

AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF GRIFFIN, GEORGIA, AT CHAPTER 90, TRAFFIC & VEHICLES, BY DELETING ARTICLE VII, JUNKED OR INOPERABLE MOTOR VEHICLES IN ITS ENTIRETY AND ENACTING A REVISED ARTICLE VII, JUNKED OR INOPERABLE MOTOR VEHICLES; TO PROVIDE FOR THE KEEPING OR STORAGE OF JUNKED OR INOPERABLE MOTOR VEHICLES WITHIN THE CITY; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO RESTATE THE CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREIN; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Griffin, Georgia is amended at Chapter 90, JUNKED OR INOPERABLE MOTOR VEHICLES, by deleting Article VII, JUNKED OR INOPERABLE MOTOR VEHICLES, in its entirety and enacting in lieu thereof new Article VII, JUNKED OR INOPERABLE MOTOR VEHICLES, as follows:

“ARTICLE VII. JUNKED OR INOPERABLE MOTOR VEHICLES.
ARTICLE VII. - JUNKED OR INOPERABLE MOTOR VEHICLES

Sec. 90-141. - Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be construed so as to give them the meaning they have in common usage and to give this article its most reasonable application. The following specific definitions shall be applied in the interpretation and enforcement of this article:

Enforcement officer means the code enforcement officer of the city department of development services or officers of the city police department.

Junk yard means any use on private property involving the parking, storage or disassembly of junked or inoperable motor vehicles; storage, bailing, or otherwise dealing in junk, animal hides, scrap iron or other metals, used paper, used cloth, used plumbing fixtures, old stoves, old refrigerators and other old household appliances, used brick, wood, or other building materials. These uses shall be considered junk yards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to, or accessory to other use of the premises.

Junked or inoperable motor vehicle means any motor vehicle, as defined in this article, that is wrecked, wholly or partially dismantled, majorly disassembled, or missing a key component, such as a motor, transmission or body parts, so as to be incapable of normal operation in the manner intended, including disassembled parts, pieces, or components thereof; failure to display a current license tag, tag decal, or (if required) current vehicle safety or emission sticker, shall create a presumption the motor vehicle is junked or inoperable.

Motor vehicle means a motor vehicle, including but not limited to an automobile, truck, motorcycle, semi-tractor truck, non-motorized trailers designed to be towed or pulled by a motor vehicle (all types; open or enclosed), or parts thereof, including motor parts, transmission parts, body parts, and tire or wheel assemblies.

Motor vehicle under repair means any motor vehicle, as defined in this article, being serviced for malfunctioning or broken parts or systems, or being serviced by adding or removing features or components to or from that motor vehicle, or otherwise customizing that vehicle.

Owner means the owner of the subject real property or premises, such term shall include the owner of record title as shown upon the deed records of the county, the occupant in possession including a tenant or lessee, and any person designated by the owner or occupant to manage the premises. When known to the enforcement officer, the term "owner" shall also include the person to whom the motor vehicle is currently or was formerly titled or who last purchased a license tag or decal for such vehicle.

Person means every natural person, firm, partnership, association, corporation, trust, or other form of recognized business entity capable of owning real property in the State of Georgia, including governmental authorities, but excludes a federal agency, the state or a state agency, a county, or municipal corporation.

Sec. 90-142. - Keeping or storage of junked or inoperative motor vehicles prohibited; exceptions.

- (a) For the purpose of promoting the health, safety and welfare of the city, every owner and occupant of private real property within the city is required to keep his property free and clear of conditions which tend or are likely to breed snakes, rodents, mosquitoes, or other vermin, create a fire or safety hazard that endangers the lives and property of citizens, or other hazard to public health and safety, or unsightly nuisance. In furtherance thereof, except as allowed by this article, the existence of any junked or inoperable motor vehicle on public or private property is hereby declared and shall be deemed a public nuisance.
- (b) It shall be unlawful and a violation of this article for any person to intentionally park, keep, store, deposit, or discard any junked or inoperable motor vehicle or motor vehicle under repair on any public street, adjoining street right-of-way, or on property owned or leased by the city and designated for off-street parking, except in accordance with this article and the zoning and business regulations of the city.
- (c) It shall be unlawful for any person to intentionally park, keep, store, leave or permit the parking, storage, or keeping of any junked or inoperable motor vehicle, whether attended or not, on any private real property within the city; except that this section shall not apply to:
 - (1) A junked or inoperable motor vehicle that is located within a completely enclosed building or structure, lawfully erected on the property, so that the junked or inoperable motor vehicle is not visible from other adjoining properties or from a public street right-of-way; or
 - (2) A junked or inoperable motor vehicle that is stored or kept on real property in connection with a business of a licensed motor vehicle towing service, automobile repossession service, junkyard, or used motor vehicle parts merchant wholesaler, located in other than a residential zoning district, when the keeping or presence of such junked or inoperable motor vehicle is appropriate because the business is operated as a lawful storage place or depository for junked or inoperable motor vehicles, provided that the junked or inoperable motor vehicles are safely maintained within the parcel and screened from all

adjoining properties and/or rights-of-way by a six foot fence of opaque character or an equivalent landscape barrier; or

- (3) A junked or inoperable motor vehicle that is stored or kept on real property in connection with a commercial business operated in a lawful manner located in an industrial zoned district.
- (d) In furtherance of subsection (a) of this code section, a business conducting automotive repair, including, but not limited to, an automotive engine repair and replacement shop, automotive tire dealer, and automotive body, paint, and interior repair and maintenance shop shall have no more than four motor vehicles per exterior service bay, which is a bay/garage door located on the outside of the principal business structure or shall have no more than those which can be legally parked in a paved, striped parking lot in conformance with the Unified Development Code, Articles 8 and 9, as required.

Sec. 90-143. - Intentional violations; punishment of violators.

Any person found to have intentionally violated the provisions of this article shall be cited to appear before the municipal court; upon conviction, such violator shall be punished in the manner provided in section 1-12 of chapter 1, administration, of this Code. In addition to any fine or sentence of incarceration imposed, the court may require the violator to remove and properly dispose of the junked or inoperable motor vehicle from the subject real property, and/or order payment of restitution for the cost of removal if removed by city forces.

Sec. 90-144. - Authority of city to order removal and proper disposal; nuisance.

- (a) Whenever it is determined by an enforcement officer that a junked or inoperable motor vehicle is kept or stored on any private real property within the city in violation of this article, written notice shall be given to the owner of the subject real property, and, if known, to the person in whom the vehicle is currently or was last formerly titled or who last purchased a license tag or decal for said vehicle, giving notice to remove and properly dispose of the junked or inoperable motor vehicle within five business days of the receipt of such notice. Where personal service of notice is not possible on an owner residing within Spalding County, Georgia, notice shall be given by certified U.S. mail, return receipt requested, to the owner at the address last shown upon the most recent tax digest of Spalding County; or if none, at the best address available.
- (b) In the event the owner, tenant, or person in possession of the property fails or refuses to remove or properly dispose of such junked or inoperable motor vehicle, the city manager or his designee shall initiate a Complaint In Rem, pursuant to article II, nuisances, of chapter 42 of this Code.
- (c) Pursuant to order of the municipal court, the city and its agents shall be authorized to enter upon the subject private property, without being deemed a trespasser, and cause to be removed therefrom the junked or inoperable motor vehicle. The vehicle shall be towed by a licensed wrecker service and stored in an impound yard; it shall be the responsibility of the impound yard operator to comply with the procedures of O.C.G.A. § 40-11-9 governing disposition of derelict motor vehicles. Any costs incurred by the city shall be filed as a lien against the real property from which the junked or inoperable motor vehicle was removed.

Secs. 90-145—90-154. - Reserved.

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective upon second and final reading.

First Reading: January 8, 2019

Second Reading: January 22, 2019