

**CITY OF PINE LAKE, GEORGIA  
REGULAR MEETING AGENDA  
JUNE 24, 2025 @ 6:00 PM  
COURTHOUSE & COUNCIL CHAMBERS  
459 PINE DRIVE, PINE LAKE, GA 30072**

**NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.**

**CALL TO ORDER – REGULAR MEETING**

**ANNOUNCEMENTS/COMMUNICATIONS**

**ADOPTION OF THE AGENDA OF THE DAY**

**ADOPTION OF THE MINUTES**

- May 27, 2025 – Regular Meeting
- June 10, 2025 – Special Called Meeting & Work Session
- June 19, 2025 - Public Hearing (11:00 AM)
- June 19, 2025 – Public Hearing (6:00 PM)

**PUBLIC COMMENTS – 3 minutes each please**

**MAYOR**  
Brandy Hall

**PROCLAMATIONS**

1. National Police Week

**COUNCIL MEMBERS**

Jean Bordeaux, Mayor pro tem  
Jeff Goldberg  
Tom Ramsey  
Thomas Torrent  
Augusta Woods

**CONSENT AGENDA**

1. Resolution R-2025-39, Restoration of 470 Clubhouse Drive Storage (AKA "Firehouse")
2. Resolution R-2025-40, Renovations to 425 Allgood Road ("City Hall")
3. Resolution R-2025-41, Restoration and Facility Improvements to 463 Clubhouse Drive ("Public Works Building") and 470 Clubhouse Drive ("Pine Lake Clubhouse")
4. Resolution R-2025-42, Community Greenspace Master Plan Task Order
5. Resolution R-2025-43, Procurement of Emergency Generator
6. Resolution R-2025-44, Facilities Alarm Monitoring Services
7. Resolution R-2025-45, Acceptance of Police Cruiser In-Kind Donation
8. Resolution R-2025-46, 2025 Memorandum of Understanding: City and PLAIN

**OLD BUSINESS**

1. Ordinance 2025-02, Chapter 16 Public Nuisances – Second Read & Adoption

**NEW BUSINESS**

1. Resolution R-2025-47, Proposed Revisions to Pine Lake Personnel Policy

**PUBLIC COMMENTS – 3 minutes each please**

**REPORTS AND OTHER BUSINESS**

- Mayor
- City Council

**Information for the Pine Lake News "e-blast"**

**EXECUTIVE SESSION  
ADJOURNMENT**

**CITY OF PINE LAKE**  
425 ALLGOOD ROAD  
P.O. BOX 1325  
PINE LAKE, GA 30072

404-999-4901

[www.pinelakega.net](http://www.pinelakega.net)

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Call to Order:** Mayor Hall called the Regular Meeting to order at 6:01PM.

Present: Mayor Hall, Mayor pro tem Bordeaux, Council Members Jeff Goldberg, Tom Ramsey, and Thomas Torrent. Also present were City Manager Stanley Hawthorne, Chief of Police Sarai Y'hudah-Green, City Attorney Chris Balch, Public Works Director Bernard Kendrick, Finance Director Danny Lamonte, Assistant City Clerk Ned Dagenhard and Administrative Coordinator Missye Varner. Council Member Augusta Woods was not in attendance.

**Announcements/Communications**

Mayor Hall thanked Council Member Goldberg and members of staff for assistance in organizing a “successful” town hall meeting. The Mayor continued that the public appear to look forward to more information as the wetland maintenance project evolves, adding thanks to Public Works Director Bernard Kendrick.

**Adoption of the Agenda of the Day**

Mayor pro tem Bordeaux moved to adopt the Agenda of the Day; Council Member Ramsey seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**Adoption of the Minutes**

- **April 29, 2025 – Regular Meeting**
- **May 13, 2025 – Work Session**
- **May 21, 2025 – Town Hall Meeting**

Council Member Torrent motioned to adopt the Minutes; Council Member Goldberg seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Proclamations**

**1. Georgia Municipal Court Clerk Week**

Mayor Hall performed the reading of the proclamation.

**2. National Public Works Week**

Council Member Ramsey performed the reading of the proclamation.

**3. Purple Heart City**

Mayor pro tem Bordeaux performed the reading of the proclamation. Mayor Hall, on behalf of the City Council, extended gratitude to the veteran honorees of the Purple Heart program.

Council Member Torrent motioned to approve all three (3) Proclamations;  
Council Member Goldberg seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Consent Agenda**

- 1. Resolution R-2025-30, Street Sweeping Program**
- 2. Resolution R-2025-31, Local Road Assistance (LRA) Funding**
- 3. Resolution R-2025-32, LakeFest Memorandum of Understanding (MOU)**
- ~~4. Resolution R-2025-33, Pride Lake Memorandum of Understanding (MOU)~~**
- 5. Resolution R-2025-34, Task Order 001 Proposal: Clean Water Act (CWA) Section 404 Permit and Buffer Variance Application**
- 6. Resolution R-2025-37, Agreement for DJ/Music Entertainment Services – Juneteenth Celebration**

Council Member Ramsey motioned to approve the Consent Agenda, provided that Resolution R-2025-33 be moved from Consent Agenda Item 4 to New Business Item 4; Council Member Goldberg seconded.

No discussion took place.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**New Business**

**1. Resolution R-2025-35, Acceptance of Bid for Auditing Services, Auditor Request for Proposal (RFP) Award**

Mayor pro tem Bordeaux motioned to approve Resolution R-2025-35; Council Member Torrent seconded.

City Manager Hawthorne stated that though *McNair McLemore Middlebrooks and Co.* was the sole respondent to the City's RFP, Finance Director Lamonte is familiar with the firm.

Mayor pro tem Bordeaux inquired as to whether separate audits would be required for special programs. Finance Director Lamonte responded that Special Purpose Local Option Sales Tax (SPLOST) funds would be included in the General Fund audit, but that special funds such as the American Rescue Plan Act (ARPA) funds would require a separate audit.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**2. Resolution R-2025-36, 2025 Property Tax Millage Rate Process**

Council Member Ramsey motioned to approve Resolution R-2025-36; Council Member Torrent seconded.

City Manager Hawthorne explained that the resolution would set a tentative millage rate and public hearing schedule. Mr. Hawthorne recommended amending the resolution, instead holding the latter two hearings at 11:00AM on June 23, 2025; and 7:00PM on June 24, 2025 (*NOTE: These dates were later amended at the June 10, 2025 Special Called Meeting. Please see these Minutes for the amended dates and times, or refer to published documentation in the DeKalb Champion and/or City's website*).

Mayor Hall added clarification, stating that the adopted rate would not and could not exceed the current rate of 19.400 mills.

Mayor Hall called for a vote.

All members voted in favor, and the motion carried.

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**3. Ordinance to Amend Chapter 16, Public Nuisances**

Mayor Hall performed the first read of Ordinance 2025-02.

A lengthy discussion took place between the City Attorney and the Governing Authority, regarding use of tent-like structures and fire pits on public land, as well as whether fishing can be regulated by the City.

Mayor pro tem expressed concern over the size of the Ordinance, at one point asking whether the document could be segmented out for deliberation and adoption. This resulted in a brief conversation between Mayor Hall and City Attorney Balch regarding impact to the Ordinance adoption schedule.

Mayor pro tem Bordeaux then motioned to table to Item; no second was observed.

No further action was taken by City Council.

**CITY OF PINE LAKE  
REGULAR MEETING MINUTES  
May 27, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**4. Resolution R-2025-33, Pride Lake Addendum, Memorandum of Understanding (MOU) Between City of Pine Lake and the Pine Lake Association for Involved Neighbors (PLAIN)**

Council Member Torrent motioned to approve Resolution R-2025-33; Mayor pro tem Bordeaux seconded.

The City Attorney explained why the indemnification clause was removed from the document, citing the City's inability to hypothetically waive sovereign immunity to indemnify PLAIN.

Mayor Hall inquired as to whether the item should be tabled, since the substantive change had not yet been presented to PLAIN. City Manager Hawthorne recommended proceeding, since PLAIN still reserved the right to reject the MOU following the City's adoption/approval.

Council Member Ramsey expressed concern, citing past experiences with PLAIN-sponsored events and liability. Mr. Ramsey added his discomfort regarding PLAIN not having reviewed the document.

Mayor Hall called for a vote.

Members voted 3-1-0. Mayor pro tem Bordeaux, and Council Members Goldberg and Torrent voted in favor of the motion; Council Member Ramsey voted against; no members abstained. The motion carried.

**Reports and Other Business**

Council Member Torrent reminded attendees that the Pine Lake Swim Season would begin Saturday, May 31, 2025.

**Adjournment**

Council Member Torrent motioned for adjournment was made at 8:06PM.

---

Ned Dagenhard  
Acting City Clerk

**CITY OF PINE LAKE  
SPECIAL CALLED MEETING & WORK SESSION  
MINUTES  
June 10, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Call to Order:** Mayor Pro Tem Bordeaux called the Special Called Meeting to order at 6:00PM.

Present: Mayor pro tem Jean Bordeaux, Council Members Jeff Goldberg, Tom Ramsey, Thomas Torrent, and Augusta Woods. Also present were City Manager Stanley Hawthorne, Chief of Police Sarai Y'hudah-Green, City Attorney Chris Balch, Public Works Director Bernard Kendrick, Assistant City Clerk Ned Dagenhard. Mayor Brandy Hall and Finance Director Danny Lamonte were not in attendance.

**Announcements/Communications**

Mayor pro tem Bordeaux moved to amend the Agenda to cancel the Public Hearing, upon seeing no public. It was further explained that this Public Hearing was essentially a "bonus hearing," as it was not a legal requirement to hold four total hearings.

Council Member Ramsey announced that a real-time document viewing/editing tool in Microsoft Teams was now functional, and recommended that all members of the Governing Authority ensure the program is available on their chosen computer device.

**Adoption of the Agenda of the Day**

Council Member Torrent moved to adopt the Agenda of the Day; Council Member Ramsey seconded.

A brief discussion took place.

Mayor pro tem Bordeaux called for a vote.

All members voted in favor, and the motion carried.



**CITY OF PINE LAKE  
SPECIAL CALLED MEETING & WORK SESSION  
MINUTES  
June 10, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Special Called Meeting**

**1. Resolution R-2025-38, 2025 Property Tax Millage Rate Process (Revised)**

Council Member Ramsey motioned to adopt Resolution R-2025-38; Council Member Torrent seconded.

Acting City Clerk Dagenhard read the Resolution aloud, since the updated version was not made available prior to the meeting.

Council Member Goldberg inquired as to whether the City could utilize a legal organ outside of the DeKalb Champion, citing continued errors in their management and printing, or move completely to digital publishing. The City Attorney responded that the County's constitutional officers determine the legal organ for publication; and—regarding digital print—that cyber illiteracy continues to be a concern.

Mayor pro tem Bordeaux called for a vote.

All members voted in favor, and the motion carried.

Council Member Torrent motioned to adjourn the Special Called Meeting at 6:14PM.

**CITY OF PINE LAKE  
SPECIAL CALLED MEETING & WORK SESSION  
MINUTES  
June 10, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Call to Order:** Mayor Pro Tem Bordeaux called the Work Session to order at 6:14PM.

**Old Business**

**1. Ordinance to Amend Chapter 16, Public Nuisances**

The City Council deliberated the 35-page Ordinance Chapter Amendment for roughly four hours. Points of notable deliberation included whether to permit tent-like structures and non-domesticated animals on public lands, the legality of local fishing regulation, and vegetation management practices on undeveloped lots.

Council Member Torrent motioned for recess at 9:07PM.

Mayor pro tem Bordeaux called the meeting back to order at 9:19PM, and asked to table Old Business Item 1 to permit the City Manager's introduction of the monthly Strategic Performance Report (SPR); the report included important information regarding capital project advancements, presented by Public Works Director Bernard Kendrick.

Mayor pro tem Bordeaux removed Old Business Item 1 from the table, and deliberation of the Ordinance continued.

No other formal action was taken by City Council.

**Reports and Other Business**

Mayor pro tem Bordeaux reminded the public of the City's upcoming June 21<sup>st</sup> *Juneteenth Celebration* event.

**Adjournment**

Council Member Torrent motioned for adjournment was made at 11:13PM.

---

Ned Dagenhard  
Acting City Clerk

**CITY OF PINE LAKE  
PUBLIC HEARING  
MINUTES  
June 19, 2025 at 11:00 AM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Call to Order:** Mayor Hall called the meeting to order at 11:00AM.

Present: Mayor Hall, Council Members Jeff Goldberg, Tom Ramsey, Thomas Torrent, and Augusta Woods. Also present were City Manager Stanley Hawthorne, Chief of Police Sarai Y'hudah-Green, and City Attorney Chris Balch. Public Works Director Bernard Kendrick, Assistant City Clerk Ned Dagenhard, and Finance Director Danny Lamonte were not in attendance.

**Public Hearing**

A public hearing was held. No formal action was taken by City Council.

**Adjournment**

A motion for adjournment was made at 11:31AM.

---

Ned Dagenhard  
Acting City Clerk

**CITY OF PINE LAKE  
PUBLIC HEARING  
MINUTES  
June 19, 2025 at 6:00 PM  
Courthouse & Council Chambers  
459 Pine Drive, Pine Lake, GA**

**Call to Order:** Mayor Hall called the meeting to order at 6:00PM.

Present: Mayor Hall, Council Members Jeff Goldberg, Tom Ramsey, Thomas Torrent, and Augusta Woods. Also present were City Manager Stanley Hawthorne, Chief of Police Sarai Y'hudah-Green, and City Attorney Chris Balch. Public Works Director Bernard Kendrick, Assistant City Clerk Ned Dagenhard, and Finance Director Danny Lamonte were not in attendance.

**Public Hearing**

A public hearing was held. No formal action was taken by City Council.

**Adjournment**

A motion for adjournment was made at 6:14PM.

---

Ned Dagenhard  
Acting City Clerk

**City of Pine Lake  
Proclamation  
National Police Week  
May 11–17, 2025**

**WHEREAS**, in 1962, President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and the week in which it falls as National Police Week; and

**WHEREAS**, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

**WHEREAS**, law enforcement officers, both past and present, serve our communities with courage, integrity, and an unwavering commitment to justice; and

**WHEREAS**, the members of the Pine Lake Police Department play an essential role in safeguarding the rights and freedoms of our residents and visitors, often placing themselves in harm's way to protect the public; and

**WHEREAS**, it is fitting and proper that we express our heartfelt appreciation for the sacrifices made by these dedicated officers, including those who have given their lives in the line of duty; and

**WHEREAS**, the City of Pine Lake solemnly remembers our fallen officer, **Francis Manuel Ortega**, and honors his service and sacrifice with deep gratitude and respect.

**NOW, THEREFORE**, I, [The Mayor's Full Name], Mayor of the City of Pine Lake, do hereby proclaim the week of **May 11 through May 17, 2025**, as:

**National Police Week**

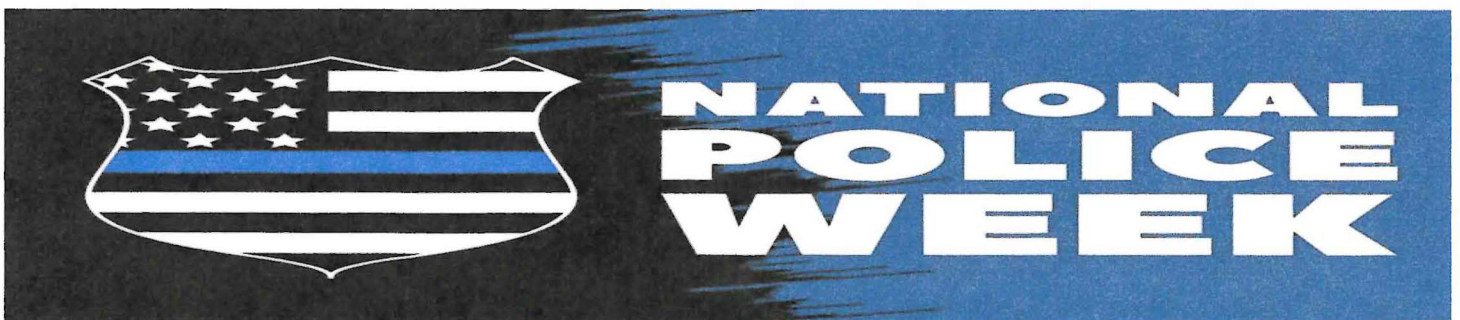
in the City of Pine Lake, and I call upon all residents to observe this week with appropriate programs, ceremonies, and activities in recognition of the courageous service of our local, state, and national law enforcement officers.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Pine Lake to be affixed this \_\_\_\_ day of \_\_\_\_\_, 2025.

---

[Mayor's Name]  
**Mayor, City of Pine Lake**


(SEAL)





## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** June 24, 2025

**TITLE:** Restoration of 470 Clubhouse Drive Storage (Firehouse)

### **RECOMMENDATION**

Approve resolution accepting a full cost project proposal of \$71,216 for the renovation of the old firehouse facility consisting of electrical, insulation, flooring, disability compliance, painting and wood repair related costs provided by various vendors: Comfort Air of Atlanta for electrical work (\$5300); Robinson Insulation for insulation work (\$7491); and L Brown Enterprises for flooring, disability compliance, interior painting, exterior painting, and wood repairs (\$58,425).

### **BACKGROUND**

The Public Works Director recommends renovating the existing grounds storage space as an improvement to house the Pine Lake Food Pantry and create a municipal records storage area. The renovation of this space will provide much needed storage area for both functions.

The Pine Lake Food Pantry is a distribution center where individuals and families in need can receive food assistance. The pantry aids a wide variety of residents who are food insecure. The current pantry has been displaced by the transformation of the Old City Hall into a municipal service area.

The current use of the firehouse is being underutilized and would provide a long-term solution for both municipal storage and the permanent location of the pantry.

### **RESOURCE IMPACT**

The full cost of the project is \$71,216 and funded through the Small Cities Intergovernmental Capital Outlay Fund (SCICO).

### **ATTACHMENTS**

Resolution  
Vendors' Cost Bids Spreadsheet

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FROM L. BROWN ENTERPRISES AND PROPOSALS FROM OTHER SPECIFIED SUBCONTRACTORS FOR RENOVATION TO 470 CLUBHOUSE DRIVE (THE OLD FIRE HOUSE) FOR CONVERSION TO USE FOR CITY STORAGE**

WHEREAS, The City obtained proposals for the renovation of 470 Clubhouse Drive to convert the space into a storage space for City activities and records; and

WHEREAS, The City received two proposals for the general contracting work, and the low qualified proposal came from L. Brown Enterprises; and

WHEREAS, The City also received single quotes from Comfort Air of Atlanta for HVAC upgrades and from Robinson Insulation for improvements to the Insulation in the Building;

WHEREAS, The Contractors are ready willing and able to begin work;

NOW THEREFORE, BE IT RESOLVED by the governing authority of the City of Pine Lake, Georgia, that the proposed contract with L BROWN ENTERPRISES for general contracting services is approved in an amount not to exceed \$58,425, with Comfort Air of Atlanta for upgrades and improvements to the Heating and Air Conditioning for the building in an amount not to exceed \$5,300, and a contract with Robinson Insulation for improvements to the insulation of the building in an amount not to exceed \$7,491.00, for a total project cost not to exceed \$71,216, and that the Mayor is authorized to execute any and all necessary documents with each company identified above to perform work as described for renovation of 470 Clubhouse Drive in the City of Pine Lake.

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June, 2025.

---

BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

---

NED DAGENHARD  
Acting City Clerk

---

CHRISTOPHER D. BALCH  
City Attorney








## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** June 24, 2025

**TITLE:** Renovations to 425 Allgood Road (City Hall)

### **RECOMMENDATION**

Approve the resolution accepting cost proposals for the renovation of Pine Lake City Hall located at 425 Allgood Road to include flooring improvements, painting, and interior changes from L. Brown Enterprises (\$66,550) and furnishings from AOLI (\$6000).

### **BACKGROUND**

The Public Works Director has recommended an upgrade to the existing building currently utilized for administrative operations and court services. With the transition of court services to the renovated Old City Hall building next door to the Courthouse where the municipal court is still being conducted, it provides an opportunity for the realignment and addition of needed administration workspace to meet more complete functional requirements at City Hall.

The renovation project will upgrade existing spaces for better functional alignment and add needed space to accommodate key missing functions such as finance administration that currently restricts the opportunity for essential day to day interaction with all operations of government. Multiple code issues and functionality issues will be addressed to improve daily operations and other space management concerns.

### **RESOURCE IMPACT**

The full cost of the project is \$72,550 and funded from the Small Cities Intergovernmental Capital Outlay Fund (SCICO).

### **ATTACHMENTS**

Resolution  
Cost Proposals Matrix

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF COST PROPOSALS FROM  
L. BROWN ENTERPRISES FOR RENOVATIONS AND AOLI FOR FURNISHINGS AT  
425 ALLGOOD ROAD (CITY HALL)**

WHEREAS, The City obtained proposals for the renovation of City Hall at 425 Allgood Road to include flooring improvements, painting, interior changes, and furnishings; and

WHEREAS, The City received two proposals for renovations and the low qualified proposal came from L. Brown Enterprises (\$66,550) with one proposal for furnishings from AOLI (\$6000); and

WHEREAS, The Contractors are ready willing and able to begin work;

NOW THEREFORE, BE IT RESOLVED by the governing authority of the City of Pine Lake, Georgia, that the proposed contracts with L BROWN ENTERPRISES for \$66,550 and AOLI for \$6000 are approved and the Mayor is authorized to execute any and all necessary documents with L. Brown Enterprises to perform work as described for renovation of 425 Allgood Road in the City of Pine Lake.

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June, 2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Acting City Clerk


\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney

		CITY OF PINE LAKE				
		425 ALLGOOD ROAD COST MATRIX				
VENDOR	FLOORING	INTERIOR PAINTING	FURNISHINGS	INTERIORS		TOTAL RECOMMENDED COSTS
AOLI			\$6,000.00			\$6,000.00
HOMES BEST FRIEND	\$17,500.00	\$16,000.00		\$43,675.00	\$77,175.00	
L. BROWN ENTERPRISES	\$14,350.00	\$15,450.00		\$36,750.00		\$66,550.00
TOTAL						\$72,550.00



## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** June 24, 2025

**TITLE:** Restoration and Facility Improvements to Public Works Building and Clubhouse

### **RECOMMENDATION**

Approve the resolution accepting a full cost project proposal of \$62,657.11 for the renovations of the Public Works Maintenance Building (consisting of painting, wood repairs, garage door replacement and adjustments) and the Clubhouse (consisting of window replacements, flooring, painting, wood repairs, wood flooring refurbishment, and ice making machinery) provided by various vendors: Overhead Door for garage door replacement (11,945.45); Atlanta Window Door and Glass for Clubhouse window replacement (\$12,511.66); Homes Best Friend for flooring, interior painting, exterior painting and wood repairs, wood flooring refurbishment (\$35,700); and Home Depot for ice maker appliance (\$2500).

### **BACKGROUND**

The Public Works Director recommends upgrading the existing buildings currently utilized for public works maintenance and event hosting and as previously funded in the Fiscal Year 2025 Budget Modifications Amendment as well as the Capital Improvement Program.

Upgrades will provide increased security for public works equipment. The current roll up doors need replacement and currently allow for unimpeded access with little exertion of force. The plan is to use the existing space to store additional city-owned equipment, which will help free up space in other facilities. Therefore, an upgrade is necessary.

The Clubhouse needs general surface renovations for both the exterior and interior of the facility. Updating the interior paint and exterior façade will enhance the space's longevity and potentially increase rental revenue.

### **RESOURCE IMPACT**

The full cost of the project is \$62,657.11 and funded through the Small Cities Intergovernmental Capital Outlay Fund (SCICO).

### **ATTACHMENTS**

Resolution  
Vendors' Cost Bids Matrix

Stanley D Hawthorne  
City Manager  
stanleyhawthorne@pinelakega.net  
425 Allgood Road Stone Mountain GA 30083  
PO Box 1325 • Pine Lake, GA 30072 • 404-999-4932  
www.pinelakega.net

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF COST PROPOSALS FROM  
VARIOUS VENDORS FOR RENOVATION TO 463/470 CLUBHOUSE DRIVE PROPERTIES  
FOR INCREASED SECURITY OF EQUIPMENT AND RENOVATIONS**

- WHEREAS, The City obtained proposals for the renovation of 463 and 470 Clubhouse Drive properties to increase security and update facilities; and
- WHEREAS, The City received proposals from various firms to perform different aspects of the work; and
- WHEREAS, For all of the work except for window replacement, garage door replacement, and ice maker, there were two proposals with the lowest cost provided by Homes Best Friend for \$35,700; and
- WHEREAS, For the window replacement the low qualified response came from Atlanta Window and Glass for \$12,511.66; and
- WHEREAS, For the garage door replacement the low and only qualified response came from Overhead Door for \$11,945.45; and
- WHEREAS, For the ice maker the low and only qualified response came from Home Depot; and
- WHEREAS, The contractors are ready willing and able to begin work;

NOW THEREFORE, BE IT RESOLVED by the governing authority of the City of Pine Lake, Georgia, that the proposals to perform work at 463 and 470 Clubhouse Drive are accepted and approved and that the Mayor is authorized to execute any and all documents necessary to give effect to this resolution.

BE IT FURTHER RESOLVED, that the Agreements with Overhead Door Company for Garage Door Replacement, Atlanta Window and Glass for Window Door and Glass replacement, and Home's Best Friend for Flooring, Painting, Flooring Refurbishment at 470 Clubhouse Drive, Painting at 463 Clubhouse Drive, Exterior Painting and Repairs at both 463 and 470 Clubhouse Drive, and the purchase of an ice maker from Home Depot are approved with a total project cost not to exceed \$62,657.11.

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June, 2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Acting City Clerk


\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney

[illegible]



## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** June 24, 2025

**TITLE:** Community Greenspace/Recreation Master Plan Task Order

### **RECOMMENDATION**

Approve resolution accepting Task Order #2 from AECOM in the amount of \$42,834 for the development of a greenspace/recreation masterplan for the City of Pine Lake

### **BACKGROUND**

Mayor and Council communicated that the City needs to proactively develop a shared vision building off the values of sustainability already embraced by the City of Pine Lake and incorporate the said vision into a policy document that would guide future decisions regarding increasing and sustaining greenspace and recreational opportunities within the city.

AECOM will prepare a document that is meant to address the shared needs of residents, visitors, and governing body.

### **RESOURCE IMPACT**

The cost of the task order is \$42,834 and funded from the Special Purpose Local Option Sales Tax (SPLOST) II Fund.

### **ATTACHMENTS**

Resolution  
Task Order 02 Proposal

**A RESOLUTION APPROVING TASK ORDER NUMBER 2 FOR AECOM FOR  
ENGINEERING SERVICES RELATED TO THE CREATION OF A  
GREENSPACE/RECREATION MASTER PLAN IN AN AMOUNT NOT TO EXCEED  
\$42,834**

WHEREAS, The City has previously established AECOM as its on-call Engineering Consultant;  
and

WHEREAS, Task Order Number 2 to the Master Services Agreement would authorize AECOM  
to prepare a masterplan for all City Greenspaces and Recreation Facilities; and

WHEREAS, The Goal of the Masterplan is to provide a unified vision of the direction the City  
wishes to take its public spaces and recreation facilities;

WHEREAS, The maximum price for the task order is not to exceed \$42,834,

NOW THEREFORE, BE IT RESOLVED by the Governing Authority of the City of Pine  
Lake, Georgia, Task Order Number 2 with AECOM is approved in an amount not to exceed  
\$42,834 and the Mayor is authorized to sign and execute any and all documents required to give  
effect to the intent of this Resolution

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June,  
2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Assistant City Clerk

\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney





AECOM  
One Midtown Plaza  
1360 Peachtree Street, NE  
Suite 500  
Atlanta, GA 30309  
aecom.com

June 05, 2025  
*transmitted via email*

Bernard Kendrick  
Public Works Director  
City of Pine Lake  
425 Allgood Road  
Pine Lake, GA 30072  
[bernardkendrick@pinelakega.net](mailto:bernardkendrick@pinelakega.net)

**Task Order 02 Proposal      Community Greenspace Master Plan  
On-Call Engineering Services for City of Pine Lake**

Dear Bernard:

AECOM appreciates the opportunity to submit this proposal to assist the City of Pine Lake in developing a Greenspace Master Plan with a shared vision which underscores the strong values the city has in place as stewards of the natural environment. From the 2011 Snapfinger Creek Quality Improvement Project and constructed wetlands for water quality treatment as also adopted as policies in the 2021 Comprehensive Plan, to the ongoing dedication from the elected officials and citizens, the City of Pine Lake continues to lead by example as stewards of the environment.

Our team shares the same philosophy of stewardship and responsibility for the environment. Understanding less is more, and protection and education of the environment should be integrated within a community's core values. Also, we are firm believers' the integration of education, art with the natural environment is essential in sustaining a uniquely creative and healthy community.

Below is our proposed process, associated tasks, and deliverables tailored for your review. We look forward to working closely with the City on this exciting endeavor in creating a unique Greenspace Master Plan for the City of Pine Lake for now and for future generations to enjoy.

## **1 Project Overview**

Pine Lake began in the mid-1930s as a private resort developed by the Pine Woods Corporation. It was marketed as a weekend getaway for Atlantans, especially those from areas like Buckhead. The resort community quickly evolved into a city, officially incorporated in December 1937.

Before development, the area was farmland with deep agricultural roots, with the lake being a widened section of Snapfinger Creek. The U.S. Army Corps of Engineers dammed the lake for erosion and flood control and now has become the jewel of the community. The lake remains a central feature, surrounded by walking trails, a beach, and community gathering spots. The city hosts regular events that emphasize creativity, environmental stewardship, and neighborly connection.

The City of Pine Lake is unique in many ways:

- **Smallest City in DeKalb County:** With a land area of just 0.25 square miles and a population of around 750, Pine Lake is the smallest incorporated city in DeKalb County.
- **Artistic and Inclusive Vibe:** Pine Lake is known for its keen sense of community, artistic spirit, and progressive values. It has a reputation as an artsy enclave nestled in nature, often described as a “nature retreat” within the city.
- **Hidden Gem:** Despite being just 12 miles east of downtown Atlanta, Pine Lake is often overlooked as many people drive past the City of Pine Lake along Rockbridge Road without realizing a city lies tucked behind the trees due to the existing lush canopy.
- **Communal events and the natural environment** are the basis of the beauty and quality of life of the city.

## **2 Vision and Objectives**

Below are the general objectives resulting from developing the Green Space Master Plan.

### **A. Initial Vision and Objectives of the Greenspace Master Plan for discussion:**

- Develop a shared Vision building off the values of sustainability already embraced by the City of Pine Lake.
- Increasing access to nature through improved trails, the beach, and safe access from the adjacent neighborhoods to the lake and other identified amenities.
- Promoting health and well-being, both mentally and physically, through the City’s greenspaces and associated facilities.
- Guiding principles (sustainability, inclusivity, lifelong environmental education).
- Create and improve both passive and active recreational opportunities.

### **B. Site Analysis – (Desktop)**

- Inventory of existing green spaces/recreation areas; Lake, Trails, Tennis Courts, etc.

### **C. Greenspace/Recreation Typology**

- Classification of green spaces both passive and active (e.g., parks, woodlands, green corridors, urban plazas, community garden, dog park, tennis courts, e.g.)
- Work with City Staff to assist in identifying existing proposed uses and programming (e.g., sports, relaxation, events, art, education).

### **D. Connectivity and Access**

- Pathways and trail networks (pedestrian and cycling)
- Accessibility for all users, including those with disabilities. Visual inspection only, excludes parking lots and restrooms.

## **E. Ecological and Environmental Strategies**

- Habitat preservation and restoration
- Tree planting and canopy targets
- Identify green infrastructure planning level opportunities

## **3 Process**

Our process is simple, we develop a master plan through collaboration; listening, learning and understanding the community's needs.

AECOM will coordinate with City Staff to prepare an online survey for the City to deploy on the City's website to obtain input from the citizens and interested parties. AECOM will summarize the feedback received from the survey and submit to the City for review. The input from the online survey and discussion with the City will inform the recommendations for the Master Plan.

As discussed, existing and potential open space facilities/resources may include recommendations for the following amenities:

- 2 - potential pocket parks
- Lake and beach house
- Lake's dam (trail)
- Snapfinger Creek
- Wetlands
- Community garden
- 1 - potential dog park
- 2 - existing tennis courts

## **4 Scope of Services / Project Tasks**

### **A. Task 1 – Data Collection / Site Visit**

- Conduct a kick-off meeting, project requirements coupled with a site visit with Key City Staff to discuss the project.
- Assemble readily available and City provided data to create a working base file.
- Review prior planning studies conducted for the City.

### **B. Task 2 – Desktop Site Analysis**

- Site Analysis Plan based on our discussion with the City Staff and site visit. Site analysis Plan will include photographs as appropriate.

## **C. Task 3 - Online Survey**

- AECOM to develop a series of online survey questions which the City will post on the website to receive community and interested party's feedback.
- Desired outcomes
  - Ideas, concerns, opportunities, establish or reinforce the overarching vision.
  - Ranking of projects based on community priorities
- Deliverables
  - Summary of the feedback received from the online survey

## **D. Task 4 - Draft Green Space Master Plan**

- Prepare draft master plan and supporting graphics.
- Site visit by AECOM to verify draft masterplan recommendations.
- Conduct one Work Session with Community.
- Desired outcomes
  - Comments on the Draft Master Plan Exhibit
  - Comments on the presented ranked projects and associated costs.
- Deliverables
  - Draft Master Plan and up to (3) supporting graphic exhibits such as perspectives renderings.
  - Opinion of probable costs for recommendations
  - Summary of the feedback received from the participants

## **E. Task 5 - Final Green Space Master Plan**

During this task we will review and incorporate the comments we received throughout the process in developing the final Green Space Master Plan and associated costs.

- Deliverables
  - Feedback received and how it was addressed.
  - Site Analysis Plan
  - 1 – Color Rendered Master Plan, with up to three (3) supporting graphics
  - Opinion of probable costs and project ranking

## 5 Schedule

Schedule is approximate only and is subject to change due to unforeseen conditions.

No.	Phase	Duration (Calendar Days)
1	Task 1 – Data Collection / Site Visit	21
2	Task 2 – Desktop Site Analysis	14
3	Task 3 –Online survey	21
4	Task 4 – Prepare the Draft GS Master Plan	35
5	Task 5 – Final Submittal	21
<b>Total</b>		<b>112</b>

## 6 Proposed Fee

AECOM effort for this TASK Order 02 for proposed scope of services is:

No.	Description	Hours	Fee
1	General – Project Management	26	\$4,666.00
2	Task 1 – Data Collection / Site Visit	64	\$9,812
3	Task 2 – Desktop Site Analysis	26	\$4,698
4	Task 3 –Online Survey	24	\$3,636
5	Task 4 – Prepare the Draft GS MP	102	\$14,942
6	Task 5 – Final Submittal of GS MP to City	32	\$5,080
<b>Total</b>		<b>274</b>	<b>\$42,834</b>

Breakdown of hours and associated fees are included here in Attachment A. This work will be performed on a time and materials basis in accordance with the terms and conditions of AECOM's consulting services agreement. AECOM will not exceed the estimated total fee without prior authorization from the City.

## 7 Exclusions

The following is excluded from our scope of services:

- Land surveying and site investigation
- Construction documents or construction services
- Additional work sessions or in person meetings not outlined in the proposal
- Additional reviews and resubmissions not outlined in the proposal
- Detailed designed guidelines
- Permitting
- Grant writing support
- Management and maintenance services
- Renting of facilities or providing refreshments for the Work Session
- Monitoring and evaluation of proposed recommendations
- Key performance indicators (KPIs), typically associated with the constructed improvements.
- Formal city policy development.
- Website project creation. (AECOM will prepare and submit the project exhibits including the online survey for the City to incorporate on their website).
- NEPA services

If you should have any questions during your review of this proposal, or if you desire additional information, please contact me at 404.295.6087 ([tina.houston@aecom.com](mailto:tina.houston@aecom.com)) or Shahid Jamil at 404.330.7068 ([shahid.jamil@aecom.com](mailto:shahid.jamil@aecom.com)).

Sincerely,



Tina S. Houston  
Vice President, Water CI, GA/AL/TN  
**AECOM Technical Services, Inc.**



Shahid Jamil  
Project Manager

**Attachment A**  
**Task Order Budget**

**TASK ORDER - 02**  
**Green Space Master Plan**  
**Task Order Budget / Fee**

Task	PM	SR. LA	ENG II	Admin Assit	Total
	\$226	\$234	\$135	\$105	
<b>General</b>					
Project Management and Coordination	16			10	26
Subtotal Hours	16			10	26
Subtotal Cost	\$3,616			\$1,050	\$4,666
<b>Task 1 - Data Collection / Site Visit</b>					
Kick Off Meeting/Site Visit	2	8	8		18
Assemble readily available data from the city and online to develop a base map			42		42
Review prior planning efforts related to Green Space and Rec. developed for the City		2	2		4
Subtotal Hours	2	10	52	0	64
Subtotal Cost	\$452	\$2,340	\$7,020	\$0	\$9,812
<b>Task 2 - Desktop Site Analysis</b>					
					0
Develop a site analysis plan		12	14		26
Subtotal Hours	0	12	14	0	26
Subtotal Cost	\$0	\$2,808	\$1,890	\$0	\$4,698
<b>Task 3 - Online Survey</b>					
Develop a series of questions to obtain residents input/coord.		2	12		14
Review and summarize comments received from the online survey		2	8		10
Subtotal Hours	0	4	20	0	24
Subtotal Cost	\$0	\$936	\$2,700	\$0	\$3,636
<b>Task 4 - Prepare the Draft GS MP</b>					
					0
Develop a Draft MP		4	80		84
Conduct a site visit to verify recommendations		2	2		4
Develop a planning level cost estimate associated with the recommendations.		2	6		8
Conduct one Work Session with Community	2	2	2		6
Subtotal Hours	2	10	90	0	102
Subtotal Cost	\$452	\$2,340	\$12,150	\$0	\$14,942
<b>Task 5 - Final Green Space Master Plan</b>					
					0
Address comments received and develop the Final Green Space Master Plan	2	3	24		29
Submittal of final MP	2	1			3
Subtotal Hours	4	4	24	0	32
Subtotal Cost	\$904	\$936	\$3,240	\$0	\$5,080
Total Hours	24	40	200	10	274
Total Cost	\$5,424	\$9,360	\$27,000	\$1,050	\$42,834





## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager

**DATE:** June 24, 2025

**TITLE:** Procurement of Emergency Generator

### **RECOMMENDATION**

Approve resolution accepting the estimate from W.W. Williams in the amount of \$29,571 for the purchase of a 30 kilowatt (KW) generator to serve as utility backup for an emergency shelter designated by the City of Pine Lake as well as for serving the entire courthouse complex in the event of electrical blackouts; and approval of a not-to-exceed cost estimate of \$14,000 for electrical services associated with the installation of the generator.

### **BACKGROUND**

To ensure the continuity of essential services during power outages or other natural emergency situations such as for the City's Police Department, civil services (Court), Public Works and community emergency assistance shelter. The generator has always been a critical asset that supports these facilities by maintaining power for communications, lighting, security systems, and other vital infrastructure. The generator will operate via natural gas; this is important, as natural gas services typically are reliable during storms.

### **RESOURCE IMPACT**

The full cost of the generator (\$29,571) and electrical services (\$14,000) is \$43,571 and funded from the Small Cities Intergovernmental Capital Outlay Fund (SCICO).

### **ATTACHMENTS**

Resolution  
Generator Replacement Cost Matrix

**A RESOLUTION AUTHORIZING THE REPLACEMENT OF THE EMERGENCY  
ELECTRICAL GENERATOR TO SERVICE THE COURTHOUSE COMPLEX AND  
FOR PROVIDING EMERGENCY SHELTER, TO PROVIDE FOR THE INSTALLATION  
OF THE GENERATOR, AND FOR OTHER PURPOSES**

WHEREAS, The City obtained proposals for the replacement and installation of the emergency generator that services the police department and the courthouse/council chamber; and

WHEREAS, The estimate for the new generator is from W.W. Williams Company in the amount of \$29,571, and the estimate for installation from Electrical Professionals Unlimited in the amount of \$14,000; and

WHEREAS, This project is funded by the Intergovernmental Agreement (“IGA”) with DeKalb County in which the County dedicated \$2,000,000 to Pine Lake out of SPLOST II;

WHEREAS, This project was specifically listed in the IGA with DeKalb County for funding from the IGA;

NOW THEREFORE, BE IT RESOLVED by the governing authority of the City of Pine Lake, Georgia, that the proposed contract with W.W. Williams for purchase of a 30 kilowatt generator for the Courthouse/Police Department is approved in an amount not to exceed \$29,571, and with Electrical Professionals Unlimited for services related to the installation of the replacement generator in an amount not to exceed \$14,000 for a total project cost not to exceed \$43,571, and that the Mayor is authorized to execute any and all necessary documents with each company identified above to perform work as described for replacement of the emergency utility generator

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June, 2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Acting City Clerk

\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney

			CITY OF PINE LAKE					
			GENERATOR REPLACEMENT COST MATRIX					
VENDOR	DIESEL	NAURAL GAS	ELECTRIC	AUTOMATIC TRANSFER SERVICE	DELIVERY TIME	COSTS		TOTAL RECOMMENDED COSTS
NIXON POWER								
KOHLER K640	NO	NO	YES	8 WEEKS	20 WEEKS	\$34,570.00		\$34,570.00
WW WILLIAMS								
AKSA 30KW	NO	YES	NO	8 WEEKS	IN STOCK	\$29,571.00		\$29,571.00
AKSA 30KW	YES	NO	NO	8 WEEKS	20 WEEKS	\$36,002.00		\$36,002.00
ASKA 30KW	NO	YES	NO	8 WEEKS	20 WEEKS	\$34,438.00		\$34,438.00
TOTAL								



## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager

**DATE:** June 24, 2025

**TITLE:** Facilities Alarm Monitoring Services

### **RECOMMENDATION**

Approve the resolution accepting a cost estimate of \$5,235.84 for alarm hardware installation and \$225.88 for monthly monitoring services for City Hall, Police Department, Court Services, and the Public Works Building as well as keyless access to the Beach House and Clubhouse.

### **BACKGROUND**

Staff seeks to upgrade and extend monitoring and alarm services for the safety and welfare of neighbors, staff, and property of the City of Pine Lake. The proposed system will offer keyless door access, phone access to onsite cameras, video storage, and remote alarm access for four buildings, as well as keyless access to the two event buildings (Beach House and Clubhouse).

As part of ongoing efforts to enhance facility security and accountability, Pine Lake will be implementing a significant upgrade to our alarm and access control systems. Previously, only two of our buildings were equipped with monitored alarm systems. Upon initiation of this new system security coverage will be expanded to include all of the City's main buildings.

- Full Alarm Coverage
- Access Control Monitoring
- Audit and Reporting Capabilities
- Centralized Monitoring

This comprehensive upgrade marks a proactive step in aligning our physical security infrastructure with industry's best practices and regulatory standards.

### **RESOURCE IMPACT**

Installation costs of \$5235.84 will be funded from the Special Purpose Local Option Sales Tax (SPLOST) II Fund.

### **ATTACHMENTS**

Resolution  
Facilities Alarm Decision Matrix

Stanley D Hawthorne  
City Manager  
stanleyhawthorne@pinelakega.net  
425 Allgood Road Stone Mountain GA 30083  
PO Box 1325 • Pine Lake, GA 30072 • 404-999-4932  
www.pinelakega.net

A RESOLUTION APPROVING THE CONTRACT AND AUTHORIZING THE MAYOR TO  
EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE INSTALLATION OF  
UPDATED AND IMPROVED ALARM SYSTEMS FOR PUBLIC BUILDINGS IN THE CITY  
OF PINE LAKE AND TO AUTHORIZE THE PAYMENT OF THE MONTHLY  
MONITORING FEE, AND FOR OTHER PURPOSES

WHEREAS, the City of Pine Lake ("Pine Lake) is a Georgia Municipal Corporation, authorized and existing under the laws of the State of Georgia, and

WHEREAS, the Charter of the City of Pine Lake as restated in 2024, authorizes the City to contract for necessary city services, and

WHEREAS, Staff have recommended necessary safety and monitoring upgrades to protect City assets and property from unlawful entry or damage, and

WHEREAS, the Governing Authority expressly finds and recognizes that Staff solicited three proposals and have recommended ViVint, LLC as the lowest price qualified provider of the services required to protect property and assets of the City;

NOW THEREFORE, the Governing Authority of the City of Pine Lake, in an open and public meeting, approves the contract with ViVint, LLC for installation of new alarm equipment in Public Buildings in an amount not to exceed \$5,235.84, and for monthly monitoring of alarms and systems at a cost of \$225.88 per month, that the Mayor is authorized to sign any and all documents necessary to give effect to this resolution, and the Acting City Clerk is authorized, in conjunction with the City Attorney, to correct any scrivener's errors in this Resolution.

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June 2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Acting City Clerk

\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney





## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager

**DATE:** June 24, 2025

**TITLE:** Acceptance of Police Cruiser In-Kind Donation

### **RECOMMENDATION**

Approve the resolution accepting the in-kind donation of a patrol vehicle from the Brookhaven Police Department.

### **BACKGROUND**

The City of Pine Lake Police Department is currently operating with two marked patrol vehicles—a 2014 Dodge Charger and a 2021 Dodge Charger. While both vehicles remain in service, it has become increasingly cost-prohibitive to invest in significant repairs beyond routine maintenance.

The acceptance of an additional vehicle would serve as a critical stopgap, allowing us to maintain operational readiness and service coverage until the purchase of a new patrol vehicle. This interim solution would alleviate strain on the existing fleet, reduce the risk of service interruptions, and help ensure officer safety and response capability.

### **RESOURCE IMPACT**

The acceptance of the in-kind donation of a vehicle (2015, Ford, Taurus, police addition) is expected to have a positive operational impact with minimal resource burden on the department.

The donated vehicle will enhance our mobility and responsiveness in the field, thereby improving service delivery and operational efficiency and overall, making this a highly beneficial addition to law enforcement operations.

### **ATTACHMENTS**

Resolution

Brookhaven Assumption of Liability and Indemnification for Transference or Donation of City Property



**CITY OF PINE LAKE**  
**RESOLUTION NO. [Insert Number]**

**A RESOLUTION TO ACCEPT THE IN-KIND DONATION OF A POLICE CRUISER FROM THE CITY OF BROOKHAVEN POLICE DEPARTMENT TO THE CITY OF PINE LAKE POLICE DEPARTMENT**

WHEREAS, the Brookhaven Police Department has generously offered to donate a surplus police cruiser to the City of Pine Lake Police Department; and

WHEREAS, the vehicle, described as 2015, Ford, Taurus, police addition, remains in serviceable condition and will enhance the operational efficiency of the Pine Lake Police Department; and

WHEREAS, the donation of this vehicle represents an in-kind contribution to public safety and regional cooperation between local law enforcement agencies; and

WHEREAS, the Pine Lake Police Department has evaluated the vehicle and determined that it will serve as a valuable addition to its existing fleet; and

WHEREAS, the City of Pine Lake wishes to formally accept this donation in accordance with applicable municipal procedures and policies;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINE LAKE, GEORGIA:

**1. Acceptance of Donation**

The City of Pine Lake hereby accepts the in-kind donation of a police cruiser from the Brookhaven Police Department for official use by the Pine Lake Police Department.

**2. Acknowledgment and Appreciation**

The City extends its sincere gratitude to the Brookhaven Police Department for its generosity, partnership, and commitment to public safety collaboration.

**3. Authorization to Proceed**

The Mayor, City Manager, or Chief of Police is hereby authorized to take all necessary actions to complete the transfer, title, and registration of the donated vehicle and place it into official service.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, **20**.



**CITY OF PINE LAKE**

By: \_\_\_\_\_

Brandy Hall, Mayor

ATTEST:

Ned Dagenhard, City Clerk

APPROVED AS TO FORM:

Chris Balch, City Attorney



**ASSUMPTION OF LIABILITY AND INDEMNIFICATION FOR  
TRANSFERENCE OR DONATION OF CITY PROPERTY**

The person or entity receiving the property ("Receiver") described in Exhibit B attached heretofrom the City of Brookhaven ("City") hereby assumes the entire responsibility and liability for any and all injury to or death of any and all persons including the Receiver's agents, servants, and employees, and addition thereto for any and all damages to property caused by, or resulting from, or arising out of, any act or omission in connection with this transfer or donation of property, whether caused by the Receiver or the Receiver's agents, servants, employees, subcontractors or suppliers. The Receiver shall indemnify and hold harmless the City from, and against, any and all loss and/or expenses which it or its agents, servants, employees, subcontractors, or suppliers may suffer or pay as a result of claims or suits due to because of or arising out of any and all such injuries, death, and/or damage, irrespective of the City's negligence (except that the City shall not be indemnified for its own sole negligence). The Receiver, if requested, shall assume and defend at the Receivers own expense any suit, action or other legal proceedings arising therefrom and the Receiver hereby agrees to satisfy, pay, and cause to be discharged of record any judgement which may be rendered against the City arising therefrom.

This indemnification shall be governed in all repects by the laws of the state of Georgia.

**IN WITNESS WHEREOF**, the Receiver causes this indemnification to be duly executed by its duly authorized officer as the day and year set forth next to his/her signature.

Receiver:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**From:** Chris Balch <chris@balchlawgroup.com>

**Sent:** Friday, June 20, 2025 9:55 AM

**To:** Stanley Hawthorne <stanleyhawthorne@pinelakega.net>

**Cc:** Tom Ramsey <tomramsey@pinelakega.net>; mstraceybrantley@gmail.com  
<mstraceybrantley@gmail.com>; Sandra K Ficken <skf8698@gmail.com>; Ned Dagenhard  
<neddagenhard@pinelakega.net>; Calvin Burgamy <cburgamy@gmail.com>

**Subject:** Re: PLAIN/City MOU for 2025

Attached are the Resolution and contract with PLAIN for administrative and scheduling services for city facilities and other matters for 2025. The MOU meets with all legal requirements and may be acted upon by the Council at your discretion.

Best regards,  
--Chris

**From:** Calvin Burgamy <cburgamy@gmail.com>

**Date:** Friday, June 13, 2025 at 1:59 PM

**To:** Chris Balch <chris@balchlawgroup.com>

**Cc:** Thomas Ramsey <tomramsey@pinelakega.net>, Stanley Hawthorne  
<stanleyhawthorne@pinelakega.net>, Tracey Brantley <mstraceybrantley@gmail.com>, Sandra K Ficken  
<skf8698@gmail.com>, City of Pine Lake <neddagenhard@pinelakega.net>

**Subject:** Re: PLAIN/City MOU for 2025

Mr. Balch,

I have removed that language from the MOU. Please see the attached. Thanks for your prompt attention to this matter. It is much appreciated.

Calvin

On Fri, Jun 13, 2025 at 12:52 PM Chris Balch <chris@balchlawgroup.com> wrote:  
Mr. Burgamy:

Please find attached your agreement. I have one comment: as with the Pride Fest agreement, the City cannot agree to indemnify PLAIN or any non-public entity, under binding precedent of the Georgia Supreme Court. If you will remove that language from the draft, I will forward it to the Council with appropriate action resolution for consideration.

Thank you for understanding.

--Chris

**From:** Calvin Burgamy <cburgamy@gmail.com>

**Date:** Wednesday, June 11, 2025 at 4:59 PM

**To:** Thomas Ramsey <tomramsey@pinelakega.net>, Stanley Hawthorne  
<stanleyhawthorne@pinelakega.net>, Tracey Brantley <mstraceybrantley@gmail.com>, Sandra K Ficken  
<skf8698@gmail.com>, Chris Balch <chris@balchlawgroup.com>, City of Pine Lake  
<neddagenhard@pinelakega.net>

**Subject:** PLAIN/City MOU for 2025

Greetings,

Please see the attached Word document with the draft 2025 MOU for your perusal and comments. Please share your suggestions and/or concerns. Hopefully we can act soon on this.

Thank you so much,

Calvin Burgamy, President PLAIN

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PINE LAKE AND  
PINE LAKE ASSOCIATION OF INVOLVED NEIGHBORS (“PLAIN”), FOR THE  
PERFORMANCE OF SERVICES, AND AUTHORITY TO UTILIZE CITY PROPERTY AND  
INFRASTRUCTURE IN EXCHANGE FOR ADMINISTRATIVE, SCHEDULING, AND  
OTHER SUPPORT

WHEREAS, the City of Pine Lake (“Pine Lake”) is a Georgia Municipal Corporation, authorized and existing under the laws of the State of Georgia, and

WHEREAS, Pine Lake Association of Involved Neighbors (“PLAIN”) is a non-profit corporation organized and existing under the laws of the State of Georgia and exempt from taxes pursuant to Section 501(c)(3) of the Internal Revenue Code of the United States, and

WHEREAS, Pine Lake and PLAIN (collectively “the Parties”) have negotiated a memorandum of understanding by which PLAIN provides certain services and Pine Lake makes various properties and infrastructure available at no charge for the production of various city-wide festivals, the management and use of City facilities, and other administrative support, and

WHEREAS, the Governing Authority expressly finds and recognizes that Lake Fest provides an important community service for the Citizens and Residents of the City and further that the work and benefits of PLAIN supply important services and performance to Pine Lake which cannot be translated into dollar benefits.

WHEREAS,

NOW THEREFORE, the Governing Authority of the City of Pine Lake, in an open and public meeting, approves the Master Memorandum of Understanding (“MOU”) with PLAIN (attached hereto as Exhibit A) and authorize the Mayor to sign the MOU with PLAIN, and to execute and sign any other document which is necessary to give effect to this Resolution,

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June, 2025.

---

BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

---

NED DAGENHARD  
Acting City Clerk

---

CHRISTOPHER D. BALCH  
City Attorney

## MEMORANDUM OF UNDERSTANDING

This constitutes a Memorandum of Understanding (MOU) between the City of Pine Lake, Georgia, a municipal corporation of the State of Georgia (the “City”) and Pine Lake Association of Involved Neighbors, LLC, a domestic nonprofit corporation (“PLAIN”) to utilize the public facilities of the City to organize and operate community events, programs, and projects to support the continuing vitality of the Pine Lake community and engage the Pine Lake community with the surrounding unincorporated areas of DeKalb County. Each of the parties agrees that the following terms and conditions provide adequate consideration for this agreement:

The City of Pine Lake will:

- MAKE the Beach House, the Club House, and other public facilities available as permitted by rental schedule at no cost for each SINGLE DAY community event of six (6) hours or less agreed to by the City. All other use of such facilities shall be in accordance with the terms and conditions of City’s Property/Business Owners Rental Agreement for the Beach House and/or Club House and the City’s Permit for Outdoor Festivals and/or Use of Public Lands and Buildings.
- Allow PLAIN’s use of the Beach House and Clubhouse, Sunday evening through Friday between 8 am and 9 pm, unless otherwise booked by the City. Such use shall be for events, classes, and club meetings that are open to the community and free of charge (donations may be accepted but not required, and organizers may charge for cost of materials, if applicable). PLAIN will manage the reservation process for this Monday -Friday using a Google Forms App through which the City will have visibility and notification of bookings ([Click here](#) to see PLAIN calendar and link to Google reservation form). Only Pine Lake Residents may book a facility through PLAIN. PLAIN agrees to place a \$100 standing deposit with the City, to cover cleaning or damage repairs that may be required.
- ALLOW PLAIN’s use of “old City Hall” building located at 462 Club House Drive, Pine Lake, GA or other suitable location to collect and store food to be distributed to Pine Lake and other community residents.
- ALLOW PLAIN’s use of the Beach House or Clubhouse for its monthly meeting at 7:00 PM, usually on the third Thursday of each month.
- ALLOW additional space within the locked storage area at the Beach House, after tables and chairs are stored, to be used to store PLAIN food and supplies. No PLAIN food and supplies are to be stored in any other area of any public facility used by PLAIN.
- ALLOW installation of up to 10 signs, provided by PLAIN, in the right of way or otherwise on city property along city streets before each community event agreed to by the City.
- PROVIDE funding for food used for a holiday picnic organized and operated by PLAIN as set forth and limited in the City’s annual budget.
- MAINTAIN its facilities and amenities in good working order to assure to safety of residents and guests, and provide notice of facilities or amenities that should not be used where defects are not apparent.
- ASSIGN a Council liaison to act as a conduit for questions and information between PLAIN and the City. Appointment of the Council liaison will be made by the mayor.

PLAIN will:

- ORGANIZE, OPERATE and/or SPONSOR community events throughout the calendar year. City expects PLAIN to provide at least six (6) monthly events. Additional community events, such as picnics to commemorate Memorial Day or Independence Day, and holiday celebrations at the end of and beginning of each year will be considered based on community interest and support. Other topical community meetings or gatherings sponsored or supported by PLAIN will be planned based on interests or needs of the community. PLAIN may also provide a “Candidate Forum” event for any contested election for City of Pine Lake Mayor and/or City Council and a forum or forums for both sides to present and discuss any referenda to be voted on by electors within the City of Pine Lake. A list of City currently agreed upon events to be organized, operated, and/or sponsored by PLAIN will be attached as EXHIBIT A. Any additional events may be jointly planned subject to facility availability.
- MAY ORGANIZE and OPERATE a food pantry and community outreach for the Pine Lake community, utilizing the kiosk in front of the “old City Hall” as a base of operation.
- APPROPRIATELY SPEND collected donations and grants solicited for the improvement of City facilities/properties, with prior approval of Council for any improvements proposed to be made.
- APPLY, for events not already listed on Exhibit A, for all required permits and comply with all terms and conditions of City’s Property/Business Owner’s Rental Agreement for the Beach House and the City’s Permit for Outdoor Festivals and/or Use of Public Lands and Buildings understanding that this MOU is an addendum to both such Agreement and Permit.
- MANAGE use of the Beach House and Clubhouse , Sunday evening through Friday between 8 am and 9 pm, unless otherwise booked by the City. Such use shall be for events, classes, and club meetings that are open to the community and free of charge (donations may be accepted but not required) and organizers may charge for cost of materials, if applicable. PLAIN will manage the reservation process for this Monday-Friday trial program using a Google Forms App through which the City will have visibility and notification of bookings ([Click here](#) to see PLAIN calendar and link to Google reservation form). Only Pine Lake Residents may book a City owned facility through PLAIN. PLAIN agrees to place a \$100 standing deposit with the City, to cover cleaning or damage repairs that may be required.
- COMPLY with all ordinances and rules of the City of Pine Lake, including but not limited to the City’s sign ordinance, and all applicable state laws.
- MAINTAIN PLAIN storage in the locked storage area of the Beach House in a safe, sanitary, and neat manner.
- COLLECT and BAG all trash and recycling at community events operated or organized by PLAIN during and after such events to ensure no overflow of trash from trash containers. Deposit bagged trash into green containers outside each venue and collect un-bagged recycling in blue containers outside.



- INDEMNIFY and HOLD HARMLESS the City and all of its agents, officers and employees from any and all liability , claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage or injury, including death and including injury to real or personal property, that may be sustained by any person while participating in any aspect of any event organized or operated by PLAIN and that results from an act or omission of PLAIN or any agent, officer, employee or contractor of PLAIN, regardless of whether such liability arises in tort, contract, strict liability or otherwise, to the fullest extent allowed by law.
- MAINTAIN insurance sufficient to cover any claims or liabilities arising from any aspect of any event organized and operated by PLAIN including the indemnity and hold harmless provision above. Upon request, PLAIN shall provide to the city evidence of insurance including any insurance policy covering PLAIN.
- PROVIDE to the City, by March 31 of the following year an annual report specifying the events, programs, and projects operated or organized by PLAIN during the preceding calendar year.

If PLAIN proposes an event, program or project requesting or requiring in kind or financial support from the City beyond the scope of this MOU, it shall prepare an event, program or project-based agreement for the City's consideration. The City makes no assurance that such agreement will be approved by the City.

A joint meeting of the City Council and PLAIN will be held on an annual basis at a time and place agreeable to each party, if desired by both parties to this MOU.

Nothing in this MOU or any addenda hereto shall create any property interest for PLAIN in any City property or facility.

It is contemplated by the City and PLAIN that this MOU may be amended from time to time to address other types of events, programs, and projects which may be desired by the City and PLAIN.

Unless otherwise agreed by the parties in writing, either party may terminate this agreement at any time by providing written notice, electronically or by hard copy, to the other party 90 days in advance of the proposed termination date. Notice shall be sent to each party at the addresses below.

To the CITY: Stanley Hawthorne, City Manager  
City of Pine Lake  
P.O. Box 1325  
425 Allgood Road  
Pine Lake, GA 30072

To PLAIN: Calvin Burgamy, President  
Pine Lake Association of Involved Neighbors, LLC

P.O. Box 44  
Pine Lake, GA 30072

This MOU shall be in effect January 1, 2024 through December 31, 2024.

Agreed upon this \_\_\_\_ day of \_\_\_\_\_, 2023.

[SIGNATURES ON NEXT PAGE]

City of Pine Lake:

Pine Lake Association of Involved  
Neighbors, LLC:

---

Brandy Hall, Mayor  
City of Pine Lake

---

Calvin Burgamy, President  
Pine Lake Association of  
Involved Neighbors, LLC

Attest:

---

Stanley Hawthorne  
City Manager

---

Sandra Ficken, Treasurer  
Pine Lake Association of  
Involved Neighbors, LLC

Approved as to Form:

---

Chris Balch  
City Attorney



**EXHIBIT A**  
PLAIN Events 2025 to date

**January**

1-4-25 PLAIN Breakfast - "Coffee with a Cop!" Beach House 9 - 11 am  
1-16-25 PLAIN Monthly Meeting – Beach House – 7-8 pm  
1-11-25 PLAIN Recycle Day - Club House 10am -12pm

**February**

2-26-25 Trivia – Beach House – 7-9pm  
2-18-25 PLAIN Monthly Meeting – Beach House – 7-8 pm

**March**

co-sponsored Women's History Month, Every Friday in March  
3-20-25 PLAIN Monthly Meeting – Beach House – 7-8 pm  
3-24-POLICE & PLAIN Don't Get Scammed – Beach House – 6-8 pm  
3-8-25 PLAIN Recycle Day - Club House 10am -12pm

**April**

4-17-25 PLAIN Monthly Meeting – Beach House – 7-8 pm  
3<sup>rd</sup> Monday – Pine Lake Book Club – 1-3 pm

**May**

5-4-25 Pollination Celebration PLAIN/Seed (now part of PLAIN/City  
5-10-25 PLAIN/Lounge Brunch Beach House 11:30am - 2:30pm  
5-15-25 PLAIN Monthly Meeting – Beach House – 7-8 pm

**June**

1-7-25 PLAIN Recycle Day  
6-19-25 PLAIN Monthly Meeting – Beach House – 7-8 pm

-Community Use continues to be a vibrant part of Pine Lake and offers a variety of activities, including, the Book Club, Aikido classes, Yoga and Cardio Classes, Soundbaths, Sacred Heart Singing, Karaoke nights, and PRIDE meetings. You may also refer to the 6 month review document that PLAIN sent to the city in March of this year for additional resident use information.

-PLAIN support for PRIDE & LakeFest in the form of Donation, In-Kind Donations, volunteering.

## Chapter 16 NUISANCES

### ARTICLE I. IN GENERAL

#### Sec. 16-1. Purpose and findings.

The governing authority of the city finds that nuisances are such activities and conditions that cause demonstrable adverse impact on the community as defined by Georgia law. These activities and conditions may be associated with illegal criminal activity that has also been proven to have a demonstrable adverse impact on community residences and results in neighborhood blight. The city finds that there is a substantial need directly related to the public health, safety and general welfare of its citizens to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance are as follows:

- (1) To state that it is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances;
- (2) To preserve the value of property and prevent neighborhood blight that arises from poorly maintained property;
- (3) To maintain and promote an attractive residential area and commercial area by requiring that dilapidated property be repaired or removed;
- (4) To maintain for the city's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic interest of the city;
- (5) To protect the health, welfare and safety of the citizens of city by the removal of both criminal perpetrators and the housing blight on the community;
- (6) To require owners of real property to keep their property in compliance with building, safety and fire codes to minimize the occurrence of illegal criminal activity therein;
- (7) To promote the safety of its citizens, to preserve property values, to provide for the convenience and enjoyment of public areas, to attract tourists, settlers and industry, to serve the public health, safety and aesthetics, to advance the general prosperity of the community and to serve the general welfare; and
- (8) To provide for the enforcement of the provisions of this chapter.

#### Sec. 16-2. Definitions.

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

*Building official* means the officer or other person designated by the City Manager and charged with the administration and enforcement of this Code or his designee.

*Closing* means securing and causing a dwelling, building or structure to be vacated and secured against entry.

*Drug crime* means an act which is a violation of O.C.G.A. tit. 16, ch. 13, art. 2, known as the "Georgia Controlled Substances Act," as may hereinafter be amended, or comparable Federal law or regulation.

---

*Dwelling, building, or structure* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial or business uses, or intended to be so used, and includes any outhouses, appurtenances belonging thereto or usually enjoyed therewith and also includes any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of nuisance activity described in section 16-23.

*Interest holder.* See *Party-in-interest*.

*Owner* means the holder of the title in fee simple and every mortgagee of record including any person who, alone or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.

*Party-in-interest* or *interest holder* means an individual, association, entity or corporation, executor, administrator, guardian, or trustee that has a legal interest in or possession of a dwelling, building, or structure.

***Prostitution* shall have the meaning provided in O.C.G.A. § 16-6-9.**

*Public authority* means the Governing Authority of the city, also known as the Mayor and City Council for the City of Pine Lake, or their express designee.

*Repair* means *closing* a dwelling, building or structure (as defined above), the correction of defects in walls or roofs of the structure secure the structure from entry or the encroachment of rain, sleet, snow, hail or other weather elements, or the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure.

### **Sec. 16-3. Jurisdiction to abate.**

- (a) *Summary abatement.* Any judge of the municipal court, without hearing, **shall have the authority to abate** of those things that are declared either by the common law or statute law to be nuisances, or that are nuisances per se.
- (b) *Service of notice to abate.* Any requirement of service of notice to abate a nuisance, which may be summarily abated, may be complied with by the mailing of such notice by certified United States mail or statutory overnight delivery to the last-known address of the person to be so notified or by posting a copy of the notice of intent to abate on the property in such a way that it is reasonably likely to be observed by the owner or occupants of the property.
- (c) *Service of complaint to abate a nuisance.* On the hearing of any complaint before a judge of the municipal court concerning a nuisance and removal and abatement, reasonable notice shall be given to the parties interested, including the owner or occupant of the premises where the alleged nuisance is taking place and the person causing the nuisance, of the time and place of the hearing upon the complaint.
- (d) *Persons authorized to perform the removal or abatement of nuisances.* After a nuisance has been ordered to be abated or removed, as provided in this section, it may be removed or otherwise abated by any employee designated by the City Manager or the City Manager's designee.

---

77 **Sec. 16-4. Collection by lien of cost of abatement of nuisance.**

78 Where any person ordered to do any work for the purpose of abating a nuisance has failed or refused to do  
79 that work, and the work has been done by the employees of the city, the cost thereof may be collected by lien  
80 against that person and that person's property. Each lien shall be prepared by the department charged with the  
81 duty of abating or removing the nuisance, shall be signed by the city clerk, and shall be delivered to the DeKalb  
82 County Tax Commissioner for collection as other liens are collected, and filed of record with the Clerk of the  
83 Superior Court until such time as the lien is satisfied as provided by law.

84 **Sec. 16-5. Civil Proceedings and Burden of Proof**

85 Proceedings under this Chapter shall be civil in nature and shall not result in the incarceration of any person  
86 held responsible for a violation of this Chapter. The City's burden of proof for violation of this Chapter shall be a  
87 preponderance of the evidence. Those persons issued a citation or other document to appear for a hearing under  
88 this Chapter shall not be entitled to appointed counsel at the City's expense.

89  
90 **Sec. 16-6. Penalties for Violations of this Chapter; Separate Offenses**

91  
92 In addition to any other remedy provided by this Chapter, each violation of any requirement imposed by  
93 this Chapter, once a Court of competent jurisdiction has adjudicated such violation after notice to the owner or  
94 person of interest in the property, may be punished by a civil penalty of up to \$1000 per violation.

95  
96 (1) If the property or structure at issue is one designed or allowed to be used by multiple families,  
97 each violation in each unit of the structure may be deemed a separate violation of this Chapter.

98  
99 (2) If an Order of abatement is issued by the Court in response to proof by the City of the presence  
100 of a public nuisance, each day after (A) the deadline to abate or remedy the violation as stated in the  
101 Notice of Violation issued prior to any citation to appear in Court on the violation, and/or (B) each  
102 day after the deadline in any court order to abate or remedy a violation of this Chapter, may  
103 constitute a separate violation of this Chapter and be assessed a civil penalty for such separate  
104 violation, in addition to the Order authorizing the City to abate the nuisance.

105  
106 (3) In every case where the Court finds based on the evidence presented a separate violation of this  
107 Chapter, the Court is authorized to impose a separate and distinct penalty for such violation.

108  
109 (4) The municipal court of the City of Pine Lake is not authorized to incarcerate any person for failure  
110 to pay any civil penalty assessed under this Chapter, but may, in accordance with the Court's  
111 inherent authority punish direct criminal contempt of the Court's authority in its discretion.

112 **Secs. 16-7—16-22. Reserved.**

113 ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT***

114 **Sec. 16-23. Disorderly houses, drug and illegal gambling houses, and houses of prostitution.**

115 (a) Any dwelling, building, or structure used for prostitution, illegal gambling, or in connection with the  
116 commission of drug crimes is hereby declared to be a public nuisance. However, consistent with state public  
117 policy, this chapter shall not apply to any publicly owned cultural facility pursuant to O.C.G.A. § 41-1-8.

---

- 
- (b) It is the affirmative duty of the owner of every dwelling, building, or structure within city to construct and maintain such dwelling, building, or structure in conformance with applicable codes under state law, and all ordinances in force within the city.
- (c) An owner or party-in-interest of a dwelling, building or structure shall not be subject to proceedings described in subsection (e), (f), (h), (i) or (j) of this section if it is established that the owner or party-in-interest:
- (1) Did not know and could not reasonably have known of the public nuisance described in subsection (a) of this section occurring on the subject premises;
  - (2) Does not hold the subject property for the benefit of or as nominee for any person whose conduct gave rise to the public nuisance described in subsection (a) of this section, and, if the owner or party-in-interest acquired the interest through any such person, the owner or party-in-interest acquired it as a bona fide purchaser for value without knowingly taking part in the public nuisance; or
  - (3) Acquired ownership or legal interest after the completion of the public nuisance giving rise to proceedings under this chapter or at the time the title was acquired, was reasonably without cause to believe that the dwelling, building or structure was subject to be deemed a public nuisance or likely to become subject to being deemed a public nuisance under this chapter.
- (d) The building official shall have all powers to carry out and effectuate the purpose of this chapter as set forth in O.C.G.A. § 41-2-11.
- (e) The building official shall make an investigation or inspection of a dwelling, building, or structure whenever a charge is made that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. If the building official's investigation or inspection identifies that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the building official may either:
- (1) Issue a citation for violation of any applicable state minimum standard codes, building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance. The citation shall notify the owner and parties of the violation and a time frame for compliance; and
  - (2) Issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the owner and parties in interest in such dwelling, building, or structure. Service of the complaint shall be in the manner as mandated by O.C.G.A. § 41-2-12. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and parties in interest; state with particularity the factual basis for the action; and contain a statement of the action sought by the building official to abate the alleged nuisance. The summons shall notify the owner and parties in interest that a hearing will be held before a court of competent jurisdiction at a date and time certain and at a place within the city where the dwelling, building or structure is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court, unless some other time is agreed to by the City and the owner or parties in interest, or ordered by the Court. The owner and parties in interest shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (f) After notice and a hearing conducted pursuant to subsection (e)(2) of this section, if a court of competent jurisdiction determines that the dwelling, building, or structure in question is a disorderly house or unfit for
-

---

human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of activities described in subsection (a) of this section; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and any parties in interest that have answered the complaint or appeared at the hearing an order of abatement:

(1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, the order of abatement shall require the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, shall require the taking of reasonable measures designed to prevent the recurrence of the nuisance activity described in subsection (a) of this section in light of the magnitude of the harm caused by the nuisance. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenants engaged in illegal activity.

(2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

(3) The court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by county tax records, affidavits of real estate appraisers with a state appraiser classification as provided by state law, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the county.

(g) The court may authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court has been obeyed.

(h) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the building official may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with illegal activities or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

After a hearing, if it is deemed by the court that this section has not been complied with, such owner or other person is given five days from written notice, to comply and if he fails or refuses to do so, the building official shall thereupon cause the work to be done.

(i) If the building official has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure,

---

and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid.

(1) The city, the building official and the city council are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and

(2) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(j) The lien provided for in subsection (i)(2) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court of DeKalb County, Georgia, and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(g), as amended. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall forward a copy of the order and a final statement of costs to the county tax commissioner. It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. tit. 48, ch. 4; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the city. Thirty days after imposition of the lien, the unpaid lien amount shall bear interest and penalties in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

(k) The city council may waive and release any lien imposed on property pursuant to subsection (i)(2) of this section if the owner of such property enters into a contract with the city agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property; demonstrates the financial means to accomplish such rehabilitation; fully completes the rehabilitation; and fulfills all terms of the contract.

(l) The city council may appropriate revenue as necessary and may accept and apply grants or donations in carrying out the provisions of this chapter.

(m) Where the abatement action does not commence in the superior court of the county, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court of the county under O.C.G.A. § 5-3-29, as may hereinafter be amended. Notice of an appeal shall act as a supersedeas.

(n) Nothing in this Code section shall apply to the consensual cohabitation of any couple or group so long as the agreement to live together shall not be for the purpose of an illegal commercial enterprise or in furtherance of any crime defined by Georgia law, as interpreted by Georgia Appellate Courts, in sections 16-6-1 through 16-6-19 of the Official Code of Georgia Annotated.

## **Secs. 16-24—16-35. Reserved.**

## **Sec. 16-36. Rules for the use and conduct on and in city parks, trails and greenspace.**

(a) *Purpose.* The purpose of this section is to secure the quiet, orderly and suitable use and enjoyment of City of Pine Lake parks, trails, and greenspaces.



---

(b) *Definitions.* The following words shall have the definitions assigned in this subsection. All other words shall bear their usual and customary meaning, unless defined elsewhere in this Code or by state statute.

*Horse* means a horse, mule, donkey, llama, alpaca, or other ungulate or ruminant that is used to transport people, equipment, or materials.

*Motorized recreational vehicle* means any self-propelled, off the road or all terrain vehicle including, but not limited to minibike, motorcycle, go cart, trail bike, dune buggy, or all terrain vehicle.

*Pet* means any animal that is tamed and domesticated and kept as a companion.

*Pollutant* means any substance, solid, liquid or gas, which could cause contamination of air, land or water so as to create or cause a nuisance or render unclean or noxious or impure so as to actually or potentially harmful or detrimental or injurious to public health, safety, or welfare, or that of wildlife or vegetation.

*Property* means any land, waters, facilities or possessions of the City of Pine Lake.

*Responsible person* means the parent, guardian, or person having lawful custody and control of a minor.

*Roller skater* means any person riding or propelling oneself by human power or gravity on wheeled devices that are worn on a person's feet or stood upon by a person. This definition shall not include skate boards or other wheeled devices that are not affixed to the person's feet by laces or brackets.

*Smoke/smoking* means the inhaling or exhaling of smoke or gas from any lighted cigar, cigarette, pipe or other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or other lighted tobacco or plant product intended for inhalation.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported upon a roadway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(c) *Public use regulations.*

(1) *Hours of operation for parks and greenspaces.* Parks and greenspaces shall be open to the public daily from dawn to dusk, local time. It shall be unlawful for any person to enter or remain in a park at any other time without a use permit, except when the park area or facility is otherwise designated by the council. Overnight use shall be unlawful.

(2) *Drug and alcohol use.* It shall be unlawful for any person

a. To use, possess, or sell any controlled substance in violation of state statutes.

~~b. To serve, possess, or consume any alcoholic beverage within a park, except pursuant to a special permit issued by the city.~~

b. To sell any alcoholic beverage or any beverage containing any amount of intoxicating liquid except pursuant to a special permit issued by the city.

(3) *Disorderly conduct.* It shall be unlawful for any person to engage in disorderly conduct as defined under state law, as it may be amended from time to time.

(4) *Selling of food items.* It shall be unlawful to sell any food items except by special permit issued by the city.

(5) *Tents, canopies, or temporary shelters.* It shall be unlawful to erect, use, establish tents, canopies, tarpaulins, umbrellas (larger than for a single person's use), or other temporary shelter overnight except by special permit issued by the city, or pursuant to an authorized and city-sponsored special event.

(6) *Open fires, smokers, or grills.* It shall be unlawful to ignite, light, or utilize any open fire, smoker or grill, except in permanent installations provided at the park or trail for such purpose.

- 
- (7) *Animals.* It shall be unlawful to bring, allow or otherwise accompany any horse, or undomesticated animal into any park of the city. **This section shall not apply to identifiable service animals.**
- (8) ***Dogs and Pets.*** All **dogs** must be on leash at all times while in a park, greenspace, unless within a designated and fenced "dog park" established by the city council. No leash shall be more than six feet in length and must be in the owner's control at all times. Any pet not on a leash shall be deemed "running at large" as defined by **Sections 14-62 or 14-63 of the Code of the city** and the owner of such dog **may be directed to leave the Park for the remainder of the day.** Any animal that is a pet (cats, dogs, pot bellied pigs, chickens, or other animal) shall not be permitted on the beach adjacent to the Lake.
- (10) *Vandalism and damage to landscaped areas.* It shall be unlawful to commit any act of vandalism or to recklessly harm any park property, amenity, landscaping, hardscaping, equipment, or amenity.
- (11) It shall be unlawful to walk, tread, or otherwise cross any part of any dam, berm, or other structure in Pine Lake other than on a designated path. Violators may be asked to leave the Park for the day.**
- ~~(11) *Fishing.* It shall be unlawful to fish in any stream, river, creek, lake or other body of water, within any park, greenspace or adjacent to any trail, unless the fisherperson shall use monofilament line, of not more than ten pounds breaking strength, and a single unbarbed hook, using only natural baits. No lures, jigs, or other artificial devices may be utilized.~~
- ~~(12) Fishing shall not be allowed from any bridge or other structure as it impedes access pursuant to the Americans with Disabilities Act. Fishing anywhere in the parks of Pine Lake shall only be pursuant to a valid license issued by the Georgia Department of Natural Resources, Wildlife Resources Division. Fishing shall only be allowed in areas specifically designated by signage.~~
- (13) *Roller skating.* Roller skating shall be allowed on paved surfaces only. The use of any other type of wheeled device or vehicle shall be unlawful.
- (14) *Smoking.* It shall be unlawful to smoke or use smokeless tobacco products.
- (14) *Swimming or wading.* It shall be unlawful to swim or wade in any stream, river, lake or other natural body of water, **except in designated areas.**
- (15) *Vehicles.*** It shall be unlawful to use, operate, or ride any motorized vehicle except in designated parking lots and spaces. This prohibition shall not apply to scooters or bicycles powered by electric motors.
- (d) The Pine Lake Police Department, the DeKalb County Sheriff's Department, the DeKalb County Police Department and any other sworn law enforcement agency or employee of any of the enumerated agencies or other agency shall be empowered to enforce this section by citation to the Municipal Court of the City of Pine Lake, where upon conviction such person may be punished as the court directs pursuant to section 1-11 of this Code.
- (e) ~~*{Other rules and regulations.}*~~ The council shall have the right to adopt by resolution other rules and regulations related to this section. Such other rules and regulations shall not be a basis for citation, though a violation of such rules and regulations will provide good and sufficient justification for a law enforcement officer to conduct a reasonable inquiry into the conduct of the violation and whether other violations of law may have occurred or be occurring.

**Secs. 16-37—16-49. Reserved.**

### ***ARTICLE III. PROPERTY MAINTENANCE CODE ADOPTION***

---

**Sec. 16-50. Adopted codes.**

- (a) *Generally.* As future new editions and/or amendments of the code listed below are adopted by the board of community affairs of the state department of community affairs, it shall become a part of or replacement for the adopted code, rules and regulations or standards and shall become enforceable as prescribed without separate adoption by the city. All new construction, installations, repairs or alterations shall be in conformance with the current edition of the following codes and referenced appendixes with state amendments as currently adopted or authorized by the Board of Community Affairs of the state Department of Community Affairs: International Property Maintenance Code, as amended.
- (b) *Referenced standards.* Standards referenced in the above-stated codes shall be considered an integral part of the code without separate adoption. If specific portions of a standard are denoted by a code test, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall govern. Permissive and advisory provisions in a standard shall not be construed as mandatory.
- (c) *Appendices.* The appendices included in any code adopted pursuant to subsection (a) of this section are not intended for enforcement unless specifically referenced in this chapter or specifically included in this Code.
- (d) *Referenced codes and standards.* The adopted state codes adopted pursuant to this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such adoption. Where differences occur between the provisions of this chapter and referenced codes and standards, the provisions of this chapter shall govern.

**Sec. 16-51. International Property Maintenance Code.**

A certain document, being marked and designated as the International Property Maintenance Code, as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 16-52.

**Sec. 16-52. Revisions to the International Property Maintenance Code.**

The following revisions shall be made to the International Property Maintenance Code:

Section 101.1. Insert: City.

Section 103.1. Insert: Department of Code Enforcement

Section 302.4. Insert: 12 inches. (maximum height of plant growth)

Section 304.14. Insert: March 15 to November 1. (insect screens)

Section 602.3. Insert: October 15 to March 15. (heating required residence)

Section 602.4. Insert: October 15 to March 15. (heating required work spaces)

PART II - CODE OF ORDINANCES  
Chapter 16 - NUISANCES  
ARTICLE V. MULTIFAMILY RENTAL HOUSING

---

**Secs. 16-53—16-97. Reserved.**

**ARTICLE IV. MULTIFAMILY RENTAL HOUSING**

**Sec. 16-98. Definitions.**

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

*Building official* means the chief building inspector for the city.

*Certified building inspector* means any person inspecting for compliance with this article who is certified pursuant to section 16-102.

*Code compliance certificate* means a certificate, executed by a certified building inspector and stating compliance with those minimum standards described in the inspection report attached thereto.

*Inspection report* means the report attached to the code compliance certificate describing minimum requirements for inspection of each multifamily rental unit in the premises.

*Lease* means any written agreement which sets forth any and all conditions concerning the use and occupancy of multifamily rental dwellings or multifamily rental units.

*Multifamily rental dwelling* means any structure, building, or other facility containing four or more multifamily rental units that is leased to a tenant or tenants for use as a home, residence, or sleeping unit. This definition includes, but is not limited to, multiple-family dwellings, multiple-family apartment units, boardinghouses, rooming houses, group homes, and flats.

*Multifamily rental unit* means any one area, room, structure, flat, apartment, or facility of a multifamily rental dwelling that is being leased or rented to only one tenant, group of tenants, or family under one lease, or under terms of joint and severable liability.

*Occupant* means all tenants, lessees and persons residing within a multifamily rental unit.

*Owner* means any person, agent, firm, corporation or other entity having a legal interest in a premises.

*Owner-occupied* means any part of a structure used as living quarters by the owner of said structure where other parts of the structure are used as multifamily rental units. Example: Two-family dwelling, owner occupies one flat; rooming house, owner occupies one unit.

*Premises* means any lot or piece of land that includes a multifamily rental dwelling or multifamily rental units.

**Sec. 16-99. Fee and certificate required.**

~~(a) —Occupational tax. All owners of multifamily rental dwellings or multifamily rental units within the city that receive income for use of four or more such multifamily rental units and meet the requirements of O.C.G.A. §~~

---

~~48-13-5 for having a location or office within the city shall be subject to an occupational tax as provided in chapter 15 and shall provide to the city, prior to April 15th, of each calendar year. Said code compliance certificate shall be certified by the owner and the certified building inspector that all multifamily rental units have been inspected and are in compliance with those standards contained in the code compliance certificate and inspection report. New multifamily rental developments are exempt from the interior evaluation requirements described herein, provided proper permits are obtained from the city, five years after the date of the certificate of occupancy issued by the city.~~

- 418
- 419 (a) *Inspection.* Upon initial inspection of such multifamily rental dwellings or multifamily rental units, should a  
420 certified building inspector determine that further work is necessary to comply with the minimum standards  
421 set forth herein, an acceptable plan shall be submitted to the building official, outlining the time and scope  
422 of work necessary to bring the units into compliance. If such plan is accepted by the building official as  
423 reasonable and justified, an extension may be granted for up to one year for completion of repairs and  
424 compliance with this article. Notwithstanding anything to the contrary contained herein, no extension shall  
425 be granted for noncompliance of life safety code issues and any such multifamily rental units containing such  
426 noncompliant life safety issues shall not be leased until brought into full compliance with the minimum  
427 standards contained in this chapter and re-certification provide to the building official by the owner.
- 428 (b) *Code compliance certificate.* Each owner shall submit a code compliance certificate annually, with their  
429 occupational tax certificate renewal. Such subsequent code compliance certificate shall cover at least one  
430 half of the multifamily rental units in the premises ~~for the first two years following the enactment of this~~  
431 ~~subsection, followed by 25% of all units each year thereafter,~~ provided all multifamily rental units contained  
432 in the premises shall be inspected, at a minimum, every two years. All multifamily rental units inspected shall  
433 be listed individually on the code compliance certificate submitted to the city by the owner.
- 434 (c) *Written record of inspection.* Furthermore, each owner shall keep a written record of all inspections for each  
435 multifamily rental unit including the date of the inspection, items inspected and all violations, if any,  
436 observed. In addition, the most recent copy of the inspection reports for the multifamily rental units shall  
437 also be maintained at the premises. Such records shall be presented to the city within ten business days after  
438 such request is made in writing to the owner at the contact address listed on the code of compliance  
439 certificate. Failure to provide such records shall nullify the code compliance certificate for those multifamily  
440 dwelling units included in the request.
- 441 (d) *Authority to audit and inspection warrants.* The building official or its designee shall have the authority to  
442 inspect the interior of those units that are included in each annual code compliance certificate submitted to  
443 the city pursuant to subsection (c) of this section when there is probable cause to believe there has been a  
444 violation of this chapter or other applicable code sections. Said inspection may, at the discretion of the  
445 building official, include such number of submitted units included in the code compliance certificate as  
446 determined by the building official or its designee. Once determined that an audit inspection will be  
447 conducted, the building official shall give written notice to the certified building inspector issuing the code  
448 compliance certificate, the owner and/or the property management company of the date of the inspection  
449 which inspection shall take place, which shall be no sooner than seven days from the date of the notice and  
450 shall be conducted on from 9:00 a.m. to 5:00 p.m. during weekdays, other than nationally recognized  
451 holidays. The written notice shall state that the owner and/or property management company shall have the  
452 right to refuse the inspection and the building official or designee's right to seek issuance of an inspection  
453 warrant in the event of any such refusal. The owner, the certified building inspection or a member of the  
454 property management company shall be available to accompany the building official during the inspection. In  
455 the event the owner and/or property management company refuses inspection, the building official or  
456 designee shall have the right to seek issuance of an inspection warrant from a judge of the municipal court in  
457 accordance with section 7-171.

---

**Sec. 16-100. Failure to provide code compliance certificate.**

- (a) Failure to provide the code compliance certificate as provided herein shall be a violation of this chapter and is subject to those penalties contained herein and in section 1-11.
- (b) Further, said failure, upon a judicial determination, shall be a condition constituting probable cause, and may subject said multifamily rental dwelling or multifamily rental units to inspection by the building official, at a fee as determined by the governing body of the city, that includes all costs of such inspection by the city. Said inspection by the city, if required, shall be performed at the sole cost of the owner and failure to pay said cost shall result in a lien being placed on the premises as provided for in city Code. Nothing contained in this chapter shall prevent the city from enforcement of the state minimum standard codes as provided in this chapter during the city's inspection of the multifamily rental units.
- (c) Failure to pay the occupational tax as provided herein shall be a violation of chapter 15 and is subject to those penalties set forth in chapter 15 and as otherwise provided in the Code.

**Sec. 16-101. Penalty for false certification and false inspection.**

- (a) An owner who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwellings or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.
- (b) A certified building inspector who knowingly, recklessly, or negligently furnishes an inspection report which contains fraudulent information that a multifamily rental dwelling or multifamily rental unit meets the minimum standards of this chapter, shall be guilty of a violation of this Code, may be subject to the provisions of section 1-11 and may be fined, by the court for each violation up to \$1,000.00 for each dwelling or unit, each dwelling or unit shall constitute a separate offense. In addition, the certified building inspector's right to submit inspection reports to the city shall be suspended for a stated prior of time, up to five years.
- (c) A property manager who knowingly furnishes a code compliance certificate to the city which contains a false certification that any multifamily rental dwelling or multifamily rental unit inspected are in compliance with those standards contained in the code compliance certificate shall be guilty of a violation of this chapter for each multifamily rental dwelling or multifamily rental unit for which the code compliance certificate is shown to be false and can be fined by the court for each violation up to \$1,000.00 for each dwelling or unit.

**Sec. 16-102. Certified building inspector requirements.**

All inspectors wishing to submit or participate in the city's multifamily rental housing evaluation program must comply with the following requirements:

- (1) The inspector must be a licensed design professional (architect or engineer) or hold one of the following certifications from the International Code Council (ICC): property maintenance and housing inspector, housing rehabilitation inspector, building inspector, building plan examiner or commercial combination inspector.
  - (2) The inspector must submit a copy of his business license or occupational tax certificate and certificate of insurance of liability insurance.
  - (3) The inspector must meet with the building official to present the qualifications noted in subsections (1) and (2) of this section for approval prior to performing any inspections pursuant to this chapter. Upon completion of this meeting, an inspector determined to be qualified by the building official will be placed on a list of approved certified building inspectors to be maintained by the city.
-

- 
- (4) From time to time, mandatory meetings will be called by the city building official which all certified building inspectors participating in the program must attend, except as permitted on an individual basis by the building official due to extenuating circumstances. Ample notice will be provided by the city to the contact address provided by the certified building inspector no less than two weeks prior to the date of the meeting.

**Sec. 16-103. Interior evaluations of multifamily rental units.**

Interior evaluations will be conducted to ensure compliance with the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein and, at a minimum, will include inspections of the following items. The 2006 International Property Maintenance Code and the 2006 International Fire Code, or the latest version of the same as adopted periodically by the State Fire Commissioner or Georgia Department of Community Affairs, are the referenced codes.

- (1) Apartment numbers identification posted in accordance with IPMC section 304.3. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the public or private street or road fronting the multifamily dwelling unit. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).
- (2) Flooring is an impervious surface in the kitchen and bath areas in accordance with IPMC 305.3.
- (3) All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition with no chipping or flaking paint or loose plaster, decayed wood and other defective surface conditions.
- (4) Hot and cold water at kitchen baths and laundry rooms is provided in accordance with IPMC section 505.1. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.
- (5) Privacy for bathrooms shall be provided in accordance with IPMC section 503.1. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.
- (6) Heating facilities are in good working order in accordance with IPMC section 602.2 and 603.1. No unvented heating appliances in sleeping rooms. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section (603.1). All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- (7) Garbage disposal facilities are in accordance with IPMC sections 307.3, 307.3.1 and 307.3.2. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. (307.3.1) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each multifamily rental unit; ~~an approved incinerator unit in the structure available to the occupants in each multifamily dwelling unit;~~ or an approved leak-proof, covered, outside garbage container. (307.3.2) The

---

owner of every multifamily rental unit producing garbage shall provide, and at all times cause to be utilized, approved leak-proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

- (8) Smoke detector devices shall be provided in accordance with IPMC section 704.2. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

- a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- b. In each room used for sleeping purposes.
- c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- d. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.
- e. as required by O.C.G.A. § 25-2-40.
- f. For multifamily rental units constructed before 1987: At least one battery operated between the living and sleeping areas.
- g. Unless over three or more stories, detectors shall be installed within each multifamily rental unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in sleeping rooms of that living unit.
- h. For multifamily rental units constructed after 1987, detectors must be located on every level and outside of the sleeping area.
- i. For multifamily rental units constructed after 2007, detectors must be installed per IPMC including one on every level, outside of the sleeping area and inside of every sleeping room.

- (9) Window spaces for light, ventilation, operable and emergency escape shall conform with IPMC sections 304.13.1, 304.13.2, 304.14, 304.18.2, 402.1 and 702.4. (304.13.1) All glazing materials shall be maintained free from cracks and holes. (304.13.2) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. (304.14) During the period from April 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. (304.18.2) Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. (402.1) Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the exterior of the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (702.4) Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: (i) required emergency escape and rescue openings shall be



---

operational from the inside of the room without the use of keys or tools; (ii) bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

- (10) Plumbing facilities to be maintained in a safe working condition in accordance with IPMC section 502.1. Every multifamily rental unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

- (11) Electrical devices, service equipment and luminaries are in safe working condition with no exposed wires in accordance with IPMC sections 604 and 605. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and section 605. Multifamily rental units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or for similar reasons, the defects are to be corrected to eliminate the hazard. (605) All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Every public hall, interior stairway, toilet room, kitchen, bathroom, bedroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. GFCI devices are provided in required locations dependent on the time of construction, repair or remodel generally in accordance with the following standards:

- a. 1971 Receptacles within 15 feet of pool walls.
- b. 1973 All outdoor receptacles.
- c. 1975 Bathrooms, 120-volt pool lights, and fountain equipment.
- d. 1978 Garage receptacles.
- e. 1981 Whirlpools and tubs.
- f. 1984 Distance of GFCI protection extended to 20 feet from pool walls.
- g. 1987 Unfinished basements.
- h. 1987 Kitchen countertop receptacles within six feet of sink.
- i. 1990 Crawlspace (with exception for sump pumps or other dedicated equipment).
- j. 1993 Wet bar countertops within six feet of sink.
- k. 1993 Any receptacle replaced in an area presently requiring GFCI.
- l. 1996 All kitchen counters—not just those within six feet of sink.
- m. 2005 Receptacles near laundry and utility sinks within six feet.

- (12) Door units, jambs and hardware are in good working order in accordance with IPMC sections 304.13, 304.18, 305.3 and 305.6 and required opening protective devices be maintained in an operative condition. In accordance with IPMC section 703.2 (304.13), every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (304.18) Doors, windows or hatchways
-

---

for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. (305.3) All interior surfaces, including windows and doors, shall be maintained in good condition. Loose plaster and decayed wood shall be corrected. (305.6) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (703.2) Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

- (13) Interior stairs, handrails and guards are maintained in a sound condition and good repair in accordance with IPMC sections 305.4, 305.5, and 306.1. (305.4) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition. (305.5) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good repair. (306.1) Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have handrails. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces.

- (14) Interior floors, walls and ceilings are maintained in good repair, structurally sound and in sanitary condition in accordance with IPMC section 305. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. Defective surface conditions shall be corrected. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition.

- (15) Occupancy limitations per bedroom in accordance with IPMC section 404. Dwelling units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

- a. Every bedroom shall comply with the requirements of sections 404.4.1 through 404.4.5.
  - b. 404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of additional floor area for each occupant thereof.
  - c. 404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.
  - d. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
  - e. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
  - f. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of the IPMC.
-

- g. Multifamily rental units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

TABLE 404.5  
MINIMUM AREA REQUIREMENTS

Space	Minimum Area (in square feet)		
	1—2 Occupants	3—5 Occupants	6 or More Occupants
Living room <sup>a,b</sup>	No requirements	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Bedrooms	Shall comply with section IPMC 404.4		

For SI: 1 square foot = 0.093 m<sup>2</sup>

<sup>a</sup> See IPMC section 404.5.2 for combined living room/dining room spaces.

<sup>b</sup> See IPMC section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

- h. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with IPMC section 404.4.
- i. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
- (16) Insect and rodent infestation in accordance with IPMC section 308.1. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (17) Means of egress shall be provided in accordance with IPMC section 702. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. The required width of aisles in accordance with the International Fire Code shall be unobstructed. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
- (18) Fire extinguisher shall be present and tagged or inspection current in accordance with IFC 906.1 and NFPA 10 (906.1). Portable fire extinguishers shall be installed in the following locations: (1.) In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies and; (2.) (NFPA 10) Fire extinguishers must be within 75 foot travel distance of the most remote location of a dwelling. (906.2) Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

- 
- (19) Sprinkler heads clear and unobstructed. NFPA 25 Sprinkler heads must be free from dust debris paint and obstructions that would otherwise inhibit their operation.

**Sec. 16-104. Exterior and publicly accessible evaluations of multifamily properties.**

- (a) Exterior evaluations will be conducted evaluating for compliance with the latest edition of the International Property Maintenance Code, the Life Safety Code (existing provisions) and the International Fire Code and other referenced standards contained herein.
- (b) All premises containing multifamily rental dwellings or multifamily rental units will be subject to an evaluation of the exterior, public and mechanical areas in accordance with policy approved by the city. After the exterior inspection, the owner of the premises will be presented with a report containing the findings of the city's inspection. Compliance must be achieved in a timeframe as specified in the exterior inspection report.
- (c) Failure by the owner to properly address the exterior inspection report findings in the timeframe outlined therein as presented shall be a violation of this article and is subject to those penalties provided by the International Property Maintenance Code, allowed by law, contained herein or in section 16-23.

**Secs. 16-105—16-121. Reserved.**

**ARTICLE VI. WEEDS AND GRASS**

**Sec. 16-122. Maximum height of weeds, grass, etc.**

It shall be unlawful for the owner of ~~improved any~~ property ~~or previously improved property~~ in the city, whether zoned residential, commercial, industrial or other, to have, place or allow grass, weeds and/or other undergrowth to exceed the height of 12 inches or more on such property, including but not limited to, the front, side or rear yard, or right-of-way. Notwithstanding the above, grass, weeds and/or other undergrowth of a height of 12 inches or more are declared to be a public nuisance and abatable as such.

**Sec. 16-123 Vegetation and debris.**

- (a) *Vegetation.* There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks, paths, trails and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.
- (b) *Debris.* There shall not be maintained on a property for more than seven calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the county. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.
- (c) *Shared property.* Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.
- (d) *Invasive vegetation.* Invasive plant species on premises and exterior property shall be maintained whereby damage to existing trees and encroachment onto adjacent properties is prevented. Invasive plant species within the city are defined by the Georgia Exotic Pest Plant Council (EPPC) Invasive Plant List, which is maintained by the Center for Invasive Species and Ecosystem Health, University of Georgia:

---

<https://www.gaeppc.org/list/>. The list includes, but is not limited to, English Ivy (*Hedera helix*), Chinese Wisteria (*Wisteria sinensis*), Kudzu (*Pueraria montana* var. *lobata*), *Elaeagnus umbellata*, Tree of Heaven (*Ailanthus altissima*), all Privet species (*Ligustrum* spp.), and all Bamboo species other than the native species River Cane, Switch Cane (*Arundinaria* spp.).

## 16-124 REMEDIES

The remedies provided in this article are cumulative of all other remedies the city has for the accomplishment of the objectives set forth in this chapter. Nothing in this article shall be construed as relieving any person from the obligation to comply with this Code, all ordinances, laws or regulations of the city, or to permit the maintenance by any person of a nuisance; and any nuisance shall be subject to be abated in the manner provided by law.

## Secs. 16-125—16-150. Reserved

# ARTICLE VII. NOISE

## Sec. 16-151. Definitions.

All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this article, shall have the following meanings:

*A-weighting* is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

*Background sound level* is the total sound pressure level in the area of interest excluding the noise source of interest.

*Commercial or business property category* is all property which is used primarily for the sale of merchandise or goods, or for the performances of service, or for office or clerical work. Any property zoned multi-use, as that term may be used in chapter 27 shall be deemed commercial or business property under this chapter.

*Construction* is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

*Daytime hours* shall mean the hours of 7:00 a.m. to 11:00 p.m., Monday through Thursday, 7:00 a.m. to 11:59 p.m. Friday, 9:00 a.m. to 11:59 p.m. Saturday, and 9:00 a.m. to 11:00 p.m. Sunday.

*Decibel (dB)* is the unit of measurement for sound pressure level at a specified location.

*dBA* is the A-weighted unit of sound pressure level.

*dBC* is the C-weighted unit of sound pressure level.

*Emergency* is any occurrence or set or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

*Emergency work* is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Impulsive sound* is a sound having a duration of less than one second with an abrupt onset and rapid decay.

*Industrial or manufacturing property category* is any property which is used primarily for manufacturing or processing.

*Institutional property category* is any property which is used primarily for public purposes such as city hall or a city park.

*Muffler* is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

*Multi-family dwelling* is any building or other shelter that has been divided into separate units to house more than one family.

*Nighttime* shall mean the hours of 11:00 p.m. 7:00 a.m., Monday through Friday, 12:00 a.m. to 9:00 a.m. Saturday, and 12:00 a.m. to 9:00 a.m. Sunday.

*Noise* is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise disturbance* is any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property.

*Noise-sensitive facility* means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

*Octave band* is all the components in a sound spectrum whose frequencies are between two sine waves components separated by an octave.

*Real property line* is the line, including its vertical extension that separates one parcel of real property from another.

*Residential property category* is all property established as a residential zoning category by chapter 27 of the ordinances of the City of Pine Lake, except for multi-use zoning categories where there may be residential components.

*Sound level meter (SLM)* is an instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI Standard S1.4-1983 or the latest version thereof.

*Sound pressure level (SPL)* is 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

## **Sec. 16-152. Sound level limitations.**

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

**Table 1 Sound Level Limits by Receiving Property**

Receiving property zoning category	Day of week	Time of day	Distance from sound source	Sound limitation
Residential or noise sensitive facility	Everyday	Daytime	0—50 feet	80 dB
			51—150 feet	75 dB
			151—300 feet	65 dB
			Over 300 feet	55 dB

Residential or noise sensitive facility	Sunday through Thursday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Residential or noise sensitive facility	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	75 dB 65 dB 55 dB 50 dB
Commercial	Sunday to Friday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	80 dB 75 dB 65 dB 55 dB
Commercial	Sunday to Thursday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	70 dB 65 dB 55 dB 50 dB
Commercial	Friday and Saturday	Daytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB
Commercial	Friday and Saturday	Nighttime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	75 dB 70 dB 65 dB 55 dB
Industrial	Everyday	Anytime	0—50 feet 51—150 feet 151—300 feet Over 300 feet	85 dB 80 dB 70 dB 65 dB

829

830 (b) *Prohibited conduct.*

- 831 (1) *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be  
832 played, used, or operated, any radio receiving device, television, stereo, musical instrument,  
833 phonograph, sound, amplifier, or other machines or devices producing, reproducing or amplifying  
834 sound and/or at such a volume and in such a manner so as to create, or cause to be created, any noises  
835 or sounds which are plainly audible and heard or cause vibrations to property or person at or more  
836 than the specified distances above from the building, structure or motor vehicle on private property,  
837 unless the property boundaries from which the sound originates is a greater distance than those  
838 specified in subsection (a) of this section. In that event, the sound shall not be plainly audible beyond  
839 the property boundary.
- 840 (2) *Human-produced sound.* It is unlawful for any person to yell, shout, hoot, whistle, or sing on the public  
841 streets or sidewalks or on private property so as to create, or cause to be created, any noises or sounds  
842 which are plainly audible at a distance at or more than the specified distances in subsection (a) of this  
843 section from the place, building, structure, or in the case of real property, beyond the property limits,  
844 in which the person is located, whichever is farthest.
- 845 (3) *Party noise.* It is unlawful for any person in charge of a party or other social event that occurs on any  
846 private property to allow that party or event to produce noise in such a manner so as to cause such  
847 noise to be plainly audible at or more than the specified distances in subsection (a) of this section from  
848 the building or structure from which the party noise is emanating or, in the case of real property,  
849 beyond the property limits on which the party or social event is located, whichever farthest.

- 
- (4) *Commercial advertising.* It is unlawful for any person to use, operate, or permit to be used or operated, any radio receiving device, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for production or reproduction of a sound which is cast upon the public streets or other public property for the purpose of commercial advertising or which serves to attract attention of the public to any building, structure or vehicle in such a manner as to create, or cause to be created, any noises or sounds which are plainly audible at or more than the specified distances in subsection (a) of this section from the building, structure, or motor vehicle on private property.
- (5) *Use or ignition of fireworks.* (A) It is unlawful for any person to use, ignite or permit to be used or operated any fireworks as defined in O.C.G.A. § 25-10-1 producing noise in such a manner so as to cause such noise to be plainly audible on any day before 3:00 p.m.. or after 10:00 pm.
- (B) Use or ignition of Fireworks as defined by O.C.G.A. § 25-10-1, shall be permitted on the following days between the hours of 10:00 a.m. and 11:59 pm:
- (i) January 1
  - (ii) the last Saturday and Sunday in May
  - (iii) July 3 and 4,
  - (iv) the first Monday in September,
  - (v) December 31,
  - (vi) January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 A.M.
- (C) The ignition of fireworks by any person, firm, corporation, association, or partnership shall be subject to the issuance of a special permit issued by the City. The application for such permit shall include the name of the applicant, the address of the applicant's residence or place of business, the date and time of the proposed ignition of fireworks, the location for the ignition of fireworks, and the name(s) of the persons responsible for the ignition of fireworks. The fee for such permit shall be \$100.00. The Application must be submitted not less than 30 days before the proposed date of ignition of fireworks. The Permit shall be granted so long as it is timely, it is accompanied by the required fee, and the time and duration of the proposed ignition of such fireworks is not longer than 2 hours.
- (c) In a multi-family dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime limit of 75 dBA and the nighttime limit of 55 dBA as measured from the closest neighbor's dwelling.
- (d) In places of public entertainment having a capacity of 5,000 or more persons, it shall be unlawful to create or permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period from 7:00 a.m. to 12:00 a.m. Sunday through Thursday and from 7:00 a.m. to 1:00 a.m. for events commencing on Friday or Saturday. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point which is found by traveling a straight line distance from the center of the sound board through the center rear of the facility a distance of 500 feet or to the property line of the facility, whichever is less. The measurement assumes that the sound board is not more than 100 feet from the center stage. The 500-foot measurement shall be reduced one foot for each foot that the sound board is more than 100 feet from center stage.
- (e) In interpreting and applying the times and values in table 1, it is the intent of the city council that the times be interpreted to provide maximum protection from undesirable noise possible.

#### **Sec. 16-153. Exemptions.**

- (a) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of subsections 16-152(a) and (b).
-



- 
- (b) The following are exempt from the sound level limits of subsections 16-152(a), (b), and (c):
- (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
  - (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;
  - (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
  - (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
  - (5) Organized band and/or sports league activity sponsored by a school, or authorized by written agreement by the DeKal County School District, or the City of Pine Lake that is otherwise in compliance with the code of ordinances of the City of Pine Lake, Georgia;
  - (6) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m.—10:00 p.m.;
  - (7) Emergency work;
  - (8) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit;

#### **Sec. 16-154. Restricted uses and activities.**

Notwithstanding the provisions of subsection (1)—(2)a. and the exceptions above, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 7:00 p.m. and 7:00 a.m., or on Saturday or Sunday before the hour of 9:00 a.m. At all other times, the limits set forth in subsection (1)—(2)a. do not apply to non-commercial or non-industrial power tools and landscaping and yard maintenance equipment, provided that all motorized equipment is operated with a functioning muffler.
- (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within 250 feet of a residential property line, between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
  - a. Such activities are deemed emergency work, or
  - b. Such activities meet the limits set forth in subsection (1)—(2)a.At all other times, the limits set forth in subsection (1)—(2)a. do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.
- (3) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 8:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
  - a. Such activities are deemed emergency work; or
  - b. Such activities meet the limits set forth in subsection (1)—(2)a.

---

This provision shall not apply if the chief of police determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the chief of police may grant a renewable permit for a period not to exceed ten days for this work to be done within the hours of 10:00 p.m. to 7:00 a.m.

(4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or making any other noise) for more than ten minutes without interruption or more than 30 minutes if intermittent.

(5) The collection of trash or refuse in residential districts is prohibited between the hours of 9:00 p.m. and 7:00 a.m.

(6) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device in such a manner as to create a continuing noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

#### **Sec. 16-155. Procedures for the determination of sound levels.**

(a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise measurements are measurements are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI.

(b) Measurements shall be taken by police officers appropriately trained in the use of a sound level meter.

#### **Sec. 16-156. Special variances.**

(a) The chief of police or the chief's designated representative shall have the authority, consistent with this article, to grant special variances.

(b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police or the chief's designated representative. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an application for a special variance shall be given by the chief or the chief's representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the chief or the chief's representative containing any information to support such individual's claim.

(c) In determining whether to grant or deny the application, the chief or the chief's designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information the chief or the chief's representative may reasonably require. In granting or denying an application, the chief or the chief's representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and

---

subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

(e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.

(f) The chief of police or the chief's designated representative may issue guidelines approved by city council defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

#### **Sec. 16-157. Enforcement procedures; miscellaneous.**

(a) Except as provided in subsection (b) of this section, the city may prosecute noise related violations by issuance of a city ordinance citation, in which case, the penalty for a violation shall be as set forth in section 1-11 of this Code. In addition to issuing any penalty as provided in section 1-11, or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.

(1) Notwithstanding the generally punishments established above, the fine for a first conviction of this Chapter shall be not less than \$200.00, in addition to any other penalty imposed by the Court, however, the total fine shall not exceed \$1,000.00.

(2) Upon a second conviction within 12 months, measured from the date of the conviction, the Court shall impose a fine of not less than \$500.00, in addition to any other penalty imposed by the Court, however, the total fine shall not exceed \$1,000.00.

(3) Upon a third conviction within 24 months, measured from the date of the earliest conviction, the Court shall impose a fine of \$1,000.00, in addition to any other penalty imposed by the Court.

(4) Upon a third conviction within 24 months, measured from the date of the earliest conviction, if the offender has been granted or has applied for an alcohol license as a restaurant or as a late night establishment, such license shall automatically be suspended as of the date of the conviction, and proceedings initiated to revoke such alcohol license in accordance with the City of Pine Lake Alcohol Ordinance. The clerk of municipal court shall refer such third convictions to the attention of the city manager or her or his designee for action consistent with this paragraph.

#### **Secs. 16-158—16-193. Reserved.**

### **~~ARTICLE VIII. VEGETATION~~**

#### **~~Sec. 16-193. Vegetation and debris.~~**

~~(a) **Vegetation.** There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks, paths, trails and streets, obstruct traffic control signs and devices and fire hydrants, or pose a risk of physical injury to the public.~~

~~(b) **Debris.** There shall not be maintained on a property for more than seven calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the county. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.~~

---

---

~~(c) Shared property. Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.~~

~~(d) Invasive vegetation. Invasive plant species on premises and exterior property shall be maintained whereby damage to existing trees and encroachment onto adjacent properties is prevented. Invasive plant species within the city are defined by the Georgia Exotic Pest Plant Council (EPPC) Invasive Plant List, which is maintained by the Center for Invasive Species and Ecosystem Health, University of Georgia: <https://www.gaepcc.org/list/>. The list includes, but is not limited to, English Ivy (*Hedera helix*), Chinese Wisteria (*Wisteria sinensis*), Kudzu (*Pueraria montana* var. *lobata*), *Elaeagnus umbellata*, Tree of Heaven (*Ailanthus altissima*), all Privet species (*Ligustrum* spp.), and all Bamboo species other than the native species River Cane, Switch Cane (*Arundinaria* spp.).~~

## ARTICLE VIII. DERELICT PROPERTY

### Sec. 16-200. Short title.

This article shall be known as the "Pine Lake Derelict Property Ordinance."

### Sec. 16-201. Definitions.

As used in this article, the term:

*Applicable codes* means any optional housing or abatement standard provided in O.C.G.A. tit. 8, ch. 2 as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. tit. 25, ch. 2; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. tit. 8, ch. 2 after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

*Closing* means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

*Drug crime* means an act that is a violation of O.C.G.A. tit. 16, ch. 13, art. 2, known as the "Georgia Controlled Substances Act".

*Dwellings, buildings, or structures* means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

*Graffiti* means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.

*Governing authority* means the City Council of the City of Pine Lake, Georgia.

*Interested party* means:

- (1) The "owner";

- 
- 1060 (2) Persons in possession of said property and premises;
- 1061 (3) Those parties having an interest in the property as revealed by a certification of title to the property
- 1062 conducted in accordance with the title standards of the State Bar of Georgia;
- 1063 (4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9; and
- 1064 (5) Any other party having an interest in the property whose identity and address are reasonably
- 1065 ascertainable from the records of the municipality or records maintained in the county courthouse or
- 1066 by the clerk of court; provided, however, interested party shall not include the holder of the benefit or
- 1067 burden of any easement or right-of-way whose interest is properly recorded which interest shall
- 1068 remain unaffected.

1069 *Municipality* means the City of Pine Lake, Georgia.

1070 *Owner* means the holder of the title in fee simple and every mortgagee of record.

1071 *Public authority* means the governing authority of the City of Pine Lake, any director of a public housing

1072 authority, or any officer who is in charge of any department or branch of government (municipal, county or state)

1073 relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or

1074 structures, or use of private property within the city.

1075 *Public officer* means the city manager, who is authorized to exercise the powers prescribed by article, and

1076 any officer or employee of the city, specifically including but not limited to code enforcement officers, to whom he

1077 delegates such authority.

1078 *Repair* means altering or improving a dwelling, building, or structure so as to bring the structure into

1079 compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal

1080 of debris, trash, and other materials present and accumulated that create a health or safety hazard in or about any

1081 dwelling, building, or structure.

1082 *Resident* means any person residing in the jurisdiction where the property is located on or after the date that

1083 the alleged nuisance arose.

1084

## 1085 **Sec. 16-202. Duty of owners of real property and structures thereon.**

1086 It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to

1087 construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in

1088 force within the city or such laws and ordinances that regulate and prohibit activities on private property and that

1089 declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property

1090 in violation of such codes, laws or ordinances.

## 1091 **Sec. 16-203. Declaration of public nuisance.**

1092 Every dwelling, building, or structure within the city that (i) is constructed or maintained in violation of

1093 applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial, or business use

1094 or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an

1095 imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural

1096 catastrophe; (iv) is vacant and used in the commission of drug crimes; (v) is occupied and used repeatedly for the

1097 commission of illegal activities, including facilitating organized crime or criminal enterprises, after written notice to

1098 the owner of such activities conducted therein; (vi) is abandoned; or (vii) is vacant for more than 6 continuous

1099 months, or periodically for 12 months; (viii) otherwise constitutes an endangerment to the public health or safety

1100 as a result of unsanitary or unsafe conditions, is hereby declared a public nuisance. Every private property within

1101 the city on which is being regularly conducted any activity or land use in violation of applicable laws and

1102 ordinances, including the zoning ordinance of this city, is hereby declared to be a public nuisance. Property that

---

may be deemed esthetically substandard or deteriorating shall not meet the definition of a public nuisance unless the overall condition or use of the property results in impaired health, safety, transmission of disease, infant mortality, or crime.

**Sec. 16-204. Powers of city manager or their designee.**

(a) In carrying out his duties pursuant to this article, the city manager or his designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

(1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists.

(2) To retain experts including certified real estate appraisers, qualified building contractors, and qualified building inspectors, engineers, surveyors, accountants, and attorneys.

(3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and

(4) To delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.

(b) In addition to the procedures set forth in this article, the city manager or his designee(s) may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

**Sec. 16-205. Complaint in rem in municipal court; procedure; lien; appeal.**

(a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of his findings. Such officer shall be guided in his investigation by documenting conditions including but not limited to:

(1) Defects therein increasing the hazards of fire, accidents, or other calamities;

(2) Lack of adequate ventilation, light, or sanitary facilities;

(3) Dilapidation;

(4) Disrepair by failure to conform to applicable codes and ordinances;

(5) Structural defects that render the structure unsafe for human habitation or occupancy;

(6) Uncleanliness; or

- 
- 1144 (7) The presence of graffiti that is visible from adjoining public or private property.
- 1145 (b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property  
1146 is unfit for human habitation or for commercial, industrial, or business use and not in compliance with  
1147 applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes  
1148 an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public  
1149 officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real  
1150 property on which such dwelling, building, or structure is situated or where such public health hazard or  
1151 general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested  
1152 parties in such dwelling, building, or structure. The complaint shall identify the subject real property by  
1153 appropriate street address and official tax map reference; identify the interested parties; state with  
1154 particularity the factual basis for the action; and contain a statement of the action sought by the public  
1155 officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be  
1156 held before the municipal court at a date and time certain and at a place within the county or municipality  
1157 where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after  
1158 the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to  
1159 the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for  
1160 hearing.
- 1161 (c) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is  
1162 unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in  
1163 compliance with applicable codes; is vacant and being used in connection with the commission of drug  
1164 crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe  
1165 conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue  
1166 and cause to be served upon the interested parties that have answered the complaint or appeared at the  
1167 hearing an order:
- 1168 (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a  
1169 reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the  
1170 owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or  
1171 structure so as to bring it into full compliance with the applicable codes relevant to the cited violation;  
1172 and, if applicable, to secure by closing the structure so that it cannot be used in connection with the  
1173 commission of drug crimes; or
- 1174 (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it  
1175 into full compliance with applicable codes relevant to the cited violations cannot be made at a  
1176 reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the  
1177 owner, within the time specified in the order, to demolish and remove such dwelling, building, or  
1178 structure and all debris from the property.
- 1179 For purposes of this section, the court shall make its determination of reasonable cost in relation to the present  
1180 value of the dwelling, building, or structure without consideration of the value of the land on which the structure is  
1181 situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be  
1182 considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti,  
1183 the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to  
1184 repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a  
1185 factor in the court's determination. The present value of the structure and the costs of repair, alteration, or  
1186 improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as  
1187 provided in O.C.G.A. tit. 43, ch. 39A, qualified building contractors, or qualified building inspectors without actual  
1188 testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to  
1189 bring the structure into compliance with the applicable codes relevant to the cited violations in force in the  
1190 jurisdiction.
-

- 
- 1191 (d) Notwithstanding the requirements of any other Code section in this chapter, if the owner fails to comply  
1192 with an order to repair or demolish the dwelling, building, or structure, the public officer shall cause such  
1193 dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or  
1194 demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any  
1195 time during which such action is prohibited by a court order issued pursuant to subsection (c) of this section  
1196 or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days  
1197 in which such abatement action shall commence. The public officer shall cause to be posted on the main  
1198 entrance of the building, dwelling, or structure a placard with the following words:
- 1199 "This building is unfit for human habitation or commercial, industrial, or business use and does not  
1200 comply with the applicable codes or has been ordered secured to prevent its use in connection with  
1201 drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or  
1202 unsafe conditions. The use or occupation of this building is prohibited and unlawful."
- 1203 (e) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable  
1204 materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of  
1205 salvaged materials shall be used or applied against the cost of the demolition and removal of the structure,  
1206 and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials  
1207 may be made without the necessity of public advertisement and bid. The public officer and governing  
1208 authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged  
1209 materials, including, without limitation, defects in such salvaged materials.
- 1210 (f) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred  
1211 by the tax commissioner, and all other costs necessarily associated with the abatement action, including  
1212 restoration to grade of the real property after demolition, shall be a lien against the real property upon  
1213 which such cost was incurred.
- 1214 (g) The lien provided for in subsection (e) shall attach to the real property upon the filing of a certified copy of  
1215 the order requiring repair, closure, or demolition in the office of the clerk of superior court in DeKalb County  
1216 and shall relate back to the date of the filing of the lis pendens notice required under subsection (a). The  
1217 clerk of superior court shall record and index such certified copy of the order in the deed records of the  
1218 county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the  
1219 property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After  
1220 filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of  
1221 the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs  
1222 to the county tax commissioner.
- 1223 (h) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the  
1224 collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real  
1225 property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including  
1226 specifically O.C.G.A. § 48-4-5; provided, however, that the limitation of O.C.G.A. § 48-4-78 that requires 12  
1227 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that  
1228 redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80  
1229 and 48-4-81. The tax commissioner may initiate enforcement of liens imposed under this section at any time  
1230 following receipt of the final determination of costs from the public officer. The unpaid lien amount shall  
1231 bear interest and penalties from and after the date of final determination of costs in the same amount as  
1232 applicable to interest and penalties on unpaid real property ad valorem taxes.
- 1233 (i) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose  
1234 ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering  
1235 collection of the lien. Any such amount collected and retained for administration shall be deposited in the  
1236 general fund of the county to pay the cost of administering the lien.
- 1237 (j) In addition to the remedies and powers authorized elsewhere in this chapter, the governing authority may  
1238 waive and release any such lien imposed on property upon the owner of such property entering into a
-



---

1239 contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling,  
1240 building, or structure on the property and demonstrating the financial means to accomplish such  
1241 rehabilitation.

1242 (k) Review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building,  
1243 or structure shall be by *writ of certiorari* to the superior court under O.C.G.A. § 5-3-29.

1244 **Sec. 16-206. Service of complaints or orders upon owners and parties in interest.**

1245 (a) Summons and copies of the complaint shall be served in the following manner:

1246 (1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject  
1247 dwelling, building, structure, or property within three business days of filing of the complaint and at  
1248 least 14 days prior to the date of the hearing.

1249 (2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint  
1250 and summons by certified mail or statutory overnight delivery, return receipt requested, to all  
1251 interested parties whose identities and addresses are readily ascertainable. Copies of the complaint  
1252 and summons shall also be mailed by first-class mail to the property address to the attention of the  
1253 occupants, if any;

1254 (3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of  
1255 the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such  
1256 county once a week for two consecutive weeks prior to the hearing; and

1257 (4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling,  
1258 building, structure, or property is located at the time of filing the complaint in municipal court.

1259 (b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the  
1260 hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a  
1261 prima facie showing of minimum procedural due process and shall constitute sufficient proof that service  
1262 was perfected.

1263 (c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner  
1264 provided in this section on every interested party who answers the complaint or appears at the hearing. Any  
1265 interested party who fails to answer or appear at the hearing shall be deemed to have waived all further  
1266 notice in the proceedings.

1267 **Sec. 16-207. Limitation of liability for code enforcement; no special duty created.**

1268 It is the intent of this article to protect the public health, life safety and general welfare of properties and  
1269 occupiers of buildings and structures within the city in general, but not to create any special duty or relationship  
1270 with any individual person or to any specified property within or without the boundaries of the city. Approval of a  
1271 permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof  
1272 that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and  
1273 regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to  
1274 impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or  
1275 breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law,  
1276 regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design  
1277 approval, inspection or other activity by the city, its officers, employees and agents, issuance of such permit,  
1278 approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it  
1279 shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy  
1280 such legal requirements.

---

---

**Sec. 16-208. General cleanliness of premises.**

The owner and occupant of property within the city shall each be independently responsible for keeping the premises, including all buildings thereon and the full yard thereof, clean and free from all garbage, refuse, filth, dirt, ashes, trash, rubbish, or other offensive materials.

(Ord. No. 2017-12-05, § 1, 12-12-2017)

**Sec. 16-209. Disorderly house.**

(a) Any person who keeps and maintains, either by himself or others, a common, ill-governed and disorderly house, to the encouragement of gaming, drinking, illicit drug activity, or other misbehavior, to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, before any person is charged under this subsection, written notice shall be given the owner of the property and the person in possession thereof by the chief of police stating the general, customary and common habits of the house, giving fair notice of this subsection and the conduct proscribed thereby.

(b) Any person who shall allow any boisterous, noisy, drunken or riotous persons to assemble or remain in their house, apartment or upon their property, after receiving oral notice from a police officer that boisterous, noisy, drunken or carousing activities have caused complaint and annoyance to the common disturbance of the neighborhood or orderly citizens, shall be guilty of an offense against the city; provided, however, no person shall be charged under this subsection unless the owner or person in possession of the premises has been afforded an opportunity to disburse the assembly or offending person from the premises. This subsection shall not preclude a police officer from arresting any individual for criminal trespass where such individual knowingly and without authority remains on private property after being notified by the owner or lawful occupant to depart.

~~**Sec. 16-210. Violations; enforcement penalties.**~~

~~Any person who willfully refuses to comply with the provisions of this article shall be cited to appear before the municipal court and, upon conviction, shall be fined not less than \$100.00 and not more than \$1,000.00 and shall be subject to the provisions of section 1-11; each day of continued violation, after citation, shall constitute a separate offense. In addition to the foregoing fines, upon conviction, the director shall discontinue the public water supply service at any premises upon which there is found to be a cross-connection, auxiliary intake, by-pass, or inter-connection, and service shall not be restored until such cross-connection, auxiliary, by-pass, or inter-connection has been discontinued.~~

**Secs. 16-210—16-300. Reserved.**

**ARTICLE X. BLIGHTED PROPERTY**

**Sec. 16-301. Purpose.**

The existence of real property that is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

---

In furtherance of its objective to eradicate conditions of slum and blight within the city, this board of commissioners, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

## **Sec. 16-302. Definitions.**

*Blighted property, blighted, or blight* means any urbanized or developed property that:

(1) Presents two or more of the following conditions:

- a. Uninhabitable, unsafe, or abandoned structure;
- b. Inadequate provisions for ventilation, light, air, or sanitation;
- c. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- e. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
- f. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of aesthetic conditions.

*Building inspector* means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

*Community redevelopment* means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

*Governing authority* means the City Council of the City of Pine Lake, a Georgia municipal corporation.

*Millage or millage rate* means the levy, in mills, that is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund expenses for the fiscal year.

*Person* means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

---

1358 *Public officer* means the city manager or such officer or employee of the city as designated by the city  
1359 manager to perform the duties and responsibilities hereafter set forth in this article.

1360 **Sec. 16-303. Ad valorem tax increase on blighted property.**

- 1361 (a) There is hereby levied on all real property within the city that has been officially identified as maintained in a  
1362 blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied  
1363 to the property, so that such property shall be taxed at a higher millage rate generally applied in the  
1364 municipality, or otherwise provided by general law; provided, however, real property on which there is  
1365 situated a dwelling house that is being occupied as the primary residence of one or more persons shall not  
1366 be subject to official identification as maintained in a blighted condition and shall not be subject to increased  
1367 taxation.
- 1368 (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official  
1369 designation of a real property as blighted.
- 1370 (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the  
1371 city manager and used only for community redevelopment purposes, as identified in an approved urban  
1372 redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit  
1373 building and structures.

1374 **Sec. 16-304. Identification of blighted property.**

- 1375 (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and  
1376 subject to increased taxation, the following steps must be completed:
- 1377 (1) An inspection must be performed on the parcel of property. In order for an inspection to be  
1378 performed,
- 1379 a. A request may be made by the public officer or by at least five residents of the city for inspection  
1380 of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or
- 1381 b. The public officer may cause a survey of existing housing conditions to be performed, or may  
1382 refer to any such survey conducted or finalized within the previous five years, to locate or  
1383 identify any parcels that may be in a blighted condition and for which a full inspection should be  
1384 conducted to determine if that parcel of property meets the criteria set out in this article for  
1385 designation as being maintained in a blighted condition.
- 1386 (2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection  
1387 (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the  
1388 conditions found to exist on the property on the date of inspection shall be made and supplement the  
1389 inspection report. Where compliance with minimum construction, housing, occupancy, fire and life  
1390 safety codes in effect within the city are in question, the inspection shall be conducted by a certified  
1391 inspector possessing the requisite qualifications to determine minimal code compliance.
- 1392 (3) Following completion of the inspection report, the public officer shall make a determination, in writing,  
1393 that a property is maintained in a blighted condition, as defined by this article, and is subject to  
1394 increased taxation.
- 1395 (4) The public officer shall cause a written notice of his determination that the real property at issue is  
1396 being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax  
1397 digest of DeKalb County as responsible for payment of ad valorem taxes assessed thereon; provided,  
1398 however, where through the existence of reasonable diligence it becomes known to the public officer  
1399 that real property has been sold or conveyed since publication of the most recent tax digest, written  
1400 notice shall be given to the person(s) known or reasonably believed to then own the property or be
-

---

chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location where the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice to request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.
- (c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the designated legal organ in DeKalb County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of DeKalb County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.
- (e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of DeKalb County for a writ of certiorari within 30 days of issuance of the court's written determination.

#### **Sec. 16-305. Remediation or redevelopment.**

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property that has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:
- (1) Completion of work required under a plan of remedial action or redevelopment approved by the city's planning and development director that addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
  - (2) Completion of work required under a court order entered in a proceeding brought pursuant to article II or article IX of the Code of Ordinances of the City of Pine Lake.
- (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no

---

longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of DeKalb County.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the director of the city's planning and development department, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources that will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

#### **Sec. 16-306. Decrease of tax rate.**

(a) Real property that has had its designation as maintained in a blighted condition removed by the public officer, as provided in section 16-304, Identification of Blighted Property, of this article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.


#### **Sec. 16-307. Notice to tax commissioner.**

It shall be the duty of the public officer to notify the Tax Commissioner of DeKalb County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the DeKalb County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.



## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** May 27, 2025

**TITLE:** Ordinance Amendment to Enact Chapter 16 – Public Nuisances

### **RECOMMENDATION**

Approve ordinance amendment to enact Chapter 16 – Public Nuisances.

### **BACKGROUND**

As provided in the City of Pine Lake's City Council Retreat Report, October 25, 2024, four strategic priorities (goals) were discussed and set forth. Goal number 4 prioritized the revamping of city codes and ordinances with an emphasis on code enforcement on a city-wide basis. Objectives included:

- Implement a robust plan to pursue code enforcement on an immediate basis utilizing what is currently in place for code enforcement.
- Define the types of codes desired and focus on updates.
- Research 3-5 different samples of other cities and their code enforcement practices, such as Suwannee, Canton, Woodstock, and Roswell.
- Review downtown boundaries and define a comprehensive plan for conditions, standards, and expectations.

During the City Council's Planning Retreat held on March 28, 2025, the City Attorney was provided direction to draft an enforceable code for compliance with policy based community standards. Originally, the code enforcement draft along with discussion was scheduled for the June 10, 2025 Work Session.

However, as advised by the City Attorney in a communication to the Mayor and Council on May 13: "We made a decision to advance the Code Enforcement changes to this meeting [May 13, 2025] because the comprehensive nature of the changes will require more thought and potential for public input before asking the Council to vote, which is scheduled for the end of June, as discussed during your retreat."

On May 8, the City Attorney advanced an initial draft with summary:

*"Mayor and Council:*

*I attach here the draft of the changes to your Code that we are recommending to combat the blight and challenges you have encountered with remedying problem properties. As currently drafted, your code only affects properties in foreclosure or that are bank owned. It does not offer remedies for owners and owner/occupiers that do not maintain their property.*

*Several things to be noted in this draft and discussed on Tuesday:*

- 1. The proposed Code is a wholly new set of sections and ordinances related to property maintenance and management.*
- 2. There is a comprehensive discussion of issues to be addressed, starting with the City's adoption of the International Property Maintenance Code of 2021, which is currently an optional code approved by the Georgia Department of Community Affairs. The State approved version is available at the link.*
- 3. The Code amendments as presented create criminal violations for the property owner's failure to comply. This authorizes the Municipal Court to fine or incarcerate property owners. I do not recommend this be the process you follow. Quality of Life ordinances such as this need to be about compliance not punishment. We can discuss these options in more detail on Tuesday.*
- 4. The Council should authorize a separate division or authorize the Chief Municipal Court judge to establish a special day, once per month, to address code enforcement cases, rather than lumping them into regular arraignment or trial days. I have discussed this with Judge Wiggins and she is amenable to this suggestion if the Council acts.*
- 5. Not all of the proposed sections or Chapters have to be adopted. Please let me know if you think the proposals go too far or not far enough.*
- 6. I have spoken with Ned and he will create a special page for the website with the proposed language of the new ordinance for the community to review. That page will be live before your meeting on Tuesday. A link on the landing page of the website will be added that will take interested residents to proposed amendments to the Code of Ordinances.*
- 7. The language to be considered offers a number of policy choices and I am happy to discuss those in detail with you either on Tuesday or privately.*

*Please feel free contact me at your leisure if you have any questions or concerns.*

*Best regards,*

*Chris*

*Chris Balch*

*Lawyer*

*Balch Law Group*

*830 Glenwood Ave., Suite 510-220*

*Atlanta, GA 30316*

*404/202-5934 (M)"*

Stanley D Hawthorne  
City Manager  
stanleyhawthorne@pinelakega.net  
426 Allgood Road Stone Mountain GA 30083  
PO Box 1325 • Pine Lake, GA 30072 • 404-999-4932  
www.pinelakega.net



Following the May 13, 2025 City Council Work Session based on the feedback received from governing body members, City Attorney Balch was able to revise the original draft in time for a first reading of the ordinance amendment at the May 27, 2025 Regular Meeting.

### **RESOURCE IMPACT**

As the City Council had previously requested a Special Work Session at its March 28 Planning Retreat to discuss their priorities and preferences of a bona fide code compliance and/or enforcement program to be developed with an expectation of sufficient resources to implement, a budget modification placeholder of \$50,000 was recommended for future contracted services and approved as part of the Fiscal Year 2025 Budget Amendment at the City Council April 29, 2025 Regular Meeting.

### **ATTACHMENTS**


Ordinance

Chapter 16 – Public Nuisances Revised draft



## COUNCIL AGENDA MEMORANDUM (CAM)

**TO:** Honorable Mayor and Council Members

**FROM:** Stanley D Hawthorne, City Manager 

**DATE:** June 24, 2025

**TITLE:** Proposed Revisions to Pine Lake Personnel Policy

### **RECOMMENDATION**

Approve resolution to amend the Personnel Policy of the City of Pine Lake related to disciplinary procedures, right to appeal, and grievance procedures.

### **BACKGROUND**

The City Council previously authorized on or about February 13, 2012, and published an Employee Handbook establishing policies and procedures to be followed by employees. The City has amended that policy on at least two occasions: October 14, 2013 and November 8, 2022.

With the change of the City Charter and form of government in 2024, it is recommended by the City Manager and City Attorney that the City Council expressly finds and recognizes that additional changes specifically related to employee discipline should be approved as outlined in the sectional details provided in the resolution attachment.

### **RESOURCE IMPACT**

There is no cost impact.

### **ATTACHMENTS**

Resolution

A RESOLUTION TO AMEND THE PERSONNEL POLICY OF THE CITY OF PINE LAKE  
RELATED TO DISCIPLINARY PROCEDURES, RIGHT TO APPEAL, AND GRIEVANCE  
PROCEDURES, TO PROVIDE FOR AN EFFECTIVE DATE, TO ALLOW FOR THE  
CORRECTION OF SCRIVENER'S ERRORS, AND FOR OTHER PURPOSES

WHEREAS, the City of Pine Lake ("Pine Lake") is a Georgia Municipal Corporation, authorized and existing under the laws of the State of Georgia, and

WHEREAS, the Governing Authority of the City of Pine Lake has previously authorized on or about February 13, 2012, and published an Employee Handbook establishing policies and procedures for to be followed by and with employees, and

WHEREAS, the City has amended and revised that Policy on at least two occasions, October 14, 2013 and November 8, 2022, and

WHEREAS, the Governing Authority expressly finds and recognizes that additional changes, specifically related to employee discipline, should be approved upon the recommendation of the City Manager and City Attorney.

NOW THEREFORE, the Governing Authority of the City of Pine Lake, in an open and public meeting, amends as shown below, the "DISCIPLINE PROCEDURES" delineated in the Pine Lake Employee Handbook (deletions are shown by ~~strike-through~~, additions are shown in red):

**SECTION 1:**

**Discipline Procedures**

Your supervisor is responsible for ensuring that City Policies, procedures, and rules are followed, and for taking disciplinary action when rules are not observed. Disciplinary action taken depends on the severity of the violation as stated under the section on Standards of Conduct. Disciplinary actions generally follow a progressive disciplinary process, but are not required to as the City retains the discretion and authority to skip one or more steps because of the conduct occurring, its frequency and repetition, or the threat to the health, safety, or welfare of the Employees or Citizens and Residents of Pine Lake.

This process includes:

- 1) Verbal warning for a first violation of the Standards of Conduct. The supervisor meets with the employee to discuss the problem or infraction, and the supervisor places a dated memo in the employee's personnel file.
- 2) Written Warning for the second violation. A memo signed by employee and ~~supervisors~~ supervisor(s) is placed in the personnel file of the employee, along with corrective action for solving the problem or avoiding the infraction.
- 3) ~~Final Notice for the third violation. A memo signed by both parties is filed in the employee's file.~~ Suspension for up to 5 days without pay. Depending on the infraction, or

the number and frequency of prior infractions, the Employee may be suspended for up to 5 work days, or shifts, with the concurrence of the City Manager.

- 4) ~~Termination for the fourth offense.~~ Termination. Upon consultation by the supervisor with the City Manager and the City Attorney, an employee may be terminated for repeated violations of the Standards of Conduct, for conduct deemed sufficiently egregious by the City Manager (after consultation with the City Attorney), or for any threat to the health, safety, or welfare of any Employee, Citizen, or Resident of the City.

Disciplinary action for violations of City rules will be compounded while the discipline is in effect, meaning that additional infractions that occur while an employee is under a verbal or written warning, or within 30 days of the return to work following a suspension, shall be considered as more egregious or more serious than in isolation. ~~For example, a Written Warning for excessive absenteeism, followed by an act of insubordination, would result in a Final Notice.~~

~~Disciplinary Action is generally in effect for a rolling one year period. This means that if a Written Warning is given in February, a violation in July of that same year will result in a Final Notice. However, if a Written Warning is given in February and another violation does not occur until after February of the following year, the original Written Warning will not result in a Final Notice for the subsequent violation. Note, however, that discipline may be accelerated and an employee may be terminated for a first violation depending on the severity of the conduct.~~

~~To ensure consistent treatment, all disciplinary action is subject to review pursuant to the Grievance Procedure. Should an employee feel that he/she has been disciplined unjustly or too harshly, the employee may follow the Grievance procedure stated in this handbook to appeal such discipline.~~

### Termination of Employment

If after the decision-making leave ~~suspension or other-disciplinediscipline~~, the staff member's performance does not improve to the satisfaction of the supervisor, employment will ~~may~~ be terminated.

### Administrative Leave

If it is determined that an employee may have been involved in misconduct, ~~s/he~~ **they** may be placed on administrative leave with ~~or without~~ pay for a period of up to two weeks. This administrative leave is for the purpose of conducting an investigation to determine the extent of the employee's role in such acts and/or for the purpose of exploring necessary disciplinary actions.

### Dismissal Policy

~~City policy is to make every effort to retain good employees and provide every opportunity for continued employment. When this is not possible, described procedures will be followed. Where circumstances warrant, The City may skip one or more these procedures and immediate dismissal may result.~~



## RIGHT TO APPEAL

The right to appeal shall not apply to verbal or written warnings.

Any employee wishing to file an appeal to a ~~disciplinary action~~ **suspension or termination** must file a written request to appeal with the ~~Director of Administration~~ **City Manager** within ten (10) days of the adverse action. The appeal will be heard by the ~~City Council at the next regularly scheduled City Council Meeting~~ **City Manager as soon as practicable following receipt of the written appeal**. The ~~appellee shall have the right to be represented by counsel and to subpoena witnesses~~. Decisions of the ~~City Council~~ **Manager** shall be final. ~~Decisions of the City Council may be appealed to the Superior Court of DeKalb County by writ of certiorari~~ **Final administrative decisions may be appealed pursuant to the Superior and State Court Appellate Procedure Act.**

## GRIEVANCE PROCEDURES

This policy shall not apply to any disciplinary process.

Good communications with all employees is desired. A healthy organization requires that employees freely and openly discuss problems with their supervisors and management.

The City is no different than any other company in that occasional mistakes and/or misunderstandings will inevitably occur. When a problem arises, employees are encouraged to come forward and discuss their views with their supervisor. In most situations, employees can receive a timely answer from their supervisor.

If there is a problem, please discuss the matter with your supervisor first, unless the issue involves your supervisor in which case you may consult the City Manager. If you are not satisfied with the response from your supervisor, you should indicate your concerns in writing and submit them to your supervisor. Generally, your supervisor will respond within five working days if your supervisor is ~~in the office~~ **at work** during that time. If your supervisor's written response is not satisfactory, then you should submit an appeal of the supervisor's action or determination in writing to your ~~Department Director within 10 working days of receiving your supervisor's response~~. The ~~Department Director may investigate the matter independently and will inform you in writing of his/her determination within 10 working days, if he/she is in the office during that time~~. If you remain unsatisfied with the response you received, you should submit a written appeal to the ~~Director of Administration within 10 working days of receiving your department head's response~~. If the response you receive from the ~~Director of Administration is not satisfactory, you may request a meeting with the Mayor, the Director of Administration and your supervisor to discuss your concerns~~ **the City Manager**. The **City Manager may inquire into the circumstances of the dispute and should, if circumstances permit, respond within 10 work days of the submission of the appeal. Any response from the City Manager is final and not subject to further appeal or review.**

We encourage employees to use this procedure when, from time to time, they have complaints or misunderstandings regarding any employment practice, including **but not limited to** performance reviews and payroll issues.

**SECTION 2:**

This Resolution shall take effect immediately upon passage and shall apply to any and all employment decisions, discipline, or other applicable events that occur after its effective date.

**SECTION 3:**

The City Clerk, in consultation with the City Attorney, is authorized to make such corrections to scrivener's errors as may be necessary to give effect to the intent of the City Council.

ADOPTED by the Mayor and Council of the City of Pine Lake, this 24th day of June 2025.

\_\_\_\_\_  
BRANDY HALL  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
NED DAGENHARD  
Acting City Clerk

\_\_\_\_\_  
CHRISTOPHER D. BALCH  
City Attorney