



City of Newnan
City Council Meeting
January 26, 2010
6:30 P.M.

A G E N D A

CALL TO ORDER – Mayor Keith Brady

INVOCATION

READING OF MINUTES

- I Minutes from Regular Meeting January 12, 2010 Tab A

REPORTS OF BOARDS AND COMMISSION

- I (2) Appointments to the Parks Commission – Three (3) Year Terms – Terms to expire January 2013
- II (2) Appointments to the Planning Commission – Three (3) Year Terms – Terms to expire January 2013

REPORTS ON OPERATIONS BY CITY MANAGER

REPORTS AND COMMUNICATIONS FROM MAYOR

NEW BUSINESS

UNFINISHED BUSINESS

NEWNAN CITY COUNCIL MEETING AGENDA

January 26, 2010 @ 6:30 P.M.

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- I Proposed Animal Control Ordinance Tab B

- II **Public Hearing** – 10 Burch Avenue – Resolution to repair or demolish Tab C

- III **Public Hearing** – 7 Westgate Park Lane – Resolution to repair or demolish Tab D

- IV **Public Hearing** – 77 Bailey Drive – Resolution to repair or demolish Tab E

- V **Public Hearings** – Resolution to repair or demolish Tab F
 - Lot 1 War Admiral Way
 - Lot 2 War Admiral Way
 - Lot 3 War Admiral Way
 - Lot 4 War Admiral Way
 - Lot 5 War Admiral Way
 - Lot 6 War Admiral Way
 - Lot 82 War Admiral Way
 - Lot 83 War Admiral Way

- IV Status Reports: 11 Tuxedo Avenue, 21 Tuxedo Avenue, 8 Thompson Street,
68 Savannah Street, 112 Greenville Street, and 115 Temple Avenue Tab G

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

EXECUTIVE SESSION – LEGAL, PERSONNEL AND REAL ESTATE

ADJOURNMENT

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, January 12, 2010 at 2:30 p.m. in the Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose; Clayton Hicks; Cynthia E. Jenkins; George Alexander; Rhodes Shell and Robert Coggin. Also present were: City Manager, Richard A. Bolin; City Clerk, Della Hill; Code Enforcement Officer, Matt Camp; Planning Director, Tracy Dunnavant; Community Development Director, Cleatus Phillips; Public Works Director, Michael Klahr; City Attorney, Brad Sears and Police Chief, Douglas "Buster" Meadows.

MINUTES – PUBLIC HEARING – FY 2010 BUDGET MEETING – DECEMBER 15, 2009

Motion by Councilman Hicks, seconded by Councilman Alexander to dispense with the reading of the minutes of the Public Hearing on December 15, 2009 and adopt them as presented.

MOTION CARRIED. (UNANIMOUSLY)

Motion by Councilman Shell, seconded by Councilman DuBose to amend the minutes of the Public Hearing for the FY2010 Budget meeting December 15, 2009 to reflect Councilwoman Jenkins arrived late.

MINUTES – REGULAR COUNCIL MEETING – DECEMBER 15, 2009

Motion by Councilman DuBose, seconded by Councilman Alexander to dispense with the reading of the minutes of the Council meeting on December 15, 2009 and adopt them as presented.

MOTION CARRIED. (UNANIMOUSLY)

ORDINANCE – AMEND THE ZONING MAP FOR PROPERTY LOCATED ON MILLARD FARMER INDUSTRIAL BOULEVARD IN LAND LOT 10 OF THE FIFTH LAND DISTRICT TAX MAP NO. N57A 106, IN THE CITY OF NEWNAN – SECOND AND FINAL READING

Mayor Brady turned the meeting over to Mayor Pro Tem Jenkins. He indicated he has a business relationship with applicant and owner.

Motion by Councilman Hicks, seconded by Councilman DuBose to adopt an ordinance to amend the Zoning map for property located on Millard Farmer Industrial Boulevard in Land

Lot 10 of the Fifth Land District, Tax Map N57A 106, in the City of Newnan, Georgia on second and final reading.

MOTION CARRIED. (6 – 0 - 1)

Mayor Pro Tem Jenkins turned the meeting back over to Mayor Brady.

**ORDINANCE – AMEND THE CITY OF NEWNAN’S DEVELOPMENT IMPACT FEE
ORDINANCE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT
OF LAND IN NEWNAN, GEORGIA BY AMENDING SECTION 21-153, FEE
ASSESSMENT AND PAYMENT BY ADDING A REVISED APPENDIX A; PROVIDING
FOR AN EFFECTIVE DATE - SECOND AND FINAL READING**

Motion by Councilman Alexander, seconded by Councilman Hicks to adopt an ordinance to Amend the City of Newnan’s Development Impact Fee Ordinance relating to the regulation of the use and Development of Land in Newnan, Georgia by amending Section 21-153, Fee Assessment and payment by adding a revised appendix A; providing for an effective date on second and final reading.

MOTION CARRIED (UNANIMOUSLY)

**ORDINANCE – TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWNAN,
GEORGIA BY ADOPTING TEXT AMENDMENTS TO AMEND THE ZONING
ORDINANCE OF THE CITY OF NEWNAN BY DELETING CHAPTERS 3, DEFINITIONS,
CHAPTERS 21, GENERAL PROVISIONS OF ZONING, AND CHAPTER 35 SPECIAL
CARE RESIDENTIAL ACCOMMODATIONS, IN THEIR ENTIRETY AND ADOPTING A
NEW CHAPTER 3 DEFINITIONS, CHAPTER 21, GENERAL PROVISIONS OF ZONING
AND CHAPTER 35, SPECIAL CARE RESIDENTIAL ACCOMMODATIONS, AND FOR
OTHER PURPOSES – SECOND AND FINAL READING**

Motion by Councilman Hicks, seconded by Councilwoman Jenkins to adopt the ordinance to Amend the Zoning Ordinance of the City of Newnan, Georgia by Adopting Text Amendments to Amend the Zoning Ordinance of the City of Newnan by deleting Chapters 3, Definitions, Chapters 21, General Provisions of Zoning and Chapter 35 Special Care Residential Accommodations, in their entirety and adopting a new Chapter 3 Definitions, Chapter 21, General Provisions of Zoning and Chapters 35, Special Care Residential Accommodations and for other purposes on second and final reading.

MOTION CARRIED. (UNANIMOUSLY)

STATUS REPORT – 12 CALHOUN STREET

The Code Enforcement Officer informed Council 12 Calhoun Street having been before Council in Public Hearings noted no progress has been made on this structure as of January 5, 2010.

REQUEST – EXTENSION – 3 MELSON STREET – WITH AGREEMENT

The Code Enforcement Officer advised Council he had spoken to Mr. Hill, contractor, who is in attendance and has provided him with a schedule for one hundred eighty day period providing he receives \$2,000 per month from owner. He indicated he had faxed the owner a copy of the agreement for her to sign and have notarized.

Mayor Brady indicated we do not have all the information we need to move forward on this issue at this time.

Mr. Hill was advised not to start work until the agreement has been received and signed.

Motion by Councilman Hicks, seconded by Councilman Alexander to continue 3 Melson Street until the January 26, 2010 Council meeting.

MOTION CARRIED. (UNANIMOUSLY)

STATUS REPORT AND RECOMMENDATIONS – LYNCH PARK POOL

Councilman Alexander informed Council the old pool house has already been demolished to make way for the new construction. He stated while exploring options of a slide, the committee was concerned both about the cost and the materials. He indicated the two options for materials for the slide are fiberglass and polyethylene. He noted the slide the committee picked initially violated state ordinances which requires ladders be at least 4 feet wide.

The Community Development Director stated the different options for the water slide, with prices ranging from \$45,000 up to \$80,000. He indicated they originally wanted to go with fiberglass because of the durability, at \$63,000. He stated they learned that the State Health Department would not approve the use of this water slide because the stairway was less than 4" in width. He informed Council they did find a suitable polyethylene slide that fits on the new pool deck and is slightly cheaper than the fiberglass slide. He stated the price of the slide is \$48,962 and the installation cost, if installed by the manufacturer, is an additional \$7,800. He presented a proposed budget for the furnishings and safety equipment, landscaping and tree removal, and water slide total amount is \$98,050.05.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to approve the budget as presented for the furnishings, safety equipment, landscaping and tree removal and the water slide for \$98,050.05 and allow staff to proceed with the purchase of the polyethylene slide without a bid process if the manufacturer is the sole source.

MOTION CARRIED. (UNANIMOUSLY)

ADJOURNMENT – SINE DIE

Mayor Brady adjourned – Sine Die.

CALL TO ORDER

Mayor Brady called the meeting back to order for January 12, 2010.

OATHS OF OFFICE – MAYOR - COUNCILMAN – DISTRICTS “B” AND “E”

At this time, L. Keith Brady, Mayor, Raymond F. DuBose Council member representing District E, Rhodes H. Shell Council member representing District B was sworn into office by City Attorney, Brad Sears.

APPOINTMENT – MAYOR PRO – TEM

Motion by Councilman Shell, seconded by Councilman DuBose to appoint Cynthia E. Jenkins as Mayor Pro Tem for 2010. (Jenkins: no vote)

MOTION CARRIED. (6- 0 -1)

APPOINTMENTS – DEPARTMENT HEADS

The City Manager recommended that all department heads be re-appointed for 2010.

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to accept the City Manager’s recommendation and re-appoint all department heads for 2010.

MOTION CARRIED. (UNANIMOUSLY)

APPOINTMENT – CITY ATTORNEY

Motion by Councilman Alexander seconded by Councilwoman Jenkins to re-appoint Brad Sears as City Attorney for 2010.

MOTION CARRIED. (UNANIMOUSLY)

APPOINTMENTS – MUNICIPAL COURT JUDGE AND JUDGES PRO TEMPORE

Motion by Mayor Brady, seconded by Councilman Shell to re-appoint Mr. George Rosenzweig as Municipal Court Judge for 2010.

MOTION CARRIED. (UNANIMOUSLY)

Motion by Mayor Brady, seconded by Councilman Alexander to re-appoint Mr. James C. Stripling as Municipal Court Judge Pro Tempore for 2010 and Mr. Joseph A. Wyatt, Jr. as Municipal Court Judge Pro Tempore for 2010.

MOTION CARRIED. (UNANIMOUSLY)

APPOINTMENT – ASSOCIATE MUNICIPAL COURT JUDGE MAGISTRATE

Mayor Brady placed James Gay name in consideration.

Motion by Mayor Brady, seconded by Councilman Alexander to re-appoint James Gay as Associate Municipal Court Judge-Magistrate for 2010.

MOTION CARRIED. (UNANIMOUSLY)

APPOINTMENT – HOUSING AUTHORITY

Mayor Brady re-appointed Mr. Otis Jones to the Housing Authority for another five (5) year term.

APPOINTMENTS – PARKS COMMISSION

Mayor Brady asked Councilman Shell to contact Carol Tamplin and Councilwoman Jenkins to contact Richard Bray to see if they would like to serve another term on the Parks Commission, and asked the City Manager to place the Parks Commission appointments on the agenda for the next Council meeting.

APPOINTMENTS – PLANNING COMMISSION

Motion by Councilman Alexander, seconded by Councilwoman Jenkins to re-appoint Loula Davenport to the Planning Commission for another three year term.

MOTION CARRIED. (UNANIMOUSLY)

Mayor Brady asked the City Manager to place the two appointments for the Planning Commission on the agenda for the next Council meeting. (Hicks and DuBose)

APPOINTMENTS – TREE COMMISSION

Motion by Mayor Brady, seconded by Councilman Alexander to re-appoint Laurie Pope to the Tree Commission for another three year term.

MOTION CARRIED. (UNANIMOUSLY)

Motion by Mayor Brady, seconded by Councilman Alexander to re-appoint Richard Prange to the Tree Commission for another three year term.

MOTION CARRIED. (UNANIMOUSLY)

PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – TRANSFER LICENSE
REPRESENTATIVE- BUGABOO CREEK HOLDINGS

Mayor Brady opened a public hearing on the application for the transfer of License Representative from Brad Tschantz to Alan McLean on the Retail On Premise (Pouring) Sale of Distilled Spirits, Malt Beverages and Wine License for Bugaboo Creek Holdings located at 355 Bullsboro Drive.

A representative of applicant was present for the hearing.

No one spoke for or against the application. Mayor Brady closed the public hearing.

The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Hicks, seconded by Councilman Coggin to approve the application for the transfer of the License Representative from: Brad Tschantz, to: Alan McLean on the Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine for Bugaboo Creek Holdings located at 355 Bullsboro Drive.

MOTION CARRIED. (UNANIMOUSLY)

PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE – RETAIL ON PREMISE
(POURING) SALE OF MALT BEVERAGE AND WINE LICENSE – YUMI ASIAN FUSION

Mayor Brady opened a public hearing on the application for the Retail On Premise (Pouring) Sale of Malt Beverage and Wine License for Yumi Asian Fusion located at 354 Bullsboro Drive.

A representative of applicant was present for the hearing.

No one spoke for or against the application. Mayor Brady closed the public hearing.

The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Coggin, seconded by Councilman Hicks to approve the application for the Retail On Premise (Pouring) Sale of Malt Beverage and Wine License for Yumi Asian Fusion located at 354 Bullsboro Drive.

MOTION CARRIED. (UNANIMOUSLY)

PUBLIC HEARING – ALCOHOL BEVERAGE LICENSE TRANSFER – RETAIL ON PREMISE (POURING) SALES OF MALT BEVERAGE AND WINE – FROM: POLLO RICO EL BOY TO: LA TENTACION

Mayor Brady opened a public hearing on the application to transfer Retail On Premise (Pouring) Sales of Malt Beverage and Wine from: Pollo Rico Boy, to: La Tentacion – transfer Licensee from: Salvador Reyes- Naranjo , to: Adan Salgado located at 11 Spence Avenue.

A representative of applicant was present for the hearing.

No one spoke for or against the application. Mayor Brady closed the public hearing.

The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman Coggin, seconded by Councilman Hicks to approve the application to transfer the Retail On Premise (Pouring) Sales of Malt Beverage and Wine License from: Pollo Rico Boy, to: La Tentacion – transfer Licensee from: Salvador Teyes – Naranjo, to: Adan Salgado located at 11 Spence Avenue.

MOTION CARRIED. (UNANIMOUSLY)

ORDINANCE – ADOPTION OF 2010 BUDGET

Motion by Councilman Hicks, seconded by Councilman Alexander to adopt an ordinance for the 2010 budget.

MOTION CARRIED. (UNANIMOUSLY)

REQUEST – REDEMPTION OF PROPERTY – 15 RAY STREET

The City Attorney advised Council the property at 15 Ray Street has been redeemed from the City from a foreclosure of various liens for costs for grass cutting and demolition expenses, expense of sale and a 20% premium as prescribed by law.

Motion by Councilman Hicks, seconded by Councilman Alexander to authorize the execution of the quitclaim deed for redeemed property from the City located at 15 Ray Street from a foreclosure.

MOTION CARRIED. (UNANIMOUSLY)

REQUEST – GIRL SCOUTS OF COWETA COUNTY – SELL COOKIES - COURT SQUARE

Motion by Councilman Alexander, seconded by Councilman Hicks to approve the request by the Girl Scouts of Coweta County to sell Girl Scout cookies beginning on Saturday, February 20, 2010 through Sunday, March 21, 2010.

MOTION CARRIED. (UNANIMOUSLY)

ADJOURNMENT

Motion by Councilman Coggin, seconded by Councilman Alexander to adjourn the meeting at 3:00 p.m.

MOTION CARRIED. (UNANIMOUSLY)

Della Hill, City Clerk

Keith Brady, Mayor



CITY OF NEWNAN
Office of City Manager

MEMORANDUM

To: City Council
From: Richard A. Bolin *RB* **City Manager**
Date: January 5, 2010
Re: Proposed Animal Control Ordinance

Attached is a copy of the above captioned ordinance which has been drafted by the City Attorney. Please review this draft if you have any questions please contact the City Attorney or this office.

This is scheduled to go on the Council's agenda for the January 26th meeting.

SANDERS, HAUGEN, & SEARS, P.C.
ATTORNEYS AT LAW
11 PERRY STREET
P. O. BOX 1177
NEWNAN, GEORGIA 30264-1177

(770) 253-3880
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C. BRADFORD SEARS, JR.
E-MAIL: bsears@numail.org

WALTER D. SANDERS
(1909 - 1989)

TO: Mayor and City Council
City of Newnan

CC: Richard A. Bolin, City Manager
Douglas L. Meadows, Chief of Police
Cyndi Hoffman, Animal Warden

FROM: C. Bradford Sears, Jr.
City Attorney

DATE: January 4, 2010

RE: Animal Control Ordinance



MEMORANDUM

Attached is a comprehensive revision of the Animal Control Ordinance that has been in the drafting for several years and includes an anti-tethering provision of dogs in Section 4-42.

Additional changes have been incorporated based upon various suggestions that have been made by Ms. Hoffman, members of council and others over the years.

While most of the changes incorporate additions and changes clarifying certain provisions, six additional sections are included which (i) limit the number of dogs and cats an owner may have on a property (Section 4-16); (ii) dog waste must be picked up and disposed of by an owner when deposited in any area other than on the owner's property (Section 4-22); (iii) though the City remains designated as a bird sanctuary, included is an expansion of the provision on nuisance birds (Section 4-14); (iv) animal fighting (Section 4-24); (v) expanding prohibited animals within the City to include any wild animal or exotic pet, horse, donkey, ass, swine, sheep, goats, cattle, chickens, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or other domesticated fowl (Section 4-18); (vi) expanding the definition of nuisance animals and expanding animal noise restrictions (Section 4-5 and Section 4-6).

Chapter 4

ANIMALS*

Article I. In General

- Sec. 4-1. Definitions.
- Sec. 4-2. Prohibited treatment.
- Sec. 4-3. Dangerous or vicious animals running at large generally; permit for exhibition or parade.
- Sec. 4-4. Livestock and poultry running at large; picketing livestock in streets.
- Sec. 4-5. Nuisance Animals: animal Control Procedures.
- Sec. 4-6. Animal Noise.
- Sec. 4-7. Killing dangerous animals.
- Sec. 4-8. Diseased animals generally.
- Sec. 4-9. Maintenance of places where animals are kept; keeping of swine and goats prohibited; keeping horses, cattle or chickens near residences.
- Sec. 4-10. Standing or parking of vehicles containing livestock.
- Sec. 4-11. Position of animal warden created.
- Sec. 4-12. Duty of animal warden to impound dogs; police powers of animal warden; interfering with animal warden.
- Sec. 4-13. Fees and charges for impounding, keeping and redemption of animals.
- Sec. 4-14. City designated bird sanctuary.
- Sec. 4-15. Riding animals on sidewalks or private property regulated.
- Sec. 4-16. Limiting the ownership of dogs and cats within the City limits.
- Sec. 4-17. Prohibitions and Restrictions in regard to animals permitted at special events.
- Sec. 4-18. Prohibited animals.
- Sec. 4-19. Mistreatment of animals.
- Sec. 4-20. Humane treatment required.
- Sec. 4-21. Abandoning animals.
- Sec. 4-22. Animal waste.
- Sec. 4-23. Striking animals with a motor vehicle.
- Sec. 4-24. Animal fighting and training.
- Sec. 4-25. Female dogs and cats in heat.
- Sec. 4-26. Poisoning animals.
- Sec. 4-27. Disposal of dead animals.
- Sec. 4-28. Performing animal exhibits.
- Sec. 4-29. Reserved.

Article II. Vaccination

- Sec. 4-30. Generally.
- Sec. 4-31. Rabies vaccination.
- Sec. 4-32. Health regulations incorporated.
- Secs. 4-33 – 4-39. Reserved

* **Cross reference** – Environment.

State law reference – Authority to exercise animal control, Ga. Const. Art. IX, § II, ¶ III(a)(3).

Article III. Restraint

Sec. 4-40.	Maintenance of premises.
Sec. 4-41.	Animal or fowl enclosures.
Sec. 4-42.	Confinement of animals generally.
Sec. 4-43.	Rabid animals or animals suspected of having rabies.
Secs. 4-44 – 4-49.	Reserved.

Article IV. Animal Establishments

Sec. 4-50.	Compliance with chapter.
Sec. 4-51.	Standards for kennels.
Sec. 4-52.	Standards for pet shops.
Secs. 4-53 – 4-59.	Reserved.

Article V. Impoundment; Adoption

Sec. 4-60.	Impoundment.
Sec. 4-61.	Reclaiming impounded animals.
Sec. 4-62.	Adoption.
Sec. 4-63.	Acceptance of animals for euthanasia and disposal.
Sec. 4-64 – 4-69.	Reserved.

Article VI. Enforcement; Penalties

Sec. 4-70.	Enforcement responsibility.
Sec. 4-71.	Interference.
Sec. 4-72.	Right of entry.
Sec. 4-73.	Summons.
Sec. 4-74.	Penalties for violations.
Sec. 4-75.	Equipment.
Sec. 4-76.	Records to be kept.
Sec. 4-77 – 4-79.	Reserved.

Division 2. Dangerous Dog Control

Sec. 4-80.	Dangerous dogs.
Sec. 4-81.	Definitions.
Sec. 4-82.	Exceptions.
Sec. 4-83.	Dog control officer.
Sec. 4-84.	Animal Control Board.
Sec. 4-85.	Investigation and classification.
Sec. 4-86.	Classification; notice and hearing.
Sec. 4-87.	Registration, insurance, notice and enforcement.
Sec. 4-88.	Restrictions on taking out of enclosures.
Sec. 4-89.	Notification of death, escape, sale or donation.
Sec. 4-90.	Confiscation; grounds; disposition.
Sec. 4-91.	Miscellaneous provisions.
Sec. 4-92.	Contracting services.

ANIMALS

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The following words and phrases have the following meaning for the purpose of this chapter:

Abandonment: Deserting or intending to give up absolutely any animal without providing adequate food, water or sanitary shelter for 24 hours or longer.

Altered Animals. Any animal that has been spayed or neutered.

Animal: Any description of vertebrate, excluding Homo sapiens.

Animal establishment: Any pet shop, kennel, grooming shop, auction, performing animal exhibition or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Animal shelter: Any facility operated by any governmental entity, humane society, or other organization for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Animal warden : Designated employees or officers of the City.

At large: Any animal is at large when it is off the premises of the owner of the animal and is not under the control of a competent person by way of a leash or other restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

Auctions: Any place or facility where animals were regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. Individual sales of animals by owners are not auctions as herein defined.

Breeder: Any person owning unaltered animals with the intent of selling the animals' offspring.

Cruelty: Every act, omission or neglect whereby unjustifiable pain, suffering, maiming or death may be caused or permitted to any animals as defined in this section.

Cat: All members of the domestic feline family.

Dog: All members of the domestic canine family, not to include wild animals.

Domestic Animal: Any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

Exotic Pet: An animal that is not domesticated and is not native to North America, including but not limited to, pot-bellied pigs, reptiles and arachnids.

Feral: An animal that was domesticated at one time, but now lives in the wild or that have been born in the wild and have not been domesticated.

Fowl: Any warm-blooded, feathered, flying or non-flying animals.

Habitually: Done regularly or frequently.

Humane manner: Care of an animal, to include but not be limited to safety, adequate heat, ventilation, sanitary shelter, wholesome fresh food, and access to fresh, clean, wholesome water at all times, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Impound: To confine humanely while providing adequate food, water, and shelter.

Injury: Physical damage to the body or part of the body.

Kennel: Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling animals.

Livestock: Any animal that has hooves.

Neutered: Incapable of sexual reproduction.

Nuisance: An animal shall be considered a nuisance if it:

- (1) Damages, soils, defiles or defecates on private property (other than the property of the owner of the animal), or public property and recreational areas;
- (2) Causes unsanitary, dangerous or offensive conditions;
- (3) Causes a disturbance by excessive barking or other noisemaking;
- (4) Molests, attacks, or interferes with a persons public or private property, unless the animal is a guard dog actively performing its duties whiled confined to the property of the owner or responsible person; or
- (5) Chases vehicles or attacks other animals.

Owner: Any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Performing animal exhibition: Any spectacle, display, act or event other than circuses, in which performing animals are used. Not to include dogs shows or obedience training not for profit.

Pet: Any animal kept for pleasure, excluding livestock.

Pet shop: Any person engaged in the business of buying or selling two or more species of live animals with the intent that they be kept as pets.

Proper Shelter: Protective covering that provides protection from all forms of weather and consists of at least 4 sides, a roof, floor and an opening for ingress and egress. It should be appropriately sized for the animal.

Rescuer: Any individual, partnership, organization or company that takes in animals and arranges placement or adoption of said spayed/neutered animals.

Responsible person: Any accountable human being.

Restraint: An animal controlled by means of leash, chain or other like device, or secured inside a vehicle while being driven or parked, or within a secure enclosure. (Voice command, using audible signals or hand signals are not viable means of restraint.)

Riding school or stable: Means any premises having available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

Spayed: Incapable of sexual reproduction.

Stray animal: Any animal running at large with no identifiable owner.

Under control: Any animal shall be considered under control if it is confined by fence, pen, cage, electronic device, chain, leash or secure enclosure to the premises of its owner, of sufficient strength to prevent it from escaping from the premises of its owner, or is restrained by leash, chain or lead or confined in an automobile when away from the premises of the owner.

Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

Vicious animal: Any animal that:

- (1) Bites or attempts to bite indiscriminately;
- (2) Has been involved in more than one (1) biting incident; or
- (3) Is, in the opinion of an agent of the animal control authority, a potential danger to persons or property.

This phrase shall not be construed to include dogs that are part of a governmental operation, nor a trained guard dog in performance of its duties while confined to the property of the owner or other responsible person.

Wild animal: Untamed animal, living in its natural state, including but not limited to alligators, crocodiles, bears, feline family (including mountain lions, pumas, lions, tigers), canine family (including wolves, wolf hybrids, coyotes), non-human primates, and snakes.

Zoological park: Means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals. operated by a person, partnership, corporation or government agency.

Cross reference - Definitions generally, §1-2.

Sec. 4-2. Prohibited treatment.

It shall be unlawful for any person, either by commission or omission, to do any of the following:

- (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal.
- (2) Fail to provide any animal with proper food consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- (3) Fail to provide any animal with access to shelter adequate to protect it from all types of weather, 24 hours daily.
- (4) Fail to provide any animal access to good and wholesome fresh water at all times.
- (5) Abandon any animal.
- (6) Intentionally poison any animal.
- (7) Allow or promote any fight between animals, or allow or permit any such fight in or upon any premises in such person's possession or under such person's control.
- (8) Allow an animal to be kept in unsanitary conditions.
- (9) Keep, confine or transport an animal in other than a humane manner.

State law reference – Cruelty to animals, O.C.G.A. § 16-12-4.

Sec. 4-3. Dangerous or vicious animals running at large generally; permit for exhibition or parade.

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City. Exhibitions or parades of animals which are ferea naturea in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

Sec. 4-4. Livestock and poultry running at large; picketing livestock in streets.

It shall be unlawful to permit any cattle, horse, swine, sheep, goats, or poultry to run at large in any public place in the City. Any such animal running at large in any public place in the City shall be impounded in the manner provided in this chapter. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

Sec. 4-5. Nuisance Animals; Animal Control Procedures.

(a) The actions of an animal constitute a public nuisance when the animal threatens the safety of, or injures a member of the general public, damages property (public or private, including other animals), interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept, or properties affected by its running at large. An animal is considered a nuisance by way of example, but not limited to, the following acts or actions:

(1) The animal habitually or repeatedly chases, snaps at or attacks pedestrians, bicycles or vehicles;

(2) The animal is allowed or permitted to damage the property of anyone other than the owner or keeper or to impede the properties ordinary use even if the property is not damaged.

(3) The animal's unsanitary condition cause offensive odors, filth, vermin, or disease or is dangerous to the health and safety of the animal or the community.

(4) The animal makes sounds, such as but not limited to, barks, whines, crows, howls, or cackles in a continuous, or unreasonable fashion to result in the serious interference with the use and enjoyment of neighboring premises or in an untimely fashion;

(b) Animal Warden Involvement and Procedure

(1) Upon receipt of the complaint, the animal warden shall investigate the validity of the complaint, if the officer determines that the complaint is valid, the officer will notify the owner or keeper of the animal in writing to correct the violation;

(2) If the owner or keeper is found to be in violation of this section fail to correct the violation after five (5) business days of the notice, the animal shall be impounded and the owner or keeper shall be subject to the penalties for this chapter.

Sec. 4-6. Animal Noise.

No person shall keep or maintain a dog or any other animal that barks, howls or otherwise makes or causes noise in excessive, continuous or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons or ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general consider hours that persons are at rest.

Sec. 4-7. Killing dangerous animals.

The animal warden and members of the police department or any other person in the City are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Sec. 4-8. Diseased animals generally.

(a) No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the animal warden.

(b) It is hereby made the duty of the animal warden to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

Sec. 4-9. Maintenance of places where animals are kept; keeping of swine and goats prohibited; keeping horses, cattle or chickens near residences.

(a) No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome within 150 feet to any residence, other than the residence of the person so keeping or having such animals, anywhere in the City.

Sec. 4-10. Standing or parking of vehicles containing livestock.

It shall be unlawful to stand or park any vehicle containing livestock or chickens any place in the City for a period of time longer than three (3) minutes, except for loading or unloading.

Sec. 4-11. Position of animal warden created; police powers of animal warden.

The position of animal warden is hereby created by the City Council for the enforcement of ordinances and laws relating to the control of animals in the City and shall have power to issue citations for violations of this Chapter.

The animal services officer under the direction of the Chief of Police or his designee shall be responsible for:

(1) Ensuring that all dogs and cats in the City and are inoculated against rabies as required by this Chapter.

(2) Cooperating with other authorized officers in the enforcement of the laws of the state with regard to animals, the vaccinations of dogs and cats against rabies and the disposition of animals found to be kept in violation of this article and the laws of the state.

(3) Investigating all complaints with regard to dogs, cats and other animals.

(4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this Chapter exists-with the search warrant, the animal warden may enter the premises to examine and take custody of animals whenever the animal warden determines that the action is appropriate to achieve the purpose of this Chapter.

(5) Pursuit of animals. In exigent circumstances the animal warden shall be authorized to follow and enter upon any enclosure or lot, public or private, within the city limits

when the animal warden has probable cause to believe that an animal is rabid, abused, neglected, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this Chapter.

Sec. 4-12. Interference with Animal Warden.

(a) It shall be unlawful for any person to interfere with, hinder, or molest the animal warden in the performance of his/her duties or to seek to release any animal in his custody without his/her consent or to attempt to assist the animal warden without his/her consent, or to not provide the animal warden with proper identification, false identification or false information or to fail to comply with the animal wardens directions or orders.

(b) It shall be unlawful for any person to interfere, damage, molest, move or remove any traps or restraining devices used by animal services or any contracted agency that may be used from time to time or to release any animals from any such traps or restraining devices.

(c) The owner or keeper of an impounded animal shall pay all fees associated with the impoundment of the animal.

(d) It shall be the animal warden's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal.

Sec. 4-13. Fees and charges for impounding, keeping and redemption of animals.

The fees and charges allowed and fixed by the ordinances of the City for taking up, impounding and keeping and disposing of impounded animals shall be paid like services at the time and in the manner fixed by such ordinances. The fee for redemption of impounded animals shall be in the amount set forth in the schedule of fees and charges.

Sec. 4-14. City designated bird sanctuary except birds constituting a nuisance.

(a) The territory within the corporate limits of the City is hereby designated a bird sanctuary and shall be unlawful for any person to kill, trap, hunt, shoot or attempt to shoot, willfully injure, or maim any bird or wild fowl or to rob any bird or wild fowl nests of their eggs.

(b) Birds constituting a nuisance:

(1) Birds congregating in such numbers in a particular locality that they constitute a public nuisance or endanger the health of the public or damage property in the opinion of the proper health authorities of the City, such authorities shall meet with representatives of the Audubon Society, Bird Club, Humane Society or any other such clubs that are found to exist in the City after giving at least three (3) days notice of the time and place for the meeting to representatives of such clubs.

(2) Feral or wild pigeons are deemed a public nuisance.

(i) It shall be unlawful for any person to feed wild or feral pigeons on any public property located within the City limits unless as part of an animal control effort to control bird population.

(ii) In no satisfactory alternative is found to abate such nuisance within thirty (30) calendar days such birds may be destroyed in such numbers and manner deemed advisable by the health authorities under the supervision of the director of public safety.

Sec. 4-15. Riding animals on sidewalks or private property regulated.

It shall be unlawful for any person to ride a horse, mule or other animal on the paved or unpaved sidewalks or on private property without the owner's permission within the limits of the City. Any person violating this section shall be subject to the penalties described in section 1-14.

Sec. 4-16. Limiting the ownership of dogs and cats within the City limits.

(a) It shall be unlawful to own, keep, harbor, or maintain any more than five (5) dogs and/or cats over the age of four (4) months, in any combination thereof, on any property or lot within the City limits without first purchasing a Multiple Animal Permit.

(b) Pet owners who are granted multiple animal permits may be subject to random inspections by the animal warden. As a condition of receiving the multiple animal permit, the animal owner is granting permission to inspect all animals and the premises where animals are kept, to ensure that the animals are housed, cared for and maintained within the provisions of this Chapter. Inspections are to be performed with prior notice to the owner and within the presence of said owner within 24 hours of notification. If the owner refuses permission for such inspection, then the permit or license may be revoked.

(1) *Approved inspection.* The owner/keeper shall provide current rabies vaccinations for all animals, current city license for all required animals, proper shelter for all animals, accessible food and water, living environment free of accumulated debris and waste, any tethering device shall be at least 10 ft. and have snap swivel or other similar device to prevent choking and tangling. Any other additional animals that may be added after the inspection must be approved in the same manner.

(2) *Failed inspection.* A failed inspection may be appealed to the Chief of Police within ten (10) working days. The animals may remain on the property until a decision has been reached.

(c) *Violation of Ordinance.* If the animal warden believes, or finds a violation of this section, the owner or keeper will be notified in writing. The owner or keeper must comply within ten (10) working days of written notice. If the owner or keeper is in non-compliance after ten (10) working days, the animal warden shall seize and impound the animal(s) in violation, and hold the animals until a court decision has been made.

Sec. 4-17. Prohibitions and Restrictions in regard to animals permitted at Special Events.

(a) No owner or keeper shall permit any animal, restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued under this code, unless the event specifically authorizes the presence of animals.

(b) This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled

person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 4-18. Prohibited animals.

(a) No person shall keep or maintain any wild animal or exotic pet within the City limits.

(b) No person shall keep or maintain any horse, donkey, mule, ass, swine, sheep, goats, cattle or any other livestock or grazing type animal within the City limits.

(c) No person shall keep or maintain any domesticated fowl to include but not limited to chickens, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or any other domesticated fowl within the City limits.

(d) This section does not apply to zoological parks, performing animal acts, stable, or riding school, providing the same has applied for and was granted a license or permit.

(e) This section does not apply to those persons currently keeping or maintaining any domesticated fowl or other animals that were not previously precluded by the ordinance. Any person having such animal must register the animal before January 1, 2010.

Sec. 4-19. Mistreatment of animals.

(a) No person shall starve, beat, neglect, ill-treat, torture, overload, overdrive, overwork, cruelly kill, or inflict unnecessary pain upon any animal.

(b) No person shall leave an animal unattended in, or tethered to a standing or parked motor vehicle in a manner that endangers the health and safety of the animal or safety of the animal or safety of any person.

(c) In an animal warden finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found the animal will irrevocably become the property of the animal shelter after a three (3) day impound period.

Sec. 4-20. Humane treatment required.

(a) No owner or keeper shall fail to provide clean fresh water, good wholesome food, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.

(b) Proper shelter includes a structure appropriately sized for the animal consisting of (4) four sides, a roof, floor and an opening for ingress and egress. The structure must adequately protect the animal from harsh weather.

(c) No person shall crop a dog's ears or tail except a licensed veterinarian.

(d) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

Sec. 4-21. Abandoning animals.

(a) No owner or keeper shall abandon an animal.

(b) If an animal is believed to be abandoned, a written notice must be placed in a conspicuous location about the property giving notice that the animal will be impounded if the owner or keeper does not contact the animal warden by the date and time indicated on the notice. The notice will remaining effect for a full 24-hour period.

(c) If the animal has not been removed after 24 hours or if animal control has not been notified that the animal is being cared for, the animal warden shall impound the animal at the animal shelter for a period of not less than three (3) days.

Sec. 4-22. Animal waste.

An owner or keeper walking, exercising or otherwise having their animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by his/her animal by way of, but not limited to, a scoop and a bag.

Sec. 4-23. Striking animals with a motor vehicle.

Any person operating a motor vehicle, who strikes a domesticated animal shall stop and render any assistance as may be possible and immediately report the injury or death to the animal warden or other law enforcement agency.

Sec. 4-24. Animal fighting and training.

(a) No person shall instigate, cause to, attends, or permit any dogfight, cockfight, or any other fighting between animals or between animals and humans.

(b) No person shall train, have equipment to, or permit the training of, any animal to attack, fight or cause injury to any domestic animal or human on any property, public or private within the City limits. Examples of training include but are not limited to:

(1) Any activity designated to torment, badger or bait any animal, for purpose of encouraging animals to fight;

(2) The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure;

(3) The use of any other animals for blood sport training;

(4) Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals of licensed security companies on patrol in a confined area or animals used for law enforcement purposes.

Sec. 4-25. Female dogs and cats in heat.

Every female dog and cat in heat shall be confined in a secure enclosure so that the female cannot come into contact with another animal, except for planned breeding purposes.

Sec. 4-26. Poisoning Animals.

It shall be unlawful to place any substance or article which has in any manner been treated with an poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use or Licensed Exterminators using poison as a pest control program.

Sec. 4-27. Disposal of dead animals.

The bodies of dead animals shall be disposed of by the owner or keeper. The owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on his/her property for longer than twenty-four (24) hours unless buried.

Sec. 4.28. Performing animal exhibits.

(a) It shall be unlawful for any animal exhibit or circus to induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devises in a manner that will cause or likely to cause harm to the animal.

(b) All equipment used on performing animals shall fit property and be in good working order.

(c) Animal Wardens may inspect any animal exhibit or circus to ensure compliance to this ordinance.

(d) Failure to comply with this ordinance may result in the impoundment of the animal(s) and/or the issuance of citations.

Secs. 4-29. Reserved.

ARTICLE II. VACCINATION*

Sec. 4-30. Generally.

No person shall own, keep or harbor any dog or cat within the City unless such dog or cat is vaccinated as herein provided.

Sec. 4-31. Rabies vaccination.

(a) All dogs and cats over four (4) months of age within the county shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a

* **State law reference** – Control of rabies, O.C.G.A. § 31-19-1 et seq.

durable metal tag and a certificate of vaccination approved by the Georgia Department of Human Resources. Tags must be attached to the collar or harness of the dog or cat and be worn at all times except by show dogs at showtime. Tags are not transferable from one dog or cat to another dog or cat.

(b) The City Council may adopt such other rabies control regulations as it deems necessary for the protection of the public health and safety.

Sec. 4-32. Health regulations incorporated.

All rules and regulations of the county board of health and the Georgia Department of Human Resources presently existing or as adopted in the future pertaining to rabies control and vaccination are incorporated herein by reference as though fully set forth herein.

Secs. 4-33 – 4-39. Reserved.

ARTICLE III. RESTRAINT*

Sec. 4-40. Maintenance of premises.

An owner of an animal shall maintain such owner’s premises in such a manner as not to constitute either a private nuisance to an adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors that could disturb any person residing nearby said premises.

Sec. 4-41. Animal or fowl enclosures.

Any pastures or enclosures shall at all times be kept and maintained in a proper, clean and sanitary condition, consistent with the needs of the animal involved.

Sec. 4-42. Confinement of animals generally.

(a) An owner of a dog, whether vaccinated or unvaccinated, residing within the City limit boundaries of the City shall confine such dog within an adequate fence or enclosure or electronic device or within a house, garage or other building, or on a leash affixed to the dog’s collar and held by a competent person and adequate to prevent the dog from running at large. It shall further be the duty of any owner or keeper of any dog regardless of the size of the owner’s lot or property, to keep such dog under such control as to:

- (1) Prevent such dog from becoming a danger to persons or property at any location, or trespassing upon another person’s property without that person’s permission; and
- (2) Prevent such dog from running at large upon the streets, roads, sidewalks, alleys, parks, or other public places.

* **State law references** –Livestock running at large, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to run at large, O.C.G.A. § 4-8-6; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-7.

(b) It shall be unlawful for any owner or keeper of any dog to fail to keep the dog under restraint or control as provided for in this section.

(c) Specifically, a dog is considered not under restraint or control when it is running at large, whether wearing a collar and tag or not. Reasonable care and precautions shall be taken to prevent the dog from leaving the real property limits of its owner, keeper, or custodian, and ensure that:

(1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; or

(2) It is securely and humanely restrained by an invisible containment system. If using an invisible containment system, a sign must be posted on the property indicating that the system is in place; or;

(3) It is on a leash and under the control of a competent person; or it is off leash and obedient to and under voice command of a competent person who is in the immediate proximity of the dog any time it is not restrained as provided for in subsection (1) or (2) above while on the owner's property.

(4) It shall be unlawful for the owner or keeper of any animal to restrain or anchor an animal by means of a tether, chain, cable, rope or cord, unless the tether or other restraint is being held by a competent person.

(d) Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel or under control in such a manner that such female dog cannot come into contact with a male dog, except for intentional breeding purposes.

(e) It shall be unlawful to allow a dog or any other animal to enter any commercial establishment where food for human consumption is located or sold unless such dog or any other animal is trained to assist physically handicapped individuals.

(f) It shall be unlawful for any person owning or having control of any chickens, ducks, horses, cows, goats, pigs or any other type of animal, livestock or other fowl within the county to permit them to run at large or be a menace or nuisance to such person's neighbors or the public in general.

Sec. 4-43. Rabid animals or animals suspected of having rabies.

(a) Every veterinarian shall report promptly to the Georgia Department of Human Resources and the animal control authority all cases of rabies in animals treated by such veterinarian, giving the name and address of the owner. Every veterinarian shall also report the names and addresses of the owner of any animals bitten by such rabid animal, so far as known.

(b) Any person who knows that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knows that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the Georgia Department of Human Resources and the animal control authority.

(c) It shall be the duty of the owner, the health department, physicians, hospitals or other person or agency gaining information that any domestic animal has been bitten or is probably infected with rabies, to incarcerate or impound or impound or have the animal incarcerated or impounded in the facility of some competent veterinarian within this county, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies. All costs of this incarceration shall be borne by the owner of the animal.

Secs. 4-44 – 4-49. Reserved.

ARTICLE IV. ANIMAL ESTABLISHMENTS*

Sec. 4-50. Compliance with chapter.

(a) An animal establishment shall not sell, trade or give away any animal or cat over four (4) months of age unless the dog or cat has been vaccinated as required by this chapter.

(b) The animal warden shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept, at any reasonable time during normal business hours to ensure compliance with all provisions of this chapter.

Sec. 4-51. Standards for kennels.

All kennels shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Standards for kennels are as prescribed in this section.

- (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors, walls and interior runs of buildings shall be of an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.
- (3) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.
- (4) Cages are to be of material and construction that permit cleaning and sanitizing.
- (5) Cage floors shall be of an impervious material, unless radiantly heated and shall have a resting board of some type of bedding.
- (6) Runs shall provide an adequate exercise area and protection from the weather.
- (7) All animals quarters and runs are to be kept clean, dry and in a sanitary condition.

* **State law reference** – Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

- (8) The food shall be free from contamination, and shall be wholesome and of sufficient quantity and nutritive value to meet normal daily requirements for the condition and size of the animal.
- (9) All animals shall have fresh water available at all times.

Sec. 4-52. Standards for pet shops.

All pet shops, including shops operated in conjunction with another facility, shall in addition to the other requirements of this chapter comply with the minimum standards of this section. Standards for pet shops are as prescribed in this section.

- (1) *Water:* There shall be available hot water at a minimum temperature of 160 degrees for washing cages and disinfecting and cold water easily accessible to all parts of the shop. Fresh water and food for consumption shall be available to all spaces of animals at all times. Containers are to be cleaned and disinfected each day.
- (2) *Room temperature:* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (3) *Cages and enclosures:* All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to animals full length.

Secs. 4-53 – 4-59. Reserved.

ARTICLE V. IMPOUNDMENT; ADOPTION

Sec. 4-60. Impoundment.

(a) Any animal at large or otherwise in violation of the provisions of this Chapter may be impounded in the animal shelter in a humane manner, for a period of not less than seven (7) days. If within such time an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this chapter, such animal shall become the absolute property of the animal control authority, which may convey ownership of such animal to any responsible person on such conditions as the animal control authority may prescribe; or the animal control authority may humanely destroy such animal.

(b) Any impounded animal that is determined to be injured and in pain will be transported promptly to a veterinarian for appropriate medical care. The cost of that care shall be borne by the humane society. A reasonable effort shall be made to contact the animal's owner if the animal is to be destroyed prior to the expiration of the seven (7) day period.

(c) Animals that have been impounded for a minimum of seven (7) days; may be humanely destroyed by animal shelter personnel. The remains of which shall be disposed of in a manner consistent with the county's disposal of solid waste products.

(d) Following the impoundment of an animal found at large, which animal has displayed on its collar its; owner's address, and prior to its destruction, the animal control authority shall give the owner five (5) days' notice of the proposed destruction by certified letter, return receipt requested, or regular mail. A designated representative of the humane society may view impounded animals on the day prior to scheduled euthanasia and claim, at no charge, animals for the humane society's adoption program. Such animals must have been impounded for a minimum of seven (7) days, or have been released to the animal shelter by their owners. The representative of the humane society shall be designated in writing by the humane society to the animal control authority for this purpose.

(e) Notwithstanding any provision of this chapter to the contrary, the animal control authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as the animal control authority may determine.

(f) Notwithstanding any provision of this chapter to the contrary, the animal control authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to the animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, the likelihood of danger or injury to humans or animals, or any other condition.

(g) Notwithstanding any provision of this chapter to the contrary, a veterinarian has determined that he may humanely destroy any animal impounded in the animal shelter when the animal control authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and/or severe suffering or death.

(h) Any owner or potential owner of any animal impounded in the county shelter must show identification to animal shelter personnel prior to release showing the individual's photograph, full name and current address. Animal shelter personnel shall photocopy this identification and attach it to the impoundment/adoption certificate for further reference. All animals adopted from the shelter shall be accompanied by an adult of at least the age of 18 years.

(i) No person shall adopt from the animal control division more than four cats or dogs in a 12-month period. Any person who adopts an animal from the shelter and does not complete the requirements of the adoption may be prohibited from adopting any further animals from the shelter unless the person can show cause as to why the animal adoption agreement could not be completed.

Sec. 4-61. Reclaiming impounded animals.

(a) The owner of an animal impounded in the animal shelter may reclaim the animal, upon presenting evidence satisfactory to the animal control authority of compliance with all provisions of this chapter, and upon payment of fees and charges as hereinafter provided, credited to the account of the animal control authority, and which fees and charges shall not be in lieu of any fine or penalty otherwise provided by law.

(b) Fees for reclaiming impounded animals shall be as determined from time to time by the board of commissioners and listed in the schedule of fees and charges.

(c) Owners of animals impounded for rabies quarantine or for use as evidence in a criminal prosecution shall pay the actual cost of the animal shelter.

(d) In addition to the foregoing fees, the per-day board for each day the animal is impounded in the animal shelter shall be as set forth in schedule of fees and charges.

(e) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.
(Code 1985, § 5-71)

Sec. 4-62. Adoption.

(a) The animal control authority may convey ownership (permit adoption of) any animal which has become the property of animal control authority to a responsible person subject to such conditions as may be prescribed by the animal control authority, including, but without limitation, the following:

- (1) Payment of an adoption fee to be set by the county commission or other costs associated with the handling and care of the animal to be adopted.
- (2) Adoption fees for dogs and cats shall be as determined from time to time by the board of commissioners and listed in the schedule of fees and charges.
- (3) For other animals, the fee is to be set by the director for animal control based on fair market pricing.
- (4) The adoption fee does not include costs for spaying or neutering, vaccinations or licensing; but an agreement must be signed by the adoptee that the animal will receive its spay / neuter within fourteen (14) days after the adoption, vaccinations / shots within seven (7) days after the adoption date.

(b) Evidence must be presented to the animal control authority that the animal has been examined by a veterinarian and vaccinations against rabies and other disease have been administered within seven (7) days of the adoption date.

(c) Evidence must be presented to the animal control authority that the animal adopted has been neutered / spayed by a veterinarian within 14 days of the adoption date. The only exemption to this requirement is if a sworn statement from a veterinarian is presented that explains in detail that, for health or age reasons, the animal cannot be spayed or neutered.

(d) Any citizen adopting an animal from the animal control authority shall be required to sign an adoption agreement and abide by its provisions.

(e) The director of the animal control authority shall be allowed to make adoptions waiving all or part of the fees for cause. Cause must be stated in the adoption agreement but will not waive any other requirements for adoption of any animal for the animal control authority.
(Code 1985, § 5-72)

Sec. 4-63. Acceptance of animals for euthanasia and disposal.

The following policy for the acceptance of animals for euthanasia and disposal is adopted:

- (1) *Fees.* Fees for euthanasia and disposal of animals shall be as determined from time to time by the City Council and listed in the schedule of fees and charges.
- (2) *Days of acceptance.* Animals that are brought to the animal shelter for euthanasia and disposal will be accepted on Wednesdays at 1:00 p.m. only. Dead animals that are brought to the transfer station for disposal will be accepted during the scheduled operating hours of the transfer station.
- (3) *Containment.* All dead animals brought to the transfer station for disposal must be placed in a cadaver bag designed for the purpose of disposing dead animals.
- (4) *Exclusions.*
 - a. Large agricultural animals that exceed 250 pounds will not be accepted at these facilities.
 - b. The animal shelter only accepts animals for euthanasia and disposal from municipalities located within the county.

State law references – Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; sale of dog meat for human consumption prohibited, O.C.G.A. § 26-2-160.

Secs. 4-64—4-69.Reserved.

ARTICLE VI. ENFORCEMENT; PENALTIES

Sec. 4-70. Enforcement responsibility.

The provisions of this chapter shall be enforced by the animal warden and by the City's police department.

Sec. 4-71. Interference.

No person shall interfere with, hinder or molest the animal warden or any other officer in the performance of their duty or seek to release any animal in the custody of the animal warden, except as herein provided.

Sec. 4-72. Right of entry.

(a) The animal ward, police officers and other enforcement officers of the City are hereby authorized to enter upon any premises or parcel of land for the purpose of seizing and impounding any animal found therein or thereon to be in violation of this chapter, including but not limited to an animal that has bitten a person within ten (10) days.

(b) The animal warden may take all necessary steps to remove any animal locked in a closed vehicle if the animal is subject to danger of injury due to temperature. The operator of the vehicle will be charged with cruelty to animals as defined in this chapter. No injunction or claim for damages may be placed against the animal warden or the City's police officers of this action.

Sec. 4-73. Summons.

Representatives of the animal warden and officers of the City's Police Department are hereby authorized to issue a summons to any person for violation of any provision of this chapter. The summons shall be in a form approved by the City's Municipal Court, shall designate the offense charged, and shall require the person so charged to appear before the City's Municipal Court on a date certain to answer the charges therein contained.

Sec. 4-74. Penalties for violations.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-14 of Chapter 1 of the Code of Ordinances.

Sec. 4-75. Equipment.

The animal warden is authorized to employ any equipment it deems necessary to enforce the provisions of this chapter, including, but without limitation to making available, humane wire box traps; and the animal warden may, subject to conditions it may determine, loan such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

Sec. 4-76. Records to be kept.

It shall be the duty of the animal warden to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

Secs. 4-77 – 4-79. Reserved.

ARTICLE VII. DANGEROUS DOG CONTROL*

Sec. 4-80. Dangerous dogs.

This division is enacted pursuant to the authority contained in O.C.G.A. § 4-8-20 et seq., and any ambiguities or conflicts in this division shall be interpreted in light of those provisions of state law.

Sec. 4-81. Definitions.

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

* **State law reference** – Dangerous Dog Control Law, O.C.G.A. § 4-8-21 et. seq.

Dangerous dog means that, according to the records of an appropriate authority:

- (1) Inflicts a severe injury on a human being without provocation on public or private property at any time after March 31, 1989; or
- (2) Aggressively bites, attacks or endangers the safety of humans without provocation after the dog has been classified as a potentially dangerous dog and after the owner has been notified of such classification.

Dog control officer means an individual selected by the governing authority or local government to aid in the administration and enforcement of the provisions of this division.

Governing authority means the City.

Local government means the City of a contracting municipality of the county or the county.

Owner means any natural person or any legal entity, including but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping or having custody or control of a dangerous dog or potentially dangerous dog within this state.

Potentially dangerous dog means any dog, which, without provocation, bites a human being on public or private property at any time after March 31, 1989.

Proper enclosure means an enclosure for keeping a dangerous dog or potentially dangerous dog while on the owner's property securely confined indoors or in a securely enclosed and locked pen, fence or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Any such pen or structure shall have secure sides and a secure top, and, if the dog is enclosed within a fence, all sides of the fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in such a manner as to prevent the dog's escape whether from over or from under the fence. Any such enclosure shall also provide protection from the elements for the dog.

Records of an appropriate authority means records of any state, county or municipal law enforcement agency; records of any county or municipal animal control agency; records of any county board of health; records of any federal, state or local court; or records of a dog control officer provided for in this division.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery or a physical injury that results in death.

Sec. 4-82. Exceptions.

A dog that inflicts an injury upon a person when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties shall not be a dangerous dog or potentially dangerous dog within the meaning of this division. A dog shall not be a dangerous dog or a potentially dangerous dog within the meaning of this division if the injury inflicted by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the dog and had in the past been

observed or reported to have tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

Sec. 4-83. Animal Control Officer.

(a) The mayor and council shall appoint an animal control officer who shall have the following duties:

- (1) To make such investigations and inquiries as may be necessary to identify dangerous dogs and dangerous dog owners within the city.
- (2) To classify or reclassify dogs as dangerous dogs or as potentially dangerous dogs.
- (3) To follow all post-classification procedures as set out in this division and to present evidence at any hearings held pursuant to this division.
- (4) To issue certificates of registration to owners of dangerous dog and potentially dangerous dogs.
- (5) To assure that dangerous dogs and potentially dangerous dogs are properly enclosed in accordance with the terms of this division.
- (6) To confiscate and in certain cases in accordance with this division destroy certain dangerous and potentially dangerous dogs.
- (7) To prosecute violations of this division as provided by law.

(b) In lieu of such appointment by the mayor and council, the mayor and council shall be able to contract with the county to provide for the appointment of a dog control officer, who shall perform all of the duties set forth in this division.

Sec. 4-84. Animal control board.

(a) The mayor and council shall appoint an animal control board that shall be made up of five (5) members who shall serve two (2) year staggered terms with three (3) members appointed every two (2) years. Members shall receive such compensation, unless otherwise provided, and shall conduct hearings as required by O.C.G.A. § 4-8-24 and section 4-72.

(b) In lieu of such an appointment by the mayor and council, the mayor and council shall be able to contract with the county to provide for the appointment of an animal control board; the terms of such appointments and compensation to be as provided by the county ordinance establishing such board; and the board shall conduct hearings as required by O.C.G.A. § 4-8-24 and section 4-72 of this Code.

Sec. 4-85. Investigation and classification.

Upon receiving a report of a dangerous dog or potentially dangerous dog within a dog control officer's jurisdiction from a law enforcement agency, animal control agency, rabies control officer or county board of health, the dog control officer shall make such investigations

and inquiries with regard to such report as may be necessary to carry out the provisions of this division.

Sec. 4-86. Classification; notice and hearing.

(a) As applied to the owners of potentially dangerous dogs, the procedures provided for in this section must be carried out as a necessary condition for the enforcement of the provisions of this division against such owners. As applied to the owners of dangerous dogs, the procedures provided for in this section shall not be an essential element of any crime provided for in this division.

(b) When a dangerous dog or a potentially dangerous dog is classified as such, the dog control officer shall notify the dog's owner of such classification.

(c) The notice to the owner shall meet the following requirements:

- (1) The notice shall be in writing and mailed in duplicate by first class mail and by certified mail to the owner's last known address.
- (2) The notice shall include a summary of the dog control officer's findings that formed the basis for the dog's classification as a dangerous or potentially dangerous dog.
- (3) The notice shall be dated and shall state that the owner, within 15 days after the date shown on the notice, has a right to request a hearing on the dog control officer's determination that the dog is a dangerous dog or potentially dangerous dog.
- (4) The notice shall state that the hearing, if requested, shall be before the animal control board.
- (5) The notice shall state that if a hearing is not requested, the dog control officer's determination that the dog is a dangerous dog or a potentially dangerous dog will become effective for all purposes under this division on a date specified in this notice, which shall be after the last day on which the owner has a right to request a hearing.
- (6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such request to the agency.

(d) When the animal control board received a request for a hearing, as provided in subsection (c) of this section, it shall schedule such hearing within 30 days after receiving the request. The board shall notify the dog owner in writing by certified mail of the date, time, and place of the hearing, and such notice shall be mailed to the dog owner at least ten (10) days prior to the date of the hearing. At the hearing, the owner of the dog shall be given the opportunity to testify and present evidence, and, in addition thereto, the governing authority or board shall receive such other evidence and hear such other testimony as the governing authority or board may find reasonably necessary to make a determination either to sustain, modify or overrule the dog control officer's classification of the dog.

(e) Within ten (10) days after the date of the hearing, the board shall notify the dog owner in writing by certified mail of its determination on the matter. If such determination is that the dog is a dangerous dog or a potentially dangerous dog, the notice shall specify the date upon which that determination is effective.

Sec. 4-87. Registration, insurance, notice and enforcement.

The dog control officer shall issue a certification of registration to the owners of dangerous and potentially dangerous dogs when the owner shows the dog control officer sufficient evidence of the following:

- (1) For a potentially dangerous dog:
 - a. A proper enclosure sufficient to confine the dog.
 - b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a potentially dangerous dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the potentially dangerous dog.
- (2) For a dangerous dog:
 - a. A proper enclosure sufficient to confine the dog.
 - b. The posting on the premises where the dog is located with a clearly visible sign warning that there is a dangerous dog located on the premises and containing a symbol reasonably calculated to inform children of the presence of the dangerous dog.
 - c. An insurance policy in the amount of at least \$15,000.00 issued by a surety company authorized to do business in the state, payable to any person or persons injured by a dangerous dog.
- (3) The annual fee for the certificate of registration shall be \$500.00. Certificates of registration shall be renewed on an annual basis. At the time of the annual renewal of a certificate of registration, a dog control officer shall require evidence from the owner or make such investigation as may be necessary to verify that the dangerous dog or potentially dangerous dog is continuing to be confined in a proper enclosure and that the owner is continuing to comply with other provisions of this division.

Sec. 4-88. Restrictions on taking out of enclosures.

(a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person.

(b) It is unlawful for the owner of a potentially dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and in under the restraint of a responsible person.

Sec. 4-89. Notification of death, escape, sale or donation.

The owner of a dangerous or potentially dangerous dog shall notify the dog control officer if the owner is moving from the dog control officer's jurisdiction. The owner of a dangerous do or potentially dangerous dog who is a new resident of the state shall register the dog as required in this section within 30 days after becoming a resident. The owner of a dangerous dog or potentially dangerous dog who moves from one jurisdiction to another within the state shall register the dangerous dog or potentially dangerous dog in the new jurisdiction within ten (10) days after becoming a resident.

Sec. 4-90. Confiscation; grounds; disposition.

(a) A dangerous dog shall be immediately confiscated by the dog control officer or by a law enforcement officer or by another person authorized by the dog control officer if the:

- (1) Owner of the dog does not secure the liability insurance or bond required by section 4-73;
- (2) Dog is not validly registered as required by section 4-73;
- (3) Dog is not maintained in a proper enclosure; or
- (4) Dog is outside a proper enclosure in violation of section 4-74(a).

(b) A potentially dangerous dog shall be confiscated in the same manner as a dangerous dog if the dog is:

- (1) Not validly registered as required by section 4-73;
- (2) Not maintained in a proper enclosure; or
- (3) Outside a proper enclosure in violation of section 4-74(b).

(c) Any dog that has been confiscated under the provisions of subsection (a) or (b) of this section shall be returned to its owner upon the owner's compliance with the provisions of this division and upon the payment of reasonable confiscation costs. If the owner has not complied with the provisions of this division within 20 days of the date the dog was confiscated, such dog shall be destroyed in an expeditious and humane manner.

Sec. 4-91. Miscellaneous provisions.

(a) The dog control officer's authority to investigate shall include the power to enter onto public and private property for the purpose of periodic inspection.

(b) The dog control officer shall maintain a copy of all state and local laws applicable to dangerous dogs and potentially dangerous dogs which records shall be available for

inspection by the public during regular business hours. The dog control officer shall not be authorized to interpret these laws nor to give advice to owners.

(c) This division is adopted pursuant to O.C.G.A. § 4-8-20 et seq. to implement the duties for which the county is responsible under state law. This division shall not be construed to impose any additional duties or liability on the City or on its officers and employees or to waive any immunity that is currently provided by law.

(d) This division shall be null, void and without effect upon repeal of O.C.G.A. § 4-8-20 et seq. by the Georgia Legislature.

Sec. 4-92. Contracting services.

The mayor and council, pursuant to the authority granted by O.C.G.A. § 4-8-22, shall be able to contract or enter into agreements with the county, and/or other local governments for joint dog control services or for the provision of dog control services required by O.C.G.A. § 4-8-20 et seq., or this division and for the separate or joint use of personnel, facilities, boards and equipment used in the provision and enforcement of such services.

City of Newnan, Georgia – Mayor and Council



Date: January 24, 2010

Agenda Item: 10 Burch Avenue

Prepared and
Presented by: Matt Camp, Code Enforcement Officer

Submitted by: Cleatus Phillips, Community Development
Director

Purpose: To conduct a Public Hearing for the purpose of applying minimum housing and maintenance codes to the structure located at 10 Burch Avenue.

Background: Owner: Louis D. Stevenson
Permits: None
Date Sub-Standard housing file was opened: 10/09/09

The City investigated the exterior and interior of the property on October 8, 2009 and a report was created. The structure is secure from unforced entry. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24.1, Sub-sections 4, 5, 6, 9 & 10 (b).

Options:

1. Adopt a resolution requiring the property owner to repair or demolish the structure within 45 days.
2. Other direction from Council.

Funding: Not Applicable

Recommendation: Staff is requesting Council's approval for Option 1.

Previous Discussions

With Council: October 27, 2009—Council informed of condition.
November 10, 2009—Schedule Public Hearing for 1/26/10

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: Louis D. Stevenson
Deed Book 3092 Page 9

Lienholders:
Coweta County Tax Commissioner
Ford Motor Credit Company
Bank of America, N.A.

WHEREAS, the property of Louis D. Stevenson located at 10 Burch Avenue, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of Louis D. Stevenson located at 10 Burch Avenue, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: Louis D. Stevenson
Deed Book 3092 Page 9

Lienholders:
Coweta County Tax Commissioner
Ford Motor Credit Company
Bank of America, N.A.

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at 10 Burch Avenue in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

City of Newnan, Georgia – Mayor and Council



Date: January 24, 2010

Agenda Item: 7 West Gate Park Lane

Prepared and
Presented by: Matt Camp, Code Enforcement Officer

Submitted by: Cleatus Phillips, Community Development Director

Purpose:

To conduct a Public Hearing for the purpose of applying minimum housing and maintenance codes to the structure located at 7 West Gate Park Lane.

Background:

Owner: Federal National Mortgage Association.

Permits: None

Date Sub-Standard housing file was opened: 09/10/09

The City investigated the exterior and interior of the property on September 9, 2009 and a report was created. The structure was unsecure from unforced entry at the time of the inspection; however the structure was secured after the inspection of the interior. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24.1, Sub-sections 5, 9 & 10 (b).

Options:

1. Adopt a resolution requiring the property owner to repair or demolish the structure within 45 days.
2. Other direction from Council.

Funding:

Not Applicable

Recommendation: Staff is requesting Council's approval for Option 1.

Previous Discussions

With Council:

September 21, 2009—Information for Council

October 13, 2009—Schedule Public Hearing 1/26/10

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: Federal National Mortgage Association
Deed Book 3520 page 626

WHEREAS, the property of the Federal National Mortgage Association located at 7 Westgate Park Lane, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of Federal National Mortgage Association located at 7 Westgate Park Lane, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

Della Hill, City Clerk

Reviewed:

C. Bradford Sears, Jr., City Attorney

Richard A. Bolin, City Manager

L. Keith Brady, Mayor

Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander, Councilmember

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: Federal National Mortgage Association
Deed Book 3520 Page 626

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at 7 Westgate Park Lane in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

City of Newnan, Georgia – Mayor and Council



Date: January 24, 2010

Agenda Item: 77 Bailey Drive

Prepared and Presented by: Matt Camp, Code Enforcement Officer

Submitted by: Cleatus Phillips, Community Development Director

Purpose: To conduct a Public Hearing for the purpose of applying minimum housing and maintenance codes to the structure located at 77 Bailey Drive.

Background: Owner: Paula M. Hicks of Newnan, Georgia
Permits: None
Date Sub-Standard housing file was opened: 09/28/09

The City investigated the exterior and interior of the property on September 21, 2009 and a report was created. The structure is secure from unforced entry. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24.1, Sub-sections 4, 5, 6, 9 & 10 (b).

Options:

1. Adopt a resolution requiring the property owner to repair or demolish the structure within 45 days.
2. Other direction from Council.

Funding: Not Applicable

Recommendation: Staff is requesting Council's approval for Option 1.

Previous Discussions With Council:

October 13, 2009—Council informed of condition.
October 27, 2009—Schedule Public Hearing 1/26/10

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: Paula M. Hicks
Deed Book 3483 Page 323

WHEREAS, the property of the Paula M. Hicks located at 77 Bailey Drive, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of Paula M. Hicks located at 77 Bailey Drive, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

Della Hill, City Clerk

Reviewed:

C. Bradford Sears, Jr., City Attorney

Richard A. Bolin, City Manager

L. Keith Brady, Mayor

Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander, Councilmember

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: Paula M. Hicks
Deed Book 3483 Page 323

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at 77 Bailey Drive in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

City of Newnan, Georgia – Mayor and Council



Date: January 24, 2010
Agenda Item: Vacant Structures on War Admiral Way

Prepared and Presented by: Matt Camp, Code Enforcement Officer

Submitted by: Cleatus Phillips, Community Development Director

Purpose: To conduct a Public Hearing for the purpose of applying minimum housing and maintenance codes to the structure located at War Admiral Way.

Background: Owner: James Odell Barnes Gilbert, SC.
Permits: None
Date Sub-Standard housing file was opened: 10/23/09

The City investigated the exterior and interior of the property on October 23, 2009 and a report was created. The structure was secured from unforced entry by the City of Newnan. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24.1, Sub-sections 5, 6, 9 & 10 (b).

Options:

1. Adopt a resolution requiring the property owner to repair or demolish the structure within 45 days.
2. Other direction from Council.

Funding: Not Applicable

Recommendation: Staff is requesting Council's approval for Option 1.

Previous Discussions With Council:

November 10, 2009—Council informed of condition.
November 24, 2009—Schedule Public Hearing for 1/26/10

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 1 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 1 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 1 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 2 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 2 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

Della Hill, City Clerk

Reviewed:

C. Bradford Sears, Jr., City Attorney

Richard A. Bolin, City Manager

L. Keith Brady, Mayor

Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander, Councilmember

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 2 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 3 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 3 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 3 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 4 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 4 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

Della Hill, City Clerk

Reviewed:

C. Bradford Sears, Jr., City Attorney

Richard A. Bolin, City Manager

L. Keith Brady, Mayor

Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander, Councilmember

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 4 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 5 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 5 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 5 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 6 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 6 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 6 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 82 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 82 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

Della Hill, City Clerk

Reviewed:

C. Bradford Sears, Jr., City Attorney

Richard A. Bolin, City Manager

L. Keith Brady, Mayor

Cynthia E. Jenkins, Mayor Pro-Tem

George M. Alexander, Councilmember

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 82 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

After recording please return to:
Della Hill, City of Newnan
25 LaGrange Street
Newnan, GA 30263

RESOLUTION

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

WHEREAS, the property of the James Odell Barnes located at Lot 83 War Admiral Way, Newnan, Georgia 30263, in the City of Newnan was alleged by the Building Official of the City to be an unsafe building, as defined by an Ordinance adopted by the Mayor and Council on October 10, 1977; and,

WHEREAS, a hearing was set for the Mayor and Council to determine in accordance with the provisions of such Ordinance whether such building was in fact an unsafe building, as defined in such Ordinance and/or that the same was unsafe to the extent that it should be demolished or repaired; and,

WHEREAS, notice of such hearing was given to the owner, lien holder and tenant, if any, as required by such Ordinance, and all other provisions of the Ordinance have been complied with;

NOW THEREFORE, the Mayor and Council of the City of Newnan, after hearing evidence upon the question of whether such building is an unsafe building as defined by the Ordinance of the City of Newnan, do hereby determine that the building of James Odell Barnes located at Lot 83 War Admiral Way, Newnan, Georgia 30263, should be repaired or demolished, and the owner thereof is given _____ (____) days within which to repair or demolish and remove the same;

RESOLVED FURTHER, that in the event the owner shall fail to repair or demolish and remove the same within the period of _____ (____) days herein fixed, the Building Official of the City of Newnan is hereby ordered to repair or demolish and remove the same, and to prepare an itemization of the cost of such repair or demolition and removal, and deliver such itemization to the Clerk of the City of Newnan, who is ordered to issue an execution against the owner for the total cost of such repair or demolition and removal, which execution shall constitute a lien against such real estate as of the date of this resolution - all in accordance with the Ordinances of the City of Newnan.

ADOPTED AND APPROVED by the Mayor and Council of the City of Newnan this
___ day of _____, 2010.

ATTEST:

L. Keith Brady, Mayor

Della Hill, City Clerk

Cynthia E. Jenkins, Mayor Pro-Tem

Reviewed:

C. Bradford Sears, Jr., City Attorney

George M. Alexander, Councilmember

Richard A. Bolin, City Manager

Rhodes Shell, Councilmember

Ray DuBose, Councilmember

Clayton Hicks, Councilmember

Robert W. Coggin, Councilmember

TO: James Odell Barnes
Deed Book 3498 Page 18

Lienholders:
Coweta County Tax Commissioner

GEORGIA, COWETA COUNTY:

The requirements of the resolution of the Mayor and Council of the City of Newnan adopted on the ____ day of _____, 2010 and recorded in Deed Book _____, Page _____ of the Deed Records of Coweta County, Georgia relating to property located at Lot 83 War Admiral Way in the City of Newnan, Georgia having been complied with, the Clerk of Superior Court is authorized to enter this satisfaction thereof of record.

This ____ day of _____, 2010.

CITY OF NEWNAN

By: _____
Building Official

Attest: _____
Clerk

[SEAL]

City of Newnan, Georgia – Mayor and Council



Date: January 24, 2010

Agenda Item: Status report for: 11 Tuxedo Avenue, 21 Tuxedo Avenue, 8 Thompson St., 68 Savannah St., 112 Greenville St., 115 Temple Avenue.

Prepared and Presented by: Matt Camp, Code Enforcement Officer

Submitted by: Cleatus Phillips, Community Development Director

Purpose: To inform Council of the status of the property having been before Council.

Background: Date of Status Check: January 19, 2010

Options:

1. Accept status reports on all properties listed.
2. Other direction from Council.

Funding: Not Applicable

Recommendation: Staff does not have a recommendation at this time.

Previous Discussions

With Council: Property has previous history with Council.

Property Description	Owner	Public Hearing	# of days given	Extensions	Status	Resolution Deadline
11 Tuxedo Avenue	Janice & Irvin Jones	10/27/2009	180	None	No progress evident.	4/27/2010
21 Tuxedo Avenue	Lavern Philpot	10/27/2009	180	None	No progress evident.	4/27/2010
8 Thompson Street	Mattline Render	2/21/2007	180	180 days - 9/21/09	Progress made.	3/21/2010
68 Savannah St.	Ray McWilliams	9/21/2009	60	90 days- 11/24/2009	Progress made	2/24/2010
112 Greenville St	Monica Seals	5/26/2009	180	180 days- 11/24/09	Progress made	5/24/2010
115 Temple Avenue	Holy Zion Center of Deliverance	12/16/2008	180	180 days 9/21/09	No progress evident.	3/21/2010

Motion to Enter into Executive Session

I move that we now enter into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing

And that we, in open session, adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law.

Motion to Adopt Resolution after Adjourning Back into Regular Session

I move that we adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the council meeting was within the exceptions provided by O.C.G.A. §50-14-4(b).