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STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. **2024-20**

AN ORDINANCE TO AMEND HAMPTON CODE OF ORDINANCES, PART I – CHAPTER 54, ARTICLE III – NUISANCES, SECTION 54-61 THROUGH 54-90 BE REPEALED AND REPLACED; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

THE COUNCIL OF THE CITY OF HAMPTON HEREBY ORDAINS:

**Section 1.** That Section PART I – CHAPTER 54, ARTICLE III – NUISANCES, SECTION 54-61 THROUGH 54-90 be repealed and replaced.

**Section 2.** That Section PART I – CHAPTER 54, ARTICLE III – NUISANCES, SECTION 54-61 THROUGH 54-90 as replaced shall read:

**Sec. 54-61. Acts constituting nuisances designated.**

- (a) A "nuisance" is anything that works hurt, inconvenience or damage to another, and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful, or such as would affect only one of fastidious taste, but it shall be such as would affect an ordinarily reasonable person.
- (b) Nuisances are either public or private. A public nuisance is one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals. A private nuisance is one limited in its injurious effects to one or few individuals.
  - (1) A public nuisance generally gives no right of action to any individual. However, if a public nuisance is which the public does not participate causes special damage to an individual, such special damage shall give right of action.
    - a. Private citizens may not generally interfere to have a public nuisance abated. A complaint must be filed by the district attorney, solicitor-general, or city attorney on behalf of the public. However, a public nuisance may be abated upon filing of a complaint by any private citizen specially injured.
      - i. This applies to any event hosted by a promoter or an organizer that is not properly permitted by the city that results in a public nuisance that impedes travel by police, fire service, emergency medical services personnel, or other public safety personnel, or employees or officials of local, state, or federal governments acting in their official capacities.
      - ii. Where the district attorney, solicitor-general, or city attorney on behalf of the public files a complaint pursuant to subsection (a) of this Code section and the complaint includes a statement that the conditions set forth in paragraph (i) of this subsection have been satisfied, he or she may seek in such complaint and recover on behalf of the public from a promoter or organizer of the unpermitted event reimbursement of all expenses incurred by the city associated with public safety, including, but not limited to, costs and

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ORD. 2024-20

(Supp. No. 15)

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fees for the provision of traffic control, supplemental law enforcement, fire suppression services, emergency medical technician or paramedic services, and sanitation services.

(2) A private nuisance may injure either a person or property, or both, and for that injury a right of action accrues to the person who is injured or whose property is damaged.

a. A private nuisance may be abated upon filing of a petition by the person injured.

(c) For the purpose of this article, a nuisance shall include, but not be limited to, the following descriptive terms:

(1) Stagnant water on premises;

(2) Obnoxious vegetation which is defined to include:

a. Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;

b. Trees, shrubs or other plant materials which, if they should fall, would present a safety hazard to adjacent public or private property;

c. Any vegetation which presents a sight distance safety hazard to motorists using either public or private streets or driveways;

d. Any vegetation which, because of its characteristics of growth, spreads onto adjacent property and cannot be controlled;

e. Any vegetation that restricts the full functionality or obscures access of doorways, windows, vents, chimneys, and structural openings constructed for ventilation and/or access;

f. Any grass or weeds on vacant lots in platted subdivisions or on parcels less than one (1) acre which lie adjacent to or between other one-acre or less parcels, whenever more than fifty (50) percent of the lot or parcel contains vegetation which exceeds eight (8) inches in height; and

g. Any weed, grass, lawn, or vegetation on any portion of a developed lot or parcel of land in excess of eight (8) inches in height.

(3) Any condition which provides harborage for rats, mice, snakes, mosquitoes, house flies, or any other vermin or insects;

(4) The generation of dense smoke, offensive fumes, gas, soot or cinders in sufficient amount to cause odor or annoyance to the inhabitants of the city;

(5) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;

(6) Maintaining a dangerous or diseased animal or fowl;

(7) Obstruction of a public street, highway or sidewalk without a permit;

(8) Loud or unusual noises as defined in section 54-9 et. seq., which are detrimental or annoying to the public, including without limitation, unusual loud disturbances above ambient levels greater than 60dB(A) between the hours of 11:00 pm to 7:00 am and 70 dB(A) between the hours of 7:00 am to 11:00 pm when measured at or outside the property boundary utilizing, at minimum, Type 2 sound level meter;

(9) All walls, trees and buildings that may endanger persons or property;

(10) The occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable building and life safety codes. Such conditions may include the following:

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- a. Defects therein increasing the hazards of fire, accidents, or other calamities;
- b. Lack of adequate ventilation, light, or sanitary facilities;
- c. Dilapidation;
- d. Disrepair;
- e. Structural defects; and
- f. Uncleanliness

(11) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;

(12) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;

(13) Junked motor vehicles as defined in section 42-131 et seq.;

(14) Any person who possesses, harbors or is in charge of any animal who does not immediately remove excrement deposited by the animal on any property other than their own property. It shall be the duty of any person having custody and control of any animal, while not on their own property, to have in their possession a means for the picking up and removal of animal excrement. The provisions of this section shall not apply to any animal aiding the handicapped (e.g. guide dogs) or to an animal when in police or rescue activities;

(15) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained; and

(16) Any other condition constituting a nuisance under the City Code or state law.

(Ord. No. 130, § 3, 1-8-02; Ord. No. 257, §§ 1, 2, 11-14-06; Ord. No. 492 , § 1, 10-8-19)

### **Sec. 54-62. Abatement of nuisances; municipal court authority.**

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances, as prescribed in section 1-16 of this Code.

(Ord. No. 130, § 4, 1-8-02)

### **Sec. 54-63. Complaints of nuisance; investigation and abatement order**

- (a) Any official or inhabitant of the city may direct a complaint of nuisance to the city police precinct, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court after a ten-day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the recorder shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.
- (b) Animal control officers, license and building inspectors shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.
- (c) Any reference to the city in this article shall be deemed to include the city or its designee, including the county department of code enforcement.

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(Supp. No. 15)

ORD. 2024-20

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(Ord. No. 130, § 5, 1-8-02)

**Sec. 54-64. Abatement by city when; billing for costs.**

- (a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the municipal court that it must be immediately abated, the municipal court may issue an order to appropriate law enforcement officials directing the nuisance to be abated. Law enforcement officials in such case, shall keep a record of the expenses and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for city revenues.
- (b) Other city departments shall assist law enforcement officials as is necessary in abating nuisances hereunder.

(Ord. No. 130, § 6, 1-8-02)

**Sec. 54-65. Summary abatement authorized when.**

Nothing contained in this article shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

(Ord. No. 130, § 7, 1-8-02)

**Sec. 54-66. Nuisance deemed offense; penalty.**

- (a) Any person who shall erect or continue after notice to abate a nuisance which tends to annoy the community, injure the health of the citizens in general, or corrupt the public morals shall be guilty of a misdemeanor.
- (b) It is declared to be an offense for any owner, agent, or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense. Anyone committing a nuisance shall be guilty of a petty offense and, upon conviction, punished by a fine not to exceed \$1,000.00, imprisonment for no more than six months, or a combination thereof.

(Ord. No. 130, § 8, 1-8-02)

**Secs. 54-67—54-90. Reserved.**

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

**Section 4.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

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(Supp. No. 15)

ORD. 2024-20

**Section 5.**

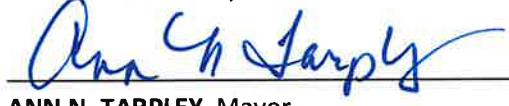
- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 12<sup>th</sup> day of November, 2024.

CITY OF HAMPTON, GEORGIA



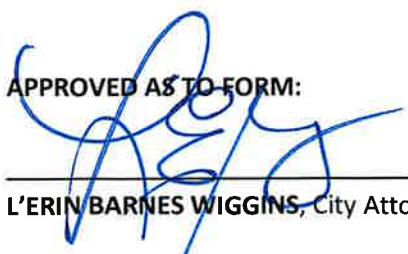
ANN N. TARPLEY, Mayor

ATTEST:



Courtney Blount  
City Clerk Deputy

APPROVED AS TO FORM:



L'ERIN BARNES WIGGINS, City Attorney

First Reading: 10/08/2024

Second Reading/Adoption: 11/12/2024

(Supp. No. 15)

ORD. 2024-20