

Subject Matter: Amendment to Environmental Control Ordinance

Date First Presented to Council at Public Meeting:
November 22, 2010

Date of Second Reading before Town Council:
December 6, 2010

Date of Adoption: December 6, 2010

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 10-03

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE & FINDINGS

WHEREAS, the Town of Sharpsburg (the "Town") has adopted a comprehensive environmental control ordinance codified at Chapter 36 of the Town of Sharpsburg Code of Ordinances; and

WHEREAS, the Town recognizes an imminent need to conserve water and, therefore, place reasonable restrictions on outdoor watering to plan for future droughts; and

WHEREAS, Section 1.12(28) of the Town Charter grants the Town Council the power to define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the Town; and

WHEREAS, the Georgia General Assembly enacted SB 370 which mandates all county and municipalities to adopt an ordinance restricting outdoor irrigation; and

WHEREAS, the Town Council has determined that to serve the needs of the community certain amendments are needed in the Town's Code of Ordinances; and

WHEREAS, these amendments to the environmental control ordinance regulating outdoor irrigation are necessary to further the general health and welfare of the community; and

WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING AMENDMENT TO THE ENVIRONMENTAL CONTROL ORDINANCE AS FOLLOWS:

ARTICLE I

The Town of Sharpsburg's Environmental Control Ordinance, as codified at Chapter 36 of the Town's Code of Ordinances is hereby amended by deleting the stricken language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

Sec. 36-100 Declaration of policy.

It is the declared policy of the Town of Sharpsburg that the pollution of the atmosphere by smoke, fly ash, products of complete or incomplete combustion and certain other emissions into the atmosphere, or the discarding or accumulation of garden trash, garbage, rubbish or brush on the lands or waters within the Town is a menace to the welfare and comfort of the people of the Town and a cause of extensive damage to health and property. The necessity for legislative intervention by the enactment of the provisions of this ordinance is for the purpose of controlling and reducing atmospheric pollution and the pollution of the Town's land and its adjacent waters.

Sec. 36-101 Definitions.

The following words, terms and phrases, when used in this Chapter 36, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned, junked or inoperable furniture, appliances, machinery or equipment shall be items incapable of, and not being used for the purposes for which they were intended.

Abandoned well means a well which is no longer used for the purpose of drawing water and which is unsecured.

An *abandoned or junked motor vehicle* is defined as one that is in such a state of disrepair as to be incapable of operating under its own power or to operate safely upon public roads or streets as required by the laws of Georgia, or which does not have a current license plate or tag.

Brush means all vegetation detached from the land resulting from land clearing operations or other causes.

Construction Site means any residential, commercial, industrial, or other lot area, lot or site which construction or demolition of any type is conducted including roads at buildings, and at all other places actively being ~~constructed~~ constructed, demolished, renovated, or repaired.

Construction Waste means solid waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes including, but are not limited to lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of a construction or empty containers for such materials. Paints, coatings, solvents asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Equipment shall include all trailers, (including but not limited to, travel trailers, pop-up trailers and 5th wheel trailers) airplanes, boats and all terrain vehicles.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons or other containers.

Garden trash means all accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees and tree limbs.

Improved Lot means a lot that maintains any structure, including but not limited to a house, a business garage or any accessory building.

Litter means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals or discarded materials of any and every kind and description.

Motor vehicle shall include, automobiles, cars, trucks, motorcycles, and motor homes.

Person means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.

Prescribed burning is a fire set under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.

Public or private property shall be all-inclusive, such that no property in the Town shall be exempt from the regulation by this ordinance.

Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Rubbish means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked, inoperative or abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stove.

Sanitary waste or domestic waste or domestic sewerage means water borne, human or animal excreta or body wastes or normal culinary, laundry, and washing waste.

Solid waste or waste means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

Slash burning is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.

Sec. 36-102 Cleanliness of premises — Generally.

For the purpose of promoting the health, safety and welfare of the people of the Town of Sharpsburg, every owner of a lot or parcel of land lying within the Town is required to keep such land cleared of all

garbage, garden trash, rubbish and abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment. Every owner of an Improved Lot or parcel of land lying within the Town is further required to keep all land, within one hundred (100) feet of all improved structures, cleared of all underbrush and debris, weeds and grass in excess of 12 inches in height from the ground, and noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or habitual for snakes, mice, rodents or vermin of any kind or character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the Town or which tends to create a nuisance or other unsightly or unsanitary condition.

Sec. 36-103 Abandonment of wrecked, junked, dismantled or inoperative motor vehicle, furniture, appliances, machinery or equipment.

(a) It shall be unlawful for the owner, tenant, lessee, occupant, or person in possession of any lot or parcel of land in the Town to keep or permit to be kept or stored on said land any wrecked, dismantled, inoperative abandoned or junked motor vehicle, abandoned, junked or inoperable furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed in a building, unless such premises have previously been zoned for the operation of a automobile or other repair service, or storage, lawfully zoned and permitted, and must comply with Section 36-111 of this Ordinance and shall have been issued a business license for such operation by the Town.

(b) Should the person to whom the notice is directed fail to comply with the request made therein within the five-day period, the law enforcement officers of the Town shall be authorized to proceed with the bringing of charges as for the violation of this and any applicable Town ordinance. Each day of a continuing violation of this section shall be deemed a separate offense, and upon conviction be punished to the extent authorized by the Town's Charter.

Sec. 36-104 Same - Notice to correct conditions.

(a) If it is determined that any of the conditions specified in Sections 36-102 or 36-103 exist on any property within the Town, the Town code enforcement officer shall notify in writing the owner, the tenant, the owner's agent, or the property manager that the conditions exist and must be abated within two (2) weeks.

(b) If the conditions are not abated within the prescribed time, the Town code enforcement officer shall issue a summons to the owner, the tenant, the owner's agent, and/or the property manager.

(c) Upon conviction of violation of Section 36-102 or Section 36-103, the owner, tenant, owner's agent or property manager shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-105 Same – Correction by Town.

If it is determined that any of the conditions specified in Sections 36-102 or 36-103 exist on any property within the Town, and if the owner, the tenant, the owner's agent or the property manager has been notified in writing that the conditions exist, and if the conditions are not abated within two (2) weeks after the receipt of such notice, the Town code enforcement officer may direct that the conditions be abated at Town expense.

Sec. 36-106 Same – Recovery of Town expenses.

(a) If any of the conditions specified in Sections 36-102 or 36-103 are abated at Town expense as

provided in Section 36-105, the Town shall assess a lien against the property for the cost described in this Section.

(b) A letter shall be mailed by the Town clerk to the owner of record by certified mail, return receipt requested, which states the Town's intention to file a lien and notifies that the owner has 20 days from receipt of the letter to either reimburse the Town its expenses or file with the Town clerk written objections to the reasonableness of the assessed cost. Should there be any objections to the reasonableness of the cost, the Town Council shall hear and determine the validity of such objections.

(c) Upon final determination of the invalidity of the objections or on failure to file objections within 20 days, a lien in such form as the Town attorney shall determine, shall be filed in the office of the clerk of superior court and recorded as other liens are recorded. A copy of the liens shall be kept in the office of the Town clerk, and a copy shall also be filed with the tax commissioner of the county.

(d) The actual direct cost of abating the conditions, together with the necessary expenses for preparing, filing and recording the lien, including any legal expenses, shall be assessed against the property and shall be collected by the Town clerk on November 1 next succeeding the date of filing of the lien, and, if not collected, shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection may be enforced.

Sec. 36-107 Dumping, depositing on or in premises of another, streets, streams, lakes, including public or private property or waters.

(a) It shall be unlawful for any person or legal entity in person or by its agent or employees, to cast, dump, deposit, accumulate, throw or leave, or to cause to permit the dumping, depositing, placing, accumulating, throwing or leaving of litter, garbage, garden trash, brush or rubbish on any public or private property in the Town or any waters in the Town, unless:

(1) The property is designated by the Town or by Coweta County for the disposal of such materials and the person is authorized by the proper public authority to use such property; or

(2) The litter is placed into a litter receptacle or container installed on such property and the receptacle or container is installed for the purpose of receiving and discard of the litter, garbage, garden trash, brush or rubbish; or

(b) Any person who violates this Section shall be guilty of a misdemeanor and, upon conviction, ~~shall be punished~~ shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense; by sentence to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited by anyone else prior to the date of execution of sentence; or the person may be ordered to pick up and remove from any public park, recreation facility, 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 by anyone prior to the date of execution of sentence; or any combination of fine and sentence, in the discretion of the judge.

Sec. 36-108 Prima Facie evidence as to rubbish thrown from motor vehicles.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or other means of conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) When litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article, including but not limited to letters, bills, publication or other writings which display the name of a person in such a manner as to indicate that the article belongs to such a person, it shall be rebuttable presumption that such person has violated Section 36-107.

Sec. 36-109 Spilling of trash, sand, gravel, similar materials from vehicles.

(a) It shall be unlawful for any person, firm or corporation to transport upon any public roads within the Town garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone, asphalt or other spillable or blowable material in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling or dropping of its contents on public roads or alleys.

(b) However, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping of the aforesaid.

(c) Upon conviction of violation of Section 36-109, the person shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-110 Open Burning.

(a) Unless otherwise specified in subsection (c) of this Section 36-110, there shall be no open burning in the Town during the months of May, June, July, August and September.

(b) In the months of January, February, March, April, October, November and December, no person shall cause, suffer, allow, or permit open burning in any area of the Town except as follows:

1. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
2. For recreational purposes or cooking food for immediate human consumption.
3. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
4. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
5. The burning pile size shall be no greater than 10 feet by 10 feet used for the primary purpose of residential enjoyment and/or minor residential debris disposal.
6. Materials such as heavy oils, gasoline, asphaltic materials, plastic, tires and items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors are not allowed to be burnt in the town.
7. All burning shall be carried out between 8:00 a.m. and 6:00 p.m. and all fires shall be completely burned.
8. All burning shall be located on private property so as not to interfere with any traffic on the public streets or sidewalks.

9. During any open burning, the burning activity shall be constantly attended by a competent person of at least eighteen (18) years of age.

(c) *Specific Exceptions.* The exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 1, 2, 3, 4, 5, 6,7 8,9 and 10 under subsection (b) above.

(d) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on typical domestic charcoal or gas grills. Each request to conduct outdoor burning shall be made to the Town Hall in person or by phone/internet to the Georgia Forestry Commission (1-877-652-2876), www.gfc.state.ga.us/onlinepermits. The code enforcement officer shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.

(e) *Monitoring and enforcement.* The code enforcement officer will periodically monitor authorized burning to ashes compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, code enforcement officer may require the correction of the deficiency(ies) or direct extinguishment of the fire, as he judges appropriate. In no case should burning be allowed to continue if in the code enforcement officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse affects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the code enforcement officer.

(f) *Order to remove fire hazard.* Whenever the code enforcement officer, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any highly flammable material especially liable of fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of fire department personnel or egress of occupants in case of fire, the code enforcement officer shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

(g) *Prescribed burning.* Prescribed burning is prohibited within the Town.

(h) *Slash burning.* Slash burning is prohibited within the Town.

(i) *Violations.* Violations of this Section, failure to comply with orders or rules, regulations and procedures of the code enforcement officer shall be punished for each violation, up to the extent allowed by the Town Charter. Each day of a continuing violation shall be a separate and distinct violation and may be so punished.

Sec. 36-111 Outdoor storage/out of store marketing.

(a) Outdoor storage.

(1) Outdoor storage of inoperable vehicles, machinery, appliances and equipment shall be limited to those enterprises requiring storage of these items while being repaired. This storage time shall not exceed 30 days from the time the item is delivered to the time the item is removed from the

site. All outdoor storage areas of this type shall be screened from public view with a properly maintained opaque fencing in good repair (or a combination of fencing and plant materials to provide opacity; however, the fence shall delineate the entire storage area except where a building delineates part of the storage area), with a minimum height of four feet.

(2) The outdoor storage of retail or wholesale merchandise after the establishment is closed for business shall be allowed only by businesses which have one or more of the following lines of sales and only as to the following types of merchandise:

- a. Automobile (including for rent or lease).
- b. Watercraft.
- c. Motorcycles.
- d. Trucks (including for rent or lease).
- e. Tractor and tractor-related equipment.
- f. All terrain vehicles.
- g. Trees or plants.
- h. Building materials.
- i. Landscape materials, unpackaged, bulk only.
- j. Lawn furniture.
- k. Outdoor playground equipment.
- l. Vending machines.
- m. LP tanks, if located in storage bins.
- n. Ice bins used for the sale of ice.

(3) The merchandise shall not be stored upon the public rights-of way, fire lanes, Town sidewalks or required off-street automobile parking and loading or required unloading spaces or driveways thereto, or other areas marked for automobile parking, landscape islands, driveways, and all driving lanes.

(b) Out of store marketing. Out of store marketing is defined as the displaying of retail merchandise outside of the building or structure of a commercial enterprise. Out of store marketing shall be allowed only with the following restrictions:

- (1) Retail goods may be displayed outside the building only during those times in which the relevant business is open and staffed to sell the merchandise in question to the general public.
- (2) Merchandise cannot be displayed upon required off-street automobile parking and loading and unloading spaces, other parking areas marked for automobile parking, landscape islands, driveways, fire lanes and driving lanes within and without parking areas.

- (3) Sidewalk displays must allow a five-foot clear area as measured from the outside edge of the sidewalk for pedestrian traffic. If the sidewalk is five feet or less in width, the entire sidewalk must be left clear. Displays shall not be located between a sidewalk and a street, driving lane, driveway, landscape island, required off-street automobile parking and loading and unloading spaces or other parking areas marked for automobile parking.

(c) Upon conviction of Section 36-111, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-112 Disorderly houses.

(a) It shall be unlawful for any person, either for himself or as agent of another, to permit persons who are acting in a boisterous, noisy or riotous manner to assemble in or about any house, building, structure, vehicle or upon any private property located within the Town, owned, occupied or controlled by him, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure or vehicle.

(b) It shall be unlawfully for any person, either for himself or as agent of another, to permit persons who are gambling or participating in other illegal activity or purpose to assemble in or about any house, building, structure, vehicle or private property, within the Town, owned, occupied or controlled by him.

(c) It shall be unlawful for any person to assemble within or about a house, building, structure or vehicle, or upon private property, within the Town while acting in a boisterous, noisy or riotous manner, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure, vehicle or private property.

(d) It shall be unlawful for any person to assemble within or about a house, building, structure, or vehicle, or upon private property, within the Town, while participating in gambling or other illegal activity or purpose.

(e) Upon conviction of Section 36-112, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-113 Abandoned property; removal and storage.

Any motor vehicle or other object abandoned on the streets or on other public property within the corporate limits of the Town (hereinafter referred to as abandoned property) may be removed by, or at the direction of, the code enforcement officer and placed in storage, in order to preserve the safety of travel on the streets and the unobstructed use of public property.

Sec. 36-114 Parking for certain purposes prohibited.

(a) No person shall park a vehicle upon any public right of way or street, or other public property for:

- (1) Displaying such vehicle for sale;

- (2) Washing, greasing or repairing such vehicle except repairs necessitated by sudden emergency; in such emergency such vehicles shall be moved or towed away with all due haste; or

(3) For displaying advertising.

(b) Upon conviction of Section 36-114, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-115 Parking of motor vehicles for sale.

(a) It shall be unlawful for the owner or lessee, or the agent of the owner or lessee, of a used motor vehicle to park and display, or to knowingly allow others to park and display, said motor vehicle for sale on real property not owned or leased by the owner or lessee of the vehicle, or for any individual to park and display any used motor vehicle for sale upon the property of another within the Town of Sharpsburg, unless the owner or lessee of such vehicle has the prior permission of the owner or lessee of the real property upon which the motor vehicle is parked and displayed, the owner or lessee of the real property upon which the motor vehicle is parked and displayed is licensed as a used motor vehicle dealer by the Georgia Used Motor Vehicle and Used Motor Vehicle Parts Dealers Act, as the same may be amended from time to time.

(b) The provisions of subsection (a) of this Section shall not apply to:

(1) If the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked, and the owner or lessee of the vehicle is attending to the business of his/her employment at the time the vehicle is displayed or parked;

(2) If the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; or

(3) If the real property on which a vehicle is displayed or parked is a parking lot which a fee is charged for the use of such parking lot and the owner or lessee of the vehicle displayed or parked has paid the fee for the use of such parking lot.

(c) It shall be unlawful for an owner or lessee of any real property to display or park more than two used motor vehicles at the same time on such real property for the purpose of selling or advertising the sale of such used motor vehicles. Any used motor vehicle displayed or parked for sale must be owned or leased by the owner or lessee of the real estate upon which the vehicles are displayed or parked.

(d) It shall be unlawful for an owner or lessee of any real property to display or park more than five used motor vehicles within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles. Any used motor vehicle displayed or parked for sale must be owned or leased by the owner or lessee of the real estate upon which the vehicles are displayed or parked.

(e) For the purposes of this Section, any motor vehicle bearing a sign or writing or other device indicating that said vehicle is for sale and having been left unattended for a period in excess of two hours shall be deemed to have been left for the purpose of displaying said vehicle for sale.

(f) Nothing in this Section shall restrict a licensed dealer in new or used vehicles from displaying used motor vehicles for sale on the appropriately licensed business premises of such dealer.

(g) Any person violating this Section, upon conviction, shall be punished for each offense by a fine not exceeding \$500.00. Each day such violation continues shall constitute a separate offense.

(h) For any motor vehicle displayed or parked in violation of subsection (a) of this Section for which the owner or lessee of such vehicle has been given actual notice that the motor vehicle is in violation of Town Code and will be impounded, the code enforcement officer may have such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle, and the Town may then dispose of said vehicle in accordance with O.C.G.A. Tit. 40, Ch. 11, relating to abandoned motor vehicles.

(i) Any towing and storage expenses due from the owner or lessee of a motor vehicle pursuant to this Section shall not constitute a fine or penalty and shall instead constitute an expense incurred by the owner or lessee of the motor vehicle.

(j) For purposes of this Section "motor vehicle" shall include automobiles, cars, watercraft, motorcycles, trucks, tractors, all terrain vehicles, motor homes, trailers and airplanes.

Sec. 36-116 Abandoned and operating wells.

(a) All abandoned wells shall be filled with dirt by the well's owner at the time the well is abandoned.

(b) All wells other than abandoned wells shall be completely covered and secured in a manner approved by the building official which shall provide for the health, safety and welfare of the public.

Sec. 36-117 Outdoor storage of vehicle tires prohibited.

It shall be unlawful for any person to maintain new or used automobile, truck or tractor tires in an outdoor area within the Town. The storage of all such tires shall be in an enclosed and covered area within the Town. Nothing in this section shall prohibit or prevent the outdoor display of tires for sale during normal business hours; provided however, that such tires are stored in an enclosed and covered area after normal operating hours.

Sec. 36-118 Noises

(a) All loud, excessive or unusual noises, whether made by mechanical devices, vehicles, radios, sirens or horns, are prohibited within the city. Loud, excessive or unusual noises are defined as noises which reasonably disturb the comfort, quiet or repose of any Town citizen.

(b) The foregoing shall not apply to advertisements of athletic contests or announcements thereof authorized upon a permit issued by the code enforcement officer.

Sec. 36-119- Construction Sites

(a) Litter prohibited. It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter on such site outside of a proper receptacle or to cause, permit or allow litter or waste to be spilled, discharged, or blown by wind or water. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.

(b) Receptacles required. The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or conveyed as to prevent litter and waste from being spilled, discharged, or blown by wind or water. The primary contractor should determine the number and capacity of receptacles, but no less than one (1) receptacle for worker's litter and no less than one (1) receptacle for construction waste shall be placed at

each construction site. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage from overflow and to prevent offensive odors. All receptacles required under this subsection shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.

(c) Repair and Renovation Exclusion. The requirement for receptacles in this section shall not apply to any construction site on which only repair or renovation of a building is taking place, provided that no litter or construction waste is placed, stored, or otherwise accumulated on the exterior of the property outside of a proper receptacle and such receptacle is maintained in accordance with this chapter.

(d) Portable toilets required. The owner, agent or contractor in charge of a construction site shall furnish no less than one portable toilet facility on such site but in any event such number sufficient to service the sanitary waste needs for the site. It shall be unlawful for the owner, agent or contractor in charge of a construction site to cause, permit or allow such facility to spill or discharge on the site or into waters located on the site. It shall be the responsibility of the owner, agent or contractor in charge of a construction site to have such facility emptied, serviced and maintained on an "as needed" basis.

(e) Concrete truck washout. It shall be unlawful for the owner, agent or contractor in charge of a construction site to permit and unlawful for the driver operator or other employee on a concrete truck to wash or discharge excess concrete from the chute, pump, drum or barrel of a concrete truck onto a construction site, upon the city right-of-way or city streets.

(f) Chemical storage. Any chemicals stored on a construction site shall be stored in approved containers, properly secured, and it shall be unlawful for the owner, agent or contractor in charge of a construction site to permit the improper storage or disposal of chemicals on a construction site.

Sec. 36-120. Portable Toilets.

(a) This section shall not apply to construction sites.

(b) Unless otherwise stated in this section, no portable toilet shall be placed within 100 feet of a residential property line.

(c) For festivals and special events the Town may issue a permit to the property owner allowing portable toilets for a maximum 3-day period.

(d) In every case, property owners shall remove the waste contained in the portable toilets by appropriate industry standards not less than once a week. The Town may require a different time table for portable toilet waste removal for health and sanitation reasons.

Sec. 36-121. Litter Receptacles.

(a) Receptacles required. Every owner, occupant, tenant, or lessee or producer in control of property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, lessee or producer in control of any property shall determine the number and size of the receptacles, except that no less than one (1) receptacle per 100 attendees shall be placed at each site. Receptacles shall be no less than fifty-five (55) gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which the receptacles are required by this chapter shall at his or her own expense be responsible for the placement, and maintenance of such receptacles as required by

this chapter.

(b) Periodic emptying of receptacles. All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

Sec. 36-122. Restriction on Outdoor Watering.

- (a) Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 P.M. and 10:00 A.M., eastern standard time.
- (b) The restrictions set forth in subsection 36-122(a) shall not apply to the following outdoor water uses:
- (1) Commercial agricultural operations as defined in O.C.G.A. § 1-3-3;
 - (2) Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
 - (3) Reuse of gray water in compliance with O.C.G.A. 31-3-5.2 and applicable local board of health regulations adopted thereto;
 - (4) Use of reclaimed waste water by designated user from a system permitted by the Environmental Protection Division of the Department of Natural Resources to provide reclaimed waste water;
 - (5) Irrigation of personal food gardens;
 - (6) Irrigation of new and replanted plant, seed, or turn in landscapes, golf courses, or sports turf fields during instillation and for a period of 30 days immediately following the date of instillation;
 - (7) Drip irrigation or irrigation using soaker hoses;
 - (8) Handwatering with a hose with automatic cutoff or handheld container;
 - (9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 - (10) Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
 - (11) Instillation, maintenance, or calibration of irrigation systems; or
 - (12) Hydro seeding.

Sec. 36-122 Section 36-123. Enforcement.

All law enforcement agencies, officers and officials of Georgia and any political subdivision thereof or any enforcement agency, officer or any official commission of Georgia or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this ordinance. Enforcement officials specifically included the code enforcement officer for the Town of Sharpsburg and the Coweta County Sheriff.

ARTICLE II

Sections 100 through 123 of Chapter 36 of the Town's Code of Ordinances shall read as follows:

Sec. 36-100 Declaration of policy.

It is the declared policy of the Town of Sharpsburg that the pollution of the atmosphere by smoke, fly ash, products of complete or incomplete combustion and certain other emissions into the atmosphere, or the discarding or accumulation of garden trash, garbage, rubbish or brush on the lands or waters within the Town is a menace to the welfare and comfort of the people of the Town and a cause of extensive damage to health and property. The necessity for legislative intervention by the enactment of the provisions of this ordinance is for the purpose of controlling and reducing atmospheric pollution and the pollution of the

Town's land and its adjacent waters.

Sec. 36-101 Definitions.

The following words, terms and phrases, when used in this Chapter 36, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned, junked or inoperable furniture, appliances, machinery or equipment shall be items incapable of, and not being used for the purposes for which they were intended.

Abandoned well means a well which is no longer used for the purpose of drawing water and which is unsecured.

An *abandoned or junked motor vehicle* is defined as one that is in such a state of disrepair as to be incapable of operating under its own power or to operate safely upon public roads or streets as required by the laws of Georgia, or which does not have a current license plate or tag.

Brush means all vegetation detached from the land resulting from land clearing operations or other causes.

Construction Site means any residential, commercial, industrial, or other lot area, lot or site which construction or demolition of any type is conducted including roads at buildings, and at all other places actively being constructed, demolished, renovated, or repaired.

Construction Waste means solid waste that is produced or generated during construction, demolition, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes including, but are not limited to lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, paying materials, and metal and plastics if the metal or plastics are a part of the materials of a construction or empty containers for such materials. Paints, coatings, solvents asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Equipment shall include all trailers,(including but not limited to, travel trailers, pop-up trailers and 5th wheel trailers) airplanes, boats and all terrain vehicles.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit or vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generating of noxious gases or odors, or which during or after decay may serve as breeding or feeding materials for flies or other germ-carrying insects; and any bottles, cans, cartons or other containers.

Garden trash means all accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees and tree limbs.

Improved Lot means a lot that maintains any structure, including but not limited to a house, a business garage or any accessory building.

Litter means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals or discarded materials of any and every kind and description.

Motor vehicle shall include, automobiles, cars, trucks, motorcycles, and motor homes.

Person means any individual, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, representative, or group of individuals or entities of any kind.

Prescribed burning is a fire set under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.

Public or private property shall be all-inclusive, such that no property in the Town shall be exempt from the regulation by this ordinance.

Receptacle means a container that is specifically designed, constructed, and placed for use as a depository for litter or solid waste.

Refuse means all solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Rubbish means accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operations of stores, offices and other business places, and such materials as metals, mineral matter, glass, crockery, auto bodies or parts, including automobile tires or tubes and wrecked, inoperative or abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment and building material rubble resulting from the construction or alteration of structures or parts of structures and other materials or refuse not usual to housekeeping or the operation of stores and offices, stumps and any abandoned appliances, including but not limited to washers, dryers and stove.

Sanitary waste or domestic waste or domestic sewerage means water borne, human or animal excreta or body wastes or normal culinary, laundry, and washing waste.

Solid waste or waste means any garbage, refuse, rubbish, trash, or other discarded material, but does not include solid or dissolved materials in domestic sewage, solid or dissolved materials in irrigation return flows, industrial discharges, or special nuclear or by-product materials.

Slash burning is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.

Sec. 36-102 Cleanliness of premises — Generally.

For the purpose of promoting the health, safety and welfare of the people of the Town of Sharpsburg, every owner of a lot or parcel of land lying within the Town is required to keep such land cleared of all garbage, garden trash, rubbish and abandoned or junked motor vehicles, abandoned, junked or inoperable furniture, appliances, machinery or equipment. Every owner of an Improved Lot or parcel of land lying within the Town is further required to keep all land, within one hundred (100) feet of all improved structures, cleared of all underbrush and debris, weeds and grass in excess of 12 inches in height from the ground, and noxious material of any kind which tends to be a breeding place for mosquitoes, or tends to be a breeding place or habitual for snakes, mice, rodents or vermin of any kind or character, or which tends to create a fire hazard and endanger the lives and property of the citizens of the Town or which tends to create a nuisance or other unsightly or unsanitary condition.

Sec. 36-103 Abandonment of wrecked, junked, dismantled or inoperative motor vehicle, furniture, appliances, machinery or equipment.

(a) It shall be unlawful for the owner, tenant, lessee, occupant, or person in possession of any lot or parcel of land in the Town to keep or permit to be kept or stored on said land any wrecked, dismantled,

inoperative abandoned or junked motor vehicle, abandoned, junked or inoperable furniture, appliance, machinery or equipment or parts of same, which are not completely enclosed in a building, unless such premises have previously been zoned for the operation of a automobile or other repair service, or storage, lawfully zoned and permitted, and must comply with Section 36-111 of this Ordinance and shall have been issued a business license for such operation by the Town.

(b) Should the person to whom the notice is directed fail to comply with the request made therein within the five-day period, the law enforcement officers of the Town shall be authorized to proceed with the bringing of charges as for the violation of this and any applicable Town ordinance. Each day of a continuing violation of this section shall be deemed a separate offense, and upon conviction be punished to the extent authorized by the Town's Charter.

Sec. 36-104 Same - Notice to correct conditions.

(a) If it is determined that any of the conditions specified in Sections 36-102 or 36-103 exist on any property within the Town, the Town code enforcement officer shall notify in writing the owner, the tenant, the owner's agent, or the property manager that the conditions exist and must be abated within two (2) weeks.

(b) If the conditions are not abated within the prescribed time, the Town code enforcement officer shall issue a summons to the owner, the tenant, the owner's agent, and/or the property manager.

(c) Upon conviction of violation of Section 36-102 or Section 36-103, the owner, tenant, owner's agent or property manager shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-105 Same – Correction by Town.

If it is determined that any of the conditions specified in Sections 36-102 or 36-103 exist on any property within the Town, and if the owner, the tenant, the owner's agent or the property manager has been notified in writing that the conditions exist, and if the conditions are not abated within two (2) weeks after the receipt of such notice, the Town code enforcement officer may direct that the conditions be abated at Town expense.

Sec. 36-106 Same – Recovery of Town expenses.

(a) If any of the conditions specified in Sections 36-102 or 36-103 are abated at Town expense as provided in Section 36-105, the Town shall assess a lien against the property for the cost described in this Section.

(b) A letter shall be mailed by the Town clerk to the owner of record by certified mail, return receipt requested, which states the Town's intention to file a lien and notifies that the owner has 20 days from receipt of the letter to either reimburse the Town its expenses or file with the Town clerk written objections to the reasonableness of the assessed cost. Should there be any objections to the reasonableness of the cost, the Town Council shall hear and determine the validity of such objections.

(c) Upon final determination of the invalidity of the objections or on failure to file objections within 20 days, a lien in such form as the Town attorney shall determine, shall be filed in the office of the clerk of superior court and recorded as other liens are recorded. A copy of the liens shall be kept in the office of the Town clerk, and a copy shall also be filed with the tax commissioner of the county.

(d) The actual direct cost of abating the conditions, together with the necessary expenses for preparing, filing and recording the lien, including any legal expenses, shall be assessed against the property and shall be collected by the Town clerk on November 1 next succeeding the date of filing of the lien, and, if not collected, shall thereafter be subject to the penalties and interest to which ad valorem taxes would be subject, and collection may be enforced.

Sec. 36-107 Dumping, depositing on or in premises of another, streets, streams, lakes, including public or private property or waters.

(a) It shall be unlawful for any person or legal entity in person or by its agent or employees, to cast, dump, deposit, accumulate, throw or leave, or to cause to permit the dumping, depositing, placing, accumulating, throwing or leaving of litter, garbage, garden trash, brush or rubbish on any public or private property in the Town or any waters in the Town, unless:

(1) The property is designated by the Town or by Coweta County for the disposal of such materials and the person is authorized by the proper public authority to use such property; or

(2) The litter is placed into a litter receptacle or container installed on such property and the receptacle or container is installed for the purpose of receiving and discard of the litter, garbage, garden trash, brush or rubbish; or

(b) Any person who violates this Section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense; by sentence to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter the person has deposited and any and all litter deposited by anyone else prior to the date of execution of sentence; or the person may be ordered to pick up and remove from any public park, recreation facility, 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 by anyone prior to the date of execution of sentence; or any combination of fine and sentence, in the discretion of the judge.

Sec. 36-108 Prima Facie evidence as to rubbish thrown from motor vehicles.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or other means of conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.

(b) When litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article, including but not limited to letters, bills, publication or other writings which display the name of a person in such a manner as to indicate that the article belongs to such a person, it shall be rebuttable presumption that such person has violated Section 36-107.

Sec. 36-109 Spilling of trash, sand, gravel, similar materials from vehicles.

(a) It shall be unlawful for any person, firm or corporation to transport upon any public roads within the Town garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone, asphalt or other spillable or blowable material in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling or dropping of its contents on public roads or alleys.

(b) However, that the requirements herein for covering such vehicles shall not apply to vehicles carrying

brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping of the aforesaid.

(c) Upon conviction of violation of Section 36-109, the person shall be punished by a fine not to exceed the maximum amount allowed by the Town Charter as is from time to time amended. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 36-110 Open Burning.

(a) Unless otherwise specified in subsection (c) of this Section 36-110, there shall be no open burning in the Town during the months of May, June, July, August and September.

(b) In the months of January, February, March, April, October, November and December, no person shall cause, suffer, allow, or permit open burning in any area of the Town except as follows:

1. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
2. For recreational purposes or cooking food for immediate human consumption.
3. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
4. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
5. The burning pile size shall be no greater than 10 feet by 10 feet used for the primary purpose of residential enjoyment and/or minor residential debris disposal.
6. Materials such as heavy oils, gasoline, asphaltic materials, plastic, tires and items containing natural or synthetic rubber, or any other material producing dense smoke and/or obnoxious odors are not allowed to be burnt in the town.
7. All burning shall be carried out between 8:00 a.m. and 6:00 p.m. and all fires shall be completely burned.
8. All burning shall be located on private property so as not to interfere with any traffic on the public streets or sidewalks.
9. During any open burning, the burning activity shall be constantly attended by a competent person of at least eighteen (18) years of age.

(c) *Specific Exceptions.* The exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 under subsection (b) above.

(d) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on typical domestic charcoal or gas grills. Each request to conduct outdoor burning shall be made to the Town Hall in person or by phone/internet to the Georgia Forestry Commission (1-877-652-2876), 222.gfc.state.ga.us/onlinepermits. The code enforcement officer shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.

(e) *Monitoring and enforcement.* The code enforcement officer will periodically monitor authorized burning to ashes compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, code enforcement officer may require the correction of the deficiency(ies) or direct extinguishment of the fire, as he judges appropriate. In no case should burning be allowed to continue if in the code enforcement officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse affects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the code enforcement officer.

(f) *Order to remove fire hazard.* Whenever the code enforcement officer, shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any highly flammable material especially liable of fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of fire department personnel or egress of occupants in case of fire, the code enforcement officer shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to penalties as hereinafter provided.

(g) *Prescribed burning.* Prescribed burning is prohibited within the Town.

(h) *Slash burning.* Slash burning is prohibited within the Town.

(i) *Violations.* Violations of this Section, failure to comply with orders or rules, regulations and procedures of the code enforcement officer shall be punished for each violation, up to the extent allowed by the Town Charter. Each day of a continuing violation shall be a separate and distinct violation and may be so punished.

Sec. 36-111 Outdoor storage/out of store marketing.

(a) Outdoor storage.

(1) Outdoor storage of inoperable vehicles, machinery, appliances and equipment shall be limited to those enterprises requiring storage of these items while being repaired. This storage time shall not exceed 30 days from the time the item is delivered to the time the item is removed from the site. All outdoor storage areas of this type shall be screened from public view with a properly maintained opaque fencing in good repair (or a combination of fencing and plant materials to provide opacity; however, the fence shall delineate the entire storage area except where a building delineates part of the storage area), with a minimum height of four feet.

(2) The outdoor storage of retail or wholesale merchandise after the establishment is closed for business shall be allowed only by businesses which have one or more of the following lines of sales and only as to the following types of merchandise:

a. Automobile (including for rent or lease).

b. Watercraft.

c. Motorcycles.

- d. Trucks (including for rent or lease).
- e. Tractor and tractor-related equipment.
- f. All terrain vehicles.
- g. Trees or plants.
- h. Building materials.
- i. Landscape materials, unpackaged, bulk only.
- j. Lawn furniture.
- k. Outdoor playground equipment.
- l. Vending machines.
- m. LP tanks, if located in storage bins.
- n. Ice bins used for the sale of ice.

- (3) The merchandise shall not be stored upon the public rights-of way, fire lanes, Town sidewalks or required off-street automobile parking and loading or required unloading spaces or driveways thereto, or other areas marked for automobile parking, landscape islands, driveways, and all driving lanes.

(b) Out of store marketing. Out of store marketing is defined as the displaying of retail merchandise outside of the building or structure of a commercial enterprise. Out of store marketing shall be allowed only with the following restrictions:

- (1) Retail goods may be displayed outside the building only during those times in which the relevant business is open and staffed to sell the merchandise in question to the general public.
- (2) Merchandise cannot be displayed upon required off-street automobile parking and loading and unloading spaces, other parking areas marked for automobile parking, landscape islands, driveways, fire lanes and driving lanes within and without parking areas.
- (3) Sidewalk displays must allow a five-foot clear area as measured from the outside edge of the sidewalk for pedestrian traffic. If the sidewalk is five feet or less in width, the entire sidewalk must be left clear. Displays shall not be located between a sidewalk and a street, driving lane, driveway, landscape island, required off-street automobile parking and loading and unloading spaces or other parking areas marked for automobile parking.

(c) Upon conviction of Section 36-111, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-112 Disorderly houses.

(a) It shall be unlawful for any person, either for himself or as agent of another, to permit persons who are

acting in a boisterous, noisy or riotous manner to assemble in or about any house, building, structure, vehicle or upon any private property located within the Town, owned, occupied or controlled by him, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure or vehicle.

(b) It shall be unlawful for any person, either for himself or as agent of another, to permit persons who are gambling or participating in other illegal activity or purpose to assemble in or about any house, building, structure, vehicle or private property, within the Town, owned, occupied or controlled by him.

(c) It shall be unlawful for any person to assemble within or about a house, building, structure or vehicle, or upon private property, within the Town while acting in a boisterous, noisy or riotous manner, to the reasonable annoyance or disturbance of persons residing or working near said house, building, structure, vehicle or private property.

(d) It shall be unlawful for any person to assemble within or about a house, building, structure, or vehicle, or upon private property, within the Town, while participating in gambling or other illegal activity or purpose.

(e) Upon conviction of Section 36-112, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-113 Abandoned property; removal and storage.

Any motor vehicle or other object abandoned on the streets or on other public property within the corporate limits of the Town (hereinafter referred to as abandoned property) may be removed by, or at the direction of, the code enforcement officer and placed in storage, in order to preserve the safety of travel on the streets and the unobstructed use of public property.

Sec. 36-114 Parking for certain purposes prohibited.

(a) No person shall park a vehicle upon any public right of way or street, or other public property for:

(1) Displaying such vehicle for sale;

(2) Washing, greasing or repairing such vehicle except repairs necessitated by sudden emergency; in such emergency such vehicles shall be moved or towed away with all due haste; or

(3) For displaying advertising.

(b) Upon conviction of Section 36-114, the person may be fined a maximum of \$500.00 per violation, for continuous violations, each day of the violation shall constitute a separate and distinct punishable violation.

Sec. 36-115 Parking of motor vehicles for sale.

(a) It shall be unlawful for the owner or lessee, or the agent of the owner or lessee, of a used motor vehicle to park and display, or to knowingly allow others to park and display, said motor vehicle for sale on real property not owned or leased by the owner or lessee of the vehicle, or for any individual to park and display any used motor vehicle for sale upon the property of another within the Town of Sharpsburg, unless the owner or lessee of such vehicle has the prior permission of the owner or lessee of the real property upon which the motor vehicle is parked and displayed, the owner or lessee of the real property

upon which the motor vehicle is parked and displayed is licensed as a used motor vehicle dealer by the Georgia Used Motor Vehicle and Used Motor Vehicle Parts Dealers Act, as the same may be amended from time to time.

(b) The provisions of subsection (a) of this Section shall not apply to:

(1) If the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked, and the owner or lessee of the vehicle is attending to the business of his/her employment at the time the vehicle is displayed or parked;

(2) If the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; or

(3) If the real property on which a vehicle is displayed or parked is a parking lot which a fee is charged for the use of such parking lot and the owner or lessee of the vehicle displayed or parked has paid the fee for the use of such parking lot.

(c) It shall be unlawful for an owner or lessee of any real property to display or park more than two used motor vehicles at the same time on such real property for the purpose of selling or advertising the sale of such used motor vehicles. Any used motor vehicle displayed or parked for sale must be owned or leased by the owner or lessee of the real estate upon which the vehicles are displayed or parked.

(d) It shall be unlawful for an owner or lessee of any real property to display or park more than five used motor vehicles within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles. Any used motor vehicle displayed or parked for sale must be owned or leased by the owner or lessee of the real estate upon which the vehicles are displayed or parked.

(e) For the purposes of this Section, any motor vehicle bearing a sign or writing or other device indicating that said vehicle is for sale and having been left unattended for a period in excess of two hours shall be deemed to have been left for the purpose of displaying said vehicle for sale.

(f) Nothing in this Section shall restrict a licensed dealer in new or used vehicles from displaying used motor vehicles for sale on the appropriately licensed business premises of such dealer.

(g) Any person violating this Section, upon conviction, shall be punished for each offense by a fine not exceeding \$500.00. Each day such violation continues shall constitute a separate offense.

(h) For any motor vehicle displayed or parked in violation of subsection (a) of this Section for which the owner or lessee of such vehicle has been given actual notice that the motor vehicle is in violation of Town Code and will be impounded, the code enforcement officer may have such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle, and the Town may then dispose of said vehicle in accordance with O.C.G.A. Tit. 40, Ch. 11, relating to abandoned motor vehicles.

(i) Any towing and storage expenses due from the owner or lessee of a motor vehicle pursuant to this Section shall not constitute a fine or penalty and shall instead constitute an expense incurred by the owner or lessee of the motor vehicle.

(j) For purposes of this Section "motor vehicle" shall include automobiles, cars, watercraft, motorcycles, trucks, tractors, all terrain vehicles, motor homes, trailers and airplanes.

Sec. 36-116 Abandoned and operating wells.

- (a) All abandoned wells shall be filled with dirt by the well's owner at the time the well is abandoned.
- (b) All wells other than abandoned wells shall be completely covered and secured in a manner approved by the building official which shall provide for the health, safety and welfare of the public.

Sec. 36-117 Outdoor storage of vehicle tires prohibited.

It shall be unlawful for any person to maintain new or used automobile, truck or tractor tires in an outdoor area within the Town. The storage of all such tires shall be in an enclosed and covered area within the Town. Nothing in this section shall prohibit or prevent the outdoor display of tires for sale during normal business hours; provided however, that such tires are stored in an enclosed and covered area after normal operating hours.

Sec. 36-118 Noises

- (a) All loud, excessive or unusual noises, whether made by mechanical devices, vehicles, radios, sirens or horns, are prohibited within the city. Loud, excessive or unusual noises are defined as noises which reasonably disturb the comfort, quiet or repose of any Town citizen.
- (b) The foregoing shall not apply to advertisements of athletic contests or announcements thereof authorized upon a permit issued by the code enforcement officer.

Sec. 36-119- Construction Sites

- (a) Litter prohibited. It shall be unlawful for any owner or agent of a construction site, or any contractor on a construction site, to cause, permit, or allow the presence of litter on such site outside of a proper receptacle or to cause, permit or allow litter or waste to be spilled, discharged, or blown by wind or water. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.
- (b) Receptacles required. The owner, agent, or contractor in charge of a construction site shall furnish on such site receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available and maintained and secured or conveyed as to prevent litter and waste from being spilled, discharged, or blown by wind or water. The primary contractor should determine the number and capacity of receptacles, but no less than one (1) receptacle for worker's litter and no less than one (1) receptacle for construction waste shall be placed at each construction site. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced with sufficient frequency to prevent spillage from overflow and to prevent offensive odors. All receptacles required under this subsection shall remain conveniently available on the site from the time construction activity commences until the construction activity ceases.
- (c) Repair and Renovation Exclusion. The requirement for receptacles in this section shall not apply to any construction site on which only repair or renovation of a building is taking place, provided that no litter or construction waste is placed, stored, or otherwise accumulated on the exterior of the property outside of a proper receptacle and such receptacle is maintained in accordance with this chapter.
- (d) Portable toilets required. The owner, agent or contractor in charge of a construction site shall furnish no less than one portable toilet facility on such site but in any event such number sufficient to service the sanitary waste needs for the site. It shall be unlawful for the owner, agent or contractor in charge of a

construction site to cause, permit or allow such facility to spill or discharge on the site or into waters located on the site. It shall be the responsibility of the owner, agent or contractor in charge of a construction site to have such facility emptied, serviced and maintained on an "as needed" basis.

(e) Concrete truck washout. It shall be unlawful for the owner, agent or contractor in charge of a construction site to permit and unlawful for the driver operator or other employee on a concrete truck to wash or discharge excess concrete from the chute, pump, drum or barrel of a concrete truck onto a construction site, upon the city right-of-way or city streets.

(f) Chemical storage. Any chemicals stored on a construction site shall be stored in approved containers, properly secured, and it shall be unlawful for the owner, agent or contractor in charge of a construction site to permit the improper storage or disposal of chemicals on a construction site.

Sec. 36-120. Portable Toilets.

(a) This section shall not apply to construction sites.

(b) Unless otherwise stated in this section, no portable toilet shall be placed within 100 feet of a residential property line.

(c) For festivals and special events the Town may issue a permit to the property owner allowing portable toilets for a maximum 3-day period.

(d) In every case, property owners shall remove the waste contained in the portable toilets by appropriate industry standards not less than once a week. The Town may require a different time table for portable toilet waste removal for health and sanitation reasons.

Sec. 36-121. Litter Receptacles.

(a) Receptacles required. Every owner, occupant, tenant, or lessee or producer in control of property that is held out to the public as a place for assemblage, for the transaction of business or recreation, or as a public way shall provide adequate receptacles of sufficient number and size to contain all litter generated by those persons frequenting that public place. The owner, occupant, tenant, lessee or producer in control of any property shall determine the number and size of the receptacles, except that no less than one (1) receptacle per 100 attendees shall be placed at each site. Receptacles shall be no less than fifty-five (55) gallons in capacity and clearly marked and designed to prevent the escape of litter and waste. Any person owning or in control of any property at which the receptacles are required by this chapter shall at his or her own expense be responsible for the placement, and maintenance of such receptacles as required by this chapter.

(b) Periodic emptying of receptacles. All litter and solid waste shall be removed from receptacles as necessary, but not less frequently than weekly, and all receptacles shall be maintained in a sanitary and serviceable condition.

Sec. 36-122. Restriction on Outdoor Watering.

(a) Persons may irrigate outdoors daily for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants only between the hours of 4:00 P.M. and 10:00 A.M, eastern standard time.

(b) The restrictions set forth in subsection 36-122(a) shall not apply to the following outdoor water uses:

- (1) Commercial agricultural operations as defined in O.C.G.A. § 1-3-3;

- (2) Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
- (3) Reuse of gray water in compliance with O.C.G.A. 31-3-5.2 and applicable local board of health regulations adopted thereto;
- (4) Use of reclaimed waste water by designated user from a system permitted by the Environmental Protection Division of the Department of Natural Resources to provide reclaimed waste water;
- (5) Irrigation of personal food gardens;
- (6) Irrigation of new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during instillation and for a period of 30 days immediately following the date of instillation;
- (7) Drip irrigation or irrigation using soaker hoses;
- (8) Hand watering with a hose with automatic cutoff or handheld container;
- (9) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (10) Irrigation of athletic fields, golf courses, or public turf grass recreational areas;
- (11) Instillation, maintenance, or calibration of irrigation systems; or
- (12) Hydro seeding.

Sec. 36-123 Enforcement

All law enforcement agencies, officers and officials of Georgia or any political subdivision thereof or any enforcement agency, officer or any official commission of Georgia or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this ordinance. Enforcement officials specifically include the code enforcement officer for the Town of Sharpsburg and the Coweta County Sheriff.

ARTICLE III

This Ordinance shall become immediately effective upon its second reading and adoption by the Mayor and Town Council.

ARTICLE IV

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

ARTICLE V

The Ordinance shall be codified within the Code of Ordinances of the Town of Sharpsburg, Georgia at Chapter 36 in a manner consistent with the laws of the State of Georgia and of the Town of Sharpsburg.

ARTICLE VI

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

(Signatures Appear on the Next Page)

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the ___day of _____, 2010, by the following voting for adoption:

Wendell L. Staley, Mayor

L. Gordy Anderson, Council Member

Celene D. Davenport, Council Member

D. Keith Rhodes, Council Member

Connie F. Turner, Council Member

Attest:

Donna M. Camp, Town Clerk

2nd Reading