

**City of Fairburn**  
**Department of Community Development**  
**Code Enforcement Division**



**Common Ordinances and Procedures**

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## **Tall Grass 62-387**

-A yard is considered in violation if a significant portion of the yard is over 6 inches in height.

-If yard is not in compliance within 48 hours, a 5 day violation notice\* will be issued.

-If the resident complies within 5 days, no further action is taken.

-If the resident does not comply within 5 days, a citation is issued immediately.

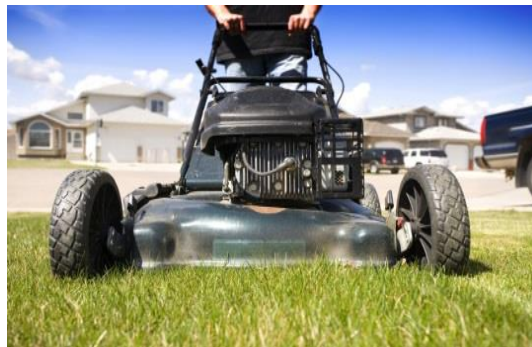
Example: A 5 day notice is issued at 12:00 pm on July 1<sup>st</sup>. If not in compliance by 12:01pm on July 8<sup>th</sup>, a citation should be issued.

-If a resident has previously been issued a 5 day violation notice within the previous 12 month period, and they fail to maintain compliance, they may be issued a citation immediately without an additional violation notice.

-After issuance of a citation, each additional day in violation will be subject to an additional fine (up to \$150/day) until compliance is reached.

- Tall grass in areas maintained by the City of Fairburn should be reported to the Street Department (770-964-2244 EXT 401)

\*5 business days



## **Parking Vehicle on Grass 80-337(b)**

-If an automobile is parked on the grass or lawn of a residence, a 5 day violation notice shall be issued.\*

-If the resident complies within the 5 day period, no further action is taken.\*\*

-If the resident does not comply within 5 days, a citation is issued immediately.

-After the expiration of the 5 day violation notice, if the resident violates the ordinance again within a 12 month period, they may be cited immediately.

\*Code Officer is to use discretion and consider if the resident is moving, having a function, or another legitimate reason for temporarily parking on grass.

\*\*Code Officer can inform the resident that they may comply by placing gravel, stone, or similar product in the parking area. The resident will have the responsibility of getting permission from Home Owner's Association if applicable.



## **Abandoned Vehicle 62-387**

-If an automobile is found to be abandoned, due to being inoperable, being without current tag, OR being in general disrepair, a 5 day\*\*\* violation notice shall be issued.\*

-If the resident complies within the 5 day period, no further action is taken.\*\*

-If the resident does not comply within 5 days, a citation is issued immediately.

-After the expiration of the 5 day violation notice, if the resident violates the ordinance again within a 12 month period, they may be cited immediately.

-After issuance of a citation, each additional day in violation will be subject to an additional fine (up to \$150/day) until compliance is reached.

-Cars parked in the street (abandoned or otherwise) fall under the jurisdiction of Fairburn Police Department (404-730-7911). They should be contacted to remedy the situation as Code Enforcement officers have no jurisdiction to enforce this ordinance on public streets.

\* If an automobile is covered, the officer is not to lift cover to inspect tag. However, if the Code Officer reasonably suspects the car to be inoperable (flat tires, missing parts on the ground, etc), he/she may request the owner prove it is operable.

\*\*Owner of abandoned vehicle may comply by obtaining current tag and proving the car is operable, or they may also remove the car to a garage or a carport.

\*\*\* 5 Business Days



## **Exterior Maintenance 302.1**

-If a home's exterior is found to be in disrepair, a violation notice is issued, allowing the owner/occupant up to 14 days to come into compliance.\*

External Maintenance can include, but are not limited to: fallen gutters, damaged siding, dirty siding, broken garage door, broken glass windows.

-If the resident complies within the 14 day period, no further action is taken.\*\*

-If the resident does not comply within 14 days, a citation is issued immediately unless other arrangements, suitable to the officer and supervisor, are established.

-Code Officer and supervisor will use discretion in determining what constitutes an exterior maintenance violation based on severity of the issue.

\*This process is given slightly more time than typical ordinances, giving the owner time to identify a contractor and obtain resources to pay the contractor to correct the violation.



## **Dogs/Animals Running at Large 11-53**

-If a dog is observed to be roaming without a leash, and the owner does not seem to be in the immediate area, an attempt should be made to determine if anyone nearby knows the dog or its owner.

-If the owner is located, a 5 day violation notice shall be issued.

-If the resident complies within the 5 day period, no further action is taken.

-If the resident does not comply within 5 days, a citation is issued immediately.

-If no owner can be located, a call to Fulton County Animal Control (404-613-0358) should be made immediately.

-If the dog appears to be vicious, Code Officer should attempt to keep a watch on the animal while waiting on Animal Control to arrive. If no time of arrival is given by Animal Control, the officer should make an attempt to warn neighbors in the area of the loose animal.



## **Debris, Trash, Dilapidated Furniture 62-387**

-If furniture, trash, appliances are left on premises of a residence, a 5 day\*\* violation notice shall be issued.\*

-If the resident complies within the 5 day period, no further action is taken.

-If the resident does not comply within 5 days, a citation is issued immediately.

-After the expiration of the 5 day violation notice, if the resident violates the ordinance again within a 12 month period, they may be cited immediately.

-After issuance of a citation, each additional day in violation will be subject to an additional fine (up to \$150/day) until compliance is reached.

\*If items are placed near the curb, the Code Officer should ask the resident if they have called for an “extra item pickup” from the street department (770-964-2244 EXT. 401).

\*\*5 Business Days





## **Illegal Dumping 65-560**

-If a Code Officer observes illegal dumping occurring, he/she should immediately notify a supervisor so the issue can be addressed by the Police Department.

Examples of illegal dumping: numerous tires, trash items, and furniture often dumped on a remote site.

-If the person responsible for the dumping cannot be determined, it shall be the property owner's responsibility to remedy the situation, and, if possible, secure the area to prevent future dumping.

-Depending upon severity of the problem, Code Officer and supervisor will use discretion with determining time period allowed for clean-up.



## **Occupational Tax Violations 14-24**

-If someone is suspected of operating a business within the city without an occupational tax license, Code Officer will investigate to determine if the resident is in compliance.

-If found to operating a business without a license, resident will have 5 business days to cease conducting business or obtain an occupational tax license.

-Failure to obtain a license within the given period will result in periodic citations until compliance is met.

-Occupational tax licenses are due for renewal Jan 1<sup>st</sup> of each year and are considered late if not paid by April 1<sup>st</sup> of that year.

-Code Officer will inquire at each business to determine if it is operating without a current license, out of business, or in compliance.

-If out of business, officer makes a note of business name and license number and removes business from list.

-If the business has a current license, a notation is made and no further action is taken.

-If the business is operating, they will be issued a verbal warning, written violation notice, or citation, based on supervisor's instructions.



## **Nuisances (Barking/ Loud Music/Noise) 65-529**

-Because nuisances often occur after code enforcement operating hours, they are addressed as follows:

-If a Code Officer receives a report of a nuisance, the officer will attempt to verify the accuracy of the report.

-If the report is found to be credible, a 5 day\* notice is issued.

-If the violation is reported to be occurring after hours, it may be necessary for the complainant to make an audio/video recording with a time stamp, and be willing to testify to the validity of the offence in court.

-They may also need to contact non-emergency police (404-730-7911) at the time the nuisance occurs for added evidence and credibility.

-If the resident complies within the 5 day period, no further action is taken.

-If the resident does not comply within 5 days, a citation is issued immediately.

-After the expiration of the 5 day violation notice, if the resident violates the ordinance again within a 12 month period, they may be cited immediately.

\*5 Business days

\*\* In order to prove a nuisance violation, the complainant may be required to testify in court to the legitimacy and frequency of the nuisance.



## **Illicit Discharge 65-258**

-If a Code Officer observes the discharge of any hazardous or illegal substance, they are to immediately investigate the issue, identify the responsible party, and report the incident to a supervisor for help in determining the fastest remedy.

Examples of Illicit Discharge are (sewage, large amounts of motor oil, hazardous substances leaking into storm drain)

-If the responsible party is present, a 5 day violation notice should be issued.

-If the resident complies within the 5 day period, no further action is taken.

-If the resident does not comply within 5 days, a citation is issued immediately.

-If it is determined that the illicit discharge is intentional or willful, the offender may be cited immediately.

-Depending upon severity, supervisor will determine if EPA needs to be contacted and/or water/sewer services disrupted.



## **New Fence Construction 80-190**

-If an officer observes that a new fence is being constructed, they should inquire if a permit has been obtained (Permit should be in a visible location)

-If a permit from the Building Department is on site, the incident is noted, and no further action is taken.

-If no permit has been obtained, a stop work order will be issued until a permit is obtained.

FYI #1- All swimming pools must be enclosed inside locking fence not less than 5 feet high.

FYI #2- Fences 4 feet and under do not require a permit.



## **Building Site Inspections 65-22**

### **Soil & Erosion Violations**

-Site inspections for soil and erosion control are to be performed up to 1-3 times weekly depending on stage of development and risk of erosion.

-Sites are to be checked for compliance with plans and proper use of Best Management Practices (BMPS).

-If any deficiencies are found, they are to be immediately addressed to the supervisor/foreman of the site for correction.

-For minor infractions that are quickly and easily fixed, a verbal notice should be given.

-For infractions that need immediate attention and are more serious in nature, a Notice to Comply shall be issued, giving the builder 5 days to comply.

-For emergency (or potential emergency) situations, a stop work order is issued, requiring all work to be stopped on ENTIRE site until infraction is resolved.

-If the builder complies within the 5 day period, no further action is taken.

-If the builder does not comply within 5 days, a citation is issued immediately.



## **Tree Removal Permits 74-32**

-If Code Officer receives a request for a tree removal permit, they are to have the resident to complete the application in its entirety, stating the reason for request.

-The officer will need to then inspect the tree to ensure it meets the requirements to be removed (dying, leaning, disrupting foundation, etc).

-If requirements are met, the officer is to take pictures, issue permit, and turn in a copy of permit to supervisor for filing.



## **Signs in Right of Way 80-430**

-If an unpermitted sign is determined to be in the City/State Right of Way, it shall be removed immediately when possible.

-If not feasible for removal by Code Officer, owner of the sign will be given 5 business days to remove or face a citation.

-Repeated violators shall be issued warnings and eventually cited if they persist to violate the ordinance.

\*\*FYI- During election season, more leeway is given to candidates so they may effectively operate their campaign. Signs are allowed in certain areas as determined by city leadership.





## **Sign Compliance 80-430**

### **Illegal Sign or Banner**

- Code Officers shall coordinate with the Planning and Zoning Department, to maintain awareness of all approved signs and banners.
- If a sign is found to be out of compliance, a 5 day violation notice shall be issued.
- If the resident/business complies within the 5 day period, no further action is taken.\*
- If the resident/business does not comply within 5 days, a citation is issued immediately.
- After the expiration of the 5 day violation notice, if the resident violates the ordinance again within a 12 month period, they may be cited immediately.

\*Compliance can be met by removal of sign/banner or by acquiring permit within 5 days.



## **Eviction Process**

-Evictions are complex situations that must be addressed quickly for safety and quality of life reasons.

-They are handled with cooperation between departments, starting with Code Enforcement.

-Upon being notified of an eviction, we will immediately place a Care of Premises (62-387) violation on property, send a notice through the mail, and work with the Utility department and other sources to determine the owner/landlord.

-Typically, the home is brought into compliance well before our 5 (business) day notice expires.

-However, if the home is not brought into compliance within this time, we will coordinate with the Street Department or private contractor to bring the property into compliance by removing debris, furniture, and trash.



## **Frequently Asked Questions (FAQs)**



*Who do I call for Debris/Tree limb pick-up?*

The Street Department can assist residents with placing a work order to remove debris, furniture, or tree debris from their property. They can be reached at 77-964-2244 x 401.

*Who do I call for potholes, detention pond maintenance, sidewalks, and street sign issues?*

The Street Department can assist residents with placing a work order to address these issues in most cases. They can be reached at 77-964-2244 x 401.

*Who do I call for abandoned cars parked in the street in my subdivision?*

Public streets are under the jurisdiction of Fairburn Police Department. Their non-emergency contact is 404-730-7911.

*Who do I call for dangerous or suspected neglected animals?*

In most Animal Control would be the point of contact for dangerous or neglected animals due to the training and tools they have to deal with these situations. They can be reached at 404-613-0358.