

2012-11

ORDINANCE NO. \_\_\_\_\_ OF THE CITY OF HAHIRA, GEORGIA

To amend certain provisions of Chapter 10, Article I, Section 10-6 of the Hahira City Code concerning municipal code violations, to add a new Sec. 10-6 regarding maintaining unsightly or hazardous growth of weeds or other vegetation on property within the city and enforcement provisions for removal of same, and for other purposes,

BE IT ORDAINED by the Mayor and Council of the City of Hahira and it is hereby ORDAINED by the authority thereof:

I.

The existing Sec. 10-6 of the City Code is hereby deleted in its entirety and replaced with the following:

Sec. 10-6 Weeds, Grass and Unsightly Growth

- (a) Generally. It shall be unlawful for any owner or resident of any lot, area or place located within the city to permit any weeds, grass and/or other undergrowth to obtain a height of ten (10) inches or more on such property, including, but not limited to, front, side or rear yards or right of way. For the purpose of this section, "weeds or grass" shall be deemed to include, but not be limited to, jimson, burdock, ragweed, thistle, cocklebur, dandelion or other unsightly growths of any kind. Grass, weeds and/or other undergrowth of a height of ten (10) inches or more are declared to be a public nuisance and abatable as such.
- (b) Notice to remove. In the event of a violation of subsection (a), written notice shall be given to the owner and occupant of any premises upon which weed or other prohibited flora are permitted to grow in violation of this section to abate such nuisance within ten (10) days of date of such notice. Notice shall be given by certified mail, addressed to said owner or occupant at his/her address of record and by physical posting of the subject property. The mailed notice shall provide the location of the subject property, identification of this code section and the nature of the violation and contact information for the enforcing agency. Said notices shall also state that unless corrective action is taken within

ten (10) days from the date of the notice, the City will begin abatement proceedings against the property in accordance with subsection (d) below.

- (c) Recipients of abatement notices pursuant to this code section for whom the cost of abatement would cause a legitimate and substantial economic hardship may request special accommodation from the enforcing authority by submitting a written request to the Chief of Police or City Manager within ten (10) days of the date of the abatement notice stating the basis for the claim of the economic hardship and the nature of the accommodation being requested. Requests for special accommodations received after ten days from the date of the notice will not be considered. Examples of accommodations that may be considered include the granting of additional time to abate the nuisance or assistance in locating charitable or civic organizations that may be willing to provide assistance to the property owner. The granting of special accommodations for the abatement of nuisances shall be at the sole discretion of the City Manager and/or Chief of Police.
- (d) Action upon noncompliance. Upon failure to comply with the notice of abatement, a citation shall be filed in the Municipal court of Hahira and a hearing scheduled to determine whether a violation of this Chapter has occurred. The property owner shall be served in the following manner: (1) personal service or service by certified mail, return receipt requested addressed to the record owner(s) of the subject property; and (2) physical posting of the subject property.

The citation shall provide a description of the property, identification of the code section and nature of the violation, and contact information of the enforcing agency. The citation shall specify the time and date of the hearing which shall be no less than 15 days prior of the date of the certified mailing advising of the hearing. Abating the nuisance after the filing of the citation shall not relieve the property owner from appearing at said hearing.

- (e) If the property owner/occupant is found to have violated this code section, he/she may be fined, ordered to abate the violation within a reasonable time, or both. If the property owner fails to abate said violation as ordered by the court, the City of Hahira shall be allowed to enter said property to abate same. If the property owner fails to appear at said hearing after proper notice, and if the violation is proven by competent evidence, in addition to fines, the city may ask to immediately abate such nuisance.
- (f) Cost of abatement incurred by the City of Hahira shall be recorded and billed to the property owner. Failure to pay the cost within thirty days shall result in a lien being placed upon the real property. Such lien shall attach to the real property upon the filing of an itemized statement of the total sum of costs in the real estate records maintained by the Clerk of Superior court of Lowndes County, Georgia and shall be collectable in the same manner as unpaid property taxes.
- (g) Violations and Contempt of Abatement Order: If the property owner is found to be in violation of the abatement order, the property owner shall be fined as follows: up to \$ 150.00 for the first offence within a twelve month period; second offence \$300.00; third and subsequent offences within a twelve month period, \$500.00.
- (h) In addition to the fines referenced in this section, nothing contained herein shall prevent or limit the municipal court from using its contempt powers to compel compliance or punish violators for willful failure or refusal to comply with an abatement or other order of the court.

II.

All other provisions of Chapter 10 shall remain in full force and effect except as amended hereby.

III.

This Ordinance shall become effective on the 15<sup>th</sup> day of November, 2012.

IV.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

ORDAINED this 1<sup>st</sup> day of November, 2012.

Wayne Bullard  
Wayne Bullard, Mayor

ATTEST: hl  
City Clerk