

CHATTOOGA COUNTY ORDINANCE
REGULATING THE MAINTENANCE OF JUNK
AND JUNK MOTOR VEHICLES

PART I

GENERAL

Section 1. Definitions

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

Junk means and includes, but is not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; or iron, steel and other scrap ferrous or nonferrous materials, or abandoned appliances, and dilapidated furniture.

Junkyard means any place or establishment maintained or used for storing, buying or selling junk; and the term shall include, but not be limited to, garbage dumps and sanitary fills.

Disposal contractor: The person contracted with by the county to remove and dispose of junk motor vehicles and parts, as required by the county.

Junk motor vehicle: Any motor vehicle discarded, dismantled, wrecked, scrapped or ruined on public or private property.

Legal junkyard: A junkyard which complies with the laws of this state relating to the licensing and regulating of motor vehicle junkyards and dealers under O.C.G.A. sections 32-6-240 through 32-6-248 and 43-48-9.

Notice: Whenever required herein, notice shall mean a written direction to the owner of the

junk motor vehicle or part, if known, informing the owner that the junk motor vehicle or part has been found to be in the condition that it constitutes a health hazard or unsightly nuisance, and giving the owner ten ³⁰(10) days to dispose of or remove the vehicle or part so as to terminate the condition complained of.

PART II

JUNK MOTOR VEHICLES

Section 1. Junk Motor Vehicles or Parts Prohibited

Any discarded, dismantled, wrecked, scrapped, ruined or junked motor vehicle, or part thereof, which is in such a condition that it constitutes a health hazard or an unsightly nuisance, within the limits of the county, shall be removed and disposed of, upon notice to the owner of the same, if the owner is known, and without notice, if the owner is unknown or cannot be found, after reasonable and diligent effort.

Section 2. Enforcement

The Sheriff, his lawful deputies, or the Code Enforcement Officer of the county, shall be the enforcing officer of this ordinance, and it shall be their duty to discover junk motor vehicles and parts, which constitute a health hazard and a public nuisance, and to report the same to the clerk of the commissioner, and to the proper official of the county health department when a health hazard is involved.

Section 3. Health Hazard

Any junk motor vehicle or parts which shall become a breeding place for vermin, flies, or mosquitoes, or become hazardous to children, other persons or property, whether on private or public property, shall be deemed to be a hazard to health.

Section 4. Nuisance

Any junk motor vehicle or parts, which are unsightly or offensive to the sight, smell or taste of citizens in the community, shall be deemed to be an unsightly nuisance, so as to come within the meaning of this ordinance.

Section 5. Notice; Voluntary Disposal

Upon determination by any enforcement officer of this Ordinance that either a health hazard and/or a nuisance exists, as to junk motor vehicles or parts, the owner, if known, of the junk motor vehicle or part, shall be notified by either certified mail or personal delivery of a notice in writing to such owner stating the particular violation charged hereunder, and shall be given ten ³⁰~~(10)~~ days to remove or dispose of the junk motor vehicle or part. In the event the owner of the junk motor vehicle or part or any real property owner shall request the enforcing officer to dispose of a junk motor vehicle or part, the vehicle part shall be disposed of in accordance with the procedures developed by the county hereunder to dispose of junk motor vehicles or parts.

Section 6. Disposal, General; Fee; Collection

(a) In the event, after diligent effort, no owner of the junk motor vehicle or part is to be found, and there is no identification on the junk motor vehicle or part by which the owner may be traced, whether the same be on public or private property, the enforcing officer may order the same removed and disposed of under the procedures developed for the disposal of junk motor vehicles and parts hereunder.

(b) Any owner notified, who does not dispose of or make arrangements to dispose of the junk motor vehicle or part within ten ³⁰~~(10)~~ days of the notice provided, shall be assessed a penalty of twenty-five dollars (\$25.00) a day, for each day the junk motor vehicle or part

remains upon such person's property, while such person refuses to dispose of the same.

(c) Any owner notified herein, who refuses to make arrangements to dispose of the junk motor vehicle or part shall, in addition to the penalty provided above, pay the costs of the removal and disposal of the vehicle or part, and upon refusal to do so, the Commissioner may order a fieri facias issued against the owner for the cost of same, to be collected as provided by law.

Section 7. Sale; Proceeds

The county shall enter into such contracts as may be deemed reasonable and necessary to provide for the removal and disposal of junk motor vehicles and parts, and any fees derived from the sale of a junk motor vehicle and parts shall be used to help defray the cost of carrying out the terms and provisions of this Part II.

Section 8. Exception

Nothing contained within this article shall be deemed to apply to any motor vehicle which shall be located within the premises of any legal junkyard complying with the laws of this state relating to the licensing and regulation of motor vehicle junkyards.

Section 9. Enforcement

(a) Upon information made known to the enforcing officer, that any person is in violation of this ordinance, shall cause a citation to be issued requiring such person to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this ordinance.

(b) Citations issued hereunder shall be pursuant to O.C.G.A. section 15-10-63, shall be personally served upon the person accused. Each citation shall state the time and place at

which the accused is to appear for trial.

PART III

MAINTENANCE OF JUNK

Section 1. Keeping of junk on property

- (a) In order to eliminate unsightly, unhealthy or dangerous situations, and in order to protect property values and to enhance the beauty of the county, it shall be unlawful for any person to own, rent, lease or be in possession of any premises, dwelling, dwelling unit or other structure, place or vacant lot wherein is kept junk and which is not completely enclosed within a building.
- (b) Should the Sheriff, his lawful deputies, or the Code Enforcement Officer of Chattooga County determine that any person is violating the terms of this section, the Commissioner of Chattooga County shall give the offending party ten ³⁰~~(10)~~ days notice within which to eliminate the unsightly, unhealthy or dangerous situation. This notice shall be in writing and shall be a prerequisite to the bringing of charges against an offender. Should the person to whom the notice is directed fail to comply with the requests made within the ten ³⁰~~(10)~~ day period, the Sheriff, his lawful deputies, or the Code Enforcement Officer shall be authorized to proceed with the bringing of charges as for the violation of any county ordinance. Each day the unsightly, unhealthy or dangerous situation exists shall be deemed a separate offense.
- (c) Furniture, appliances, machinery or equipment, which remain on the same property for a period of thirty (30) days after either a plea or a finding of guilt shall be presumed to be abandoned and subject to being removed from the property by the Sheriff or his duly authorized agent or employee.

- (d) No junkyard shall be created or maintained within the unincorporated areas of the County except as authorized by Section 8, Part II, of this Ordinance.

Section 2. Abatement

(a) Any person affected by a junkyard established and maintained in violation of this article, or the county attorney, may file an appropriate action in the superior court of this county to enjoin any person from maintaining a junkyard in violation of this article.

(b) Upon determination by the court that such junkyard does not comply with the provisions of this article, and is not subject to any exception to this article, the owner of such junkyards shall, within thirty (30) days of such order, remove the junkyard; and in default thereof, the commissioner may forthwith remove, obliterate or abate the junkyard and may go on private property to accomplish such purpose.

(c) The commissioner may then submit, by registered or certified mail, a statement of expenses for such removal, obliteration or abatement to the person owning or operating such junkyard; and if payment is not made to the commissioner within sixty (60) days of receipt thereof, such amount may be collected by an action at law.

PART IV

PENALTY

Any person violating any provision of this ordinance, upon conviction, shall be subject to a fine of not less than \$250.00 nor more than \$1,000.00 and, in addition, may be imprisoned for a period of up to sixty days.

RESOLUTION

WHEREAS, the need has arisen to provide an ordinance regulating the maintenance of junk and junk motor vehicles within Chattooga County and providing for the enforcement of said ordinance, and

WHEREAS, a proposed Ordinance Regulating the Maintenance of Junk and Junk Motor Vehicles is attached hereto as Exhibit "A".

NOW THEREFORE, be it resolved by the governing authority of Chattooga County, Georgia that the proposed Ordinance attached hereto as Exhibit "A" is hereby adopted and approved by the governing authority of Chattooga County, Georgia. The Commissioner of Chattooga County, Georgia is hereby authorized to take any actions necessary to enact this ordinance. All prior enactments that conflict with the ordinance hereby adopted are repealed.

SO RESOLVED, this 22 day of October, 2007.

ATTEST

Martha Tucker
MARTHA TUCKER, CLERK

Mike R. Dawson (SEAL)
MIKE DAWSON
SOLE COMMISSIONER OF
CHATTOOGA COUNTY, GEORGIA

I hereby certify that the above and foregoing Resolution was duly entered upon the Minutes of the Commissioner this 22nd day of October, 2007.

Martha Tucker (SEAL)
Martha Tucker, Clerk