

ORDINANCE NO. 72-2 AMENDMENT # 1

AN ORDINANCE TO REGULATE THE PLACEMENT, ABANDONMENT, LEAVING, KEEPING, OR STORAGE OF JUNK AND SALVAGE MATERIALS OUT-OF-DOORS UPON PUBLIC OR PRIVATE LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF DAHLONEGA, GEORGIA; TO PROVIDE FOR REMOVAL OF SAID MATERIALS, TO PROHIBIT UNAUTHORIZED USE OF DUMPSTERS AND PROHIBITING SCAVENGING. TO PROVIDE PENALTIES FOR FAILURE TO COMPLY WITH PROVISIONS OF THIS ORDINANCE.

SECTION 1. It shall be unlawful for any owner or resident of any property in the City of Dahlonega, other than a person who is a licensed junk dealer, to permit the accumulation on such property, any junk, debris or trash. The term junk, debris or trash shall be defined as including any discarded, dismantled, wrecked, scraped, ruined or junked personal property, including but not limited to motor vehicles, wheels, discarded furniture, mattresses, clothing, appliances, machinery, equipment and/or parts thereof. For purposes of this ordinance, a motor vehicle shall be deemed to be discarded, dismantled, wrecked, scraped, ruined or junked personal property if it is not operational or exhibits any of the following characteristics: flat tires, no tires or wheels, parts missing from the body of the vehicle, no current tag.

SECTION 2. Whenever it shall appear to the Code Enforcement Officer or any other authorized member or representative of the City Government that Section 1 of this Ordinance is being violated, the officer shall in writing, notify the owner, occupant 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 or other storage building within (15) days of the mailing of the notice.

- (a) Residential garbage and refuse shall be placed in plastic bags with the tops securely tied and stored in garbage cans or containers approved by the Public Works Director or his designee.
- (b) Garbage and refuse placed in containers not bagged in plastic will not be collected and the customer will be notified of noncompliance with this Section. Persons in the corporate limits of the city shall be provided sanitary containers in which trash, garbage or refuse shall be kept prior to collection by the Public Works Department.

SECTION 3. If the tenant or owner of the premises on which the violation exists fails to abate the violation within the required time after notice, then the Code Enforcement Officer, by and through agents of the Enforcement Division, shall abate the violation, charge the cost thereof to the legal owner of the premises, and the legal owner of the premises shall be required by law, to pay the cost of such abatement to the city.

- (c) Each day such violation exists thirty (30) days after receipt of notice of initial violation, shall be considered a separate offense of violation of this Ordinance.

(d) Daily inspections of the premise in question will begin within fifteen (15) days of the mailing of the notice.

SECTION 4, It shall be unlawful for any person to throw, deposit or otherwise leave trash in dumpsters that are leased and paid for private use, except by the permission of the owner. This prohibition includes dumpsters on government, private, and public property. Only dumpsters marked "For Public Use" shall be used and it shall be unlawful to import household trash to these dumpsters.

(e) It shall be unlawful for any person to scavenge or remove solid waste from dumpsters. Trash in these dumpsters is the property of the company providing the service.

(f) Each dumpster shall display one (1) sign which shall contain the following information:

1. Notice that the unauthorized use of the dumpster unlawful.
2. Warning that violators will be prosecuted.

SECTION 5. Systematic, routine and random inspections of each and every premise within the City of Dahlonga will be conducted year round by the Code Enforcement Officer. Any premise found to be in violation of this Ordinance shall require abatement pursuant to Section 2.

SECTION 6. Penalties A violation of this Ordinance is an infraction, and shall be treated as a misdemeanor. The minimum fines for the FIRST OFFENSE shall be no less than \$250.00 and no more than \$500.00 for the SECOND OFFENSE. Violations shall be heard in the Municipal Court of The City of Dahlonga.

It is so ordained this 24th day of February 2003.

Bill Scott, Mayor Pro Tem

Attest: Janet Jarrard, City Clerk