COUNTY AGENDA REQUEST

Department:	Code Enforcement	Presenter(s):	Kathy Hobbs
Meeting Date:	Thursday, November 14, 2013	Type of Request:	Old Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2013-14 amending the Fayette County Code of Ordinances, Chapter 5, International Property Maintenance Code, Section 302.4 Weeds, to include an allowable height of 14-inches, adding the exclusion of crops. This item was tabled by Commissioner McCarty at the October 10, 2013 Board of Commissioners meeting.

Background/History/Details:

The International Property Maintenance Code 2006 was adopted by Fayette County on December 3, 2008. There was a blank space to be filled in with an allowable height for grass / weeds. That space was left blank.

In order to prosecute this section of the code, a height limit was first proposed to the Board of Commissioners at 12-inches. The Board of Commissioners approved Commissioner McCarty's motion to table this request at the October 10, 2013 Board of Commissioners meeting.

Staff has amended its position for an allowable height for grass and weeds at 14- inches. An exception to this ordinance is that any property being used for the purpose of agricultural purposes, including but not limited to the raising and/or feeding of grazing animals and the cutting of grass for hay.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-14 amending the Fayette County Code of Ordinances, Chapter 5, International Property Maintenance Code, Section 302.4 Weeds, to include an allowable height of 14-inches, adding the exclusion of crops.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA
FAYETTE COUNTY

ORDINANCE 2013-14

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, FAYETTE COUNTY, GEORGIA TO AMEND CHAPTER 5 BUILDINGS, GENERAL FEES ARTICLE 1, ADMINISTRATION AND ENFORCEMENT; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SERVERABILITY; TO PROVIDE FOR PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION BY DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW:

Whereas, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

Whereas, the governing authority desires to amend the provision that provides for the adoption of construction codes as required by the State of Georgia**,**

Whereas, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. Part of the Fayette County Code, is hereby amended by adding "14 inches" as the allowable height, adding the exclusion of crops, and exception to the rule found in Chapter 3 of the International Property Maintenance Code, code section number 302.4 "weeds" of the Code of Ordinances, Fayette County, Georgia to read as follows:

Sec5-4 Adoption of Construction Codes ; sub section J ; International Property Maintenance Code (ICC)

302.4 Weeds.

All premises and exterior property shall be maintained free from weeds or plant growth in excess of **14 inches (exception listed below)**. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include**, crops**, cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Exception: Any property being used for the purpose of agricultural purposes, including but not limited to the raising and/or feeding of grazing animals and the cutting of grass for hay.

Section 2 That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3 a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences clauses, and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.
b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this ordinance severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this article is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this article.

c. In the event that any phrase, clause, sentence, paragraph or section of this article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction. It is the express intent of the Board of Commissioners that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

IT IS SO ORDAINED THIS 10TH DAY OF OCTOBER 2013

BOARD OF COMMISSIONERS

_____
Steve Brown, Chairman

ATTEST:

_____
Floyd Jones, Clerk