being revoked. 7

SECTION TWO

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

SECTION THREE

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION FOUR

This ordinance shall become effective immediately upon its adoption by the City Council.

THIS ORDINANCE AMENDMENT SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION AS PROVIDED FOR BY THE CHARTER OF THE CITY OF SARDIS.

FIRST READING: _____

SECOND READING: _____

ADOPTED THIS ____ DAY OF _____, 2015.

J. Preston Conner
MAYOR

ATTEST: _____
Jennie Johnson
CITY CLERK

**CITY OF SARDIS
CITY CODE, TITLE 3 AMENDMENT ORDINANCE**

ORDINANCE NO. 1212A

AN ORDINANCE TO AMEND AND RESTATE TITLE 3 (PUBLIC SAFETY), CHAPTER 2 (GENERAL OFFENSES), CHAPTER 3 (TRAFFIC REGULATIONS, TRAFFIC CONTROL AND PARKING REGULATIONS) AND CHAPTER 4 (NUISANCES) OF THE CODE OF THE CITY OF SARDIS, GEORGIA; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Sardis, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, morals, safety and general welfare of the citizens of the City of Sardis, Georgia;

WHEREAS, the duly elected governing authority of the City of Sardis, Georgia is the Mayor and City Council thereof;

WHEREAS, Official Code of Georgia Annotated (O.C.G.A.) Section 36-35-3 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating to the cities' property and affairs;

WHEREAS, the City desires to amend and restate Title 3, Chapters 2, 3 and 4 of the City Code.

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Sardis that the Code of Ordinances of the City of Sardis, be amended and restated as follows:

Section 1. Title.

This Ordinance shall be known and referred to as the Ordinance to amend and restate Title 3, Chapters 2, 3, and 4 of The Code of the City of Sardis, Georgia.

Section 2. Purpose.

To amend and restate Title 3, Chapter 2, 3 and 4 of The Code of the City of Sardis, Georgia.

Section 3. Amendment and Restatement of City Code; Title 3, Chapter 2.

Title 3, Chapter 2 of the Code of the City of Sardis, Georgia is hereby amended and restated as follows:

“TITLE 3

PUBLIC SAFETY

CHAPTER 2

GENERAL OFFENSES

Sec. 3-2-1 Advertising, circulars, handbills, etc.; Attaching to structures, placing in vehicles or on private premises without consent.

It shall be unlawful for any person to paste, paint or place, upon any bridge or any utility post or traffic sign post or on any building or any fence or in or on any vehicle not owned by him, or to distribute or throw on any private porch, yard, lawn, steps, driveway or on any vacant property in the city without the express written consent of the owner thereof, any unsolicited handbills, circulars, cards, posters, pamphlets, booklets, brochures or advertising samples.

Sec. 3-2-2 Distributing on streets or sidewalks.

It shall be unlawful for any person to distribute commercial handbills, circulars, cards, posters, pamphlets, brochures or booklets on the portion of public streets used for vehicular traffic.

Sec. 3-2-3 Conspiracy.

It shall be unlawful for any two (2) or more persons, and each of them, to conspire to do any act contrary to the ordinances of this city. They may be jointly or severally prosecuted.

Sec. 3-2-4 Disorderly conduct.

It shall be unlawful for any person or persons within the corporate limits of the city to engage in any conduct described as follows:

- (1) To act in a violent or tumultuous manner towards another whereby such person is placed in reasonable fear of the safety of such person's life, limb or health; or
- (2) To act in a violent or tumultuous manner towards another whereby the property of such person is placed in danger of being damaged or destroyed; or
- (3) To cause, provoke or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another person or to disturb the peace and tranquility; or
- (4) With provocation, to direct "fighting words" toward another person or in another person's presence, that is to say, use opprobrious or abusive words which by the very utterance tend to incite an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment or by their very nature tend to incite an immediate beach of the peace; or
- (5) Without provocation, to use to another, or of him in his presence so as to be heard by him, any abusive, offensive or insulting language in the endeavor to, or that is calculated to, annoy, insult, harass, or in a disorderly manner interfere with him while peacefully engaged in pursuit of his vocation or pleasure;
- (6) Without provocation, to use obscene and vulgar or profane language in the presence of or by telephone to a person under the age of 14 years which threatens an immediate breach of the peace;

- (7) To enter upon the grounds of any school and cause or participate in a disruption or disturbance which is intended and is calculated to disturb and interfere with the orderly educational process; or
- (8) To physically or verbally harass, threaten or intimidate another person in a manner which is reasonably calculated or intended to cause a breach of the peace whether or not a breach of the peace actually occurs; or
- (9) To defecate or urinate on the streets, right-of-ways, sidewalks or public areas of the city or in the halls, elevators, public areas of any public or commercial buildings or elsewhere on any other property open to public view.
- (10) To interfere with another's pursuit of a lawful occupation by acts of violence or threats of bodily harm;
- (11) To congregate, obstruct, either singularly or together with others to halt the flow of vehicular or pedestrian traffic and refuses to clear the way when given a lawful order by a police officer or other lawful authority to do so.
- (12) To interfere with a police officer in the line of duty.
- (13) To frequent any public place to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device or attempt to do so, or beg for handouts.
- (14) To be in a public place under the influence of an intoxicating liquor, beer or drug in such a condition as to be unable to care for his own safety or the safety of others.
- (15) To consume an alcoholic beverage on any public street, sidewalk or any other public property within the city limits.
- (16) To make or cause to be made any loud, boisterous and unreasonable noise, disturbance or act to the annoyance of any other person nearby, or near to any public highway, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed or the public annoyed;

Sec. 3-2-5 Disorderly houses.

It shall be unlawful for any person to keep a disorderly house, where noisy or riotous persons assemble to the annoyance of neighboring citizens.

Sec. 3-2-6 Fraudulent sales.

It shall be unlawful for any persons, by advertising by newspapers, radios, posters or otherwise, to represent that they are operating, offering or maintaining "fire sales," "wreck sales," "bankrupt sales," "closing out sales" or "going-out-of-business sales" and similar sales, whereby members of the public are led to believe that they are being offered merchandise at reduced rates on account of fires, wrecks, bankruptcies, closing out or discontinuance of business, when in fact said sales are not bona fide, but are fakes and frauds, and the advertisements and representations are untrue and false.

Sec. 3-2-7 Gambling; Generally.

It shall be unlawful for any person to play or bet for money or other thing of value at any game played with cards, dice or balls, or at any other game or device, or on any horse race or chicken or other animal fight within the city.

Sec. 3-2-8 Gambling; Assembling.

It shall be unlawful for any persons in this city to assemble for the purpose of playing or betting for money or other thing of value.

Sec. 3-2-9 Lottery tickets, etc.

Except as authorized by the provisions of the 'Georgia Lottery for Education Act', it shall be unlawful for any person, either for himself or as agent for another to have in his possession in the city, any ticket, number or anything else representing a chance in any lottery, gift enterprise or other similar scheme or device, irrespective of whether such lottery, gift enterprise or other similar scheme or device is operated or is to be operated in the city, provided such possession is held for the purpose of engaging in or participating in any such lottery, gift enterprise or other similar scheme or device. The possession by any person of any ticket, number of anything else representing a chance in any lottery, gift enterprise, or other similar scheme or device shall be prima facie evidence of the violation of this section by such person.

Sec. 3-2-10 Indecency.

It shall be unlawful for any person to engage in any act of public indecency.

Sec. 3-2-11 Indecency; In dress.

It shall be unlawful for any person to appear in any public place, naked, or in an indecent or lewd dress, or to make any indecent exposure of his or her person.

Sec. 3-2-12 Switchblade knife; Possession by minor.

(a) It shall be unlawful for any minor to be in possession of any switchblade knife, or any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle, or any knife with any obstruction or other device of any kind which holds the blade partly open, unless such minor is upon the premises of his home or upon the premises of his parent or guardian.

(b) It shall be unlawful for any parent or guardian to knowingly permit his minor child to be in possession of a switchblade knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle, or any knife which has any obstruction or other device which holds the blade partly open, except upon the premises of such parent or guardian.

Sec. 3-2-13 Switchblade knife; Sale to minor.

It shall be unlawful for any person to sell to any minor a switchblade knife, or any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle or located on said knife, or any knife which has any obstruction or any other device which holds the blade partly open. If a knife as described above is sold to a minor, it shall be presumed that the seller had knowledge of the fact that said person was a minor.

Sec. 3-2-14 Noise.

(a) *Generally.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons within the city.

(b) *Loudspeakers.* It shall be unlawful for any person, either as principal, agent or employee, to play, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, sidewalks or thoroughfares in the city, any device known as a sound truck, loudspeaker or sound amplifier, or radio or stereo with a loudspeaker or amplifier, or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon the streets, sidewalks or thoroughfares.

(c) *Miscellaneous prohibited acts.* The following acts are declared to be loud and disturbing noises in violation of this Section, but said enumeration shall not be deemed to be exclusive:

(1) *Racing motors.* The unnecessary racing of the motor of any truck tractor, motor vehicle, motorcycle, farm tractor, road tractor or any other motor-driven vehicle in a manner as to emit loud noises;

(2) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, truck tractor or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of such signaling device when traffic is for any reason at a stop;

(3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between 12:00 midnight and 7:00 a.m. or at any time or place so as to disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity;

(4) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

(5) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(6) *Defect in vehicle or load.* The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise;

(7) *Loading, unloading, opening boxes.* The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(8) *Schools; courts; churches; hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning or church while the same is in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs patients in the hospital, provided conspicuous signs are displayed on such street indicating that the same is a school or hospital street;

(9) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood; and

(10) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention, by the creation of noise, to any performance, show or sale.

(11) *Off-road vehicles.* The operation of any motorcycle, go-cart, dune buggy or motorized off-road vehicle in such a manner as to cause a repeated noise disturbance to neighboring properties.

(12) *Radios, Stereos, or any other amplified music or sound.* The playing of any radio, stereo or other amplified music or sound plainly audible at a distance of more than fifty (50) feet from the originating property.

Sec. 3-2-15 Unlawful assembly, obstruction of free passage.

(a) It shall be unlawful for any person or group of persons, after first being duly requested by a police officer or fireman to disperse or move on, or where a sign or signs have been posted prohibiting such, to loiter, walk, stand, sit, lie or otherwise be present, individually, or as a group, on any private property open to the public or any public sidewalk, square, park, cemetery or any other public place or passage, within the city limits, or within its police jurisdiction, so as to:

(1) Unreasonably obstruct, block, prevent or hinder the free passage of pedestrian or vehicular traffic thereon; or

(2) Create a breach of the peace or a substantial danger of such.

(b) Any person or persons who shall violate subsection (a) of this section, and fail to disperse or move on at the request of a police officer or fireman, shall be subject to arrest, incarceration, and fine for such violation.

(c) This section shall not apply to lawful parades, marches, picketing, nor any other lawful conduct, assembly, or demonstration on a public way.

Sec. 3-2-16 Resisting; Escape; Impersonating.

(a) *Resisting, obstructing, etc.* It shall be unlawful for any person to knowingly and willfully obstruct, oppose or hinder any police officer in the lawful discharge of his official duties, including but not limited to the making or attempting to make a legal arrest of any person or the serving or attempting service of any legal process or order issued by authorities of the city, county or state.

(b) *Escape; attempted escape.* It shall be unlawful for any person to escape or attempt to escape from any city police officer or from any officer or other person in charge of an inmate labor detail.

(c) *Impersonating police officer.* It shall be unlawful for any person to appear on the streets wearing clothes or uniforms or badges which closely resemble the uniforms or badges adopted by the city police force or to do any other similar act or to in any way impersonate a police officer.

Sec. 3-2-17 Property damage.

(a) *Street and traffic signs.* No person shall remove, or cause to be removed, or mutilate, deface, destroy or injure any street identification or traffic-control signs, signals, markers or devices.

(b) *Utility poles, etc.* It shall be unlawful for any person to cut, or in any way deface, any telephone, electric light or other public utility pole, or to break any light or insulator, or to throw any object at any wire, or in any way or manner interfere with any pole, line or light of any electric light, telephone or other public utility, causing damage to such property.

(c) *Buildings, etc.* It shall be unlawful for any person to write, paint, draw, carve or cut any letter, word or device or in any way mutilate or deface any church, bridge, public or private building, or any statute or monument that may be erected in the city, or any wall or fence belonging to another.

(d) *Trees.* It shall be unlawful for any person to cut, injure or destroy any shade tree on the sidewalks, streets or public areas in the city, except as may be directed by the city.

(e) *Disturbing survey monument or marker.* It shall be unlawful for any person to interfere with or disturb in any manner the stone monuments or iron markers used in the survey of the city, and to be used in the future for reference points, without consent of the mayor and council.

Sec. 3-2-18 Public drunkenness.

It shall be unlawful for any person to be and appear, within the corporate limits of the city in an intoxicated condition in any public place or within the curtilage of any private residence not his own unless by invitation of the owner or lawful occupant, which intoxicated condition is exhibited or may be manifest by boisterousness, or by an indecent condition or act, or by extreme stupor or a deep sleep, or by impairment of ambulation, or by vulgar, profane, loud or unbecoming language. For the purposes of this section, public place shall mean any place where the conduct so exhibited or manifested may reasonably be expected to be viewed by persons other than members of the actor's family or household.

Sec. 3-2-19 Curfew for minors.

It is unlawful for any minor sixteen (16) years of age or younger to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any place unsupervised by an adult having lawful authority to be at such places between the hours of

12:00 midnight on any day and 6:00 a.m. of the following morning; provided, however, that the provisions of this section shall not apply in the following instances:

- (1) When any such minor is accompanied by his or her parent, guardian, or other adult person having the lawful care and custody of such minor;
- (2) When any such minor is upon an emergency errand directed by his or her parent, guardian or other adult person having the lawful care and custody of such minor;
- (3) When any such minor is returning directly home from a scheduled and approved school function activity or entertainment such as a recreational activity or dance;
- (4) When any such minor is returning directly home from a place of lawful employment so as to make it necessary for such minor to be in such place of employment during the proscribed period of time;
- (5) When any such minor is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly or free exercise of religion; or
- (6) When any such minor is in a motor vehicle traveling through the city with no intent to stop or sojourn in the city.

Sec. 3-2-20 Parental responsibility concerning curfew.

It shall be unlawful for the parent, guardian or other person having custody or control of any child sixteen (16) years of age or younger to permit, or by insufficient control or supervision, to allow, any such child to be in or upon the public streets or any other place listed in section 3-2-19 within the city between the hours of 12:00 midnight and 6:00 a.m. the succeeding day except under the circumstances set forth in subsections (1) through (6) thereof. Upon conviction of violation of this section for the first time, in the discretion of the judge of the municipal court, such person may be given a warning citation. Upon further conviction, a person shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment for not more than sixty (60) days. Each violation of this section shall constitute a separate offense.

Sec. 3-2-21 Drug-free zones; designated maps, signs.

(a) The map or series of maps produced by the city for the purpose of depicting the location and boundaries of the area or areas on or within one thousand (1,000) feet of the real property of any publicly owned or publicly operated housing project or the real property set apart for use as a park, playground, recreation center or for any other recreation purposes are hereby adopted, confirmed and ratified as "drug-free recreation zones" or "drug-free residential zones", as the case may be, of the city.

(b) The city clerk is hereby designated as the custodian of the record for the purpose of having possession of and maintaining such maps and any such map shall, if certified as a true copy by such custodian, be admissible and shall constitute prima facie evidence of the location and boundaries of the area or areas approved hereby by the governing body of the city as an official record of the location and boundaries of any such area;

(c) The original of every map approved or revised pursuant to the provisions of O.C.G.A. § 16-13-32.5 shall be filed and maintained as an official record of the city and as provided therein may be relied upon for the purpose of defining, depicting and locating the boundaries of any such drug-free area or zone.

(d) The areas depicted on such map as "drug-free recreation zones" are designated:

Girard Avenue Park

Bargeron Avenue Park

Coal Chute Park

Old SGA School property

City TE Park

(e) The areas depicted thereon as "drug-free residential zones" are designated as:

Burke County Housing Authority—Screven Street; and

Burke County Housing Authority—Second Street.

(f) The map adopted and approved pursuant to the provisions of this section and pursuant to the provisions of O.C.G.A. § 16-13-32.5, may from time to time be revised by the governing body of the city and any such original map or revised map shall be filed with the city clerk as custodian as provided for and authorized by law.

(g) Any area or areas depicted upon a map or maps adopted and approved by the mayor and council of the city which depicts, defines and designates the location of drug-free recreation zones or drug-free residential zones shall have signs erected thereon in accordance with the following requirements:

(1) Each sign shall have plainly and clearly printed on the surface thereof "drug-free recreation zone" or "drug-free residential zone" as the case may be;

(2) Not less than four (4) signs shall be placed in, on or around each area designated as a "drug-free recreation zone" or as a "drug-free residential zone"; and

(3) Each sign shall measure a minimum of sixteen (16) inches by twenty (20) inches with a minimum sign surface area of three hundred (300) square inches.

Sec. 3-2-22 Responsibility of parents to protect children.

No parent, legal guardian or person legally in loco parentis or other person having legal custody or control of or responsibility for a minor child less than six (6) years of age shall at any time allow, cause or leave such child alone or unattended in any motor vehicle or in any other public place within the city for any period of time under circumstances sufficient to place such minor in immediate or imminent danger.

Sec. 3-2-23 Responsibility of parents, legal guardians or persons having legal custody of minors to supervise and control.

(a) No parent, legal guardian or person legally in loco parentis or other person having legal custody or control of or responsibility for a minor child between six (6) and through and including sixteen (16) years of age shall at any time, through insufficient control or supervision, allow any such child to engage in any status offense or delinquent act as defined within O.C.G.A. section 15-11-2. This prohibition shall apply to such acts at those locations identified within section 3-2-19 of this Code. Responsibility for the prevention of such status offenses and/or delinquent acts by any minor child shall be attached to the parent or other such person having

legal custody or control of the child upon proof of prior notification of said child's potential to so offend. Such prior notification shall be established through conformation by local law enforcement agency records or other evidence that the parent or other such person having legal custody or control of the child was notified, within the immediately preceding twelve (12) months, of at least two (2) previous warnings or juvenile petition initiations against said child for a status offense or delinquent act at any location identified within section 3-2-19 of this Code.

Sec. 3-2-24 Stealing property; concealing with intent; penalty.

Any person who, without authority and with the intention of depriving any public library located within the city of the ownership of such property, willfully conceals a book or other public library property while still on the premises of such public library, or willfully or without authority removes any book or other property from any public library within the city shall be guilty of a misdemeanor.

Sec. 3-2-25 Criminal trespass.

Any person who enters upon the premises of another after receiving notice that such entry is forbidden or who remains upon the premises of another after receiving notice to depart said premises shall be guilty of a misdemeanor.

Sec. 3-2-26 Criminal damage to city property.

Any person who intentionally destroys, damages or defaces property of the city, to include property in which the city has a leasehold interest or which it otherwise lawfully possesses or controls, and the damage does not exceed five hundred dollars (\$500.00), shall be guilty of a misdemeanor.

Sec. 3-2-27 Criminal damage to property.

Any person who intentionally damages any property of another without consent of said other person, or knowingly and maliciously interferes with the possession or use of the property of another person without the consent of said person, and if the value of said damage does not exceed five hundred dollars (\$500.00), commits the offense of criminal damage to property.

Sec. 3-2-28 False burglar/hold-up and fire alarms.

(a) *Purpose.* The City finds that excessive false alarms unduly burden the City Police Department and Burke County EMA Departments and waste limited law enforcement and fire services resources. The purpose of this section is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm administrator means a person or persons designated by the City to administer, control and review false alarm reduction efforts and administer the provisions of this section.

Alarm company means a person subject to the licensing requirements, if any and engaged in selling, leasing, installing, servicing or monitoring alarm systems.

Alarm signal means a detectable signal, audible or visual, and/or silent signal generated by an alarm system, to which the City Police Department or Burke County EMA Department is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry, fire or other activity requiring immediate attention and to which the City Police Department or Burke County EMA Department will be requested to respond, but does not include alarms installed in motor vehicles, domestic violence alarm, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Automatic voice dialer means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to

the Burke County E-911 Communication Center a recorded message or coded signal indicating a need for law enforcement or fire services response.

Cancellation means the process whereby response is terminated when the alarm company (designated by the alarm user), the alarm user or alarm user's designee notifies the Burke County E-911 Communication Center that there is not an existing situation at the alarm site requiring police or fire response after an alarm dispatch request. If cancellation occurs prior to City Police Department or Burke County Fire Department arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon the City Police Department or Burke County EMA Department unless the request for response was cancelled by the alarm user or his/her agent before the City Police Department or Burke County Fire Department arrive at the alarm location. An alarm is false within the meaning of this section when, upon inspection by the City Police Department or Burke County EMA Department, evidence indicates that no fire, unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility.

Permit year means the traditional 12-month calendar year. However, the initial permit year shall extend from the date on which an alarm permit is issued until the end of that calendar year.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The City Police Department or Burke County EMA Department may in its discretion discontinue police or fire responses to alarm signals from what appears to be a runaway alarm.

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid immediately after contacting and requesting the Burke County E-911 Communication Center for dispatch. For the purpose of this section, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves, all in an attempt to determine whether an alarm signal is valid.

(c) Duties of the alarm user.

All alarm users shall:

(1) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms;

(2) Make all efforts to respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Burke County E-911 Communication Center to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises;

(3) If present at the alarm system's location, the alarm user or designee shall provide assistance to responding police or fire personnel;

(4) Refrain from manual activation of an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

(d) Duties of the alarm company.

All alarm companies shall:

(1) Ninety (90) days after the effective date of this section alarm companies will be required to use control panels meeting American National Standards Institute (ANSI) Security Industry Association (SIA) Control Panel Standard CP-03 on all new installations.

(2) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user, to include the process of initiating a cancellation of police or fire response to a known false alarm.

(3) Provide written information of how to obtain service from the alarm company for the alarm system.

(4) An alarm company performing monitoring services shall:

i. By calling the alarm site and/or alarm user by telephone, attempt to verify or determine whether an alarm signal is valid immediately after requesting dispatch. Telephone verification shall require, as a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm or in cases where a crime in progress has been verified by video and/or audible means.

ii. Communicate a cancellation to the Burke County E-911 Communications Center as soon as possible following a determination that response is unnecessary.

iii. Communicate any available information about the location of the alarm.

(5) Upon notifying Burke County E-911 Communications Center of an alarm signal, the alarm company shall provide two telephone numbers utilized in its efforts to complete enhanced verification in order to facilitate dispatch.

(e) *Prohibited acts.*

The following acts are prohibited:

(1) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is

being committed or attempted on the premises, or for the purpose of summoning fire services when no fire is present, or otherwise to cause a false alarm.

(2) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than fifteen (15) minutes.

(3) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Burke County E-911 Communication Center.

(f) *Enforcement of provisions.*

(1) *Excessive false alarms.* It is hereby found and determined that two (2) or more false alarms within any one (1) calendar month is excessive and constitutes a public nuisance. Upon such occurrences, civil penalties for excessive false alarms within any calendar month may be assessed against an alarm user as follows:

First false alarm within a calendar month: No penalty

Second and subsequent false alarms within a calendar month, per alarm: \$50.00

If the alarm user or his designee responds to the scene of the false alarm within thirty (30) minutes of being notified of the alarm activation, said false alarm will not be included for the purposes of determining any penalty under this subsection (f).

(2) *Other civil penalties.* Violations for failure to register; and violations for installing, maintaining, or using an audible system with a continual sound for more than fifteen (15) minutes may be enforced through the assessment of civil penalties in the amount of five hundred dollars (\$500.00).

In the event an alarm user has eight (8) or more false alarms within any consecutive three-month period, the City Police Department or Burke County EMA Department may suspend response until the user submits written confirmation from the alarm company that the alarm system has been inspected and repaired, if necessary, and/or additional training has been conducted by the alarm company.

(3) *Noncriminal (civil) violation.* A violation of any of the provisions of this section shall be civil in nature and shall be prosecuted in the Municipal Court of Sardis.

(g) *Confidentiality.* To the extent allowed by Georgia law, and in the interest of public safety, all information contained in and gathered through the alarm registration applications shall be held in confidence by all employees and/or representatives of the City of Sardis.

(h) *Government immunity.* Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the City Police Department or Burke County EMA Department response may be influenced by factors such as: the availability of police or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Sec. 3-3-29 Loitering or prowling.

(a) A person commits the offense of loitering or prowling when he is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer fails to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(c) There will be no loitering permitted on the grounds of any commercial business, housing complex, apartment complex or public property except where allowed by State or Federal law.

(d) A person committing the offense of loitering or prowling shall be guilty of a misdemeanor.

Sec. 3-2-30 Discharging firearms within the city limits.

It shall be unlawful for any person to discharge a firearm, including pistols, rifles and shotguns or to shoot an air gun, including BB and pellet gun, within the city limits. The following exceptions shall apply:

- (a) Any law enforcement personnel in the line of duty;
- (b) Military personnel when on drill, parade, or at funerals in honor of the dead;
- (c) Any person shooting a BB or pellet gun on private property if that person shall have first obtained the permission of the owner of that property.

Section 4. Amendment and Restatement of City Code; Title 3, Chapter 3.

Title 3, Chapter 3 of the Code of the City of Sardis, Georgia is hereby amended and restated as follows:

**“TITLE 3
PUBLIC SAFETY
CHAPTER 3
TRAFFIC REGULATIONS, TRAFFIC CONTROL AND PARKING REGULATIONS
ARTICLE I. IN GENERAL**

Sec. 3-3-1 Definitions of words and phrases.

(a) The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section, except when the context otherwise requires.

(b) Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

(1) *Alley*. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2) *Arterial street*. Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets of highways.

(3) *Authorized emergency vehicle*. Such fire department vehicles, police vehicles, public safety vehicles, ambulances, and such other publicly or privately owned vehicles as are designated or authorized by the city police department.

(4) *Bicycle*. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than fourteen (14) inches in diameter.

(5) *Bus*. Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons.

(6) *Business district*. The territory contiguous to and including a highway when within any six hundred (600) feet along such roadway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the roadway, provided that such business district is designated and marked.

(7) *Crosswalk.*

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or in the absence of curbs, from the edges of the transversal roadway;

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(8) *Department.* The city police department acting directly or through its duly authorized officers or agents.

(9) *Driver.* Every person who drives or is in actual physical control of a vehicle.

(10) *Driver's license.* Any license to operate a motor vehicle issued under the laws of any state.

(11) *Gross weight.* The weight of a vehicle without load plus the weight of any load thereon.

(12) *Highway.* The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

(13) *House trailer.*

a. An RV trailer or semi-trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets or highways; or

b. A trailer or a semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(14) *Intersection.*

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two (2) roadways thirty (30) feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

c. The junction of an alley with a street or highway shall not constitute an intersection.

(15) *Laned roadway.* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(16) *Limited-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(17) *Loading zone.* A space reserved for the exclusive use of vehicles during the loading or unloading of passengers or property.

(18) *Motor vehicle.* Every vehicle which is self-propelled, either by internal-combustion engine or by electric power.

(19) *Motorcycle.* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(20) *Officer.* Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(21) *Official time standard.* Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current in the Sardis, Georgia area.

(22) *Official traffic-control devices.* All signs, signals, markings and devices not inconsistent with this chapter and the laws of this state placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

(23) *Park or parking.* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(24) *Passenger curb loading zone.* A place reserved for the exclusive use of vehicles while receiving or discharging passengers.

(25) *Pedestrian.* Any person afoot.

(26) *Person.* Every natural person, firm, co-partnership, association or corporation.

(27) *Private road or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(28) *Railroad.* A carrier of persons or property upon cars operated from stationary rails.

(29) *Railroad sign or signal.* Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(30) *Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, and operated upon rails.

(31) *Residence district.* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is predominantly residential in nature.

(32) *Right-of-way*. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(33) *Road or roadway*. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(34) *Safety zone*. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(35) *Chief*. The chief of police of the City of Sardis, Georgia.

(36) *Sidewalk*. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

(37) *Stand or standing*. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

(38) *Stop*. When required, means complete cessation from movement.

(39) *Stop or stopping*. When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

(40) *Street*. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(41) *Through street or road*. Every street or road or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersection streets or roads is required by law to yield the right-of-way to vehicles on such

through street or road in obedience to a stop sign, yield sign, or other traffic-control device, when such signs or devices are erected as provided in this chapter and the laws of this state.

(42) *Tractor.*

a. *Truck tractor.* Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

b. *Farm tractor.* Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

c. *Road tractor.* Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(43) *Traffic.* Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel.

(44) *Traffic-control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternatively directed to stop and permitted to proceed.

(45) *Traffic division.* The traffic section of the city police department, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the city police department.

(46) *Truck.* Every motor vehicle designed, used or maintained primarily for the transportation of property.

(47) *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3-3-2 **Uniform rules of the road adopted.**

Pursuant to O.C.G.A. § 40-1-1, O.C.G.A. § 40-6-1 through O.C.G.A. § 40-6-397, known as the "uniform rules of the road," are hereby adopted as and for the traffic regulations of the city, with like effect as if recited in full herein.

Sec. 3-3-3 **Parking on property of others.**

(a) *Consent, compliance with signs or markings required.* It shall be unlawful for any person to park any motor vehicle, including any truck, passenger automobile, motorbike, motor scooter or any other vehicle upon any private owned property, parking lot or driveway, without the consent of the owner, lessee, tenant or other person entitled to possession and use of such premises; and as to any property on which the public is invited, implicitly or otherwise, to park such vehicles, whether the same be owned privately or by a governmental agency, the owner, lessee, tenant or other person entitled to possession and use of such premises may designate by signs or appropriate markings on the parking area the places where such vehicles may be parked, and it shall be unlawful for any person to park any such vehicle contrary to such signs or markings.

(b) *Removal; impoundment.* It shall be the duty of the city police department, upon a complaint being made by the owner, lessee, tenant or other person having the right to use such premises, to impound any such vehicle parked in violation of this section and store such vehicle as other vehicles impounded upon the streets of the city are stored.

Sec. 3-3-4 **Trespass by motor vehicle.**

(a) A person commits the offense of trespass by motor vehicle when the person, after having been requested not to do so by a law enforcement officer or by the owner or an authorized agent of the owner, parks or stands an occupied or unoccupied motor vehicle in, or repeatedly drives a motor vehicle through or within, a parking area which is located on privately owned property and is provided by a merchant, a group of merchants, or a shopping center or other similar facility for customers if:

(1) The parking area is identified by at least one (1) sign as specified in this paragraph, and if the parking area contains more than one hundred fifty (150) parking spaces

then by at least one (1) sign for every one hundred fifty (150) parking spaces, each such sign containing the following information in easy-to-read printing:

- a. Notice of the elements of the city ordinance of trespass by motor vehicle;
- b. Identification of the property which is reserved for customers' use only;
- c. Identification of the merchant, group of merchants, or shopping center or other

similar facility providing the parking area; and

- d. Warning that violators will be prosecuted; and

(2) The motor vehicle is parked, is standing, or is being operated other than for the purpose of:

- a. Transporting some person to or from the interior of the place of business of a merchant identified by the sign or signs in the parking area or to or from the interior of the shopping center or other facility so identified;

- b. Making use of a telephone, vending machine, automatic teller machine, or other similar facility located in the parking area;

- c. Meeting the requirements of a situation in which it has unexpectedly become impossible or impractical for the motor vehicle to continue to travel on the public roads; or

- d. Carrying out an activity for which express permission has been given by the owner of the parking area or an authorized representative of the owner.

(b) Any person violating the provisions of this section shall be subject to a monetary fine:

- (1) Not to exceed fifty dollars (\$50.00) for the first such violation;

- (2) Not to exceed one hundred dollars (\$100.00) for the second such violation;

(3) Not to exceed one hundred fifty dollars (\$150.00) for the third or subsequent such violation.

Sec. 3-3-5 Insurance.

An owner or any other person within the city who knowingly operates, or knowingly authorizes another to operate, a motor vehicle without effective insurance thereon or without an approved plan of self-insurance as required by O.C.G.A. § 33-34-1, et seq., shall be guilty of a violation of this code.

Sec. 3-3-6—3-3-25 Reserved.

ARTICLE II. TRAFFIC CONTROL DEVICES

Sec. 3-3-26 Authority to install traffic-control devices.

The city and the department of transportation shall place and maintain official traffic control devices when and as required under this chapter to make effective the provisions of such chapter, and may place and maintain such additional official traffic control devices as they may deem necessary to regulate, warn or guide traffic under this chapter or state law.

Sec. 3-3-27 Regulations and specifications for traffic control devices.

All traffic control signs, signals and devices shall conform to the regulations and specifications approved by the city and the department of transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform with the type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

Sec. 3-3-28 Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by an officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 3-3-29 When official traffic control devices required for enforcement.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

Sec. 3-3-30 Official traffic control device; presumption of legality.

(a) Whenever official traffic control devices are placed in a position approximately conforming to the requirements of this chapter, such device shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary shall be established by competent evidence.

(b) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

Sec. 3-3-31 City and department of transportation to designate crosswalks and establish safety zones.

The city and department of transportation are hereby authorized:

(1) To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

Sec. 3-3-32 Traffic lanes.

The city and department of transportation are hereby authorized to mark traffic lanes upon the roadway of any street or highway where alignment of traffic is necessary.

Sec. 3-3-33 Avoiding a traffic sign, signal or light.

Except when directed to proceed by an officer, no driver of a vehicle shall purposely leave the road or highway to avoid having to stop, slow or yield for a traffic sign, signal or light.

Sec. 3-3-34—3-3-55 Reserved.

ARTICLE III. SPEED REGULATIONS

Sec. 3-3-56 State speed laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city except as provided in this article. As authorized by state law, the city hereby declares and determines upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or roads or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this article where signs are in place giving notice thereof.

Sec. 3-3-57 Specific streets.

The following speed zones are established based on engineering and traffic investigation, to wit:

On system

State route	Within the city limit	From	Mile point	To	Mile point	Length in miles	Speed limit
SR 23	Sardis	Cr 153 Old Sardis Road, (S. Sardis City Limit	3.47	0.02 mi. south of CS 501 Ball Park Drive	3.79	0.32	45
23	Sardis	0.02 mi south of CS 501 Ball Park Drive	3.79	0.02 mi south of CS 505 Chatham St	4.15	0.36	35

23	Sardis	0.02 mi south of CS 505 Chatham St	4.15	0.02 mi south of CS 528 Dixon Ave	4.44	0.29	25
23	Sardis	0.02 mi south of CS 528 Dixon Ave	4.44	0.15 mi. north of CS 524 Helen Street	4.71	0.27	35
23	Sardis	0.15 mi. north of CS 524 Helen Street	4.71	0.01 mi. north of CR 151 N. Hill St. (N. Sardis City Limit)	5.02	0.31	45
24 S to N	Sardis	0.19 mi south of CR 148 East Ellison Bridge Road (E. Sardis City Limit)	2.96	0.02 mi south of CR 148 East Ellison Bridge Road	3.13	0.17	45
24	Sardis	0.02 mi south of CR 148 East Ellison Bridge Road	3.13	0.02 mi south of CS 510 Charles Perry Avenue	3.36	0.23	35
24	Sardis	0.02 mi. south of CS 5410 Charles Perry Avenue	3.36	0.02 mi. north of CS 505 Farm Street	3.72	0.36	25
24	Sardis	0.02 mi. north of CS 505 Farm Street	3.72	0.15 mi. north of CS 519 Cousins Street	3.97	0.25	35

24	Sardis	0.15 mi. north of CS 519 Cousins Street	3.97	0.14 mi. north of CS 540 Sunset Street	4.30	0.33	45
24	Sardis	0.14 mi. north of CS 540 Sunset Street	4.30	0.59 mi. south of CR 153 Old Sardis Road (N. Sardis City Limit)	4.85	0.55	55
24	Sardis Sardis Girard Alexander Elementary SCHOOL DAYS ONLY	0.27 mi. north of CS 540 Sunset Street	4.43	0.54 mi. north of CS 540 Sunset Street	4.70	0.27	35

Signs to be erected by the state department of transportation

Off-system

Road name	Within the city limits	From	To	Length in miles	Speed limit
Barger Avenue	Sardis	SR 24	End of Pavement	0.30	25
Ellison Bridge Road CS 531	Sardis	SR 24	CR 153 Old Sardis Road	0.70	25
N. Hill Street CR 257	Sardis	SR 24	SR 23	0.60	25
S. Hill Street CR 257	Sardis	SR 23	SR 24	0.50	25

Old Sardis Road CR 153	Sardis	CR 156 Beaver Dam Road	SR 23	0.70	25
Railroad Ave CS 513	Sardis	SR 23	CS 519 Cousins Street	0.30	25

Sec. 3-3-58 Authority of city and department of transportation.

(a) Upon the basis of an engineering and traffic investigation, the city and department of transportation shall make recommendations to the city council for maximum and/or minimum speed limits and for speed zones in the city.

(b) The city and department of transportation is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Sec. 3-3-59 When limits applicable.

Speed limits established pursuant to this article shall be applicable at all or such times as shall be indicated by official traffic control devices.

Sec. 3-3-60 Impeding the free flow of traffic.

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation.

Sec. 3-3-61 Driving in a race or participating in a race.

No person shall drive any vehicle on a highway, street, or road, or any portion thereof, in the city in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in any such race, competition of speed, contest of speed, or test or exhibition of speed.

Sec. 3-3-62 Laying drags.

No driver of any motor vehicle shall operate the vehicle upon the public streets, highways, public or private driveways, airport runways, or parking lots in such manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course, or to gyrate or spin around, except to avoid a collision or injury or damage, causing tires to spin and/or squeal. This section shall not apply to drivers operating vehicles in or on any raceway, drag strip, or similar place customarily and lawfully used for such purposes.

Sec. 3-3-63 School speed limit signs.

The department of transportation and the city is hereby authorized, for the purpose of regulating, warning or guiding traffic in school zones of the city, to erect school speed limit signs designating a school zone, the speed limit, and when the speed limit in the school zone will be enforceable. All signs shall be erected in compliance with all state regulations.

Sec. 3-3-64—3-3-80 Reserved.

ARTICLE IV. TURNING MOVEMENTS

Sec. 3-3-81 Authority to place devices altering normal course for turns.

The city and department of transportation is authorized to place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as indicated may conform to or be other than as prescribed by law.

Sec. 3-3-82 Authority to place restricted turn signs.

The city and department of transportation is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right turn, left turn, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 3-3-83 Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Sec. 3-3-84 Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction:

- (1) Upon any curve (improper U-turn on curve);
- (2) Upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of another vehicle approaching from either direction (improper U-turn on grade);
- (3) Where such turn cannot be made in safety and without interfering with other traffic (improper U-turn not made in safety).

Sec. 3-3-85 Improper starting of parked vehicle.

No person shall start a vehicle, which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

Sec. 3-3-86 Improper use of signal lights while stopping or stopped.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is an opportunity to give such a signal.

Sec. 3-3-87 Failure to yield right-of-way from driveway.

The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed.

Sec. 3-3-88 Failure to stop while emerging from alley or driveway onto residential or business street.

The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residential district shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

Sec. 3-3-89 Failure to yield for highway construction vehicle or person.

The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway, street or road, within any highway construction or maintenance area indicated by official traffic-control devices.

Sec. 3-3-90 Failure to yield for highway construction displaying amber lights.

The driver of a vehicle shall yield the right-of-way to an authorized vehicle actually engaged in work upon a highway whenever such vehicle displays flashing or revolving amber lights and has a permit to use such amber lights.

Sec. 3-3-91—3-3-110 Reserved.

ARTICLE V. PEDESTRIANS' RIGHTS AND DUTIES

Sec. 3-3-111 Crossing at right angles.

Except where otherwise indicated by a crosswalk or other official traffic-control devices, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite side.

Sec. 3-3-112 Failure to stop by pedestrian for railroad crossing barrier.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

Sec. 3-3-113 Drivers must use due care.

Notwithstanding other provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding his horn when necessary, and shall exercise proper precautions upon observing any child or any obviously confused, incapacitated or intoxicated person.

Sec. 3-3-114 Pedestrian under the influence.

A person who is under the influence of intoxicating liquor or any drug to a degree, which renders him a hazard, shall not walk or be upon any roadway or right-of-way.

Sec. 3-3-115 No person to stand in road to solicit rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) Except as herein provided, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle. Notwithstanding the above, a permit for solicitation on the right-of-way may be obtained from the city provided the applicant meets the following criteria, to-wit:

(1) The applicant shall be a bona-fide charitable organization, the solicitation shall only be for contributions for a charitable purpose and shall not be for the purpose of selling goods or materials of any kind;

(2) The applicant shall provide a plan for review and comment by the city police department, which plan will assure the safety of the applicant's representatives, as well as the motoring public, at the locations where the solicitation will take place;

(3) The applicant shall indicate in detail the location of such solicitation, together with the hours thereof;

(4) The applicant shall not have previously solicited contributions on the right-of-way in the city within the preceding twelve (12) months;

(5) The applicant shall provide an indemnification and hold harmless agreement in favor of the city, its elected officials and officers, servants, and employees, in a form satisfactory to the city attorney;

(6) The city police department may consider the nature of the solicitation request, the plan for safety of the applicant's representatives, as well as the motoring public, the location where solicitation is being proposed, the hours of proposed solicitation, expected or anticipated traffic or traffic congestion at the proposed locations, prior requests by the applicant as well as prior experience with solicitations by said applicant, and such other matters as may be important to assure the safety of the applicant's representatives as well as the motoring public at the time and place where the solicitation is proposed to take place;

(7) The city police department shall have the right to terminate the solicitation at any time, either before or during the solicitation event, should traffic, weather, or other conditions develop, which in the sole discretion of the Chief of Police, present a danger to the applicant's representatives or the motoring public.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 3-3-116 Driver must yield to pedestrian on sidewalk.

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. It shall make no difference whether a vehicle is coming out of a private driveway, alley, building or other location, or whether it is entering from the street or highway.

Secs. 3-3-117—3-3-120 Reserved.

ARTICLE VI. REGULATIONS FOR BICYCLES

Sec. 3-3-121 Effect of regulations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside within the city for the exclusive use of bicycles subject to those exceptions stated herein.

Sec. 3-3-122 Traffic ordinances apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their very nature can have no application.

Sec. 3-3-123 Obedience to traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by an officer.

Secs. 3-3-124—3-3-130 Reserved.

ARTICLE VII. FUNERAL PROCESSIONS

Sec. 3-3-141 Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or law enforcement officers.

Sec. 3-3-142 Drivers in a procession.

Each driver in funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Secs. 3-3-143—3-3-160 Reserved.

ARTICLE VIII. MOTORCYCLES, MOTORIZED CARTS, MOPEDS, OFF-ROAD VEHICLES, MINIBIKES

Sec. 3-3-161 Traffic laws applicable to persons operating motorcycles.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter except as to special regulations in this article and except to those provisions of this chapter, which by their very nature can have no application.

Sec. 3-3-162 Person riding motorcycle must face forward with one leg on either side of motorcycle.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto; and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on either side of the motorcycle.

Sec. 3-3-163 Person cannot carry article which prevents him from keeping both hands on handlebars.

No person shall operate a motorcycle while carrying any package, bundle or other article, which prevents him from keeping both hands on the handlebars.

Sec. 3-3-164 Passenger must not interfere with control or view of operator.

No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Sec. 3-3-165 Operator and passenger must wear shoes on motorcycle.

No person shall operate or ride upon a motorcycle unless he shall wear some type of footwear in addition to or other than socks.

Sec. 3-3-166 Other vehicles must give motorcycle full lane.

All motorcycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two (2) abreast in a single lane.

Sec. 3-3-167 Motorcycles cannot pass in same lane as another vehicle.

The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

Sec. 3-3-168 Motorcycles cannot operate between lanes of traffic.

No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

Sec. 3-3-169 More than two motorcycles abreast in traffic lane.

Motorcycles shall not be operated more than two (2) abreast in a single lane.

Sec. 3-3-170 Motorcycle headlight and taillight on.

A person operating a motorcycle shall at all times keep his headlights and taillights illuminated.

Sec. 3-3-171 Motorcycle clinging to other vehicle.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

Sec. 3-3-172 Passenger must have footrests.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

Sec. 3-3-173 Handlebars more than fifteen inches above seat, back rest with sharp point at tip.

No person shall operate any motorcycle with handlebars more than fifteen (15) inches in height above that portion of the seat occupied by the operator or with a backrest more commonly known as a "sissy bar" that is designed in such a way as to create a sharp point at its apex.

Sec. 3-3-174 Helmet required.

No person shall operate or ride upon a motorcycle unless he is wearing protective headgear, which complies with standards established by the state law.

Sec. 3-3-175 Windshield or visor required.

No person shall operate or ride upon a motorcycle if the motorcycle is not equipped with a windshield unless he is wearing an eye-protective device of a type approved by state law. This section shall not apply to persons riding within an enclosed cab or motorized cart.

Sec. 3-3-176 Operating a motorized cart on a public street, road or highway.

No person under the age of 12 shall operate any motorized cart upon a street, road or public highway in the city, or on private property without the permission of the owner of such private property. Persons age 12 to 16 may operate any motorized cart providing that there is a legal adult in the front passenger seat who can assume operation of the motorized cart. Persons 16 years of age and older can operate a motorized cart on city streets and roadways only.

Sec. 3-3-177 Traffic laws applicable to persons operating mopeds.

Every person operating a moped shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their very nature can have no application. However, the operator of a moped shall not be required to comply with sections relating to headlights and tail lights, or sections relating to windshields and eye-protective devices.

Sec. 3-3-178 Driver's license or permit required for certain operators.

No person under fifteen (15) years of age shall operate a moped upon the public roads and highways of the city. No person shall operate a moped upon the public roads and highways of the city unless he shall have in his possession a valid state drivers license, instructional permit, or limited permit. However, all classes of state licenses, instructional permits or limited permits shall be valid for the purposes of operating mopeds upon the public roads and highways of the city.

Sec. 3-3-179 Protective headgear required.

No person shall operate or ride as a passenger upon a moped unless he is wearing protective headgear, which complies with standards established by state law. Such standards need not necessarily be the same as for motorcyclists; however, any moped operator wearing an approved motorcycle helmet shall be deemed in compliance with this section.

Sec. 3-3-180 Operation of off-road vehicle on public street, road or highway.

(a) No person shall operate any off-road vehicle to include dirt bikes, four wheelers, three wheelers, or any other vehicle designated for off road use on any public street, road or highway in the city unless such vehicle is being used exclusively for its designed purposes; however, such operation shall meet all other requirements as required by state law regulating the use, operation or movement of such vehicle.

(b) Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this section:

(1) Without operative brakes, or without mufflers or other silencing equipment;

(2) On any private property without the express written permission of the owner of the property or his agent.

Secs. 3-3-181—3-3-200 Reserved.

ARTICLE IX. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Sec. 3-3-201 Improper parking.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or official traffic-control device, no person shall:

(a) Stop, stand or park a vehicle:

1. On the curb or shoulder of any two-way road;

2. On a sidewalk;

3. Within an intersection;

4. On a crosswalk;

5. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
8. On any railroad tracks;
9. On any controlled-access highway;
10. In the area between roadways of a divided highway, including crossovers; or
11. At any place where official signs prohibit stopping;

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk at an intersection;
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
5. Within twenty (20) feet of the driveway entrance to any fire station, or on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly signposted); or
6. At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

1. Within fifty (50) feet of the nearest rail of a railroad crossing;
2. At any place where official signs prohibit parking.
3. Within a properly marked no parking area or fire lane.

(d) No vehicle shall park in any area that has been designated or approved as a no-parking area by the city police department and department of transportation, or the fire department. Prohibited no-parking areas shall include but not be limited to the following: Parking in fire lane; improper parking, parking where signs prohibit; yellow curb; loading zone; handicapped zone; parking on sidewalk; and parking at a fire hydrant. It shall be the duty of the city police department to enforce the provisions of this section; and each officer finding a vehicle which is in violation of the terms of this section shall attach to such vehicle a summons to the owner, or operator thereof, that such vehicle has been parked in violation of this section. The citation shall designate the state license number of such vehicle, the time during which such vehicle is parked in violation of this section; and any other facts, the knowledge of which is necessary to an understanding of the circumstances attending such violation.

(e) Any person violating the provisions of this section shall be subject to a monetary fine as follows:

1. Improper parking: Fifty dollars (\$50.00).
2. Handicap zone (O.C.G.A. §§ 40-6-225 and 40-6-226): Not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00.)

(f) The vehicle of any person which accumulates parking violations in excess of the sum of one hundred dollars (\$100.00) shall be impounded by the city police department by a city list wrecker in the event the vehicle can be located and seized within the city. The vehicle shall be held until accumulated fines and towing and storage fees have been paid in full.

Sec. 3-3-203 Obstructing an intersection.

No driver shall enter an intersection unless there is sufficient space on the other side of the intersection to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Secs. 3-3-204—3-3-220 Reserved.

ARTICLE X. MISCELLANEOUS DRIVING RULES

Sec. 3-3-221 Driving on sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent driveway.

Sec. 3-3-222 More than three persons in front seat.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Sec. 3-3-223 Opening vehicle doors and interfering with traffic.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 3-3-224 Following or parking within five hundred feet of fire truck or other emergency vehicle.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm or any other emergency vehicle closer than five hundred (500) feet and shall not drive or park such vehicle within five hundred (500) feet of any fire apparatus stopped and responding to a fire alarm.

Sec. 3-3-225 Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire without consent of the fire department official in command.

Sec. 3-3-226 Illegal use of siren, whistle or bell.

No vehicle, except an authorized emergency vehicle, shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell. No vehicle shall be equipped with a theft alarm signal device, which is so arranged that it can be used by the driver as an ordinary warning signal.

Sec. 3-3-227 Excessive noise and/or excessive smoke.

Every motor vehicle shall at all times be equipped with an exhaust system in good working order and in constant operation so as to prevent the escape of excessive fumes or smoke. It shall be unlawful for any person to operate any vehicle with any muffler system, which causes excessive or unusual noise plainly audible at a distance of 100 feet or causes excessive smoke.

Sec. 3-3-228 Operating a vehicle with altered suspension system.

(a) It shall be unlawful to alter the suspension system of any private passenger motor vehicle, which may be operated on any public street or highway more than two (2) inches above or below the factory recommendation for any such vehicle.

(b) It shall be unlawful to operate any private passenger motor vehicle upon any highway, roadway or street if the suspension system of such vehicle has been altered more than two (2) inches above or below the factory recommendation for such vehicle.

(c) It shall be unlawful to operate any motor vehicle upon any highway, roadway or street if the springs relative to the vehicle's suspension system are broken.

Sec. 3-3-229 Driving unsafe or improperly equipped vehicle.

No person shall drive or move on any highway, street or road any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon any and every such vehicle is in good working order and adjustment, and the vehicle is in such safe

mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Sec. 3-3-230 Impeding normal flow of traffic by driving side-by-side.

No two (2) vehicles shall impede the normal flow of traffic by traveling side-by-side at the same time while in adjacent lanes, provided that this section shall not be construed to prevent vehicles traveling side-by-side in adjacent lanes because of congested traffic conditions.

Sec. 3-3-231 Passing within one hundred feet of intersection.

No vehicle shall be driven on the left side of a roadway designed and authorized for traffic traveling in the opposite direction when approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

Sec. 3-3-232 Improper backing.

(a) A driver shall not back a vehicle unless such movement can be made with safety and without interfering with other traffic.

(b) A driver of a vehicle shall not back a vehicle upon any shoulder or roadway of any controlled-access highway.

Sec. 3-3-233 Crossing median in divided highways.

Every vehicle driven on a divided highway shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or law enforcement officers. No vehicle shall be driven over, across or within any dividing space, barrier or section separating the roadways of a divided highway; except that a vehicle may be driven through an operating in such physical barrier or dividing space or at an established crossover or intersection unless specifically prohibited by an official sign, signal or traffic-control device.

Sec. 3-3-234 Driving on highway closed to public.

No person shall, without lawful authority, drive around or through or ignore any official traffic-control device so as to go onto an officially closed highway or road or onto a section of highway or road before it has been officially opened to the public. This section shall not apply to law enforcement officers in the performance of their duties, to individuals domiciled or

making their livelihood within the affected area, or to any person authorized to be in the affected area by the appropriate law enforcement officer.

Sec. 3-3-235 Refusal to comply with officer directing traffic.

No person shall willfully fail or refuse to comply with any lawful order or direction of any officer directing traffic.

Secs. 3-3-236—3-3-270 Reserved.

**ARTICLE XI. REGULATING THE KINDS AND CLASSES OF TRAFFIC ON
CERTAIN HIGHWAYS**

Sec. 3-3-271 Commercial vehicles prohibited from using certain streets or highways.

When signs are erected giving notice thereof, no person shall operate any commercial vehicle at any time upon any of the streets or highways or parts thereof except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street or highway at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

Sec. 3-3-272 Excluding specific traffic.

The city and department of transportation is hereby authorized upon the basis of an engineering and traffic investigation to determine and designate those heavily traveled streets or roads upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and shall erect appropriate official traffic-control devices giving notice thereof.

Sec. 3-3-273 Through trucks prohibited from using certain streets or roads.

When signs are erected giving notice thereof, no person shall operate any through truck or tractor, as defined in this chapter, at any time upon any of the streets or roads or parts thereof.

Secs. 3-3-274—3-3-290 Reserved.

ARTICLE XII. PARKING RESTRICTIONS FOR TRUCKS AND BUSES

Sec. 3-3-291 Time limit for trucks.

No person shall park or stand any truck or other freight-carrying vehicles, including any truck tractor, in excess of one-ton capacity, with three (3) or more axles upon any public street or highway or upon any property zoned residential for longer than one (1) hour at any time during the day or night except as provided in this chapter.

Sec. 3-3-292 Attendant required for certain trucks, buses.

No person shall stop or stand any truck or bus with a body more than eight (8) feet wide or ten (10) feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

Secs. 3-3-293—3-3-300 Reserved.

ARTICLE XIII. ABANDONED VEHICLES

Sec. 3-3-301 Parking vehicles with invalid license plates.

Any automobile, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any residential property or other unless it shall be contained in a completely enclosed building.

Sec. 3-3-302 Inoperative or junk vehicle; Parking prohibition; exceptions.

No automobile, vehicle or trailer of any kind or type, which shall be inoperative or in a junk condition, shall be parked or stand on any property unless:

- (a) It shall be in an enclosed building; or
- (b) It shall be on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or
- (c) It shall be on property occupied and used for repair, reconditioned or remodeling of vehicles.

Section 5. Amendment and Restatement of City Code; Title 3, Chapter 4.

Title 3, Chapter 4 of the Code of the City of Sardis, Georgia is hereby amended and restated as follows:

"TITLE 3

PUBLIC SAFETY

CHAPTER 4

NUISANCES

ARTICLE I. IN GENERAL

Sec. 3-4-1 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush means all vegetation detached from the land resulting from land clearing operations or other causes.

Fire Chief, Fire Marshall, Fire Authority, fire department shall be those persons positioned as such by the Burke County Emergency Management Agency.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons or other containers.

Garden trash means all accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees, and tree limbs.

Litter means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals, or discarded materials of any and every kind and description.

Property owner shall mean any party with an equitable interest in the property in question. In the event the property is owned by a corporation or company, the property owners shall include any officers listed with the Secretary of State of the State of Georgia, the chief executive officer and the board of directors of any corporation that own any parcel of property within the city limits. In the event the property is owned by a partnership, any partner shall be deemed a property owner.

Public or private property shall be all-inclusive, such that no property in the city shall be exempt from the regulation by this article.

Responsible party shall mean the owner of any property or the tenant of any property that is responsible for maintaining the property. In the event the property is owned by a corporation or a company, the responsible party shall include the chief executive officer of the corporation or company. In the event the property is owned by a partnership, the responsible party shall include any partner in the partnership. In the event the property is owned by a trust, the responsible shall include the trustee of the trust.

Rubbish means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked or abandoned automobiles, and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stoves.

Tenant shall mean party leasing a parcel of property within the city limits regardless whether such lease is in writing. Additionally, parties squatting on a parcel of property shall be deemed to be a tenant of the property for purposes of this article.

Trash shall mean garden trash - see above.

Sec. 3-4-2 Declaration of policy.

It is the declared policy of the city that the pollution of the atmosphere by smoke, fly ash, products of complete or incomplete combustion and certain other emissions into the atmosphere, the discharge of untreated or inadequately treated sewage or sewerage effluent into the waters within the jurisdiction of the city or the discarding of garden trash, garbage, rubbish or brush on the lands or waters within the city is a menace to the welfare and comfort of the people of the city and a cause of extensive damage to health and property. The necessity for legislative

intervention by the enactment of the provisions of this article is for the purpose of controlling and reducing atmospheric pollution and the pollution of the land and its adjacent waters.

Sec. 3-4-3 Cleanliness of premises.

(a) *Generally.* For the purpose of promoting the health, safety and welfare of the people of the city, every owner or tenant of a lot or parcel of land lying within one-hundred (100) feet of any dwelling, house or place of business is required to keep such land cleared of all brush, garbage, garden trash, rubbish, underbrush and debris, weeds and grass in excess of ten (10) inches in height from the ground, and noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or haven for snakes or vermin of any kind or character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the city, or which tends to create a nuisance or other unsightly or unsanitary condition. The above one-hundred (100) feet limitation shall be exclusive of any public right-of-way.

(b) *Violations deemed public nuisances and prohibited.* The following conditions are detrimental to the health, safety, and welfare of the citizens of the city, are therefore public nuisances, and are prohibited:

(1) Any portion of a lot or parcel of land lying within one-hundred (100) feet of any dwelling, house or place of business upon which are located brush, weeds, grass or underbrush in excess of ten (10) inches in height;

(2) Any portion of a developed residential lot which is planted in a lawn and the grass is in excess of ten (10) inches in height;

(3) Any portion of a lot or parcel of land upon which is located an accumulation of garbage, garden trash, debris or rubbish, except as legally permitted in an industrial district; and

(4) Any building that is unfit for human habitation or is in disrepair.

(c) *Notice to correct conditions.*

(1) If it is determined that any of the conditions specified in subsection (b) of this section exist on any property within the city, the city clerk shall notify in writing the owner, the tenant, the owner's agent, or the property manager that the conditions exist and must be abated within fifteen (15) days. The written notice shall inform the owner that the City will abate the nuisance in the event the owner fails to comply within the 15 day period. Said notice shall be sent by certified or registered mail, addressed to such owner or occupant, at such owner or occupant's last known address. The city clerk shall have the authority to grant an extension of the

time limit provided that the responsible party develops a plan to abate the nuisance. The property owner/tenant shall not have a right to an extension and any extension granted shall be at the discretion of the city clerk with council approval.

(2) If the conditions are not abated within the prescribed time, the city clerk or his/her designee may issue a summons to the owner, the tenant, the owner's agent, and/or the property manager. The summons shall indicate that the property owner/tenant may be subject to a criminal prosecution for a misdemeanor offense in Municipal Court of Sardis. The summons shall be served personally if the property owner/tenant can be found within the city limits. In the event the responsible party lives outside of the city limits, service shall be made by personal service or by certified mail/registered mail or by publication. For companies and corporations, service shall be made by serving the registered agent listed with the Secretary of State for the State of Georgia or by service upon the Secretary of State if no registered agent can be found within the State of Georgia.

(d) *Correction by city.* If it is determined that any of the conditions specified in subsection (b) exist on any property within the city, and if the owner, the tenant, the owner's agent or the property manager has been notified in writing that the conditions exist, and if the conditions are not abated within fifteen (15) days after the receipt of such notice, the city clerk may direct that the conditions be abated at city expense.

(e) *Recovery of city expenses.*

(1) If any of the conditions specified in subsection (b) are abated at city expense as provided in subsection (d) of this article, the city shall assess a lien against the property for the cost described in this section.

(2) A letter shall be mailed by the city clerk to the owner of record by certified mail, return receipt requested, which notifies the owner of the city's intention to file a lien and that the owner has twenty (20) days from receipt of the letter to either reimburse the city its expenses or to file a written objection to the reasonableness of the assessed cost. Should there be any objections to the reasonableness of the cost, the city clerk shall hear and determine the validity of such objections. The decision of the city clerk may be appealed to the city council.

(3) Upon final determination of the invalidity of the objections or on failure to file an objection within twenty (20) days, a lien in such form as the city attorney shall determine, shall be filed in the office of the clerk of Burke County Superior Court and recorded as other liens are recorded. A copy of the lien shall be kept in the office of the city clerk, and a copy shall also be filed with the tax commissioner of the county.

(4) The actual direct cost of abating the conditions, together with the necessary expenses for preparing, filing and recording the lien, including any legal expenses, shall be assessed against the property and shall be collected by the city clerk on November 1 next succeeding the date of filing of the lien, and, if not collected, shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection may be enforced.

(f) *Dumping, depositing on or in premises of another, streets, including public or private property or waters.*

(1) It shall be unlawful for any person or legal entity in person or its agent or employees, to cast, dump, deposit, accumulate, throw or leave, or to cause to permit the dumping, depositing, placing, accumulating, throwing or leaving of litter, garbage, garden trash, brush or rubbish on any public or private property in the city or any waters in the city unless:

a. The property is designated by the city or by the county for the disposal of such materials and the person is authorized by the proper public authority to use such property;

b. The litter is placed into a litter receptacle or container installed on such property; or

c. The person or legal entity is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare and city regulations.

(2) *Violation.* Any violation of this section is hereby declared to be a nuisance.

(g) *Prima facie evidence as to rubbish thrown from motor vehicles.*

(1) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or other means of conveyance in violation of this section, it shall be prima facie evidence that the operator of the conveyance has violated this section.

(2) When litter which is dumped, deposited, thrown or left on public or private property in violation of this section is discovered to contain any article, including but not limited to letters, bills, publications or other writings which display the name of a person in such a manner as to indicate that the article belongs to such a person, it shall be rebuttable presumption that such person has violated this section.

(3) *Violation.* Any violation of this section is hereby declared to be a nuisance.

(h) *Burning or burying.*

(1) *Garbage, rubbish, hydrocarbons and other restrictions.* The burning of garbage, rubbish, automotive tires and tubes, asphalt shingles, PVC pipe, insulation, treated lumber, adhesives, shale oil, nitro-cellulose, combustible liquids and other products manufactured from derivatives of petroleum is prohibited. The use of hydrocarbons to start or fuel a fire is prohibited. Only one (1) active burn site is permitted on any lot one (1) acre or less in size. The burying of garbage or rubbish is prohibited except for burying in a designated landfill as approved by the authority having jurisdiction. Controlled outdoor burning will not be permitted to continue if it becomes a public nuisance or a health hazard.

(2) *Garden trash, yard debris or brush in small amounts.* The burning of garden trash, yard debris and brush is permitted in small amounts not exceeding seventy-five (75) cubic feet provided that there is compliance with O.C.G.A. § 12-9-1 et seq., that authorization has been granted by the police chief or his designated representative, that proper safeguards have been taken to prevent spread of the fire, and that the fire is attended at all times until it is fully extinguished. Fires must be fully extinguished by nightfall.

(3) *Brush in large quantities.* The burning of brush in large quantities, (greater than seventy-five (75) cubic feet), is not permitted, except for those special circumstances or occasions as noted in subsection (4).

(4) *Special events.* For special occasions where outdoor cooking takes place in a manner other than the utilization of a standard grill such as social functions which include campfires for cooking, luau, or any other similar type of cooking activity, and for bonfires, campfires and similar activities, the person in charge of the activity must obtain authorization through the Burke County Emergency Management Agency (BEMA).

(5) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on standard charcoal or gas grills. Each request to conduct outdoor burning shall be made to the BEMA fire department in person or via communication acceptable to the department. The BEMA fire chief and the fire marshal shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.

(6) *Monitoring and enforcement.* The BEMA fire department will periodically monitor authorized burning to assess compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance,

fire department personnel or the police chief may require the correction of the deficiency(ies) or direct extinguishment of the fire, as they judge appropriate. In no case should burning be allowed to continue if in the fire officer's or police chief's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse effects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the fire chief, fire marshal, fire department operations officer, code enforcement officers, and police officers.

(7) *Implementation.* The fire chief is authorized to publish rules, regulations and procedures to implement the above requirements for controlled burning.

(8) *Violation.* Any violation of this section is hereby declared to be a nuisance.

(i) *Accumulation of brush.* All accumulation of brush shall be removed from public view within thirty (30) days of the start of the accumulation. Permitting brush to accumulate is hereby declared to be a nuisance.

(j) *Spilling of trash, sand, gravel, similar materials from vehicles.*

(1) It shall be unlawful for any person to transport upon any public roads within the city any garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone or asphalt in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling of its contents on public roads.

(2) It shall be unlawful for any person to transport upon any public roads within the city any material or supplies other than those enumerated in subsection (a) of this section in a vehicle which is not completely covered or otherwise properly secured in such a manner as to prevent the spilling of its contents on public roads.

(3) Any action in violation of subsection (j)(1) or (j)(2) is hereby declared to be a nuisance.

(k) *Abandoned and operating wells.*

(1) *Abandoned wells.* All abandoned wells (i.e., wells no longer in use and unsecured) are hereby declared to be a nuisance and shall be filled with dirt by the owner of the well, either within thirty (30) days of the enactment of this section or at the time the well is abandoned, whichever occurs later.

(2) *Operating wells.* All wells other than abandoned wells shall be completely covered and secured in a manner approved by the city clerk which shall provide for the health, safety and welfare of the public.

(l) Each day that a nuisance continues to exist shall be considered a separate offense and said offenses shall not merge for sentencing purposes.

(m) In the event that the nuisance is corrected prior to the arraignment in municipal court for a violation of this section and where the defendant has not had any prior violations within the previous five (5) years, said action may be dismissed upon a motion of the municipal court prosecutor upon the property passing inspection by the city and payment of an inspection fee of fifty dollars (\$50.00).

Sec. 3-4-4 Unnecessary noise; Prohibited generally.

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the city. Noise of such character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited.

Sec. 3-4-5 Noise standards.

(a) *Factors to consider:* The standards which shall be considered in determining whether a violation of section 3-4-4 exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.

- (9) The time of day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

Secs. 3-4-6—3-4-19 Reserved.

ARTICLE II. ABATEMENT OF NUISANCES

DIVISION 1. GENERALLY

Sec. 3-4-20 Authority.

The responsible authority of the city, namely the city attorney, chief of police, city clerk and any other person designated by appointment of the mayor and council in order to protect the health and safety of the people of this city is authorized and directed to implement and enforce the abatement of nuisances within the city and the elimination of the parking of inoperative vehicles, junk vehicles and or appliances out-of-doors on any public or private properties within the city.

Sec. 3-4-21 Unlawful to create or maintain.

It shall be unlawful for any person to create and/or maintain a nuisance on public or private premises.

Sec. 3-4-22 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Nuisance: Whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, water or food impure or un-wholesome.

Person: A person, firm, corporation, company, association or municipality.

Sec. 3-4-23 Nuisance specified; declared.

The following are specifically declared to be a nuisance:

- (1) Toilets, other sanitary facilities, plumbing or sewers in bad repair.
- (2) Conditions conducive to the breeding of flies, mosquitoes or other insects.
- (3) Pollution of the air by gases, vapors, fumes, mists, dusts or smoke in quantities sufficient to be disagreeable, discomforting or detrimental to health or well-being of citizens.
- (4) Trash, garbage, refuse or any foul, decaying or putrescent material kept or used in such a manner or place as to be or become offensive, objectionable or detrimental to health or well-being of citizens.
- (5) Keeping of horses, mules, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons or similar fowl or other animals except under the following conditions:
 - a. Any housing or enclosures used by such animals or fowl shall be well-drained, free from accumulations of animal excrement and objectionable odors and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the county health officer.
 - b. In the case of bona fide licensed pet shops, veterinary hospitals, stockyards, poultry houses and similar commercial establishments, the county health officer may modify these requirements where undue hardship would result from strict enforcement.

Sec. 3-4-24 Abandoned junk vehicles; generally; appliances.

It shall be unlawful for any person to place, abandon or leave, or store or permit the placement, abandonment, leaving, keeping or storage of inoperative or junk condition motor vehicles and/or appliances out-of-doors upon any public or private land within the city.

Sec. 3-4-25 Junk vehicles; undetermined owner; removal.

In all instances where the owner of any abandoned or junk motor vehicle and/or trailer cannot be determined or the owner of any junk or abandoned motor vehicle and/or trailer refuse to provide consent to the city to remove any junk or abandoned motor vehicle and/or trailer

which has been determined to constitute a health hazard or unsightly nuisance, such junk or abandoned motor vehicle and/or trailer shall be removed by the city.

Sec. 3-4-26 Junk Vehicles; conditions.

An inoperative or junk condition vehicle shall include but shall not be limited to any automobile, vehicle, trailer of any kind or type or contrivance or a part thereof, the condition of which is one or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded;
- (7) Scrapped;
- (8) Does not have a valid license plate attached thereto.

Sec. 3-4-27 Junk vehicles; supplemental nature of article.

This article shall not be the exclusive regulation of discarded, dismantled, wrecked, scrapped, ruined or junk vehicles or contrivances within the corporate limits of the city but shall be supplemental in addition to other regulations and ordinances of the city and statutes or provisions of law heretofore and hereinafter enacted by the city, county, state or other legal entity or agency having jurisdiction.

Sec. 3-4-28 Administration.

This article shall be administered by the responsible authority. Whenever it shall appear to the responsible authority that this article is being violated, he/she shall in writing notify the owner or tenant in possession of the land on which the violation exists to abate such violation by removing the material or materials to a conforming location or into an enclosed garage, barn or other building within thirty (30) days of the notice.

Sec. 3-4-29 Violation.

Violation of any provision of this article is hereby declared to be a misdemeanor and upon conviction thereof shall be punished as provided by law.

Secs. 3-4-30—3-4-39 Reserved.

DIVISION 2. UNFIT STRUCTURES; NUISANCE ABATEMENT

Sec. 3-4-40 Findings of the existence of nuisances.

*AMENDED 9/21/10
See next pages*

(a) The mayor and council find and declare that within the city limits of the City of Sardis 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 not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the city; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the city and the state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(b) It is further found and declared that in the City of Sardis where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The mayor and council find that there exist in the City of Sardis dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the city, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(c) It is the intention of the mayor and council that this section shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the city.

Sec. 3-4-41 Continued Use; Definitions.

(a) *Continued Use of Other Laws and Ordinances.* It is the intent of the Mayor and City Council that nothing in this division shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this division shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(b) *Definitions.* For the purpose of this division and the regulations herein set forth, certain terms and words are hereinafter defined and shall be constructed and interpreted herein as follows:

- (1) "*Applicable codes*" means: (a) any optional housing or abatement standard provided in O.C.G.A. Chapter 2 of Title 8 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in O.C.G.A. Chapter 2 of Title 25; and (c) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1, 1991, 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.
- (2) "*Closing*" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (3) "*Drug crime*" means an act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.
- (4) "*Dwellings, buildings, or structures*" 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. The term "*dwellings, buildings, or structures*" shall not mean or include any farm, any building or structure 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.
- (5) "*Governing authority*" means the Mayor and Council of the City of Sardis.
- (6) "*Municipality*" means any incorporated city within this state.

- (7) "Owner" means the holder of the title in fee simple and every mortgagee of record.
- (8) "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 governing authority or records maintained in the Burke County courthouse or by the Clerk of Burke County Superior 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
 - (e) Persons in possession of said property and premises.
- (9) "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 the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or city.
- (10) "Public officer" means the officer or officers who are authorized by O.C.G.A. § 41-2-7, § 41-2-8 and § 41-2-9 through § 41-2-17 and by this Ordinance adopted under § 41-2-7, § 41-2-8, and § 41-2-9 through § 41-2-17 to exercise the powers prescribed by this ordinance or any agent of such officer or officers.
- (11) "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
- (12) "Resident" means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Sec. 3-4-42 Duties of Owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful; hearing; liens.

(a) It is the duty of the owner of every dwelling, building, structure, or property within the City of Sardis to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances 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;

(b) The governing authority appoints and designates the Building Inspector of the City of Sardis and his/her designees as public officer(s) to exercise the powers prescribed by this ordinance;

(c) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the City of Sardis charging 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 the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.

(d) If the public officer'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 the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer 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.

(e) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in 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 hearing.

(f) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current 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; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing

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:

- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure 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
- (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, 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.

(g) For purposes of this division, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" 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. Chapter 39A of Title 43 or other qualified professional, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure 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 public officer shall cause to be posted on the main entrance of the building, dwelling, or structure 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 building is prohibited and unlawful."*

(i) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials 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. The public officer and governing authority 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.

(j) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, 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.

(k) The lien provided for in subsection (j) of this section 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 Burke County Superior Court and shall relate back to the date of the filing of the lis pendens notice required under Section 3-4-44(c) of this division. The Clerk of Burke County Superior Court shall record and index such certified copy of the order in the deed records of Burke 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. Upon final determination of costs, fees, and expenses incurred in accordance with this division, the public officer responsible for enforcement actions in accordance with this division shall transmit to the appropriate county tax commissioner or municipal tax collector or city revenue officer 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 public officer shall be transmitted within ninety (90) days of completion of the repairs, demolition, or closure. It shall be the duty of the appropriate county tax commissioner or municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. Chapter 4 of Title 48; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The county tax commissioner shall collect and enforce municipal liens imposed pursuant to this ordinance in accordance with O.C.G.A. § 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the governing authority of whose lien is being collected.

(l) Enforcement of liens pursuant to this division may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this division. 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 division.

(m) The redemption amount in any enforcement proceeding pursuant to this section 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 governing authority, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. § 48-4-80 and O.C.G.A. § 48-4-81.

(n) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City 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.

(o) Where the abatement action does not commence in the Superior Court of Burke County, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

(p) In addition to the procedures and remedies provided herein, the governing authority may designate public officers to issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this division.

(q) Nothing in this division shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 3-4-43 **Determination by Public Officer that dwellings, buildings, or structures are vacant and/or unfit.**

(a) The public officer may determine that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the City. Such conditions include the following (without limiting the generality of the foregoing):

- (1) Defects therein 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; and
- (7) Other additional standards which may from time to time be adopted by the governing authority.

(b) The public officer may determine that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Sec. 3-4-44 Powers of public officers.

The public officer(s) designated in this ordinance shall have the following powers:

- (1) To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated and being used in connection with the commission of drug crimes;
- (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;
- (4) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of this ordinance;
- (5) To delegate any of his/her functions and powers under this division to such officers and agents as he or she may designate; and
- (6) To perform those acts as may be necessary or convenient to carry out and effectuate the purpose and provisions of this division.

Sec. 3-4-45 Service of complaints.

(a) Complaints issued by the public officer pursuant to this ordinance shall be served in the following manner. At least fourteen (14) days prior to the date of the hearing, the public officer 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 (3) business days of filing the complaint and at least fourteen (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 newspaper in which the sheriff's advertisements appear in such 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 Burke County Superior Court at the time of filing the complaint in the appropriate 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 division 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.

Section 6. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Sardis.

Section 7. Repealer.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Severability.

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

SO ORDAINED this 12th day of December, 2017.

Mayor and City Council of Sardis, Burke County, Georgia.

Vacant
Mayor

Preston Conner
Councilmember

Arthur Scott Evans
ARTHUR FREEMAN, Councilmember

Donnie Hickman
DONNIE HICKMAN, Councilmember

Arthur Long
ARTHUR LONG, Councilmember

Valchester Prescott
VALCHESTER PRESCOTT, Councilmember

Attest: Jennie Johnson
JENNIE JOHNSON, City Clerk

First Reading: November 14, 2017

Second Reading: December 12, 2017

CITY OF SARDIS
AMENDMENT TO THE CODE OF THE CITY OF SARDIS
JUVENILE EVENING CURFEW ORDINANCE
ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 3 OF THE CODE OF ORDINANCES OF THE CITY OF SARDIS, GEORGIA; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Sardis, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of the City of Sardis, Georgia;

WHEREAS, the duly elected governing authority of the City of Sardis, Georgia is the Mayor and Council thereof;

WHEREAS, Official Code of Georgia Annotated (O.C.G.A.) Section 36-35-3 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating to the cities' property and affairs, for which no general law has been provided;

WHEREAS, the governing authority desires to adopt regulations relating to a juvenile evening curfew within the City of Sardis (hereinafter "City");

NOW THEREFORE BE IT ORDAINED AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Sardis that the Code of Ordinances of the City of Sardis, be amended by adding a new Chapter 8 "Juvenile Evening Curfew" in Title 3 as follows:

Section 1. Amendment to City Code.

"CHAPTER 8

Juvenile Evening Curfew

- § 3-8-1 Title.
- § 3-8-2 Purpose.
- § 3-8-3 Definitions.
- § 3-8-4 Hours of Curfew; Exceptions.
- § 3-8-5 Parent, Guardian or Other Person Having Custody or Control of Child to Permit Minor's Violation Prohibited.
- § 3-8-6 Violation and Penalty.
- § 3-8-7 Jurisdiction.
- § 3-8-8 Review After Adoption.

Sec. 3-8-1 Title.

This Chapter shall be known and referred to as the "City of Sardis Juvenile Evening Curfew."

Sec. 3-8-2 Purpose.

The mayor and council have determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City resulting in juveniles being involved in a wide range of unacceptable behavior, that persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful activity and to be victims of older perpetrators of crime; that there has been a significant breakdown in the supervision and guidance normally provided by parents for minors resulting in an increase in crime, substance abuse, school drop-out rates, juvenile pregnancy, and other illicit behavior. The City has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities which are not easily controlled by existing laws and ordinances. The mayor and council have determined that a curfew for those under the age of 17 will be in the interest of the public health, safety, and general welfare and will help to attain the

foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Sardis and will promote the public good, safety and welfare. Parental responsibility for the whereabouts of children is the accepted norm and legal sanctions to enforce such responsibility have had demonstrated effectiveness in many cities. The mayor and council have determined that a curfew ordinance will increase parental responsibility for minors within their control and decrease minor delinquency.

Sec. 3-8-3 Definitions.

For the purposes of this Chapter, the following definitions shall apply:

- (a) *Emergency Errand* - a mission that results from an unforeseen combination of circumstances that call for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (b) *Minor* - any unemancipated person under the age of seventeen (17).
- (c) *Person having lawful custody or control* - shall include, in addition to the parent or guardian of the person of the minor, any person who is over twenty-one (21) years of age or any public or private agency or other legal entity authorized by a parent, guardian of the person of the minor, or Court to have the custody or control of such child.
- (d) *Public Place* - any place to which the public has access and includes, but is not limited to, public streets, highways, roads, alleys, parks, eating establishments, playgrounds, malls, or other places or buildings open to the public; any cemeteries, school yards, bodies of water or watercourses; any privately or publicly owned places of amusement, entertainment, or public accommodation including parking lots; and any vacant lot or land.

It shall be unlawful for any minor under the age of seventeen (17) years to loiter, wander, stroll, or play in any public place unsupervised by his/her parent, legal guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor and having the lawful authority to be at such places, between the hours of 11:00 p.m. and 6:00 a.m. on weekdays (not to include Friday) and Sunday evening; provided, however, that on Friday and Saturday evening the effective curfew hours are between ~~12:00~~ midnight and 6:00 a.m.; and provided further that the provisions of this section shall not apply in the following circumstances:

*New
Amended
11.20*

- (a) When a minor is accompanied by his/her parent, guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor; or
- (b) When the minor is upon an emergency errand directed by his/her parent, guardian, or other adult over the age of twenty-one (21) years having the lawful custody or control of the minor; or
- (c) When the minor is traveling to, or returning directly home from, lawful employment that makes it necessary to be in the above-referenced places during the proscribed period of time; or
- (d) When the minor is attending an official school, religious, or recreational activity or any activity involving the exercise of first amendment rights of free speech, freedom of assembly, or free exercise of religion, provided such activity is supervised by adults and sponsored by an entity which takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or recreational activity or any activity involving the exercise of first amendment rights of free speech, freedom of assembly, or free exercise of religion, provided such activity is supervised by adults and

sponsored by an entity that takes responsibility for the minor; or

- (e) When the minor is engaged in interstate and intrastate vehicular travel through the City of Sardis with parental or guardian consent; or
- (f) When the minor is legally emancipated.

Sec. 3-8-5 Parent, Guardian or Other Person Having Custody or Control of Child to Permit Minor's Violation Prohibited.

It shall be unlawful for the parent, guardian of the person of the minor, or other person having lawful custody or control of any child under the age of seventeen (17) years, to permit, or by insufficient control, to allow such minor to violate the provisions of this Chapter. A person charged with violation of this section for the first time shall be given a warning citation. Upon subsequent violation, the person shall be charged with such violation and, if found guilty, such person shall be subject to punishment as provided in Section 3-8-6 of this Chapter.

Sec. 3-8-6 Violation and Penalty.

Any person, agency or other legal entity violating this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$200.00 or imprisonment for five (5) days or both such fine and imprisonment; provided, however, that any person under seventeen (17) years of age shall be referred to the Juvenile Court of the county in which the crime was committed for disposition pursuant to O.C.G.A. § 15-11-30.4.

Sec. 3-8-7 Jurisdiction.

Any minor under the age of seventeen (17) who violates the provisions of this Chapter shall be subject to the jurisdiction of the Juvenile Court of Burke County. Any parent, guardian, or other person having custody or control of a minor who violates this Chapter shall be subject to the jurisdiction of the City of Sardis Municipal Court.

Sec. 3-8-8 Review After Adoption.

By December 31st of each year following the effective date of this Chapter, the Police Chief shall review this Chapter and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the curfew. In addition to any other information the Police Chief deems relevant or appropriate, the Police Chief's report may include the following information:

- (a) the practicality of enforcing this Chapter and any problems with enforcement;
- (b) the impact of the curfew on crime statistics;
- (c) the number of persons successfully prosecuted for a violation of this Chapter; and
- (d) the net cost of enforcing this Chapter.

Failure of the Police Chief to provide such report or any of the above information in such report shall not affect the validity of this Chapter."

Section 2. Effective Date.

Said amendment to the City Code of Ordinances shall become effective the next business day following the adoption of this Ordinance.

Section 3. Ordinances Repealed.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

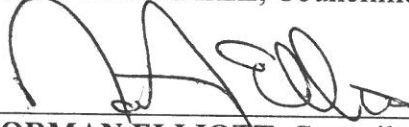
If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Read, passed and adopted this 18th day of May, 2010.

Mayor and City Council of Sardis, Burke County, Georgia.




J. PRESTON CONNER, Mayor

TODD CAMPBELL, Councilmember


NORMAN ELLIOTT, Councilmember



DONNIE HICKMAN, Councilmember



JOHNNY HIGHT, Councilmember



ARTHUR LONG, Councilmember

Attest: 

JENNIE JOHNSON, City Clerk

First Reading: 4/20/10

Second Reading: 5/18/10

**CITY OF SARDIS
UNFIT BUILDINGS OR STRUCTURES REGULATION ORDINANCE
ORDINANCE NO. 921B**

TO ESTABLISH RULES AND REGULATIONS FOR ABATEMENT OF UNSAFE OR UNHEALTHFUL PREMISES; TO PROVIDE FOR COMPILATION; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the legislature of the State of Georgia adopted a state nuisance abatement law in order to empower local communities to combat the negative impacts of unfit buildings and structures under O.C.G.A. § 41-2-7, *et seq.*;

WHEREAS, the legislature, effective July 1, 2004 amended O.C.G.A. § 41-2-7, *et seq.* to further clarify nuisance abatement procedures and to provide further due process of law;

WHEREAS, it is the desire of the Mayor and Council of the City of Sardis, as the duly elected governing authority of the City, to supercede its prior Ordinance in order to adopt the state nuisance abatement code under O.C.G.A. § 41-2-7, *et seq.*;

WHEREAS, the City of Sardis declares and finds that within the City limits 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 which are not in compliance with the applicable state or minimum standard codes as adopted by local ordinance or operation of law or any building, fire, life safety or other codes relative to the safe use of real property and real property improvements adopted by local ordinance by the City of Sardis; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City of Sardis; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures;

WHEREAS, it is found and declared that within the city limits of the City of Sardis there are in existence conditions or uses of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, that such uses are dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such conditions or the cessation of such uses which renders the adjacent real estate unsafe or inimical to safe human habitation;

WHEREAS, the City of Sardis finds that there exists in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the municipality, or in which drug crimes are being committed. Power is conferred upon the City under O.C.G.A. § 41-2-7, *et seq.* as amended to exercise the City's police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in this Ordinance; and

WHEREAS, on private property in the City of Sardis there exist endangerments to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the unsanitary or unsafe private property.

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF
SARDIS, GEORGIA:**

Sec. 1. Title.

This ordinance shall be known and referred to as the "City of Sardis Unfit Buildings or Structures Regulation Ordinance".

Sec. 2. Continued Use; Definitions.

(a) *Continued Use of Other Laws and Ordinances.* It is the intent of the Mayor and City Council that nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling Act, charter, or ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.

(b) *Definitions.* For the purpose of this ordinance and the regulations herein set forth, certain terms and words are hereinafter defined and shall be constructed and interpreted herein as follows:

(1) "*Applicable codes*" means: (a) any optional housing or abatement standard provided in O.C.G.A. Chapter 2 of Title 8 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in O.C.G.A. Chapter 2 of Title 25; and (c) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1, 1991, 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.

(2) "*Closing*" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

(3) "*Drug crime*" means an act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

(4) "*Dwellings, buildings, or structures*" 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. The term "*dwellings, buildings, or structures*" shall not mean or include any farm, any building or structure 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.

(5) "*Governing authority*" means the Mayor and Council of the City of Sardis.

- (6) "*Municipality*" means any incorporated city within this state.
- (7) "*Owner*" means the holder of the title in fee simple and every mortgagee of record.
- (8) "*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 governing authority or records maintained in the Burke County courthouse or by the Clerk of Burke County Superior 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
 - (e) Persons in possession of said property and premises.
- (9) "*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 the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or city.
- (10) "*Public officer*" means the officer or officers who are authorized by O.C.G.A. § 41-2-7, § 41-2-8 and § 41-2-9 through § 41-2-17 and by this Ordinance adopted under § 41-2-7, § 41-2-8, and § 41-2-9 through § 41-2-17 to exercise the powers prescribed by this ordinance or any agent of such officer or officers.
- (11) "*Repair*" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
- (12) "*Resident*" means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Sec. 3. Duties of Owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful; hearing; liens.

- (a) It is the duty of the owner of every dwelling, building, structure, or property within the City of Sardis to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances 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;

(b) The governing authority appoints and designates the Building Inspector of the City of Sardis and his/her designees as public officer(s) to exercise the powers prescribed by this ordinance;

(c) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the City of Sardis charging 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 the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property.

(d) If the public officer'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 the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer 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.

(e) The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after the filing of said complaint in 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 hearing.

(f) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current 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; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing 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:

- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure 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
- (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, 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.

(g) For purposes of this ordinance, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" 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. Chapter 39A of Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure 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 public officer shall cause to be posted on the main entrance of the building, dwelling, or structure 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 building is prohibited and unlawful."

(i) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials 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. The public officer and governing authority 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.

(j) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, 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.

(k) The lien provided for in subsection (j) of this section 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 Burke County Superior Court and shall relate back to the date of the filing of the lis pendens notice required under Section 6 (c) of this ordinance. The Clerk of Burke County Superior Court shall record and index such certified copy of the order in the deed records of Burke 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. Upon final determination of costs, fees, and expenses incurred in accordance with this ordinance, the public officer responsible for enforcement actions in accordance with this ordinance shall transmit to the appropriate county tax commissioner or municipal tax collector or city revenue officer 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 public officer shall be transmitted within ninety (90) days of completion of the repairs, demolition, or closure. It shall be the duty of the appropriate county tax commissioner or municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. Chapter 4 of Title 48; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires twelve (12) months of delinquency before commencing a tax foreclosure shall not apply. The county tax commissioner shall collect and enforce municipal liens imposed pursuant to this ordinance in accordance with O.C.G.A. § 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the governing authority of whose lien is being collected.

(l) Enforcement of liens pursuant to this ordinance may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this ordinance. 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 ordinance.

(m) The redemption amount in any enforcement proceeding pursuant to this section 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 governing authority, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. § 48-4-80 and O.C.G.A. § 48-4-81.

(n) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City 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.

(o) Where the abatement action does not commence in the Superior Court of Burke County, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

(p) In addition to the procedures and remedies provided herein, the governing authority may designate public officers to issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this Ordinance.

(q) Nothing in this ordinance shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 4. Determination by Public Officer that dwellings, buildings, or structures are vacant and/or unfit.

(a) The public officer may determine that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the City. Such conditions include the following (without limiting the generality of the foregoing):

- (1) Defects therein 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; and
- (7) Other additional standards which may from time to time be adopted by the governing authority.

(b) The public officer may determine that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Sec. 5. Powers of public officers.

The public officer(s) designated in this ordinance shall have the following powers:

- (1) To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated and being used in connection with the commission of drug crimes;
- (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;
- (4) To appoint and fix the duties of such officers, agents, and employees as he or 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 or she may designate; and
- (6) To perform those acts as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance.

Sec. 6. Service of complaints.

(a) Complaints issued by the public officer pursuant to this ordinance shall be served in the following manner. At least fourteen (14) days prior to the date of the hearing, the public officer 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 (3) business days of filing the complaint and at least fourteen (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 newspaper in which the sheriff's advertisements appear in such 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 Burke County Superior Court at the time of filing the complaint in the appropriate 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 ordinance 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.

Sec. 7. Preamble.

The preamble to this ordinance is hereby incorporated into this ordinance as if set out fully herein.

Sec. 8. Codification.

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Sardis.

Sec. 9. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this ordinance.

(b) In the event that any phrase, clause, sentence, paragraph, or section of this ordinance is, for any reason whatsoever, declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of the ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Sec. 10. Conflict between specific and general provisions.

Where there is an apparent conflict in this ordinance between specific and general provisions, it is the intention hereof that the specific shall control.

Sec. 11. Repealer.

All ordinances or City Code sections, or parts thereof, in conflict herewith are hereby expressly repealed.

Sec. 12. Effective date.

This Ordinance shall become effective on the 21st day of Sept, 2010.


Read, passed and adopted this 21st day of Sept, 2010.

Mayor and City Council of Sardis, Burke County, Georgia.



J. PRESTON CONNER, Mayor


TODD CAMPBELL, Councilmember



NORMAN ELLIOTT, Councilmember



DONNIE HICKMAN, Councilmember



JOHNNY HIGHT, Councilmember

ARTHUR LONG, Councilmember

Attest: 

JENNIE JOHNSON, City Clerk

First Reading: 8/17/10

Second Reading: 9/21/10



**CITY OF SARDIS
UNFIT BUILDINGS OR STRUCTURES FINDINGS ORDINANCE
ORDINANCE NO. 921A**

TO ESTABLISH FINDINGS THAT DWELLINGS, BUILDINGS, OR STRUCTURES EXIST IN THE CITY OF SARDIS, GEORGIA OF A NEGATIVE CONDITION OR CHARACTER AS DESCRIBED UNDER THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) § 41-2-7; TO ADOPT THE FINDINGS HEREINAFTER PROVIDED AND TO ADOPT O.C.G.A. § 41-2-7 BY COMPLYING WITH O.C.G.A. § 41-2-9(a); TO PROVIDE FOR COMPILATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, state law under the Official Code of Georgia Annotated (hereinafter O.C.G.A.) § 41-2-7, *et seq.* allows municipalities to combat the negative impacts of nuisances by adopting local ordinances to control nuisance properties and structures by allowing repair, removal, and demolition;

WHEREAS, O.C.G.A. § 41-2-9(a) requires that a separate Ordinance finding that dwellings, buildings, or structures of negative condition as described in O.C.G.A. § 41-2-7 be adopted by local governing authorities so that the benefits of O.C.G.A. § 41-2-7, *et seq.* can be utilized by the local government;

WHEREAS, the duly elected governing authority of the City of Sardis, Georgia is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council intend to adopt this Ordinance so as to comply with O.C.G.A. § 41-2-9(a) by adopting findings that there exist in the City dwellings, buildings or structures the condition and character of which meet the description found in O.C.G.A. § 41-2-7.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SARDIS, GEORGIA:

Section 1. Findings of the existence of nuisances.

(1) The governing authority of the City of Sardis, Georgia find and declare that within the city limits of the City of Sardis 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 not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City of Sardis; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City and the state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(2) It is further found and declared that in the City of Sardis where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City of Sardis and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of the City finds that there exist in the City of Sardis dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City of Sardis, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

(3) It is the intention of the governing authority that this Ordinance shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the City of Sardis, Georgia.

Section 2. Preamble.

The preamble to this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Sardis.

Section 4. Severability.

(a) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause, or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this

ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this ordinance.

(b) In the event that any phrase, clause, sentence, paragraph, or section of this ordinance is, for any reason whatsoever, declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of the ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. Repealer.

All ordinances or City Code sections, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 6. Effective Date.

This Ordinance shall become effective on the 21st day of September, 2010.

Read, passed and adopted this 21st day of September, 2010.

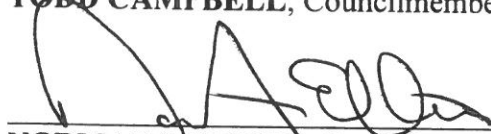
(Signatures on following page)

Mayor and City Council of Sardis, Burke County, Georgia.



J. PRESTON CONNER, Mayor

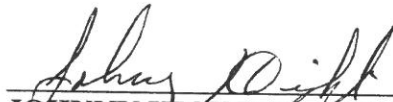
TODD CAMPBELL, Councilmember



NORMAN ELLIOTT, Councilmember



DONNIE HICKMAN, Councilmember



JOHNNY LIGHT, Councilmember

ARTHUR LONG, Councilmember

Attest: 

JENNIE JOHNSON, City Clerk

First Reading: 8/17/10

Second Reading: 9/21/10

CHAPTER 7

Solid Waste/Garbage

- § 3-7-1 Definitions.
- § 3-7-2 Purpose.
- § 3-7-3 Administration and enforcement.
- § 3-7-4 Acceptable waste.
- § 3-7-5 Placement of items within containers.
- § 3-7-6 Dumping unacceptable items.
- § 3-7-8 Scavenging.
- § 3-7-9 Burning; otherwise damaging containers.
- § 3-7-10 Use by nonresidents.
- § 3-7-11 Dumping by commercial collectors.
- § 3-7-12 Violations; remedies.
- § 3-7-13 Severability.

Sec. 3-7-1 Definitions.

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this regulation except where the context clearly indicates a different meaning.

"Collection area" means an area provided or designated by the city to be used for the collection and disposal of garbage and solid waste or for the location of collection containers.

"Collection containers" means a container provided by the city and placed in the corporate area thereof to be used for the collections and disposal of garbage and solid waste.

"Trash dumpster" means a receptacle for trash, garbage or other refuse of the variety commonly referred to as a dumpster, for which a specially designed truck is generally used in dumping such receptacle. (Ord. of 3/15/94)

Sec. 3-7-2 Purpose.

In order to govern and police the corporated area to the city for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens thereof, the garbage and solid waste disposal regulations to this chapter are adopted. (Ord. of 3/15/94)

Sec. 3-7-3 Administration and enforcement.

Members of the Sardis police department are granted and shall hereafter have the power and authority to admin-

istrate and enforce the provisions of this chapter for the collection and disposal of garbage and solid waste in the city. (Ord. of 3/15/94)

Sec. 3-7-4 Acceptable waste.

The city and county has placed garbage and solid waste collection containers in several locations or collection areas and the city may from time to time hereafter provide other such collection containers and collection areas in the corporated areas of the city, and only household garbage or solid waste, domestic kitchen refuse and discarded food, beverage and beverage containers, newspapers, publications, clothing wearing apparel and discarded wrappings or containers, may be dumped or placed in such garbage and solid waste containers as provided by the city and county. (Ord. of 3/15/94)

Sec. 3-7-5 Placement of items within containers.

It shall be unlawful and in violation of this chapter to dump or place any items outside collection containers or to leave any items at collection areas unless the items have been dumped or placed inside one or more of the collection containers located at the collection area. (Ord. of 3/15/94)

Sec. 3-7-6 Dumping unacceptable items.

(a) It shall be unlawful and in violation of this chapter to dump, place or leave any items, property or matters at any garbage and solid waste collection area in any collection container at any collection area except as provided under section 3-7-4.

(b) It shall be unlawful and in violation of this chapter to dump, place or leave bricks, blocks, rocks, lumber, asphalt, cement, concrete, concrete products or waste, roofing, sheetrock, leaves, limbs, bushes, trees, roots, dead animals, appliances, equipment, bed springs, mattresses, furniture, fixtures, motors, engines, chemical waste, industrial or commercial waste or rubbish, scrap metal, fence wire, vehicles or parts thereof, building materials or supplies and inorganic solid material of any type or kind except as authorized in section 3-7-4 at any garbage or solid waste collection area or in any collection containers. (Ord. of 3/15/94)

Sec. 3-7-8 Scavenging.

Scavenging from any collection containers, is prohibited and it shall be unlawful and in violation of this

chapter for any person, except as fully authorized by the chief of police, city police officers, or mayor and city council, to enter, examine or sift through the contents of, or remove any matter from collection containers. (Ord. of 3/15/94)

Sec. 3-7-9 Burning; otherwise damaging containers.

It shall be unlawful and in violation of the chapter to set any fire or allow any fires to continue to burn or in any other way attempt to damage or destroy the garbage and solid waste container provided by the city and county. (Ord. of 3/15/94)

Sec. 3-7-10 Use by nonresidents.

The placement of garbage and solid waste collection containers in several location or collection areas is for the convenience and use of city residents and must be within the provisions of this chapter. It shall be unlawful and in violation of this chapter for any person to dump, place or leave any items at such garbage and solid waste collection area or in any collection container unless such person is a resident of the city. (Ord. of 3/15/94)

Sec. 3-7-11 Dumping by commercial collectors.

It shall be unlawful and in violation of this chapter for any person engaged in the business of any type of garbage and solid waste collection to dump, place, or leave garbage and solid waste collected in the conduct of business at any garbage and solid waste collection area or in any collection container. (Ord. of 3/15/94)

Sec. 3-7-12 Violations; remedies.

Any person who shall do anything prohibited by this chapter as it exists or as it may hereafter be amended, or who shall fail to do anything required by this chapter as it now exists, or as it may hereafter be amended, is hereby declared to be in violation of this chapter and the regulations herein set forth by the city, and is punishable upon conviction of a fine of not less than \$300.00 and not more than \$1,000.00. (Ord. of 3/15/94)

Sec. 3-7-13 Severability.

Should any section, paragraph, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of such chapter shall not be affected thereby. (Ord. of 3/15/94)

