

City of Santa Claus Health and Sanitation

Article I – Cleanliness of Property

State Law reference - Abatement of nuisance in city, O.C.G.A. § 41-2-5

Section 1. Street and sidewalk to be kept free of debris.

The occupants of buildings abutting a street or sidewalk shall keep the portion of the street and sidewalk on which such building abuts clean and free of paper, trash, boxes, and other debris.

Section 2. Dumping, depositing debris in public places.

No paper, garbage, cardboard, wooden boxes, bottles, or cans shall be dumped, dropped, deposited, placed, cast, or thrown on the streets, sidewalks, grass plots, squares, or parks of the city.

Section 3. Accumulations of trash, trash and debris, etc., prohibited and declared a nuisance.

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:

Debris, for the purpose of this article, shall include, but not limited to, cardboard, paper, rags, cartons, boxes, buckets, plastic, wood, metal, rubber, cement rubbish, construction debris, or similar objects, fallen, broken, or destroyed trees or tree limbs or other material or objects not a part of the land and constituting a health or safety hazard.

(A) It shall be unlawful for the occupant or owner of any lot, parcel, or premises in the city, or any agent or representative of such occupant or owner, to permit or maintain on such lot, parcel, or premises, any nuisance as enumerated herein, the accumulation of scrap, junk, trash, and debris as defined in this article, which distracts from the community aesthetics, and endangers the public health, safety, and/ or

welfare. The following conditions shall constitute a nuisance as it relates to the accumulation of junk, trash, debris, scrap, etc.

(1) Any lot, parcel, or property where the depositing of debris, trash, garbage, refuse, furniture, mattresses, scrap wood or metal, or other household goods or appliances, etc., on private or public property: The depositing and leaving on private or public property of debris, trash, garbage, refuse, furniture, appliances, mattresses, household goods, scrap building materials, paper, cardboard containers, brick, cement rubbish, tree debris/residue, cans, containers, any other rubbish and trash, or other like material, which distracts from the community aesthetics or which is a menace to public health and safety in the city.

(2) Any lot, parcel, or property where the retention, storage, or accumulation of any automobile or motor vehicle parts, tires, mechanized equipment, machinery, appliances, scrap metal, scrap wood, or other scrap material, etc., on the property in a condition that prevents its use for the purpose for which it was originally manufactured, which distracts from the community aesthetics, or which is a menace to public health and safety in the city.

Exceptions: For the purpose of this article, businesses that are open, properly zoned, or otherwise permitted, and conducting a lawful active business, may be exempt, at the discretion of the City Manager or designee, with such determinations being made on a case by case basis. Examples, including, but not limited to, are; (auto repair, service stations, appliance repair, construction companies, manufacturing, or other like businesses, etc.).

Section 4. Overgrowth of grass, objectionable weeds, or similar vegetation, prohibited and declared a nuisance.

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:

Weeds, for the purpose of this article, shall be defined as all objectionable growth, including weeds and grasses which serve as a breeding place for mosquitoes and other unhealthy or undesirable insects, or as a refuge for snakes, rats or other rodents, or that create a fire or traffic hazard or

provide a hiding place for persons. Provided, however, that flowers, shrubbery, trees and other growth used as a part of landscaping shall not be included in this definition.

Wooded areas, for the purpose of this article, shall be defined as those portions of lots consisting of a semi-dense or dense growth of trees, some of which exceed three inches in diameter, brush, and/or bushes

- (A) It shall be unlawful for the occupant or owner of any lot, parcel, or premises in the city, or any agent or representative of such occupant or owner, to permit or maintain on such lot, parcel, or premises, any nuisance as enumerated herein, the growth thereon of grass, objectionable weeds, or similar vegetation. The following conditions shall constitute a nuisance as it relates to the growth of grass, objectionable weeds, or similar vegetation.
- (1) Any lot, parcel, or premises, on which a residential structure is built, shall be deemed a nuisance if the growth of grass, weeds, or similar vegetation, as defined herein, is 12 inches or more in height.
 - (2) Any vacant lot or parcel, located within a residential district or area, shall be deemed a nuisance if the growth of grass, weeds, or similar vegetation, as defined herein, exceeds 18 inches or more in height.
 - (3) Any lot or parcel, other than those described above, shall be deemed a nuisance if the growth of grass, weeds, or similar vegetation, as defined herein, exceeds 18 inches in height.

Exceptions: For the purpose of this article, lots or parcels, without residences or premises, that are deemed to be in their natural state, and wooded areas, as defined herein, shall be exempt from the above requirements. Additionally, said lots or parcels shall be allowed to return to their natural state provided that they are bordered by another lot that is wooded or in its natural state, or at the discretion of the City Manager or designee. The City Manager or designee shall have authority to determine whether a lot or parcel is subject to this ordinance or is exempt, with such determinations being made on a case by case basis.

State Law reference – Littering, O.C.G.A. § 16-7-40 et seq., 40-6-249; Solid Waste Management Act, O.C.G.A. § 12-8-20 et. seq.

Section 5. Abandoned iceboxes, refrigerators, and similar receptacles.

(a) *Prohibited:* It shall be unlawful for any owner or occupant of any premises within the city to allow or permit any abandoned or discarded icebox, refrigerator, trunk, chest or other receptacle or container in which a person might become imprisoned to be or remain on such premises if such icebox, refrigerator, trunk, chest, receptacle, container or device has a virtually airtight lid, door, snap lock, latch or other locking device, without first removing such door, lid, snap lock, latch or other locking device.

(b) *Definition:* Any such container shall be considered and deemed abandoned when it is no longer used for the purpose for which it was intended and is unattended outside of any building or other structure or is within an abandoned or unoccupied building or other structure within the city.

State Law reference - Abandoned refrigerators, etc., O.C.G.A. § 16-11-100.

Section 6. Notice of violation - Service generally.

Upon finding a parcel of property in violation of this article, if the owner of such property is known and is a resident of the city, the city shall, under the signature of the city marshal give notice to the owner of such property by having the city manager serve the owner personally with a notice of the violation.

Section 7. Service upon unknown or nonresident owner.

Upon finding a parcel of property in violation of this article if the owner of the property is unknown or is a nonresident of the city, the city shall serve such owner by publishing a notice of the violation in one issue of a newspaper of general circulation in the city.

Section 8. Contents.

The notice of violation shall contain the location of the property, the violation, and instructions to clean such property within ten (10) days.

Section 9. Authority of city to correct violation.

Upon failure of a property owner, after being notified as provided herein, to clean the property and correct the violation within ten (10) days after service of notice, in addition to the owner being liable to punishment a fine not to exceed two hundred fifty dollars (\$250.00), the city may correct the violation and clean the lot and charge the owner, therefore.

Section 10. Execution, levy, sale for costs of cleaning property.

The city shall have the right to issue an execution against property for the payment of the costs of cleaning it, and levy on and sell the property for payment of same.

Article II – Abandoned Vehicles

Section 1. Person's responsibility - Generally.

No person shall occupy as owner or occupant or let or sublet to another for occupancy, or keep and maintain whether in use or abandoned, any vehicle, whether motorized or nonmotorized, upon such person's premises or on city property adjacent to such person's premises for any purpose whatsoever which, under the provisions of this article, constitutes a nuisance.

Section 2. Specifically.

It shall be the duty of both the owner and the occupant or inhabitant of any building, dwelling, or dwelling unit to keep the interior and exterior of any vehicle, whether motorized or nonmotorized, and the exterior of such building, dwelling and dwelling unit, including its premises, yards, lawns, grounds, courts and alleys, clean, clear and free of any attractive nuisance created by abandoned, useless, worn-out or damaged vehicles (defined for purposes of this article as any vehicle which is not in working order and which does not possess a valid license tag and inspection sticker, if required by law, of the current year), from filth, rubbish, garbage, debris, combustible materials, or excessive growth of weeds or grass, or similar matters which are conducive to rodent, vermin or insect infestation, or conditions conducive to spread of fire or disease, in and around such vehicles, and the same duty shall rest on the owner of any vacant lot or land adjacent to such vehicle or vehicles.

Section 3. Declaration of nuisance generally.

Any vehicle, whether motorized or nonmotorized, is a nuisance where it is perilous to life or property by reason of abandonment, neglect, filth, dilapidation, overcrowding or of a condition that it is not fit for the purpose for which it was originally intended and is susceptible to fire or accessible to children playing who could be injured because of such condition, and as such is a danger to the health of the citizens because of such vehicles' providing a harboring place for vermin and the spread of disease.

Section 4. Specific nuisance conditions.

(a) Any vehicle, whether motorized or nonmotorized, which may have one or more of the following defects shall be deemed unfit and as junk and shall constitute a nuisance:

- (1) Those which have propelling mechanism which has failed and is no longer operational.
- (2) Vehicles required to have a license tag and liability insurance under state law which do not have same.
- (3) Those which have bodies and/or framework which is useless, worn out and damaged to such an extent that they are no longer fit for the use for which originally intended.
- (4) Those which have become worthless and discarded and are only fit to be turned to some use other than the use originally intended such as salvaging on the usable parts of the machinery and remelting the remainder of the metal for recycling.
- (5) Those which are abandoned in the same or approximate same location for thirty (30) days or longer without the owner or person in possession making some repair disposition and removing such vehicle from the premises.
- (6) Those which have been damaged by fire, wind, or other cause to have become dangerous to the life, safety, or the general health and welfare of the occupants of the premises or of the adjacent premises or the people of the city.
- (7) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to their intended use that they are unfit for human use or are likely to cause sickness or disease, to work injury to the health, safety, and general welfare of those living around the same.

- (8) Those which have parts thereof which are so attached or detached that they may injure members of the public or property.
 - (9) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the city.
 - (10) Those outside and/or inside of premises which are not clean, clear, and free of any attractive nuisance or accumulation of dirt, junk, filth, rubbish, garbage, debris, combustible materials, excessive growth of weeds or grass, or similar conditions conducive to rodent, vermin or insect infestation or the spread of fire or disease.
 - (11) Excessive accumulation of vehicle parts not displayed or stored in an enclosed building that are visible from street.
- (b) Any vehicle, premises, or place in which one or more of the foregoing defects shall exist shall not be permitted to remain in such condition without the abatement of the nuisance, for any period longer than thirty (30) days after service of official notice upon the owner or agent that such conditions exist, except upon the specific written authority of the city council.

Section 5. Noncompliance deemed nuisance; abatement by city authorized.

Noncompliance with this article shall be deemed a nuisance and may be abated by the city in the manner provided herein below.

Section 6. Inspection of premises - Procedure.

The city manager is hereby authorized and directed to make inspections to determine the condition of any vehicles located on the premises or adjacent to the premises of any building, dwelling or dwelling units, the premises, yards, lawns, grounds, courts, and alleys of any such building unit, or any vacant lot or land located within the city in the interest of safeguarding the health and safety of the occupants and of the public. For making such inspections, the city manager is hereby authorized to enter onto, examine, survey and photograph at all reasonable times any such vehicles and the premises thereabout.

Section 7. Disinterested city employees required; restriction on giving out information.

No official or employee of the city making inspection of properties for the purpose of determining the necessity for repairs or corrections thereto shall have any financial interest, directly or indirectly, in any repairs or corrections which may be

required, nor shall any such official or employee give to any person, other than those authorized persons listed, any information relative to any such repairs or corrections; nor shall such officials or employees give to any mechanic, automobile body repair establishment or individual or other persons engaged in the business of automobile repairs the locations of any vehicles complained of under this article or the names of the owners thereof, on which repairs or corrections have been ordered.

Section 8. Notice; required, contents.

Whenever the city manager finds that any vehicle located on the premises or adjacent to the premises of any building, structure, enclosure, place or the premises, yards, lawns, grounds, courts and alleys thereof, or any vacant lot or land has one or more of the defects set out hereinabove, or that other conditions exist which in such officer's opinion constitute a nuisance, such officer shall give written notice to the owner and/or the occupant of such property stating that in such officer's opinion the conditions constitute a nuisance; such notice shall:

- (1) Be signed by the city manager.
- (2) Be served upon the owner or the owner's agent, or the occupant of the premises adjacent to such vehicle, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is sent by registered or certified mail to such person's last known address; or if such person is served with such notice by any other method authorized or required under the laws of the state.
- (3) Service may also be obtained by determining the name of the owner of the vehicle as listed in the vehicle registration files for the tab number located upon such vehicle.
- (4) Outline the conditions complained of.
- (5) Outline the remedial action deemed necessary to abate the nuisance.
- (6) Specify a reasonable time (not more than thirty (30) days) which shall be allowed for taking the required remedial action.
- (7) State that unless the required action is taken within the time specified, the party notified will be summoned to appear before the city council to have determined the question whether the conditions complained of constitute a nuisance and should be abated.

Section 9. Failure to appear.

Any person who shall fail to appear in response to a summons issued pursuant to the provisions of this article shall be guilty of an offense for such failure to appear and may be punished as hereinafter provided.

Section 10. Separate offense.

If, upon such hearing, the city council shall find that the conditions complained of constitute a nuisance, and shall order the same abated, each ten (10) days that such condition shall be maintained after the expiration of the time fixed by the council for the same to be abated shall constitute a separate offense, punishable as herein provided.

Section 11. Emergency power authorized.

Notwithstanding the provisions of this article, whenever the city manager shall determine that the conditions found constitute imminent and immediate danger or hazard to person or property, such officer is authorized forthwith to cause the summons provided for herein to be issued, without the necessity of giving any preliminary notice to the owner or occupant.

Section 12. Appeals to city council.

Any person receiving written notice from the city manager pursuant to the provisions of this article, within fifteen (15) days following the date of such notice, may enter an appeal in writing to the city council. No appeal filed later than fifteen (15) days after the date of such notice shall be acted upon by the city council unless the city manager shall consent thereto.

Section 13. Reports, etc., available to specified persons.

After any order, report or recommendation has been made by any official or employee of the city and is on file in the respective department, such information shall, upon request, be available to the press, owner of the property, or such person's authorized agent, the manager of the property, the attorney for any of the foregoing, any licensed attorney for the examination of titles, any official or employee of the city for official purposes, and to any other persons upon written application to the respective department where such order, or other information is on file.

Section 14. Placarding of premises.

After written notice has been given by the city manager to the owners of such vehicle or the owners or agents of properties adjacent to such vehicle that conditions have been found therein which, in such officer's opinion, constitute a nuisance under this article, the city manager (with concurrence of the city council) is authorized to place a signed notice on such vehicle reciting the findings and action taken with respect thereto following condemnation by the court. It shall be unlawful for such notice to be mutilated or removed from such vehicle, premises, or place until required improvements have been made or the nuisance abated.

Section 15. Appeals to court.

Any persons found to be in violation of this article by the city manager and upon appeal to the city council shall have the right of appeal to a court of competent jurisdiction, and upon appeal the city authorities shall be authorized to defend their decision in determining such violations to be a nuisance and in need of abatement for the public interest.

State Law reference - Authority as to junked motor vehicle, O.C.G.A. §§ 36-60-4, 40-11-3 et seq.

Article III – Litter Control

Section 1. Definitions.

As used in this article, the term:

Litter means all discarded sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description which are not waste as such term is defined in paragraph (6) of O.C.G.A. section 16-7-51.

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests.

Section 2. Waste control.

(a) *Short title:* This section shall be known and may be cited as the "waste control law."

(b) *Definitions:* As used in this article, the term:

Biomedical waste means that term as defined in paragraph (1.1) of O.C.G.A. section 12-8-22 on January 1, 1993.

Commercial purpose means for the purpose of economic gain.

Dump means to throw, discard, place, deposit, discharge, burn, or dispose of a substance.

Section 3. Littering on public or private property or waters.

(a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this state or any waters in this state, unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of litter and the person is authorized by the proper public authority to use such property.
- (2) The litter is placed into a litter receptacle or container installed on such property.
- (3) The person 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.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).
- (2) In the sound discretion of a court in which conviction is obtained, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one (1) mile any litter the person has deposited, and all litter deposited thereon by anyone else prior to the date of execution of sentence.
- (3) In the sound discretion of the judge of a court in which conviction is obtained, the person may be directed to pick up and remove from any public beach, public park, private right-of-way, or, with the prior permission of the legal owner or tenant in lawful possession of such property, any private

property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

- (c) The court may publish the names of persons convicted of violating subsection (a) of this Code section.

Section 4. Prima facie evidence (based on the first impression; accepted as correct until proved otherwise); rebuttable presumption.

(a) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of O.C.G.A. section 16-7-43, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) Except as provided in subsection (a) of this Code section, whenever any litter which is dumped, deposited, thrown, or left on public or private property in violation of O.C.G.A. section 16-7-43 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such a person, it shall be a rebuttable presumption that such person has violated this article.

Section 5. Enforcement of this article.

All law enforcement agencies, officers, and officials of this state or any political subdivision thereof or any enforcement agency, officer, or any official of any commission of this state or any political subdivision thereof is authorized, empowered, and directed to enforce compliance with this article.

Section 6. Misuse, vandalization, or scavenging of container.

(a) It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise scavenge or vandalize any containers provided by the city or any city contractor for the dumping of trash or garbage.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor.

Ordered by the following members of Council:

David Evans

Monte Powell

Brenda Sells

Renee Wright

Mayor Donita Bowen

I hereby certify that the above and foregoing is as true and correct copy of an Ordinance adopted by the Mayor and Council of the City of Santa Claus at a meeting held on the 19 day of September, 2022, as will be shown by minutes of said meeting.

_____, City Clerk