

ARTICLE III. SOLID WASTE DISPOSAL

Sec. 2-7-50. Definitions.

In the construction of this article, the following definitions shall apply:

Commercial hauler: Any person who collects and/or transports solid waste for a fee or as a business.

Commercial residential hauler: A commercial hauler who collects and/or transports domestic refuse.

Commercial wastes: All waste by-products of manufacturing or commercial establishments, cinders and ashes from commercial boilers, and cardboard and wooden boxes, crates and barrels.

Director: The director of the solid waste department of the county or such director's authorized representatives.

Disposal facility: Any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.

Disposal site: The location at which the final disposition of solid waste occurs.

Domestic refuse: Household solid waste, and putrescible and nonputrescible waste originating from a residential unit, and consisting of paper, cans, bottles, food wastes, and including yard and garden waste.

Hazardous waste: A solid waste, or combination of solid wastes, which because of the quantity, concentration, or physical, chemical, or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Incidental hauler: Any person who transports solid waste as part of a business activity but who make not more than six (6) trips to the landfill annually.

Industrial hauler: Any person who transports commercial wastes from the manufacturing, commercial or industrial establishment owned or operated by such person.

Litter: Garbage, trash, commercial waste or other waste which is scattered about or accumulated in an untidy manner.

Nuisance: Anything which:

- (1) Meets that definition of the term as defined by O.C.G.A. section 41-1-1; and
- (2) Occurs during or as the result of the handling or disposing of solid waste.

Cross reference(s)—As to such nuisances, see also § 2-11-1Cross reference(s)—; littering at recreational facilities, § 2-13-7Cross reference(s)—.

Other waste: Animal, fowl and fish excrement, entrails, bones, carcasses, in whole or in part, and dead animals.

Person: As defined in section 2-1-2, and specifically including the state or any agency or institution thereof, and any municipality, political subdivision, public or private corporation, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity. This term also includes any

officer or governing or managing body of any municipality, political subdivision, special district empowered to engage in solid waste management activities, or public or private corporation.

Private collector: Any person who collects and/or transports solid waste as an adjunct to a business.

Scavenger: Any person who salvages or collects for resale or use, any garbage, paper, cardboard, boxes, crates or other waste which is being disposed of.

Solid waste: Putrescible and nonputrescible waste, except water-carried body waste, and shall include garbage, rubbish (paper, cartons, boxes, wood, tree branches, yard trimmings, stumps, tires, furniture, appliances, metal, tin cans, glass, crockery, or dunnage), ashes, street refuse, dead animals, sewage sludges, animal manure, industrial waste (waste material generated in industrial operations), residue from incineration, food processing waste, demolition waste, abandoned automobiles, dredging waste, construction waste, and any other waste material in a solid or semisolid state not otherwise defined in this section.

Solid waste handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

Stump: The lower portion of the trunk of a tree or shrub six (6) inches in diameter, or larger, and including portions of the root system.

Tire: Any tire or tire carcass that has not been shredded or cut into portions less than half its original size.
(Code 1979, § 2-2001; Ord. of 11-12-85; Ord. of 3-25-86; Ord. of 2-27-90, § 1)

Sec. 2-7-51. Administration.

The director is authorized and directed to administer and enforce the provisions of this article. The director shall have control of solid waste facilities, equipment and personnel and shall organize and operate a publicly owned solid waste collection, transportation and disposal system; and shall inspect and regulate the operations of private collectors and private transportation and disposal systems to the end that such operations shall be in compliance with this article. All actions of the director shall be subject to the review of the county manger. Any person aggrieved by a requirement of, or fee charged by, the director shall have the right to appeal to the board of commissioners, which may, upon hearing, confirm, modify or revoke such requirement or fee.

(Code 1979, § 2-2002; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-52. Enforcement.

- (a) Upon information made known to the chief of police, or the chief's authorized representative, that any person is in violation of this article, the chief or authorized representative shall cause a citation to be issued requiring said person to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this article.
- (b) Citations issued hereunder shall be pursuant to O.C.G.A. section 15-10-63 and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.

(Code 1979, § 2-2015, Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-53. Advisory committee—Created; composition.

- (a) *Created.* There is hereby created an advisory committee.

(b) *Composition.* This committee shall consist of the following who, after their initial appointment, shall serve for a period of two (2) years: Two (2) members who are private collectors. The initial term for these two (2) collectors shall expire on December 31, 1991, and new appointees shall serve for two (2) years thereafter. Three (3) interested citizens shall also serve, and their initial term shall expire on December 31, 1992, and new appointees shall serve for two (2) years thereafter. All five (5) individuals selected to serve on the committee shall be selected and appointed by the board of commissioners.

(c) *Ex officio membership.* The ex officio member shall be the director.

(Code 1979, § 2-2003; Ord. of 11-12-85; Ord. of 3-25-86; Ord. of 3-26-91)

Sec. 2-7-54. Same—Powers and duties.

In addition to such other powers and duties as may be set forth in this article, the advisory committee shall have the power and duty to:

- (1) Hold hearings and recommend to the board of commissioners regulations and amendments to this article concerning solid waste control.
- (2) Recommend to the board of commissioners guidelines for the operation and maintenance of the sanitary landfills.
- (3) Supply to the board of commissioners semi-annual reports as to any recommendations provided for herein or at such other intervals or times as may be designated, for inspection by the public.

(Code 1979, § 2-2004; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-55. Precollection.

No person shall keep or store refuse outside of any residence or building within the county except if it be in proper containers for collection or otherwise prepared as set forth herein and under the express prior approval of the director of. Any unauthorized accumulation of solid waste is hereby declared to be a nuisance and is prohibited. The director by written notice shall notify the owner or occupant of any premises with such solid waste accumulation to remove same. Failure to remove such accumulation within two (2) weeks of the date of such written notice to do so shall be deemed a violation of this Code and subject to penalties herein set forth, and each day's failure to remove such accumulation shall be a separate violation.

(Code 1979, § 2-2005; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-56. Scavenging.

No person other than the owner or authorized collection personnel shall sift the contents of or remove anything from any container, box or bundle.

(Code 1979, § 2-2006; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-57. Hazardous waste.

It shall be a violation of this article to place or cause to be placed in any container, box or bundle, or otherwise for disposal in the county, any hazardous waste of any kind.

(Code 1979, § 2-2007; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-58. Collection vehicles.

- (a) Vehicles used for collection and transportation of solid waste shall be kept in good repair. They shall be constructed in such a manner that the contents thereof cannot be spilled, leaked or blown from the vehicle. Commercial hauler vehicles and private collector vehicles shall be readily identifiable by letters painted on the door of the vehicle cab or in any equally conspicuous place, showing the owner's name, telephone number, truck number, truck permit number, and rated load capacity in cubic yards. The rated load capacity shall be specified by the director following such director's measurement on the load-carrying portion of the truck body.
- (b) All such vehicles at all times shall be subject to inspection by the director, the chief of police, or the duly authorized representatives of either. If in the judgment of the person making the inspection a vehicle is found to be defective or unfit for use, the owner or operator shall be notified of such defects and shall have four (4) calendar days to correct same, and thereafter the director or police chief is empowered to prevent the use of the same within the landfill area until put in proper condition to comply with the terms of this article.

(Code 1979, §§ 2-2008, 2-2009; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-59. License—Required.

Commercial haulers shall not transport solid waste to the county landfill without having first applied for and received a license for such activity from the licensing authority of the county. Incidental haulers shall not transport solid waste to the county landfill without having first registered with the licensing authority of the county.

(Code 1979, § 2-2010; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-60. Same—Application; fee; transfer; suspension; revocation.

License applications shall be filed with the director not less than fifteen (15) days prior to any critical date. Applications shall state thereon, or in accompanying documentation which shall be a part of the official application, the name of applicant or applicant's company, the principal owners, their residence addresses and business addresses, the number, type and size of waste collection vehicles to be used, the name and location of commercial and industrial establishments and the number of residences to be served, the types of waste to be collected, the state permit number of each disposal site to be used and such other information as may be deemed necessary. Applications shall be considered by the director within two (2) weeks of receipt; the director shall evaluate the accuracy of data submitted and the applicant's capacity to perform the proposed solid waste operation within the requirements of this article and in a satisfactory manner. The application with appropriate signed recommendation shall then be forwarded by the director to the county manager who shall take such action upon the application as such manager may deem advisable. The applicant shall thereupon be notified of action taken and, in case of denial, the reasons therefor. The license fee for approved applications shall be one hundred twenty dollars (\$120.00) per calendar year for commercial haulers or private collectors, payable at the time the initial license is issued and on or before the first day of January thereafter, except that such payment may be prorated at ten dollars (\$10.00) per month or fraction of month for the remainder of the calendar year in which the permit is first approved for commercial haulers or private collectors. The registration license for incidental haulers shall be free. The registration license shall authorize the holder thereof to use the landfill on six (6) separate occasions. The registration license shall have six (6) small squares shown thereon and the attendant shall punch one (1) square each time the hauler uses the landfill. After the expiration of six (6) punches, the holder must thereafter acquire a commercial hauler's license. Licenses shall not be transferable nor rebatable, but shall be subject to suspension or revocation for violation of this article, provided that prior to suspension or revocation the

county manager shall afford to alleged violators an opportunity to be heard as to reasons, if any, why such order for suspension or revocation should not be issued. Following such hearing the county manager shall take such action as such manager may then deem to be fit and proper.

(Code 1979, § 2-2011; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-61. Disposal sites—Use required; prohibited deposits.

- (a) All disposal of solid waste shall be at the disposal sites operated in accordance with state laws and with rules and regulations of the state department of natural resources. Waste deposited during operating hours at any site operated by the county shall be placed as designated by the attendant on duty. Operating hours shall be conspicuously posted at the entrance gates.
- (b) Motor vehicle bodies or major parts thereof, major appliances and stumps, logs, or brush shall not be deposited in the county's sanitary landfills. Stumps, logs or brush shall be either delivered to permitted inert landfill sites for burial, disposed of by permitted burning on site, or delivered to a Georgia EPD permitted air curtain destructor site for incineration. Scrap metals and appliances will be accepted only at permitted landfill disposal sites and shall not be delivered to or accepted at any remote collection site. Commercial and industrial waste or other waste from private collectors shall not be deposited at publicly operated disposal sites except by prior arrangement with the director. Fees for such disposal shall be determined by reference to section 2-1-12 of this Code and shall be billed and collected as hereinafter set forth.

(Code 1979, § 2-2012; Ord. of 11-12-85; Ord. of 3-25-86; Ord. of 10-27-92, § 1)

Sec. 2-7-62. Reserved.

Editor's note(s)—Section 2-7-62Editor's note(s)—, pertaining to landfill disposal fees, derived from the Code of 1979, § 2-2013, and was amended by Ord. of Nov. 12, 1985, Ord. of Mar. 25, 1986 and Ord. of Feb. 27, 1990, § II. Ord. of Oct. 27, 1992, § 2, deleted § 2-7-62Editor's note(s)— in its entirety.

Sec. 2-7-63. Same—Billing.

For use of disposal sites the attendant shall make in duplicate a record of each time a vehicle discharges waste at the site. Such record shall show the date, the time of day, the vehicle owner's name, the truck number and its rated load capacity in cubic yards. The record shall be signed by the driver of the truck and by the site attendant. One (1) copy of the record shall be given to the driver and the original copy shall be retained by the attendant and filed daily with the director who shall tabulate records according to the owners and assess charges according to the rated load capacity schedule and who shall deliver them monthly to the finance office of the county for billing and collection. The billing will be sent to each licensee not later than the fifth day of each month and payment must be received by the fifteenth of that same month. Payment may be made by check or cash to the finance office at the county government building or may be mailed to P.O. Box 946, Rome, Georgia. A five (5) percent penalty will be added for each month that the balance remains unpaid. The failure of any person to pay such accrued charges by the fifteenth day of the month shall be sufficient reason to deny such person or such person's employees or agents the right to continue using the disposal sites until all such charges are paid in full.

(Code 1979, § 2-2014; Ord. of 11-12-85; Ord. of 3-25-86)

Sec. 2-7-64. Penalties.

Any person violating the terms of this article, or the rules or regulations promulgated pursuant thereto, may be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a

period not to exceed sixty (60) days; provided, however, that any commercial hauler or commercial residential hauler in violation of this article, or the rules or regulations promulgated pursuant thereto, shall be fined in an amount not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or imprisonment in the county jail for a period not to exceed sixty (60) days. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

(Ord. of 6-8-93, § 1)

Sec. 2-7-65. Definitions.

Load shall mean twenty-two (22) cubic yards of yard debris.

Property owner shall mean any individual or entity owning real property which is adjacent to a Floyd County right-of-way.

Yard debris shall include tree limbs, tree trunks, tree branches or cuttings, shrubs and bushes so long as the same do not exceed twelve (12) feet in length and were removed from the yard area immediately surrounding the property owner's dwelling house. Yard debris shall not include solid waste, trash or other household garbage nor shall yard debris include pine straw, grass clippings or stumps.

(Ord. No. 2009-002A, § I, 4-14-09)

Sec. 2-7-66. Removal of yard debris.

Yard debris removal shall be at a time and in a manner prescribed by the department and as provided for hereinafter.

The property owner shall place all yard debris in neat, separate piles immediately behind the county right-of-way which is adjacent to the road or street on which the property owner's dwelling house is situated. In no event shall yard debris be placed in the gutters or drainage ditches. At no time shall yard debris be placed in such a manner as to obstruct gutters, drains, walkways, streets or roads. All tree limbs, tree trunks and tree branches shall be placed with the butt ends in the same direction.

The property owner shall contact the department to schedule the removal of yard debris. The department's agent shall inspect the yard debris and shall inform the property owner of the fee for removal, if any, as provided for in section 2-7-67 hereinafter. The department may refuse to remove any materials which do not constitute yard debris as defined in section 2-7-65 hereinabove and which have not been placed for removal by the property owner as provided for in this section. The department shall schedule the collection on a "first come first serve" basis. Free pickups are limited to one (1) per quarter for each property owner.

The department shall remove yard debris only from property which is adjacent to Floyd County right-of-way.

It shall be unlawful for any person to scatter or allow to be scattered any yard debris placed for removal by the department.

(Ord. No. 2009-002A, § II, 4-14-09)

Sec. 2-7-67. Fee for removal.

There shall be no charge for the removal of yard debris consisting of less than three (3) cubic yards.

Yard debris exceeding three (3) cubic yards shall be charged on a per load basis. The fee for any load exceeding three (3) cubic yards but less than ten (10) cubic yards shall be one hundred dollars (\$100.00). The fee

for any load larger than ten (10) cubic yards shall be one hundred fifty dollars (\$150.00). The fee for any additional loads, regardless of size, shall be one hundred fifty dollars (\$150.00) per load.

All payments due for yard debris removal shall be made in advance and payable to the department. Yard debris removal will be scheduled by the department.

(Ord. No. 2009-002A, § III, 4-14-09)

Secs. 2-7-68—2-7-79. Reserved.

ARTICLE V. SCRAP TIRE MANAGEMENT

Sec. 2-7-100. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Dump: To throw, discard, place, deposit, discharge, bury, burn, or dispose of a substance.¹

State law reference(s)—¹ State law reference(s)—As defined in O.C.G.A. §16-7-51

Manifest: A form or document used for identifying the quantity and composition and the origin, routing, and destination of scrap tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer approved by the Georgia Environmental Protection Division (EPD).²

Note(s)—² Note(s)—As defined in Section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management.

Person: The State of Georgia or any other state or agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.³

Note(s)—³ Note(s)—As defined in Section 391-3-4-.01 of the Georgia Rules for Solid Waste Management

Retail tire dealer: A person actively engaged in the business of selling new replacement tires.⁴

Note(s)—⁴ Note(s)—As defined in Section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management

Scrap tire: A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.⁴

Note(s)—⁴ Note(s)—As defined in Section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management

Scrap tire carrier: Any person engaged in picking up or transporting scrap tires not otherwise exempted in the Georgia Rules for Solid Waste Management for the purpose of removal to a scrap tire processor, end user, or disposal facility.⁴

Note(s)—⁴ Note(s)—As defined in Section 391-3-4-.19(2) of the Georgia Rules for Solid Waste Management

Scrap tire generator: Any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, service stations, and city, county, and state governments.⁴

Note(s)—⁴Note(s)—As defined in Section 391-3.4.-.19(2) of the Georgia Rules for Solid Waste Management

Scrap tire processor: Any person who is approved by the environmental protection division to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.⁴

Note(s)—⁴Note(s)—As defined in Section 391-3.4.-.19(2) of the Georgia Rules for Solid Waste Management

Scrap tire sorter: Any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.⁴

Note(s)—⁴Note(s)—As defined in Section 391-3.4.-.19(2) of the Georgia Rules for Solid Waste Management
(Res. No. 2003-004A, 11-11-03)

Sec. 2-7-101. Scrap tire management—General.

- (a) The owner or occupant of any premises shall be responsible for the sanitary handling and disposal of all scrap tires on the premises used or occupied by such person.
- (b) It shall be unlawful to cause, suffer or allow the dumping of scrap tires at any place in the county including, and without limitations, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the county or any waters in the county unless such scrap tires originate in the county or other areas authorized by the county board of commissioners and:
 - (1) The property is designated by the board of commissioners or its duly designated agent and the Georgia Environmental Protection Division for collection or disposal of scrap tires and the person is authorized to use such property; and
 - (2) The scrap tires are placed into a receptacle or container, or confined to an area specifically for scrap tires on such property; and
 - (3) The property has a valid solid waste handling permit or other applicable identification numbers, approvals and/or permits issued by the Georgia Environmental Protection Division (EPD) when required.
- (c) All persons defined as scrap tire generators, scrap tire carriers, scrap tire processors, including scrap tire sorters, and retail tire dealers shall be subject to rules as defined in Chapter 391-3-4, et seq. of the Georgia Rules for Solid Waste Management and handle scrap tires in accordance with the provisions of O.C.G.A. 12-8-20, et seq. and the Georgia Rules for Solid Waste Management, Chapter 391-3-4, et seq. applicable to solid waste, except where requirements of this article are more stringent.

(Res. No. 2003-004A, 11-11-03; Amend. No. 2004-002A, § 1, 5-11-04)

Sec. 2-7-102. Accumulation.

- (a) It shall be unlawful for any person in a residential zone to accumulate more than five (5) scrap tires on or around property, which they own or occupy.
- (b) A retail tire dealer may hold up to one hundred (100) scrap tires per garage bay in storage, up to a maximum of one thousand (1,000) scrap tires.
- (c) Scrap tires must be stored in covered or enclosed areas, or under an impermeable cover to prevent the accumulation of water.

(Res. No. 2003-04A, 11-11-03; Amend. No. 2004-02A, § 1, 5-11-04)

Sec. 2-7-103. Violations and penalties.

(a) Any person(s), firm, or corporation violating any portion of this article shall be guilty of a misdemeanor and, upon conviction thereof, in the Magistrate Court of Floyd County, shall be punished as follows:

- (1) For the first offense: By a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00)⁵, or up to thirty (30) days imprisonment, or both. Each day the violation continues shall constitute a separate offense. However, this section shall not preclude the county from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the county to have both the civil and criminal rights of prosecution in this area;

State law reference(s)—⁵ State law reference(s)—As provided in O.C.G.A. § 16-7-43(b.1)

- (2) For the second or more offense(s): The violator shall be guilty of a misdemeanor of high and aggravated nature punishable by a fine of not less than seven hundred fifty dollars (\$750.00) and not more than one thousand dollars (\$1,000.00), or up to sixty (60) days imprisonment, or both. Each day the violation continues shall constitute a separate offense; and/or

(b) The court may order the publication of the names and photographs of persons convicted of violating this article; and/or

(c) The court may order the person to repair or restore property damaged, or pay damages resulting from such violations, or perform public service related to the repair or restoration of property damaged by the violation⁶; and/or

State law reference(s)—⁶ State law reference(s)—As provided in O.C.G.A. §16-7-53(d)

(d) In case of a tire dump, the property owner, contractor, developer, builder or other person responsible for the property shall cause the property to be cleaned and to come into full compliance with this article. Floyd County shall not be responsible for any costs of cleanup or remediation; and/or

(e) The expenses incurred by the county for cleanup, enforcement of violations and penalties shall be chargeable to the violator, including, but not limited to: court costs, filing fees, special investigations, mutual aid assistance from other agencies and other costs necessary for the reasonable enforcement of this article.

(f) In addition to actions filed by Floyd County for violations of this article, any state or federal agency may independently file separate or concurrent charges within their respective applicable authority and seek conviction within a court of competent jurisdiction.

(Res. No. 2003-004A, 11-11-03)

Sec. 2-7-104. Enforcement.

(a) Enforcement of this article shall be the responsibility of the county board of commissioners, the county police department, the county environmental officer or his/her designee.

(b) Any person(s) authorized to enforce this article shall be empowered to enter any property, upon reasonable cause, at reasonable or necessary times in order to properly inspect for violations of this article, subject to the condition that to allow entry onto private property for inspection, the alleged violation of this article must be visible from a public road or right-of-way, or upon said person(s) having received a valid complaint alleging a violation of this article, or by a judge's order upon said person(s) having received information/allegations that constitute reasonable suspicion that a serious unlawful act or threat to the health and safety of the community and/or the environment has occurred or is about to occur.

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- (c) Appeals for the violation of this article may be made to the Magistrate Court of Floyd County, or higher court if the person so chooses. The person always has the right to consult his/her attorney at any time before the hearing is scheduled for court.

(Res. No. 2003-004A, 11-11-03)

Sec. 2-7-105. Civil remedies and abatement of nuisance.

- (a) In the event that any person violates any provision of this article, the county or other appropriate authority may, in addition to other remedies, institute an action for injunction, cleanup or stop work orders, mandamus, irreversible damage fines, lien on property or other appropriate action or proceeding to prevent such unlawful acts or to correct or abate any such violation⁷. In addition, the county may immediately revoke or suspend any and all business, building, development or any and all other county issued permits related to the property or properties involved with the violation until such time that compliance is met, or until the ruling of a court of competent jurisdiction is obtained, at which time respective permits may be reissued.

State law reference(s)—⁷ State law reference(s)—As provided in O.C.G.A. § 16-7-52, 16-7-53.

- (b) Upon finding evidence, a written notice of violation may be issued at the discretion of the enforcing officer(s) in lieu of a citation. In the absence of corrective action or in the event that a second violation occurs, the evidence constituting the notice of violation may be submitted as evidence for consideration as a first offense before a court with competent jurisdiction and the pending case treated as a second offense by the court as defined in subsection 2-7-103(a)(2) of this article.
- (c) If a person is found guilty of a violation of the provisions of this article, the court and/or the board of commissioners may cause written notice to be given, or incorporate into the court order to the violator instructing that person to properly address any provision still remaining in violation of this article for which said violator is convicted. Such notice shall be by personal service and in the event the violator cannot be so served, then by registered mail sent to the violator's last known address.
- (d) Upon failure, neglect or refusal of any person so notified to properly address said provisions within twenty (20) days after receipt of notice as provided in this section, the board of commissioners is hereby authorized and empowered to cause the cleanup, removal or disposal of scrap tires, dumped, deposited, thrown, or left on public or private property in violation of the ordinance on behalf of the county. The expenses incurred by the county shall be chargeable to the violator and the board of commissioners and/or the court shall send a statement of the amount due for said expenses by registered mail.
- (e) When the full amount of such charges are not paid by the violator within thirty (30) days after receipt of said statement as provided for in this section, the board of commissioners shall cause to be recorded in the execution docket a sworn statement showing the cost and expense incurred by the county, the dates of county action, the location of the property for which action was taken, and the name of the person to be charged for the expenses incurred. The recordation of such statement shall constitute a lien on the personal and real property of the person to be charged and shall remain in full force and effect until final payment is received in full, including accrued interest from the date of recording and any and all costs. Such amount as shall constitute final payment shall be subject to collection in the manner fixed by law for the collection of taxes.
- (f) This section shall apply with full force and effect regardless of the provisions of any order of the court in which the violator was convicted. This section should not be construed as an excuse for failure on the part of the violator to perform any cleanup ordered by the court, nor shall it be considered as a mitigating factor in any contempt action against a violator who has failed to obey the order of the court.

(Res. No. 2003-004A, 11-11-03)

Secs. 2-7-106—2-7-120. Reserved.

ARTICLE I. IN GENERAL

Sec. 2-11-1. Definitions.

As used in this chapter, the following terms shall have the respective meanings ascribed to them:

Health officer. The director of health of the county or such director's authorized representative.

Nuisance. Whatever is dangerous or detrimental to human life or health and whatever renders or tends to render soil, air, water or food impure or unwholesome.

(Code 1979, § 4-5003; Ord. of 8-12-86, § 1)

Cross reference(s)—Definition of animal nuisance, § 2-5-1Cross reference(s)—.

Sec. 2-11-2. Enforcement.

- (a) Upon information being made known that any violation of this chapter is occurring, a citation shall be issued pursuant to the provisions of O.C.G.A. section 15-10-63 by any member of the police department, the sheriff's department, or by any other agent of the county who is authorized to enact or enforce ordinances on behalf of the county, requiring the violator to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this chapter.
- (b) Citations issued hereunder shall be pursuant to O.C.G.A. section 15-10-63, and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.
- (c) As soon as a citation is issued hereunder, the county manager shall be notified that a citation has been issued. The county manager shall in turn notify the county attorney who shall prosecute the matter before the county magistrate court.
- (d) The county police department shall have the authority to determine whether or not property is neglected pursuant to the definitions of neglected property as set out in sections 2-11-6 and 2-11-7 of the Code. If the county police make the determination that the property is, in fact, neglected property, then the county shall have the right to have the neglected lots and/or property cut and/or cleared of weeds and debris after ten (10) days' notice to the landlord. A citation shall be issued against the property owners for the costs involved for the cutting of weeds and/or removal of debris.

(Code 1979, § 4-5009; Ord. of 8-12-86, § 1; Ord. of 3-27-90, § 1; Amend. of 6-9-98, § 1; Ord. No. 2000-009A, § 1, 1-23-01; Ord. No. 2005-003A, § 2, 10-25-05)

Sec. 2-11-3. Penalty.

- (a) Any person violating the terms of this chapter or rules and regulations promulgated pursuant thereto, may be punished as provided in section 2-1-8. Separate offenses shall be deemed to be committed on each day during on or which a violation occurs or continues.
- (b) In addition to all other provisions of this chapter, any violation of this chapter is hereby deemed to be a continuing nuisance and may be abated by an application for injunction in the superior court or other court of competent jurisdiction.

(Code 1979, § 4-5010; Ord. of 8-12-86, § 1)

Sec. 2-11-4. Purpose.

The purpose of this chapter is to define specific types of nuisances in order to:

- (1) Protect residents from annoyance and health hazards of certain aggravating circumstances;
- (2) Delineate residents' responsibilities and prohibited acts in the community.

(Code 1979, § 4-5002; Ord. of 8-12-86, § 1)

Sec. 2-11-5. Conflict with law.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

(Code 1979, § 5-4004; Ord. of 8-12-86, § 1)

Sec. 2-11-6. Specific nuisances.

The following are specifically declared to be nuisances:

- (1) Toilets, other sanitary facilities, plumbing or sewers not in compliance with the rules and regulations of the county board of health or the state department of human resources.
- (2) Conditions conducive to the excessive breeding of flies, mosquitoes, or other insects in relation to surrounding conditions as determined by the health officer.
- (3) Pollution of the air by gases, vapors, fumes, mists, dust, or smoke in quantities sufficient to be disagreeable, discomforting, or detrimental to health or well-being in relation to the conditions of the surrounding area, as determined by the health officer.
- (4) Trash, garbage, refuse, or any foul, decaying or putrescent material kept in such quantities or used in such a manner or place as to be or become offensive, objectionable, or detrimental to health or well-being.

Cross reference—As to such nuisances, see also § 2-7-50 et seq.

- (5) Keeping of horses, mules, asses, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons or similar animals or fowl except under the following conditions:
 - a. Any housing or enclosures used by such animals or fowl shall be well-drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the health officer.
 - b. Such animals or fowl shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:

Animals	Distance
Horses, mules, asses or cows	75 feet
Sheep or goats	75 feet
Hogs	900 feet

Dogs	25 feet
Rabbits, guinea pigs, or hamsters	25 feet
Chickens, turkeys, geese, ducks, pigeons or similar fowl	25 feet

- c. Each such animal or fowl (except those raised in a commercial poultry house for profit or for distribution to a brokerage house) shall be provided with the following average minimum floor or ground area in the enclosure or housing in which it is kept:

Animals	Area Per Animal
Horses, mules, asses or cows	200 square feet
Sheep or goats	150 square feet
Hogs	150 square feet
Dogs	100 square feet
Rabbits, guinea pigs or hamsters	4 square feet
Chickens, turkeys, geese, ducks, pigeons or similar fowl	4 square feet

- d. All such animals or fowl, except dogs in areas where confinement of dogs under the rabies control regulations does not apply, shall be kept in adequate enclosures or tethered.
- e. Diseased animals or fowl which might infect healthy animals or cause a menace to the public health shall be isolated or destroyed as the health officer deems necessary.
- f. In the case of bona fide licensed pet shops, veterinary hospitals, stockyards poultry houses, and similar commercial establishments, the health officer may modify these requirements where undue hardship would result from their strict enforcement.
- (6) Garbage, trash, solid waste, belongings or any other items originating from the property of a landlord and being left on the street for more than twenty-four (24) hours following an eviction.
- (7) Circumstances where the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. In that regard, it shall be considered a nuisance if such owner or occupant does not keep the premises of such property clean and does not remove from the premises all such abandoned items as listed above including, but not limited to, weeds, hedges, dead trees, trash, garbage, etc. upon notice from the county police department.
- (8) Neglected property. Any neglected property as defined herein shall also be considered a nuisance and said neglected property means a parcel or parcels of land which have been developed and have been neglected by the owners by not keeping it cut to prevent over growth or by allowing the property to be used as a dumping ground for foreign materials.

(Code 1979, § 4-5005; Ord. of 8-12-86, § 1; Ord. No. 2000-008A, § 1, 1-23-01; Ord. No. 2005-003A, § 3, 10-25-05)

Cross reference(s)—Similar provisions enforced by the director of animal control, § 2-5-6Cross reference(s)—.

Sec. 2-11-7. Nuisance prohibited.

No person shall create, maintain, support, aid or continue a nuisance, such as:

- (1) Television sets, phonographs, radio receiving sets, musical instruments or any similar device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area;

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- (2) Animals or fowl, otherwise permitted to be kept, which, by any sound, cry, or behavior, shall cause annoyance or discomfort to a reasonable person of normal sensitiveness in any residential neighborhood;
 - (3) General noises which are blatantly foreign to the normal order of a community which shall cause the disturbance of peace, quiet and comfort of residents or any reasonable person of normal sensitiveness in the area;
 - (4) Standards to be considered in determining whether subsection (1), (2) or (3) of this section has been violated shall include, but will not be limited by the following:
 - a. The volume of the noise;
 - b. The intensity of the noise;
 - c. Whether the nature of the noise is usual or unusual;
 - d. Whether the origin of the noise is natural or unnatural;
 - e. The proximity of the noise to residential sleeping facilities;
 - f. The density of the inhabitation of the area within which the noise emanates;
 - g. The time of the day or night the noise occurs;
 - h. The duration of the noise;
 - i. Whether the noise is recurrent, intermittent or constant; and
 - j. Whether the noise is produced by a commercial or noncommercial activity.
 - (5) Leaving garbage, trash, solid waste, belongings or any other items originating from the property of a landlord on the street for more than twenty-four (24) hours following an eviction.
 - (6) Circumstances where the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. In that regard, it shall be considered a nuisance if such owner or occupant does not keep the premises of such property clean and does not remove from the premises all such abandoned items as listed above including, but not limited to, weeds, hedges, dead trees, trash, garbage, etc. upon notice from the county police department.
 - (7) Neglected property. Any neglected property as defined herein shall also be considered a nuisance and said neglected property means a parcel or parcels of land which have been developed and have been neglected by the owners by not keeping it cut to prevent over growth or by allowing the property to be used as a dumping ground for foreign materials.

(Code 1979, § 4-5006; Ord. of 8-12-86, § 1; Ord. No. 2000-008A, § 2, 1-23-01; Ord. No. 2005-003A, § 4, 10-25-05)

Cross reference(s)—See also definition of animal nuisance, § 2-5-22Cross reference(s)— et seq.

Sec. 2-11-8. State rules and regulations.

- (a) *Adopted.* The rules and regulations of the state department of human resources entitled and published as "Chapter 290-5-14 Food Service" are hereby adopted as written in revised form of September 10, 1986, and amended, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.
- (b) *Enforcement.* Prosecutions for violations of this section shall be upon citation as provided in O.C.G.A. sections 15-10-62 and 15-10-63, as amended. The county health department sanitarian of is hereby authorized to issue citations for the enforcement of the provisions of this section.

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- (c) *Penalty.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding five hundred dollars (\$500.00) or sixty (60) days' imprisonment, or both; and if such violation be continued, each day's violation shall be a separate offense. Violations of this section may also be handled by the seeking of civil remedies.

Editor's note(s)—Inclusion of the provisions of §§ 1—3 of an ordinance adopted Dec. 13, 1988, as § 2-11-8Editor's note(s)— was at the discretion of the editor, the ordinance being nonamendatory of the Code.

Sec. 2-11-9. Disposition of garbage, trash or property by landlords.

- (a) Any property, trash, belongings or other items left on the street for more than twenty-four (24) hours following an eviction shall be subject to collection for a fee. The landlord or property owner shall be responsible for the payment of said collection fees which shall be set by the county manager.
- (b) Once the county police department reports that a violation of subsection (a) above has occurred, the county manager will notify, by certified mail, the landlord and/or have the property posted if, in fact, there is no applicable address for said landlord. The notice shall contain a provision that the landlord and/or property owner shall have seven (7) days from the date of the notice to remove the property, trash, belongings or other items left on the street. If the items are not removed at the end of the seven-day period, then the county shall have the right to remove the items and a fine shall be issued against the landlord and/or property owner for the costs involved.
- (c) The costs of removal shall be determined by the county manager and the county public works department based upon the amount of items removed as well as the time involved in the removal of said items.

(Ord. No. 2000-007A, § 1, 1-23-01)

Secs. 2-11-10—2-11-19. Reserved.

ARTICLE II. JUNKED AND ABANDONED MOTOR VEHICLES¹

Sec. 2-11-20. Definitions.

Custom motor vehicle: A motor vehicle at least twenty-five (25) years old and of a model year subsequent to 1948 or was manufactured to resemble a vehicle twenty-five (25) or more years old and of a model year subsequent to 1948 and has been altered from the manufacturer's original design or has a body constructed from non-original materials. A custom motor vehicle as defined herein shall not be considered a junked vehicle as such phrase is defined herein and shall be exempt from the provisions of this article so long as the custom motor vehicle is located out of ordinary public view.

Junked vehicle: Any vehicle defined in subsection (a) above which vehicle either does not have lawfully affixed on it an unexpired license plate and valid liability insurance as required by state law, or which vehicle is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded. Not included in said definition of a junked vehicle is any vehicle that is located out of ordinary public view.

¹Editor's note(s)—Ord. No. 2006-003A, adopted July. 25, 2006, repealed the former Art. II, §§ 2-11-20Editor's note(s)—2-11-29, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Code 1979, §§ 2-2001—2010.

Ordinary public view: Within normal visual range by a person on a public street, sidewalk or other public right of way adjacent to real property by means including, but not limited to, inside storage, suitable fencing, trees, shrubbery or otherwise.

Parts car: Any automobile that is not intended to be operated along streets and roads, but is used to provide parts for the restoration of other automobiles. Such parts cars shall not be considered a junked vehicle as such phrase is defined herein and shall be exempt from the provisions of this ordinance so long as the parts car is located out of ordinary public view.

Person: Any person, firm, partnership, association, corporation, company, or organization of any kind.

Private property: Any real property within Floyd County which is privately owned and which is not public property as defined below.

Public property: Any street or highway which shall include the entire width of the right of way publicly owned (or in which any public body has an easement for roadway purposes) and shall also mean any other publicly owned property or facility.

Street rod: A motor vehicle that was manufactured prior to 1949 or a motor vehicle manufactured after 1948 but built to resemble a motor vehicle manufactured prior to 1949 and has been altered from the manufacturer's original design or has a body constructed from non-original materials. A street rod as defined herein shall not be considered a junked vehicle as such phrase is defined herein and shall be exempt from the provisions of this article so long as the street rod is located out of ordinary public view.

Vehicle: Any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, airplanes, train cars and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to motor vehicles on the roadway.

This article shall not be construed to prohibit a person from engaging in the activities of an automobile collector in any area within the county, so long as any vehicles, including parts cars, maintained and stored by the collector are located out of ordinary public view. A person involved in the activities of an automobile collector may conduct mechanical repairs and modifications to a vehicle located out of ordinary public view on private real property. An automobile collector means a person who collects and restores vehicles, including, but not limited to, street rods or custom motor vehicles, whether as a hobby or profession.

(Code, 1979, § 9-2001; Ord. No. 2006-003A, § 1, 7-25-06)

State law reference(s)—Definition of abandoned motor vehicle, O.C.G.A. § 40-11-1.

Sec. 2-11-21. Storing, parking or leaving unattended any junked vehicle or abandoned motor vehicle prohibited; declared nuisance; exceptions.

No person shall park, store, leave, or permit the parking, storing or leaving of any abandoned motor vehicle or any junked vehicle upon any public property within Floyd County for a period of time in excess of three (3) days. Nor shall any person park, store, leave or permit the parking, storing or leaving of any junked vehicle upon any private property within Floyd County for a period of time in excess of thirty (30) days. The presence of an abandoned motor vehicle on public property or of a junked vehicle or any parts of such a vehicle on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this chapter and the Floyd County Code. This section shall not apply to any vehicle located out of ordinary public view as such phrase is defined herein, or to any vehicle held by an automotive maintenance, repair, or salvage facility, or similar business enterprise, lawfully licensed by Floyd County and properly operated in an

appropriate business zone, pursuant to the zoning laws of Floyd County, or to any motor vehicle in operable condition specifically adopted or designed for operation on raceways or drag strips.

(Ord. No. 2006-003A, § 2, 7-25-06)

Sec. 2-11-22. Notice to remove.

- (a) Whenever it comes to the attention of Floyd County that any nuisance defined in section 2-11-21 exists in Floyd County upon private property, a notice in writing shall be served on the occupant of the land where the nuisance exists, and when there is no occupant, then notice shall be served on the owner of the land or their agent. Notice shall be served upon owner or occupant pursuant to section 2-11-24 herein.
- (b) Whenever it comes to the attention of Floyd County that any nuisance defined in section 2-11-21 exists in Floyd County upon public property, notice as defined in section 2-11-24 shall be served upon the registered owner of the vehicle, if such vehicle is required to be registered, and if not, notice shall be served upon the owner, if such owner is known to the Floyd County Police Department or to any other law enforcement officer whose duty involves the removal of said vehicle from the public property.
- (c) If a basis for the notice to remove is that the vehicle is inoperative, then the officer serving said notice on the owner or occupant of private property on which a vehicle is located shall request the person served to demonstrate the operability of the vehicle to the officer. In the event that the person who is served shall demonstrate that the vehicle can be started and operated lawfully upon the roadway to the officer, then the officer shall make a note of same. However, in the event that the person served shall refuse or is unable to demonstrate the operability of the vehicle to the officer, then the officer shall make a note of same and shall introduce said note into evidence at any hearing or trial on the matter, and such evidence shall constitute a reputable presumption that the vehicle is inoperative.
- (d) Notwithstanding the provisions of subsections (a), (b) and (c), whenever it comes to the attention of Floyd County that a nuisance exists involving a junk motor vehicle whereby conditions are conducive to the breeding of flies, mosquitoes and other insects, particularly standing stagnant water, whether in natural or manmade containers, and it is apparent that such conditions have the potential to enable the spread of diseases, or there are conditions conducive to the excess breeding of rodents and vermin, the Floyd County Health Department shall be notified immediately of such conditions so the same may be abated under sections 2-11-1 through 2-11-8. Rodent shall be defined as any member of the Order Rodentia, including, but not limited to, mice and rats. Vermin shall be defined as any noxious, troublesome, disgusting or objectionable animals, including, but not limited to, flying and crawling insects and any animal likely to spread disease or produce noxious waste.

(Ord. No. 2006-003A, § 3, 7-25-06; Ord. No. 2006-005A, I, 9-12-06)

Sec. 2-11-23. Responsibility for removal.

- (a) Upon proper notice and opportunity to be heard, the occupant or the owner, if unoccupied, of the private property on which the junked vehicle is located shall be responsible for the vehicle's removal. In the event of removal and disposition by Floyd County, the owner of the junked vehicle shall be liable for the expenses incurred as provided in subsection 2-11-25(b).
- (b) In the case of a junked vehicle or abandoned motor vehicle located upon public property, the owner (if he is identified and given notice to remove as set out in section 2-11-22) shall be responsible for the vehicle's removal. In the event of removal and disposition by Floyd County, the owner of the junked vehicle shall be liable for the expenses incurred.

(Ord. No. 2006-003A, § 4, 7-25-06)

Sec. 2-11-24. Notice procedure.

- (a) Floyd County shall give notice for removal to the owner or occupant of private property where a junked vehicle is located, at least ten (10) days before the deadline for compliance with this chapter. It shall constitute sufficient notice when a copy of the notice is posted in a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the occupant or owner, if unoccupied, of the private property at their last known address.
- (b) In the case of a junked vehicle or abandoned motor vehicle located on public property, it shall constitute sufficient notice when a copy of the notice requesting removal is affixed to the vehicle, and a duplicate copy is sent by registered mail to the owner of the vehicle at their last known address (if said owner is known to the officer whose duty it is to see that the vehicle is removed). Notice must be posted and mailed if owner is known, three (3) days prior to removal of vehicle by Floyd County.

(Ord. No. 2006-003A, § 5, 7-25-06)

Sec. 2-11-25. Notice and abatement.

- (a) Content of notice for vehicles located upon private property: The notice described in subsection 2-11-24(a) shall contain a demand for removal within ten (10) days, and notice shall advise that upon failure to comply with the notice to remove, said nuisance will be declared a violation of the Code of Floyd County and shall be punished as provided for in sections 2-11-3 and 2-11-8.
- (b) Abatement by Floyd County: If the nuisance, as adjudged by the magistrate court, is not abated as ordered within ten (10) working days from the date of such adjudication, then Floyd County is authorized to remove any junked vehicle from the property in question. The cost to Floyd County of this abatement shall be charged to parties adjudged responsible for such nuisance abatement. If the owner of the real property affected has been adjudged responsible for abatement, and the charges remain unpaid for a period of thirty (30) days after payment is due, the Floyd County Police Chief or his designee shall cause an execution to be issued against the owner of the property for those charges. The execution shall be a lien on the property, and when recorded in the general execution docket of Floyd County, shall be a lien on all property of the defendant in execution from the date of such recording.

(Ord. No. 2006-003A, § 6, 7-25-06)

Sec. 2-11-26. Content of notice for vehicles located upon public property.

The notice, described in subsection 2-11-24(b), shall contain a demand for removal within three (3) days, and the notice shall advise that upon failure to comply with the notice to remove, Floyd County shall undertake such removal with the cost being levied against the owner of such vehicle and that said nuisance will be declared a violation of the Code of Floyd County and shall be punished as provided for in sections 2-11-3 and 2-11-8.

(Ord. No. 2006-003A, § 7, 7-25-06)

Sec. 2-11-27. Removal of motor vehicle from public property.

If the violation cited in the notice has not been remedied within the notice period for compliance, Floyd County shall have the right to take possession of the junked vehicle or abandoned motor vehicle and remove it from the public property where it is located. It shall be unlawful for any persons to interfere with, hinder, or refuse to allow such person or persons acting for Floyd County to remove said vehicle under the provisions of this chapter.

(Ord. No. 2006-003A, § 8, 7-25-06)

Sec. 2-11-28. Notice of removal.

Within forty-eight (48) hours of the removal of the vehicle, Floyd County shall give notice to the registered owner of the vehicle, if known, that said vehicle, (or vehicles) has been impounded and stored for violation of this chapter. The notice shall give the location of the vehicle (or vehicles) and the amount of costs incurred by Floyd County for removal and that said vehicle is subject to sale pursuant to this chapter.

(Ord. No. 2006-003A, § 9, 7-25-06)

Sec. 2-11-29. Disposition of vehicles.

Upon removing a vehicle under the provisions of section 2-11-27, Floyd County shall after ten (10) days appraise said vehicle. If the vehicle is appraised at one thousand dollars (\$1,000.00) or less, Floyd County shall execute an affidavit so attesting and describe the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. Floyd County, after complying with the above, may summarily dispose of the vehicles and execute a certificate of sale. If the vehicle is appraised at over one thousand dollars (\$1,000.00), Floyd County shall be authorized to sell the abandoned vehicle at public auction.

(Ord. No. 2006-003A, § 10, 7-25-06)

Sec. 2-11-30. Public sale.

Any abandoned motor vehicle or junked vehicle sold at public sale by Floyd County shall be sold to the highest and best bidder. At the time of payment of the purchase price, Floyd County shall execute a certificate of sale in duplicate, the original of which shall be given to the purchaser, and a copy thereof to be maintained in the files of Floyd County pertaining to the public sale of personal property items. Should the sale for any reason be declared invalid by a court of competent jurisdiction, Floyd County's liability shall be limited to the return of the purchase price.

(Ord. No. 2006-003A, § 11, 7-25-06)

Sec. 2-11-31. Redemption of impounded vehicles.

The owner of any vehicle seized under the provisions of this chapter may redeem such vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to Floyd County of such sum as it may determine and fix for the actual expense of removal, and any preliminary sale advertising expenses, the costs incurred by Floyd County, if any, for storage for each vehicle redeemed.

(Ord. No. 2006-003A, § 12, 7-25-06)

Sec. 2-11-32. Rights of lien holders.

During the impoundment of any abandoned motor vehicle or junked vehicle removed from public property pursuant to this chapter and prior to the sale of any such vehicle, should any person assert that he is a lien holder on said vehicle or should any lien holder be identified by research into the ownership of said vehicle by any agent of Floyd County, then said lien holder shall receive any notice required by this chapter to be delivered to any owner of any said vehicle. Any such lien holder may obtain possession of the vehicle from Floyd County by paying

off costs as described in section 2-11-31 above at any time prior to the sale of said vehicle as set out in this chapter.

(Ord. No. 2006-003A, § 13, 7-25-06)

Sec. 2-11-33. Enforcement.

- (a) Upon information made known to the sheriff of Floyd County, and/or chief of police of Floyd County, or to any officer of the sheriff's department or the county police department, or the county attorney, that any person is in violation of this article, the one gaining the information shall cause a citation to be issued requiring such person to appear before the judge of the magistrate court on a day and time certain, then and there to stand trial for violation of this article.
- (b) Citations issued hereunder shall be pursuant to O.C.G.A. § 15-10-63 and shall be personally served upon the person accused. Each citation shall state the time and place at which the accused is to appear for trial.

(Ord. No. 2006-003A, § 14, 7-25-06)

Sec. 2-11-34. Chapter not exclusive.

This chapter shall not be the exclusive regulation of abandoned or junked vehicles within Floyd County and shall be supplemental and in addition to the other ordinances, statutes or provisions of law hereto or hereinafter enacted by Floyd County, the state, or other legal entity or agency having jurisdiction.

(Ord. No. 2006-003A, § 15, 7-25-06)

Secs. 2-11-35—2-11-39. Reserved.