



# MEMORANDUM

**To:** Mayor and City Council  
**From:** Steven S. Crowell, Jr., City Manager  
**Date:** October 21, 2013  
**CC:**

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**Subject:** Code Enforcement/City Marshall Position

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Council previously directed staff to investigate the feasibility of "contracting" with the City of Kingsland for code enforcement services.

Staff discussed the feasibility of contracting for code enforcement with the City of Kingsland. The City of Kingsland indicated (see Attachment 1) that they did not have sufficient capacity to support a full time code enforcement function for the City of St. Marys, but could assist for 10 hours per week (with some additional conditions) or assist with "aid" at a rate of \$31.63 per hour for a code enforcement officer (again, I presume there would be an number of hours limitation).

Currently we provide code enforcement on a "reactionary" (i.e. complaint) basis; not on a "proactive" basis. We currently have our code enforcement functions "decentralized" among various departments (see Attachment 2). We do not have definitive information on the number, nor the hours, we currently spend on code enforcement (among the various departments) in a month. I feel that currently a full time code enforcement position is warranted (perhaps two positions) with certain code functions still being decentralized among the departments. I think this is particularly true as we continue to see increases in building permits, which necessitate increased time of our Building Inspector (who spends some of his time on code enforcement related activities).

I have attached (Attachment 3) the budgeted amounts from when we had a full time City Marshall. Please note that the salary indicated in the budget is the current salary, not the (higher) salary recommended by the consultant in the Classification and Compensation plan. I have also attached (Attachment 4) a brief summary of some of the major code enforcement kinds of activities in which staff is involved. Attachment 5 will give you a sense of some of the legislative requirements for the code enforcement.

I am requesting direction from the City Council on how you would like to proceed with implementation of a more formalized and proactive code enforcement function. Any additional funding (for this fiscal year) would need to be taken out of General Fund fund equity (perhaps SPLOST for some equipment) since the Fiscal Year 2014 budget and millage have been finalized.

## Attachment 1

## Steve Crowell

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**From:** Steve Crowell  
**Sent:** Tuesday, October 01, 2013 8:10 AM  
**To:** Steve Crowell  
**Subject:** FW: Kingsland and St. Marys Code Enforcement Update  
**Attachments:** Kingsland and Woodbine Agreement for Planning Services.pdf

**From:** Quentin T. McPhatter [<mailto:qmcphatter@kingslandgeorgia.com>]  
**Sent:** Friday, September 27, 2013 4:43 PM  
**To:** 'kenneth smith'; 'sudonsie sudonsie'; 'councilcat79@yahoo.com'; 'grayday2000@hotmail.com'; 'hippostorage@tds.net'  
**Subject:** Kingsland and St. Marys Code Enforcement Update

Good afternoon,

As you are aware, Councilman McClain, Ken Kessler, and I met with Steve Crowell (St. Marys City Manager) and Roger Weaver (St. Marys Planning Director) earlier this month to discuss code enforcement with the two cities. Upon learning at this meeting that St. Marys needed more code enforcement service than originally thought, I wanted to take additional time to revise the numbers and for a comprehensive review of any proposed agreement after consulting with Ken Kessler and our City Attorney.

Here are some possible options for the Mayor and the City Council to consider:

**Option A**—This option is similar to the attached agreement that is proposed with the City of Woodbine, except that the agreement with St. Marys would be for code enforcement. This arrangement would be similar to an automatic aid agreement, or in the case of an emergency arrangement between the two cities. The scope of service with this option would be very limited, or only used if our staff was needed to assist St. Marys. As noted in the attached agreement, St. Marys would pay us for staff time plus benefits and IRS mileage rate for travel, etc. The term of this option would be ongoing unless terminated by either party as shown in the attached document. This arrangement would also include indemnification and hold harmless provisions as well.

**Option B**—This option would provide a maximum of 10 hours per week of code enforcement services to the City of St. Marys. Based upon our existing staff, the code enforcement issues that are present in Kingsland, and after consulting with our city staff, I would recommend that this option for service not exceed 10 hours per week. St. Marys would pay us for our staff time plus benefits. I would also recommend that St. Marys provide use of a vehicle (with gas at their expense) for this option. As additional training may be necessary under this option, I would also recommend that St. Marys pay us a not-to-exceed annual amount of \$1,000 for code enforcement training. This arrangement would also include indemnification and hold harmless provisions as well. Unlike the ongoing term in Option A, I would recommend a term of one year.

At any rate, the options listed above are some items to consider as this issue is discussed further. If you have any questions or need any additional information, please feel free to call or e-mail me.

Take care and have a great weekend!

Sincerely,



Quentin T. McPhatter, ICMA-CM  
Interim City Manager  
City of Kingsland, Georgia

Post Office Box 250  
Kingsland, GA 31548

912-729-5613 (Phone)  
912-729-7618 (Fax)  
[qmcphatter@kingslandgeorgia.com](mailto:qmcphatter@kingslandgeorgia.com) (E-Mail)

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STATE OF GEORGIA  
COUNTY OF CAMDEN

INTERGOVERNMENTAL BUILDING SERVICES AGREEMENT

This Intergovernmental Building Services Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between THE CITY OF WOODBINE, hereinafter called "Woodbine", and THE CITY OF KINGSLAND, hereinafter called "Kingsland".

W I T N E S S E T H:

Whereas, Kingsland operates and maintains a planning and building department for the purpose of reviewing building plans, issuing building permits, making inspections, and other related services to do with building;

Whereas, Woodbine desires to contract with Kingsland to provide certain building services in Woodbine as are agreed to within this agreement; and

Whereas, Woodbine and Kingsland governments are authorized, by O. C. G. A. 36-34-2(5) to enter into intergovernmental services agreements;

NOW THEREFORE, in consideration of the mutual conditions, covenants, and performances called for herein, the parties hereto agree:

A. Kingsland will provide to Woodbine, and Woodbine will receive from Kingsland, building services within the city limits of Woodbine to include, but not necessarily limited to, the following:

1. Kingsland will review building plans and report its findings in writing, to Woodbine. Woodbine will certify that the projects meet all zoning regulations.
2. Kingsland will issue building permits, with fees assessed in accordance with Woodbine's fee structures. Woodbine will collect and retain all such fees.
3. Kingsland will perform building inspections as requested. Kingsland will exercise its best efforts to make inspections within 24 hours after receiving an inspection request, excluding weekends and holidays.
4. All necessary forms for such services will be provided by Kingsland.

B. Woodbine agrees to pay to Kingsland, as compensation for providing the building services above described, and Kingsland agrees to accept the payment of compensation for such services for all building services provided by Kingsland to Woodbine. Payment for such services

and billing for services noted in Section A shall be billed on a hour by hour basis and based upon the staff hourly rates as shown on Exhibit A which is attached and incorporated by reference in this agreement. Travel shall be reimbursed by Woodbine to Kingsland at the IRS Travel Reimbursement Rate for all mileage accrued by Kingsland for services performed under this agreement. Kingsland will provide Woodbine with a monthly statement for services rendered, to include any accrued mileage, Woodbine will submit payment to Kingsland in a timely manner. It is understood that compensation and IRS Travel Reimbursement Rates as called for in this paragraph may change on an annual basis, to be agreed upon by both parties.

C. It is further understood that here will be times when the Kingsland inspector will be unavailable to make said building inspections due to vacation and sick days, or an unforeseen circumstance. If such an event occurs, Kingsland will make every effort to have a qualified substitute inspector available, though response time may be longer than 24 hours as called for in paragraph A.3. above, but in any event no longer than two (2) working days from the time of the request.

D. This agreement may be terminated by either party upon the following terms and conditions:

1. Notice must be provided in writing; and
2. Notice must include a termination date of no less than ninety (90) days from the date of notification.

E. Time is of the essence of the performance of the obligations imposed in this agreement.

This instrument contains the entire agreement between the parties and no modification, release, discharge or waiver of any provisions hereof shall be of any force, effect, or value unless in writing and duly approved and executed by the parties hereto.

APPROVED by the Mayor and Council of the City of Woodbine on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF WOODBINE

ATTEST: \_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Mayor

APPROVED by the Mayor and Council of the City of Kingsland on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF KINGSLAND

ATTEST: \_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Mayor

**Exhibit A**

**Staff Hourly Rates**

<u>Name/Position</u>	<u>Salary/Benefits Hourly Rate</u>
Ken Kessler, Planning Director	\$41.81
Greg Swigart, Assistant Planning Director/Building Inspector	\$34.59
James George, Building Inspector	\$21.97
Donnie Mounsey, Code Enforcement Officer	\$31.63

**Travel**

IRS Travel Reimbursement Rate

## Attachment 2





**CITY OF ST. MARYS**  
418 OSBORNE STREET  
ST. MARYS, GEORGIA 31558

## **NUMBERED NOTES TO CODE ENFORCEMENT RESPONSIBILITIES**

ALL CALLS FOR CODE ENFORCEMENT SHALL BE DIRECTED TO **912-510-4032**. CALLS WILL BE REFERRED BY PLANNING AND BUILDING STAFF TO THE APPROPRIATE DEPARTMENT HAVING JURISDICTION AS PER THE SCHEDULE FOR RESOLUTION. PLANNING AND BUILDING WILL CREATE A CONTACT LOG FOR THE CALL. THE DEPARTMENT THAT IS SCHEDULED TO RESOLVE THE CALL SHALL OPEN AND POPULATE AN ELECTRONIC FILE OF THEIR OWN DESIGN FOR TRACKING PURPOSES. UPON RESOLUTION, AN EMAIL SHOULD BE SENT TO [darlene.ellis@ci.st-marys.ga.us](mailto:darlene.ellis@ci.st-marys.ga.us) TO ANNOTATE AND CLOSE THE LOG FILE. IF A CALL IS RECEIVED DIRECTLY TO THE DEPARTMENT HAVING JURISDICTION, THEN THAT DEPARTMENT SHALL PROCEED TO RESOLVE THE COMPLAINT AS PER ORDINANCE.

ALL DEPARTMENTS SHALL ASSIST EACH OTHER IN THE IDENTIFICATION AND RESOLUTION OF ANY CALL.

- N-1 Responsibilities include all items listed under Ordinance Chapter 106, Vehicles for Hire, Article III, Taxicab and Limousine Services.
- N-2 Responsibilities include all items listed under Ordinance Chapter 106, Towing Services, Article II.
- N-3 Responsibilities include Occupation tax License and sign permits according to Ordinance Chapter 22, Businesses, Article III, Adult entertainment.
- N-4 Responsibilities include all items listed in Chapter 22, Businesses, Article III, Adult Entertainment.
- N-5 P&B responsibilities are for distance and building code compliance.
- N-6 City Clerk Responsibilities are for the application, background check, and other duties as existing.
- N-7 SMPD responsibilities are for underage drinking, altercations, liquor license violations etc. as per the ordinance.
- N-8 P&B to investigate and determine zoning violation, and if violation issue a cease and desist, and then contact animal control for removal of the animals.
- N-9 SMPD investigates complaint, issues citations, and contacts Animal Control for removal of the animals.
- N-10 SMPD will secure the site around the wild creature, and contact Fish and Wildlife for disposition.
- N-11 Planning will enforce the items under this heading, including citations to court, and timing. However, Planning may request assistance from the SMPD as appropriate for specific items as perceived by the Planning Director to be dangerous.
- N-12 The SMPD shall enforce the items under this heading, including citations to court, and timing.
- N-13 The Building Department shall check on current contracts with a FOG disposal company, and check to make sure the Grease trap is installed and operating properly according to the ordinance.
- N-14 The Planning Department shall issue all Certificates of Appropriateness for any work within the Historic District in accordance with Article II, Preservation of Historic Buildings, Division 7, Enforcement, Appeals, Hardship and Penalties

- N-15 All COA's as issued by the Planning Department shall be verified by the Building Department, with a building permit issued for work requiring a permit. Some items do not require a permit, but will still need to be verified by the Building Inspector.
- N-16 SMPD: Permits, and training for Low Speed Vehicles shall be coordinated, administered, and enforced by the SMPD.
- N-17 The Planning Department shall issue new and renewal Occupation Tax Certificates to all businesses within the City. This includes verification of citizenship, location, and number of employees, etc.
- N-18 SMPD shall receive and act on all complaints of defacement of property to include carving, spray painting, chalking, painting, breaking of features of a sculpture or other work of art, destruction of any part of a structure, or other items of defacement.
- N-19 Planning and Building will review structures under dilapidated structures and issue orders and demolition permits, as well as oversee the process.
- N-20 Planning and Building will identify the properties that are in need of clean up and issue letters, then citations if appropriate.
- N-21 Building Department will identify any visible deficiencies and work with the Planning Department to issue letters and citations if appropriate.
- N-22 Building Department, upon complaint of a citizen, will investigate the infestation, and issue orders and/or citation to have the infestation removed.
- N-23 Building Department, upon complaint of a citizen, will investigate the condition of the interior, and issue orders and/or citation to have the conditions encountered removed/repaired.
- N-24 SMPD will address all issues related to abandoned/unlicensed vehicles upon either visual observation or complaint of a citizen.
- N-25 Planning will review and address all issues related to parking requirements as per the ordinance. SMPD and SMPW will assist as appropriate.
- N-26 Upon receiving a complaint, the Planning Department will contact the Water department for their determination of whether the site has current with trash pickup, and if so, the water department shall handle the complaint. If not, then under the requirements of note N-20, the building department will review and issue citations. Construction debris will be handled in the same manner. SMPW will assist as determined by the Planning department via lack of response by the property owner to the water department, or to a determination of no known responsible party (i.e. an illegally dropped pile of trash/debris). The SMPD will assist in apprehending the illegal dumper if it can be determined from items in the pile. A file does not need to be opened for normal and ongoing removal of trash, unless a specific complaint is received for a specific trash location.
- N-27 The Building Department will determine whether a structure is unsafe for human occupancy and issue a report for the Planning Department to follow the requirements of the dilapidated structures ordinance, or – in the event of imminent danger of harm to citizens or adjacent property, assist in having the deficiencies causing the unsafe determination to be immediately resolved.
- N-28 Planning Department – or other trained Sound Technician – will use the sound equipment to monitor sound to confirm compliance with the ordinance. 911 Dispatch shall contact the SMPD watch commander, who will contact the Planning Department during normal business hours to discuss the complaint. SMPD will issue citations related to 'nuisance' in the absence of data from the sound technician.
- N-29 Planning department shall determine the status of any sign, banners, and flags and issue permits, letters of non-compliance, citations, and process the citations in a manner according to the ordinance.
- N-30 SMPW shall remove any push in signs located in the area of the ROW being mowed by SMPW staff. At other times, the Planning Department shall remove push in signs. A file does not need to be opened for normal and ongoing removal of signs in the ROW, unless a specific complaint is received for a specific sign location.

- N-31 SMPD to handle all complaints regarding vendors operating either with a permit or without a permit via the 911 system. Planning Department to assist by providing data on permitted vendors in accordance with Chapter 22, Businesses, Article VI, Temporary Sales and Solicitors.
- N-32 Planning Department to issue permits in accordance with Chapter 22, Businesses, Article VI, temporary Sales and Solicitors.
- N-33 SMPW, SMPD, Tourism, Admin./Clerk to accomplish this task as they presently do.
- N-34 SMPW to provide all maintenance and repairs to the Waterfront Park. A file does not need to be opened for normal and ongoing maintenance and repairs to the Waterfront Park, unless a specific complaint is received.
- N-35 Administrative Office to coordinate all reservations in the park and arrange for any ancillary permits/approvals as appropriate for the event. See also N-33.
- N-36 SMPD to patrol and issue citations as appropriate.
- N-37 Planning Department to issue and review dock and pier leases/permits for occasional docking per City Council approval.
- N-38 Building Department to lay out and observe grave/monument locations and site restoration.
- N-39 Clerk to file deeds with Register and Recorder of deeds.
- N-40 Planning Department to take application for purchase of deeds, locate available plot with the assistance of the Building Department, process paperwork and payment.
- N-41 Accomplish all of the necessary steps related to this activity with assistance as appropriate from other departments.
- N-42 Planning Department and SMPW to determine status/jurisdiction of trees. Trees in ROW - Planning Department to refer non-dangerous or live trees to Tree Board for determination. Trees in Historic District – Planning Department to refer non-dangerous or live trees to Historic Preservation Commission (HPC) for determination.
- N-43 SMPW to remove dead/dangerous/Tree Board approved trees in the Public ROW or on Public Property.
- N-44 Planning Department to receive all calls related to the structure and building components, including landscape, fencing, painting, and the like.
- N-45 Tourism to receive all calls related to docents, volunteers, hours, staffing, schedule, etc.

**OVERALL DEPARTMENTAL RESPONSIBILITIES FOR THE ABOVE**

1. Roger A. Weaver will administer and oversee all activities as Department head of Planning/Building/Cemetery departments.
2. Major Rodger Wooten, Deputy Police Chief will administer and oversee all activities in this department - All moving and static violations are by the SMPD in accordance with State Law and local ordinance.
3. Darlene Ellis will receive and direct all complaints to the appropriate individual as identified in this Chart.
4. Bobby Marr will oversee all items relating to the Public Works Department.

**ITEMS WHICH ARE NOT CODE ENFORCEMENT ITEMS**

1. Complaints about potholes, culverts, ditches, traffic signals, sidewalks in the public ROW, road conditions. These should be referred to SMPW without creating a file.
2. Political signs on private property.
3. Property Line Disputes between neighbors. Caller should be advised to seek legal or surveyor assistance. We will only provide what data we have in the files – through an open records request.
4. Trees on private property except as noted above or as noted in the ordinances for the C-1, C-2 and C-3 zone, and the historic district.
5. **Other items that are not covered by the ordinances of the City of St. Marys. If not on the list, ask, as this is a flexible document.**

## Attachment 3

## City Marshall

### Salary & Benefits

Hourly Rate	\$	15.96	* based on new compensation study
Annual Salary	\$	33,197	
Fica	\$	2,540	
Family Health	\$	14,908	
Family Dental	\$	474	
Life	\$	90	
AD&D	\$	27	
Worker Comp	\$	1,129	
<b>Total Salary &amp; Benefits</b>	<b>\$</b>	<b>52,365</b>	
Valic Base	\$	1,328	* after 1 year
Valic Match	\$	996	* after 1 year only if employee contributes 6%
Training/Education	\$	800	* based on when a police officer was the marshall
Operating Expenses	\$	4,500	* based on previous budget projections to include vehicle, gas, computer, office supplies

\* would need to see if the City has a vehicle that can be used for this position.

## Attachment 4

# CITY OF ST MARYS CODE ENFORCEMENT



Code Enforcement is responsible for monitoring both public and private property, commercial and residential, to ensure that there are no health or safety hazards that might endanger the public and determining compliance with all City codes and ordinances. These code requirements are the minimum standards the City has adopted to protect the interests and eliminate hazards that could affect public safety, health, and general welfare.

In years past, the City of St. Marys has had a Code Enforcement Officer that performed a variety of duties which are now being administered and enforced by various City departments. The following list identifies some of the major codes that are commonly enforced by departments.



## **UNSAFE STRUCTURES/DILAPIDATED**

**STRUCTURES** – Planning & Building Departments – When the City receives a complaint regarding an unsafe structure, an inspection is made by the Building Department to determine if the structure is unsafe. If the structure is deemed unsafe and can be repaired, the property owner would be required to submit for a building permit and



make the necessary repairs. If the cost to repair the structure is more than half of the value of the building, and the owner does not wish to repair the structure, they can remove the structure or the Planning Department will proceed to have it removed as a dilapidated structure.



**ABANDONED PROPERTY:** With the current downturn in the economy, a lot of projects were simply abandoned, and the owners walked away, leaving an eyesore, and the bank and city wondering what to do. Where the building is in an obvious dilapidated or unsafe condition, the City follows ordinance procedures to either have the building demolished by the property or by the City, with a lien placed on the property. In some instances, the property owner decides to repair the house. The City would agree to this as long as a reasonable time is agreed to that would make the project visually and economically

viable. The uncompleted residence shown had deteriorated to the point that the City took the legal steps to have the building demolished, and a lien placed on the property.



**WILD ANIMALS – (SNAKES, ALLIGATORS, WILD HOGS, BEAVERS, ETC.)** All complaints received regarding wild animals would be forwarded to the Police Department. The City is preparing an ordinance that will govern the ownership of wild animals. The photo shows a baby python. This python will grow huge and become a threat to other wild animals and pets. It is an invasive species, and is illegal in some US jurisdictions.



**DOCK ENFORCEMENT** – All complaints are to be forwarded to the Police Department. The Photo shows three boats moored in tandem with crew for only two boats. These boats were issued orders to relocate to a private facility and not remain on the public dock. The owners complied. The city has an ordinance giving the SMPD the ability to cite illegally moored boats at public docks.

**NOISE ORDINANCE** – The City of St. Marys noise ordinance states that no person shall make, continue, allow or cause to be made or continued, except as permitted, any noise disturbance of any noise in excess of the sound level limits

for such noise established in our ordinance. The St. Marys Police Department has a sound level meter that determines when a noise has exceeded the permitted decibel levels. The Police Department addresses all noise complaints.

**CONSTRUCTION RELATED CODE VIOLATIONS AFTER ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.** - A Certificate of Occupancy is a document issued by a local government agency or building department certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy. If the City receives a complaint for a code violation before or after the completion of the structure and the Certificate of Occupancy has been issued, these complaints are to be addressed by the Building Department.

**ADA COMPLIANCE:** All "new construction" (construction, modification or alterations) after the effective date of the Americans Disability Act in 1992 must be fully compliant with the ADA Accessibility Guidelines. The Fire Department is the point of contact in regard to verifying if a structure is in compliance with the ADA guidelines. Public Works would be the contact in regard to compliance questions or concerns for all City property. The CEO would assist with complaints and resolution of those complaints as appropriate.



**ABANDONED VEHICLES:** Abandoned Vehicles pose a threat to public health and safety. The Police department responds to reports of vehicles being abandoned in the public right-of-way. When a vehicle is found in violation, a tow warning is placed on it, so that the vehicle owner has the opportunity to correct the violation within a certain time frame. On private property, the Planning Department checks on valid registration/insurance and whether the vehicle is in a drivable condition (i.e the vehicle has no flat tires, no broken windows, an engine, etc.).



**ABANDONED BOATS:** This is a complex issue. When boats are in the water or on the bottom, DNR has jurisdiction. If the boat is tied to a dock which connects to the land, the city has the authority to have the boat removed or repaired. The boat shown was removed at the City expense because the owner was not identifiable either by us or DNR.

**SOIL & EROSION:** Chris Cox, Public Works City Engineer, is responsible for enforcement in regard to the control of soil erosion and sedimentation within the City of St. Marys such as requiring provisions for drainage and the protection of soil surfaces during and after construction.



**DANGEROUS AND/OR DEAD TREES:** The SMPW and Planning Department currently have the responsibility for determining whether a tree needs to go before the Tree Board (TB) or Historic Preservation Commission (HPC). If the tree is obviously dead or dangerous (see the break in the photo of the tree), then it can be removed immediately without either TB or HPC approval. If the tree is alive, and in good health, the TB and/or HPC will be required to review it. The Code Enforcement Officer would accomplish this task. The tree noted was determined to be dangerous and was removed. *(Note: Only the SMPW Director and the Planning Director have the authority to declare a tree dangerous and/or dead)*

**BACKFLOW PREVENTION:** A backflow is an undesirable reversal of flow of a liquid, gas or solid into the potable water supply. Any questions or concerns received are forwarded to the Public Works Department to be addressed.

**TAXI SERVICES:** In the past, the Code Enforcement Officer (City Marshal) did all of the vehicle inspections, monitored the required administrative paperwork (including required insurances), and responded to any complaints. There is only one small taxi service at the present time located within the City limits. It is unlawful for any taxi service, located in or outside St. Marys, to operate in the City of St. Marys without registering with the Code Enforcement Officer. Since we do not have a Code Enforcement officer, the St. Marys Police Department is the point of contact in regard to registration and compliance with the requirements of the City Ordinances.

**TOWING SERVICES and ROTATION:** In the past the Code Enforcement Officer (City Marshal) reviewed and approved any application for required City towing services, and set the rotation of the services in conjunction with the 911 Center. The Code Enforcement Officer would respond to any complaints about the towing services and costs for same. It is unlawful for any towing service, located in or outside St. Marys, to operate in the City of St. Marys without

registering with the Code Enforcement Officer. Since we do not have a Code Enforcement officer, the St. Marys Police Department is the point of contact in regard to registration and compliance with the requirements of the City Ordinances.

**EXTERIOR PROPERTY (WEEDS, UNKEMPT POOLS, ETC.):** The City of St. Marys observes the ICC Property Maintenance Code. The Planning Department is the contact in enforcing overgrown grass on lots which can create hazardous, unsafe and unhealthy conditions and constitute a public nuisance. Overgrown lots create a breeding place for mosquitoes, a refuge for rats and snakes and a collecting place for trash and litter. If it is determined that a property is not in compliance, they will be notified by certified mail that they will have ten days to address the complaint or be cited for non-compliance. The primary problem the City has is in regard to vacant or abandoned properties, which are owned or managed by banks. There is a period of time between a property owner walking away from their



property and the bank actually taking possession. During that time, there is no one to hold accountable for the maintenance of the property.



**INSECTS/RODENTS/MOLD:** The Property Maintenance Code states that all structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes and continue with the proper precautions to prevent re-infestation. The Building Department does an initial inspection of the property to determine if the structure has an infestation problem. The Planning Department works with the Building Department by notifying and working with the property owner until the problem is resolved.

**ANIMAL COMPLAINTS (NON-DOMESTIC FARM ANIMALS):** Non-domestic farm animals, other than laying hens, are not permitted in residential and commercial zones. A permit is available for a property owner/tenant to have up to five laying hens if all permit requirements are met. The Planning Department will notify the property owner that they will be required to remove the animals or submit an application for a special use permit. If the special use permit is denied, the property owner/tenant will be required to remove the animals from the property.



**INHABITED STRUCTURES WITHOUT WATER/SEWER/TRASH SERVICE:** They City of St. Marys requires structures that are connected to the City water and sewer system make application for services. When an individual or family is living in a structure where water, sewer and trash service is available, and have not made application for water, sewer or trash service, they are forwarded to the Finance Department to be addressed as a code violation.



**LITTERING AND ILLEGAL DUMPING:** Section 70-15 of the St. Marys Ordinances states that all kinds of garbage, trash, debris and junk including kitchen waste, glass, cans, plastic or paper containers, newspapers, magazines, slag, gravel, construction materials, dead animals, abandoned motor vehicles and parts thereof, discarded furniture and appliances, leaves and other garden waste and other refuse and discarded matter of every kind and description would be classified as litter. Littering would include public and private property

which is open to view from public property or other private property. The Planning Department addresses litter and illegal dumping complaints by contacting the property owner by phone if possible and mailing a certified letter to the property owner allowing ten days to address the complaint or be possibly cited for non-compliance.



**ABANDONED SIGNS, BANNERS & FLAGS:** The St. Marys Ordinance states that temporary signage is permitted by issuance of a sign permit for a period not exceeding ten consecutive days, not to be issued to the same lot at less than four month intervals. By ordinance, a sign is considered abandoned when the business is no longer in operation, does not have a current Occupational Tax certificate in effect, or within 30 days of the closure of the business. All abandoned signs that meet the definition of a pylon sign shall be removed within 60 days from the date of



discontinuance. All abandoned signs that meet the definition of a window sign, wall sign, off-premises directional sign, marquee or canopy sign, temporary sign requiring a permit, or temporary sign shall be removed within ten days from the date of discontinuance. The Planning Department addresses all complaints or questions regarding signage.

**SOLICITORS/STREET VENDORS:** Without having first registered with the Planning Department, obtaining a permit and paying the appropriate fee, no temporary sales or solicitor or street vendor may undertake any activity in St. Marys. When a complaint is received or when a St. Marys Police officer sees individuals selling items roadside or door to door sales, the Police Department verifies whether they have obtained a permit from the Planning Department. If they have not obtained a permit, they are required to discontinue sales until a permit has been obtained.

**SIGNS PLACED IN THE CITY RIGHT OF WAY:** State law prohibits the placement of any sign on city right-of-ways, including political signs. The Public Works Department removes push-in signs located in the City right-of-way. The Planning Department addresses complaints regarding political signs.



**TRASH PILES:** The St. Marys Code of Ordinances state that it is unlawful and a violation for any person to place any accumulations of refuse and trash in any street, median strip, alley or other public place of travel, nor upon any private property except with the written consent thereof and then only in accordance with the provisions of this article. Any violation of this ordinance is



addressed by the Finance Department.

**ADULT ENTERTAINMENT:** The St. Marys Code of Ordinances states that it is unlawful for any person, association, partnership or corporation to engage in, conduct or carry on in or upon any premises within the city any of the adult entertainment establishments defined in this article without a permit so to do. Any violation of this ordinance would be addressed by the Police Department.



**PROPERTY MAINTENANCE:** The St. Marys Code of Ordinances states that it is unlawful to not maintain any property using methods that will avoid or eliminate issues that will result in the failure and/or abandonment of the property or structure. This may be as simple as rehanging the gutter, repairing windows, or a coat of paint. The more complex maintenance issues have to do with siding, wiring, roof leaks (that cause rot), etc.

No gutter  
Broken glass

**WATER DEPARTMENT ISSUES:** When a person does not pay their water/sewer bill, and after the water is shut off, then a staff member must visit the property to determine if the water meter has been illegally turned back on, if the building is vacant, or . . . After this, there is a process using a code enforcement staff to cite the individual for non-payment and take the appropriate action legal action.

**OCCUPATIONAL TAX ISSUES:** After the notification that the tax is due on or before January 1 of the year, any delinquent businesses are sent a notice that they are in violation, any business who fails to respond will be turned

over to the Code Enforcement officer (or more recently, the SMPD) for direct contact, and citation according to the ordinance and state law. This applies to all full time/part time/temporary businesses, including home occupations, and home businesses.

**BUILDING/FIRE INSPECTION:** This is currently being handled by the Building/Fire Department as they involve building issues. Although these can be handled by a Code Enforcement Officer, they are better handled by the Building/Fire Department. The CEO can assist with any fines or penalties as requested.

**OPERATING A BUSINESS WITHOUT A PERMIT:** The Code Enforcement Officer would investigate complaints about a business operating without an Occupation Tax Certificate, or without a special use (as appropriate).

**BUILDING WITHOUT A PERMIT:** This is a hit and miss activity at the present time. However, the Code Enforcement Officer has been tasked in the past with identifying construction without a permit, and working with the property owner and the building department to obtain a permit.

**ENVIRONMENTAL ISSUES:** The Code Enforcement Officer would be instrumental in tracking down complaints from citizens about environmental issues and notifying the appropriate DNR or EPD or Fish and Wildlife for action. This would include – for example – washing out paint buckets in a stream or watercourse, or oil/gas from car repair, or disposal of construction debris in a watershed, river, stream, wetlands, or marsh.

**GREASE TRAP ORDINANCE:** In the past this has been the responsibility of the Code Enforcement Officer (City Marshal). This involves the monitoring of paperwork showing a valid pump out company is on retainer and that the grease trap is functioning properly (along with the SMPW Department).

**NEIGHBORHOOD DISPUTES:** Although not normally part of a Code Enforcement Officer's duties, disputes in a neighborhood that arise based on property line disputes, noise, fences, encroachment, etc. would be given to the Code Enforcement Officer for initial investigation. After the initial investigation, the CEO would either resolve it, or pass the data on to the appropriate department for resolution (i.e. noise to the SMPD; standing water to the SMPW; encroachment to Planning; construction within the setback to Planning/Building; etc.).

**OTHER ITEMS:** There are numerous other possible issues that the Code Enforcement Officer will be tasked to accomplish. Another document attached to this memo notes the duties of the City Marshal, which will need to be changed to Code Enforcement Officer.

\* \* \* END OF MEMO \* \* \*

## Attachment 5

# THE FOLLOWING ARE REFERENCES TO THE CITY MARSHAL IN THE CITY OF ST. MARYS CODE OF ORDINANCES

From a search command in Municode for 'Marshal'. The only full text is where the term City Marshal and/or Planning Director and/or Building Inspector and/or Building Director are mentioned.

## 1. City Marshal Only:

### Chapter 106 VEHICLES FOR HIRE [ARTICLE III. TAXICAB AND LIMOUSINE SERVICES](#)

Register to be kept by city marshal .... Sec. 106-79. - Additional passengers. Sec extended limousine, van or minibus. City marshal ... means the individual appointed by the city to serve as the city marshal ... and enforce the laws and ordinances written authority granted by the city marshal ... to persons who qualify to operate

### Chapter 106 VEHICLES FOR HIRE [ARTICLE II. TOWING SERVICES](#)

38. - License and registration with city marshal ... required; required information. Sec. 106-39 38. - License and registration with city marshal ... required; required information. (a) It shall without first registering with the city marshal .... All vehicles used for towing services shall be registered with the city marshal ... using a form to be provided

### Chapter 22 BUSINESSES [ARTICLE III. ADULT ENTERTAINMENT](#)

city building official and state fire marshal ...'s representatives; (8) The applicant is

## 2. City Marshal and/or Planning Director and/or Building Inspector and/or Building Director:

### [ARTICLE II. PRESERVATION OF HISTORIC BUILDINGS](#) [DIVISION 7. ENFORCEMENT, APPEALS, HARDSHIP AND PENALTIES](#)

shall be enforced by the City Marshall ... and/or Building Director of the

### Chapter 22 BUSINESSES [ARTICLE VI. TEMPORARY SALES AND SOLICITORS](#)

create a traffic hazard. The city marshal ... shall have the final approval on

### Chapter 46 ENVIRONMENT [ARTICLE IV. NUISANCE ABATEMENT CODE](#)

in the newspaper utilized for city marshal ... tax sales for two consecutive weekdays

### [PART I CHARTER](#) [ARTICLE 1. INCORPORATION, POWERS, BOUNDARIES](#)

or, in the alternative, the city marshal ... shall cause summons to be issued

## 3. Specific Excerpts from Item 2 above:

[Sec. 62-199.](#) - Enforcement and penalties. (HPC Ordinance)

(a) This article shall be enforced by the City Marshall and/or Building Director of the City of St. Marys or their duly authorized representatives, as applicable.

(b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however, that if such structure or property is occupied, the officer shall first present proper

credentials and request entry upon such grounds. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

(c) The initial observation of any deficiency under this chapter shall consist of a courtesy letter, with notations as to the nature of the deficiency, and a request to provide a resolution plan as to how the property owner intends to address and/or eliminate the deficiency within 30 calendar days from the date of receipt of the courtesy letter. Once the resolution plan is reviewed and approved by HPC and the building director, the property owner shall eliminate the deficiency within 30 calendar days. If the elimination of the deficiency is determined to take longer than 30 days as reviewed and approved by the building inspector, this shall be noted on the plan of resolution.

(d) If no resolution plan is submitted within the time noted, or if the deficiency is not resolved within the time noted, then penalties will be assessed and enforced as noted below:

(1) *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any provision of this chapter shall be guilty of violating a duly adopted ordinance of the City of St. Marys, and shall be punished for each count either by a fine not less than \$100.00 per day not to exceed \$1,000.00, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or a community work alternate as determined by the court.

(2) *Powers of the court.* The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment as allowed by law.

(3) *Other legal remedies.* In any case in which a violation of this chapter has occurred, the City of St. Marys, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

(Ord. of 3-8-10, § 1)

.....

Section 1-103. - Specific powers; certain powers enumerated.

(a) The city may acquire, construct, operate, and maintain, by condemnation or otherwise, inside or outside the city limits, public ways, streets, sidewalks, parks, public grounds, cemeteries, public buildings, libraries, sanitary landfill, sewers, drains, sewage treatment or waterworks systems, electrical or gas systems, airports, hospitals, and charitable, educational, flood control, recreational, sport, curative, corrective, detentional, penal, and medical institutions, areas, and facilities, and any other public improvement. The city by ordinance may establish and enforce rules and regulations necessary to preserve order, peace, and dignity on any property or facilities so acquired inside or outside the corporate limits of the city.

(b) The city shall have power and authority to grant franchises, easements, and rights-of-way over, in, under, and on the public streets, lanes, alleys, sidewalks, and parks and other property of said city on such terms and conditions as the mayor and council may fix, except that they shall not grant an exclusive franchise for any purpose, and no franchise shall be granted unless the city receives just and adequate compensation therefor.

(c) In addition to the powers now or hereafter granted to municipalities by law, the city shall have all of the following powers:

(1) *Authority to contract with industrial or development authority.* The City of St. Marys, by and through its governing authority, shall have the power to contract with any duly created industrial or development authority, or both, for the operation, maintenance, and use of any public project, public building, or other public facility including, and not limited to, parking lots, garages, or other parking structures or projects, buildings, or facilities essential for the public purposes of development and promotion of civic and cultural growth, public welfare, trade, commerce, education, amusement, recreation, or other public purposes in the City of St. Marys.

(2) *Authority to contract with water and sewer authority.* The City of St. Marys, by and through its governing authority, is authorized to contract with any duly created water and sewer authority for the purposes of operating, maintaining, and providing water and sewer services to the City of St. Marys and its citizens.

(3) *Appropriations for relief of poor and for charitable purposes.* The mayor and council shall have power, by appropriate action, to appropriate money for the relief of the poor and for charitable purposes as they may deem proper.

(4) *Nuisances on vacant lots; definition.* Any property in the City of St. Marys on which weeds, debris, trash, or waste matter has been allowed to accumulate to such extent that the presence of such matter on the vacant property creates conditions likely to cause a fire or spreading of fire or an imminent danger to the health or welfare of the adjacent community by the spread of disease or epidemic shall be subject to be declared a nuisance and abated in the manner herein set out

(5) *Same; abatement.* Proceedings for the abatement of the nuisance declared in the above section shall be initiated as provided by ordinance or, in the alternative, the city **marshall** shall cause summons to be issued from the City Court of the City of St. Marys, directed to the owner, if known and a resident of the City of St. Marys, or, if the owner is a nonresident but said property is under the management of an agent of the owner, resident of St. Marys, shall be directed to such agent to show cause why the nuisance should not be abated. Said notice to set out the particulars in what manner said vacant lot constitutes a nuisance, and the same shall be personally served on the owner, if a resident, and upon his agent if he is not a resident; and, if the owner is unknown and his residence is unknown, with no resident agent in charge of said property, then by publication one time in a newspaper of general circulation, published in the City of St. Marys, five days before the date of the hearing; such summons and notice shall state the time and place of the hearing to be had in the City Court of the City of St. Marys.

(6) *Same; judgment against offender.* If on said hearing before the judge it shall be adjudged that the said nuisance should be abated, the judgment of said judge shall provide that, unless said nuisance be abated within five days by the party proceeded against, the director of public safety or his assistants shall be authorized to enter upon said vacant property and abate said nuisance by cleaning off and removing the matter thereon constituting the nuisance, which shall be done by said city authorities at the expense of the owner and charged against the property and judgment for costs of court.

(7) *Same; costs and expenses; collection.* In the event the director of public safety or his assistants abate said nuisance, the actual cost and expense to said city in clearing away and removing said matter declared to be a nuisance shall be declared a charge and a lien upon the said property on which said nuisance was abated. Said charge and lien shall be fixed in the following manner: Upon the abatement of said nuisance, the director of public safety shall render a written statement to the owner of said property, if known, or to the owner's agent if the owner be a nonresident, or, if the residence of the owner be unknown, by publication in a newspaper of general circulation in the City of St. Marys, by being published one time, showing the actual cost of abating said nuisance and demanding the payment of said expense, and, if the same be not paid within 30 days from the date of said notice, the director of public safety shall certify to the mayor and council a statement showing the actual cost of abating said nuisance and the cost of advertising; and the mayor and council are authorized by ordinance to declare said charge and expense a lien against the real estate on which said nuisance was abated, which lien or charge may be enforced by execution, levy, and sale in the manner as executions now authorized under the provisions of the Charter of the City of St. Marys for street improvements. The property owner shall have the same rights and defense to the said execution as now exist in defense of executions issued under assessments for paving of streets.

(8) *Same; cleanliness and safety of premises; authority to provide.* The mayor and council of the City of St. Marys shall have the authority and power, in the interest of health, sanitation, and the public safety and welfare, to provide for the clearing, cleaning off, and making and keeping sanitary and free from fire or other hazards any and all real property, either vacant or improved, within the corporate limits of the City of St. Marys; to provide for the removal from such property all debris, grass, weeds, or other growth, or other unsanitary or combustible matter or materials; to provide for the height and trimming of hedges, shrubbery, and other growth; to fix and to impose penalties upon owner and occupants of property in respect to such requirements; to provide for the performance of such services by the city and for the assessment and collection of charges therefor, for the creation and assessment of liens against property and the owners and occupants thereof so served, and for the collection and enforcement of such liens the same as assessments for taxes, paving of streets and sidewalks, and other liens of the city are now executed and enforced; and further that the said mayor and council of the City of St. Marys be and they hereby are authorized and empowered to adopt such ordinances or resolutions or other acts of a like nature to enforce this provision of the city Charter

Sec. 46-110. - Service of notice and orders. (NUISANCE ABATEMENT CODE)

Service of complaints shall be effected as provided in O.C.G.A. § 41-2-12.

(1) *Costs.* The costs of service pursuant to this section shall be included in the sums otherwise due under this article.

(2) *Service.* Police officers of the city shall be authorized to perform the service of all documents pursuant to this article in the manner usually performed by sheriffs provided they follow the procedures established by statute for those officials, and a fee may be assessed against the property so long as it does not exceed the fee currently imposed by the sheriff of the county for that activity. Any notice pursuant to section 46-102, any order issued pursuant to section 46-104, or any other post-hearing action affecting property may be served upon the owner and parties in interest by certified mail (return receipt requested) to the address specified in O.C.G.A. § 41-2-12, as applicable, and to the address of the property, if it is occupied on the date of inspection, care of "occupant". If any party has specified to the director prior to or at the hearing an address for notice, that address shall be used for notices.

(3) *Failure to answer complaint.* If the owner and the parties in interest neither file an answer to the complaint nor appear at the hearing, and a decision is rendered which affects the property, an advertisement shall be published in the newspaper utilized for city marshal tax sales for two consecutive weekdays that a hearing was conducted, a summary of the general findings of the hearing, the action required as pertaining to the property, and the consequences which may result from noncompliance with the code or notice. A notice may identify more than one property which was the subject of a hearing.

(Ord. of 5-22-01, § 1(A))

Sec. 22-184. - Application for permit.

(a) Each person applying for a permit under this article shall complete a registration form giving complete identification, signature, employer name and proposed method of operation in the city, and such other identification or information as may be requested, including any county or state permits or requirements. Each such person shall, in advance, obtain an occupational license and pay the city fee of \$10.00 per day for each day the permit authorizes the applicant to engage in business, up to a maximum of \$100.00 per month, as a solicitor or temporary sales. Permits for on-site sale of products will only be issued for property located within the C2 commercial district, not including any public property, with written permission from the property owner and the property must have the ability to allow vehicles to exit the street or roadway completely and shall not create a traffic hazard. The city marshal shall have the final approval on C2 property permitted to be used for on-site temporary sales. Applicants must submit an approval letter from the property owner along with a diagram showing the location of the on-site temporary sales within the approved C2 commercial district. Moving to a location not approved voids the temporary sales permit and the applicant must reapply for a new permit. Failure to have a copy of the permit on-site for inspection voids the permit and the applicant must reapply. Any applicant may submit a current occupational tax license from anywhere else in Georgia as proof of paying an occupational tax but will still be required to pay the daily fee to obtain a city permit to solicit or have temporary sales of products within the City of St. Marys.

(b) Permits shall be issued on a monthly basis detailing the product to be sold and the locations authorized to be utilized. Months shall be calculated as the actual days within a month started on the first day of the month and ending on the last day of the month. A permit obtained on June 20 must be renewed on July 1 and so forth.

(c) Minimum information required to obtain a permit;

- (1) Name, address and telephone number.
- (2) Copy of picture ID verifying identification.
- (3) County or state required permits.
- (4) Current Georgia occupational tax license.
- (5) Owners permission to use C2 property.
- (6) Site plan showing location of sales.
- (7) List of products being sold.
- (8) Description of vehicle being used with a copy of current vehicle insurance.

(Ord. of 2-26-07(1))

# THE FOLLOWING ARE REFERENCES TO THE DUTIES OF THE PLANNING AND/OR BUILDING DIRECTOR IN THE CITY OF ST. MARYS CODE OF ORDINANCES

St. Marys, Georgia, Code of Ordinances >> PART III - CODE OF ORDINANCES >> Chapter 18 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE III. - BUILDING AND CONSTRUCTION CODE ADMINISTRATION AND ENFORCEMENT >> **DIVISION 2. - POWERS AND DUTIES OF THE BUILDING OFFICIAL >>**

## DIVISION 2. - POWERS AND DUTIES OF THE BUILDING OFFICIAL

[Sec. 18-81. - Generally.](#)  
[Sec. 18-82. - Right of entry.](#)  
[Sec. 18-83. - Stop work orders.](#)  
[Sec. 18-84. - Revocation of permits.](#)  
[Sec. 18-85. - Unsafe buildings or systems.](#)  
[Sec. 18-86. - Requirements not covered by this article.](#)  
[Sec. 18-87. - Alternate materials and methods.](#)  
[Sec. 18-88—18-100. - Reserved.](#)

### **Sec. 18-81. - Generally.**

The building official is hereby authorized and directed to enforce the provisions of the technical codes. The building official is further authorized to render interpretations of the technical codes, which are consistent with its intent and purpose. Such interpretations shall be in writing.

*(Ord. of 5-22-95(1), att. A)*

### **Sec. 18-82. - Right of entry.**

- (a) Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the building official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by these technical codes, provided that if such building or premises is occupied, he shall first present proper credentials and required entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
- (b) When the building official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this article.

*(Ord. of 5-22-95(1), att. A)*

### **Sec. 18-83. - Stop work orders.**

Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

*(Ord. of 5-22-95(1), att. A)*

**Sec. 18-84. - Revocation of permits.**

- (a) *Misrepresentation of application.* The building official may revoke a permit or approval, issued under the provisions of this article, in cases in which there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (b) *Violation of code provisions.* The building official may revoke a permit upon determination by the building official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this article.

(Ord. of 5-22-95(1), att. A)

**Sec. 18-85. - Unsafe buildings or systems.**

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

(Ord. of 5-22-95(1), att. A)

**Sec. 18-86. - Requirements not covered by this article.**

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this article or the other technical codes, shall be determined by the building official.

(Ord. of 5-22-95(1), att. A)

**Sec. 18-87. - Alternate materials and methods.**

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them; provided any such alternate has been reviewed by the building official. The building official shall approve any such alternate, provided the building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

(Ord. of 5-22-95(1), att. A)

**Sec. 18-88—18-100. - Reserved.**

**Sec. 18-55. - Building department.**

There is hereby established a department to be called the building department and the person in charge shall be known as the building inspector. The qualifications for the building inspector and other **code enforcement** personnel to be established by the mayor and council.

- (1) **Restrictions on employees.** An officer or employee connected with the department, except one whose only connection is as a member of the board established by this article, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work which is inconsistent with his duties or conflict with the interests of the department.
- (2) **Records.** The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection. Complete and accurate records shall be maintained regarding the date, time, and findings of each inspection or investigation.
- (3) **Liability.** Any officer or employee, or member of the board of adjustments and appeals, charged with the **enforcement** of this article, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the **enforcement** of any provision of this article shall be defended by the city until the final termination of the proceedings.
- (4) **Reports.** The building official shall submit annually a report covering the work of the building department during the preceding year. He may incorporate in said report a summary of the decisions of the board of adjustments and appeals during said year.

**Sec. 22-56. - Enforcement. (Businesses)**

It is hereby made **the duty of the planning and zoning director**, his designees and the police department to see that the provisions of this article relating to occupation taxes are observed; and **to summon all violators of this article to appear before the municipal court.** It is hereby made the further duty of the planning and zoning director, the building official, other city officials as well as the members of the police department and their assistants to inspect all occupation tax certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the registration held is the proper one for the business sought to be transacted thereunder.

(Ord. of 11-13-95(1), § 601)

**Sec. 46-144. - Enforcement. (Sign Permits)**

This article shall be administered and enforced by the director of the department of planning or building or his or her designee. In case any sign that is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this article, the **director of the department of planning or building may**, in addition to other remedies, and after notice to the appropriate person, **issue a citation for violation of the city ordinance thereby requiring the presence of the violator in municipal court;** institute the filing of a petition for an injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Additionally, the director of the department of planning or building may have the sign removed at the expense of the owner and may issue a citation for violation of the city ordinance to the agent that placed the sign, as well as those parties responsible for directing the agent, including the person or business owner whose name, message, and/or address, and/or telephone number appears on the sign. The city without warning or notice to the sign owner may remove any sign located within a public street right-of-way immediately.

- (1) **Penalty for violation.** Any person violating any provision of this article, permitting condition, or stop-work order shall be subject to a fine up to \$1,000 per violation or by imprisonment for a period not to exceed 60 days, or both.

## PLANNING DIRECTOR AS HEARING OFFICER FOR DILAPIDATED STRUCTURES

Sec. 46-100. - Title, scope and definitions.

(a) *Title.* This article shall be entitled "City of St. Marys Nuisance Abatement Code".

(b) *Authority and Scope.* This article is enacted pursuant to the provisions of O.C.G.A. §§ 41-2-7—41-2-17, as amended, and is referenced herein as the "statute". O.C.G.A. § 41-2-7 specifies the scope and purpose of this article. All powers and authorities granted to public officers and public authorities by the statute are hereby incorporated by reference so as to be assumed, delegated and granted pursuant to this article.

(Ord. of 5-22-01, § 1(A))

Sec. 46-101. - Definitions.

As used in this article, the following words, terms and definitions shall apply:

**Director.** The **director of inspections**<sup>1</sup> or any "public officer" as defined in O.C.G.A. § 41-2-8(9) delegated with authority by the city manager to enforce this article. The city manager (or his designee) shall be the public officer who shall exercise the primary responsibilities prescribed by this article and shall be the "public officer" defined in O.C.G.A. § 41-2-8(7).

*Hearing officer.* The person designated by the city manager to conduct hearings required by this article.

*Parties in interest.* The persons defined in O.C.G.A. § 41-2-8(7).

*Person.* Any natural person, corporation, partnership (general or limited), estate, trust or other entity or artificial person, or combination thereof.

*Public authority.* Such agency or official(s) as defined in O.C.G.A. § 41-2-8(8).

To the extent not stated above, the definitions set forth in section 41-2-8 of the statute are incorporated herein by reference.  
(Ord. 5-22-01, § 1(A))

Sec. 46-102. - Inspection and notice of hearing.

(a) *Inspection and notices.* Whenever a written request for inspection is filed with the city by a public authority, by at least five residents of the city, or by the **director** charging that any dwelling, building or structure is unfit for human habitation; or is unfit for its current commercial, industrial or business use; or is vacant, **dilapidated**, and being used in conjunction with the commission of drug crimes; or whenever it otherwise appears to the director that any dwelling, building or structure is unfit for human habitation; or is unfit for its current commercial, industrial or business use; or is vacant, **dilapidated** and being used in conjunction with the commission of drug crimes; or there is present on the property an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions, the director take shall the action specified in subsection (b).

(b) *The complaint.* The **director** shall, if preliminary investigation discloses a basis for such charge(s), issue and cause to be served upon the owner and any parties in interest of such dwelling, building or structure unfit for human habitation; or unfit for its current commercial, industrial or business use; or vacant, **dilapidated** and being use in conjunction with the commission of drug crimes, a compliant stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or the hearing officer). The complaint shall state the conditions which exist and specify the violations of this article or any other article or provision of the Code of the City of St. Marys, including but not limited to its building code, housing code, and other provisions pertaining to the conditions of buildings, dwellings and structures, and shall contain a notice that a hearing will be held before the hearing officer pursuant to section 46-103 of this article.

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<sup>1</sup> Director of inspections is the Planning and Building Director