CITY COUNCIL
ATLANTA, GEORGIA

01-O -0591

AN ORDINANCE BY

AN ORDINANCE TO DELETE ARTICLE B. BUILDINGS AND STRUCTURAL APPURTENANCES, SEC. 8-2095. MAINTENANCE, AND REPLACE IT WITH A NEW ARTICLE B. BUILDINGS AND STRUCTURAL APPURTENANCES, SEC. 8-2095. MAINTENANCE, SO AS TO INCLUDE IMPOUND LOTS AND TO REQUIRE LANDSCAPE BUFFERING, AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interest of the city to protect residential neighborhoods that bound commercial, institutional and industrial areas; and

WHEREAS, it is also in the best interest to protect longstanding neighborhoods that may be zoned mixed-use or that are encroaced by commercial, institutional and industrial uses; and

WHEREAS, impound lots, which may be located near residential neighborhoods, are not currently required to maintain their properties to the standards required of automobile salvage yards, junkyards, scrap metal yards and the yards of secondary metal recyclers; and

WHEREAS, impound lots affect neighborhoods in the same manners as automobile salvage yards, junkyards, scrap metal yards and the yards of secondary metal recyclers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA ORDAINS as follows:

Section 1: That ARTICLE B. BUILDINGS AND STRUCTURAL APPURTENANCES, Section 8-2095 be deleted and replaced with the following new language:

Sec. 8-2095. Maintenance.

The owner or operator shall maintain and operate any commercial, institutional, or industrial structure in accordance with the following:

(1) Maintenance of grounds. The grounds of the premises and of all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians, neighbors, surrounding neighborhoods, and other persons utilizing the premises or viewing the premises from the outside, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:

a. Brush, weeds, broken glass, stumps, roots, obnoxious growths, and accumulations of filth, garbage, trash, refuse, debris, and inoperative machinery;

b. Dead and dying trees, tree limbs;and decorative landscaping specifically installed per Section 8-2095 (7.) (a.) (2.).

c. Loose and overhanging objects which by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof;

d. Holes, excavations, breaks, projections, obstructions, and excretions of pets and other animals on paths, walks, driveways, parking lots and parking areas, and other parts of the premises;

e. Inadequate run-off drains for storm waters; and

f. Sources of infestation.

g. Broken fences, as required in Section 8-2095 (7.) (a.) (1.).

(2) Maintenance of exterior of premises and structures. The exterior of the premises and the condition of necessary structures shall be maintained so that the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood and such that the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and down-grading of the neighborhood including the following:

a. Foundations, floors, and walls which are not structurally sound;

b. Chimneys and flue and vent attachments which are not safe, durable, smoke tight, and capable of withstanding the action of flue gasses;

c. Exterior porches, landings, balconies, stairs, and fire escapes which are not provided with banisters or railings properly designed, installed, and maintained to minimize the hazard of falling;

d. All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful non-conforming use shall be maintained in good repair. Any signs which have excessively weathered, those upon which the paint has excessively peeled or cracked, or those whose supporting members have deteriorated so that they no longer meet the structural requirements of the building code, shall, with their supporting

members, be removed or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed;

e. All store fronts and walls exposed to public view shall be kept in a good state of repair;

f. Any awning or marquee and its accompanying structural members shall be maintained in a good state of repair. In the event said awnings or marquees are made of cloth, plastic, or of a similar material, said cloth or plastic, where exposed to public view, shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks, or other parts of the public domain; and

g. 1. All vacant buildings shall be kept secure against unauthorized entry and shall be secured in accordance with the specifications set forth in section 29 of the housing code.

2. The minimum specifications to secure a vacant building shall be as follows unless otherwise approved by the director.

i. Except for the front door, all windows and doors on all levels, through which access to the interior of the building can be made, shall be secured from the interior of the building with inch exterior grade plywood sheathing.

ii. All window boards shall be fit to screen inset molding as shown;

iii. All fabricated boards shall be painted with one coat of primer on the exterior surface;

iv. All two inches by four inches interior wood stock used in securing the sheathing shall be padded with carpet type material of minimum dimensions four inches by eight inches permanently attached. This padding shall be adjusted to prevent damage to interior walls and wood trim;

v. A dead bolt lock shall be installed on the front exterior door above the existing lock.

3. All openings specified in section 8-2095 herein, must remain secured in the manner prescribed in section (g)(1), herein and the exterior of the building must remain in compliance with all applicable provisions to this Code. Failure of the owner or operator to maintain the secured vacant building as prescribed herein shall subject them to legal action without further notice from the director.

(3) General maintenance. The exterior of every structure or accessory structure shall be maintained in a good state of repair and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance.

a. Floors, interior walls, and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition;

b. All roofs shall have an approved covering free of holes, cracks, or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability;

c. Every room open to the public or in which persons are employed, every public hall, and stairway in every structure shall be adequately lighted at all times that said structure is in use or open to the public. Unless otherwise provided by law, adequate

lighting for the purpose of this subsection shall mean not less than five (5) foot candles, measured at any point on the floor of a room, hall, or stairway;

d. Window area and ventilation. Every room open to the public or in which persons are employed shall have at least one (1) window or skylight which can easily be opened, or such other devices as will adequately ventilate the room. The total of window area in every such room shall be equal to 10 percent of the floor area. At least 50 percent of the area of the windows shall be operable, except where there is an approved device installed which shall provide at least one (1) complete change of air every time it would be required by the Heating, Ventilating, and Air Conditioning Code of the City of Atlanta;

e. Every structure shall have at least one (1) unobstructed means of egress leading to open space at ground level;

f. Washroom and water closet compartment floors shall be surfaced with water resistent materials and shall be kept in a dry, clean and sanitary condition at all times;

g. Supporting structural members are to be kept structurally sound, free of deterioration, and capable of bearing imposed loads safely;

h. Walls and ceilings shall be kept clean and maintained in a good state of repair;

i. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wallplate so located and maintained to prevent short circuiting from water or plumbing;

j. All premises shall be properly connected to electric power through safely insulated conductors conforming to the Electrical Code of the City of Atlanta;

k. All wiring or cables shall be properly affixed or attached to the structure, and kept in a good state of repair;

l. Garbage storage containers or garbage disposal facilities meeting the standard required by the Bureau of Sanitary Services of the City of Atlanta shall be provided and maintained for the disposal of garbage at every occupied structure; and

m. Inflammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Department of Fire Services of the City of Atlanta and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations of said bureau of fire services.

(4) Posting of assigned numbers. The owner of any improved parcel of land in the city shall cause the officially assigned street number for such parcel to be posted on the front of the building or in the front yard so as to be clearly visible from the street. Street numbers shall be posted in numerals no less than two and one-half inches in height.

(5) It shall be unlawful for the owner, occupant or operator of any lot, tract, parcel of land or premises in the city, to have, permit or allow any junk vehicle to be parked, let or maintained thereon; and it shall be unlawful for any person to cause, have, let, maintain or place such a junk vehicle on the real property of another.

Except that it shall not be unlawful to maintain, in an otherwise lawful manner:

a. Any vehicle in an enclosed building;

b. Any vehicle on the premises of a legally licensed automobile storage yard; or

c. Any vehicle on property occupied and used for repair, reconditioning or remodeling of motor vehicles in conformance with the zoning ordinance of the city; provided however that the owner, occupant or operator of any lot, tract, parcel of land or premises used for the repair, reconditioning or remodeling of motor vehicles, shall not

permit or allow any vehicle awaiting repair, reconditioning or remodeling, to remain on such property for a period in excess of 45 days.

(6) It shall be unlawful for the owner, occupant or operator of any lot, tract, parcel of land or premises in the city, to have, permit or allow the growth of kudzu or the excessive growth of grass, weeds, shrubs or bushes thereon.

(7) a. For the purpose of improving the aesthetics and safety of the immediately surrounding communities and neighbors, the owners and operators of all automobile salvage yards, junkyards, scrap metal yards, impound lots, and the yards of secondary metal recyclers, are hereby required to install the following, which is to be approved by the Bureau of Planning, with recommendations from the affected NPU:

1.) ~~screening or other~~ Decorative and buffering opaque fencing of at least eight feet in height around the borders of the property so as to shield the operation of such businesses from the public view. This fence shall run continuously around the property, with no breaks except for ingress and egress.

2.) Decorative landscaping that includes neighborhood friendly foliage, such as tall bushes, rose bushes, or traditionally accepted buffering trees, bushes and shrubs. Landscaping should be chosen appropriately to allow for winter weather. This landscaping shall cover the opaque fencing, where appropriate, further shielding the operation of such businesses from public view.

3.) Adequate watering systems to keeps above landscaping alive.

b. The above requirement shall not apply where the premises upon which such activities are conducted are wholly enclosed within a building.

c. Owners or operators of such businesses are required to comply with subsection (a.) (1.) (2.) and (3.) above within six (6) months ~~one year~~ of the effective date of this subsection.

d. Failure to comply with the provisions of this subsection shall be punishable as provided in section 1-8 of the Atlanta City Code.

(Code 1977, § 8-2095; Ord. No. 1998-27, §§ 7--10, 5-12-98; Ord. No. 2000-30, § 1, 5-23-00; Ord. No. 2000-54, § 1, 10-10-00)

A true copy,
Municipal Clerk, CMC

ADOPTED by the Council — SEP 17, 2001
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 — SEP 26, 2001

RCS# 3100
9/17/01
3:05 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 11

ADOPT

Unanimous

YEAS:	15
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	0

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM CONSENT AGENDA
01-O-1458

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA

1. 01-O-1231
2. 01-O-1453
3. 01-O-1449
4. 01-O-1475
5. 01-O-1476
6. 01-O-1477
7. 01-O-0976
8. 01-O-1327
9. 01-O-0591
10. 01-O-1457
11. 01-R-1431
12. 01-R-1432
13. 01-R-1306
14. 01-R-1443
15. 01-R-1455
16. 01-R-1353
17. 01-R-1486
18. 01-R-1330
19. 01-R-1331
20. 01-R-1332
21. 01-R-1333
22. 01-R-1427
23. 01-R-1450
24. 01-R-1474

01-O -0591

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AN ORDINANCE

BY: [signature]

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ADOPTED BY

SEP 17 2001

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 4/2/01

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee	Committee
CD/HR	
Date 4/11/01	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members	Members
5/16/01	
6/13/01	
8/1/01	
8/15/01	
Refer To	Refer To

Committee	Committee
CD/HR	
Date 9/12/01	Date
Chair [signature]	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other:	Other:
Members "Able" Mable Thomas	Members
Sherry Dorsey	
[signature]	
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd ☐3rd Readings

☐Consent ☐V Vote ☑RC Vote

CERTIFIED

CERTIFIED SEP 17 2001 ATLANTA CITY COUNCIL PRESIDENT [signature]

CERTIFIED SEP 17 2001 [signature] MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE BY OPERATION OF LAW