



AN ORDINANCE

BY COUNCILMEMBER CEASAR MITCHELL

 04-0-0438

AN ORDINANCE TO AMEND SECTION 22(b) OF THE ATLANTA HOUSING CODE AND SECTION 17-901(a), CHAPTER 9, PUBLIC NUISANCES, OF THE CODE OF ORDINANCES SO AS TO PROVIDE SAFE AND SANITARY HOUSING; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta recognizes the importance of policies and regulations which serve to create, preserve and maintain safe, decent, and sanitary housing; and

WHEREAS, the City of Atlanta is committed to regulate and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, welfare, and safety of its inhabitants; and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Appendix E Atlanta Housing Code of 1987, Article II, Section 22(b) be amended by deleting the existing section in its entirety and by inserting in lieu thereof the following:

(b) *Prohibited Acts.* No owner, operator or occupant of any occupied dwelling shall willfully cause the removal, interruption or discontinuance of any utility service including, but not limited to, water and heating facilities as defined in Section 21(f) during the four month period beginning on the first day of November 1 of each year and ending on the last day of February of the next succeeding year, or any required service or facility, including, but not limited to, operating sanitary facilities (such as toilets, water closets, urinals, etc.) or equipment except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. Failure to comply with this provision is unlawful and shall constitute an offense as provided in Section 18(d).

SECTION 2: That Part 17, Chapter 9, Section 17-9013(a), Public Nuisances, of the City of Atlanta Code of Ordinances be amended by deleting the existing section in its entirety and by inserting in lieu thereof the following:

(a) *Conditions Constituting Nuisance.* Any building, structure, enclosure, place or premises is a nuisance where it is perilous to life or property by reason of its construction, condition, quantity of its contents, or its use, or of the overcrowding at any time by persons therein. Other conditions that constitute a nuisance in occupied structures include, but are not limited to the following:



- (1) Lack of running water, operating sanitary facilities (such as toilets, water closets, urinals, etc.) or safe operating primary heating facilities as defined in Section 21(f) of the Atlanta Housing Code during the four month period beginning on the first day of November 1 of each year and ending on the last day of February of the next succeeding year;
- (2) Deficiencies in a structure's fire alarm or fire prevention equipment, or conditions in its construction likely to cause fire or the spreading of fire,
- (3) Conditions that would hamper or impede the fire department in combating a fire in or about the building;
- (4) Conditions of the walls, floors or roof such that the building is likely to fall on account thereof, that would endanger the safety of the general public;
- (5) Any dead or diseased tree or part thereof, which by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow the tree or part thereof onto public ways or public property, or onto private ways or private property (including other trees) off the property of the owner of the tree, and thereby imperil life or property or impede traffic. Upon receiving a written opinion from the city arborist that any tree or part thereof is a nuisance as herein defined, the director, bureau of buildings shall commence abatement proceedings with respect thereto in accordance with subsections (c) and (d) of this section."

SECTION 3. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

October 4, 2004
October 8, 2004

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		

04-0438

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ADOPTED BY

OCT 04 2004

COUNCIL

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

Date Referred 03/01/04

Referred To: C.D./R

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee C.D./R
 Date 3/9/04
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
6/1/04
 Refer To _____

Committee C.D./R
 Date 9/28/04
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
Upton Williams
DeMun Starks
James M. Stephens
 Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 OCT 04 2004
 ATLANTA CITY COUNCIL PRESIDENT
John D. Ford

CERTIFIED
 OCT 04 2004
Ronald Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

Amberlynn Smith
 MAYOR