

ORDINANCE NO. 833

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CONCERNING BUSINESS, AND APPENDIX A, TITLE 3, CHAPTER 300, OF THE CODE OF ORDINANCES CONCERNING SUBDIVISION AND DEVELOPMENT STANDARDS AND PROCEDURES, FOR THE PURPOSE OF REGULATING NUISANCE COMMERCIAL PROPERTIES; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, Article I, Section 4 of the City of Chamblee Charter provides that the City has the power to impose license fees or taxes upon business and occupations, and to adopt ordinances for the enforcement of such license and tax ordinances;

WHEREAS, Article I, Section 12 of the City of Chamblee Charter provides that the City has the power to abate nuisances;

WHEREAS, the City of Chamblee has had a recurring issue with commercial properties being leased to persons that lack necessary business, alcohol, and other licenses, and operate contrary to law;

WHEREAS, commercial properties where owners allow tenants to use their properties in violation of City ordinances and state laws endanger the public health, safety, and welfare;

WHEREAS, the City Council declares that such illegal business operations irreparably harm the City by endangering the public welfare and by burdening the City's law enforcement entities; and

WHEREAS, the City Council declares that a commercial property where illegal business operations continue after ten days' notice has been given to the owner of such property shall constitute a public nuisance subject to injunction and abatement;

BE IT ORDAINED AND IT HEREBY IS ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA AS FOLLOWS:

PART I

Chapter 22 of the Code of Ordinances shall be amended by adding a new Article XI, "Nuisance Commercial Properties," which shall read as follows:

ARTICLE XI. — NUISANCE COMMERCIAL PROPERTIES

Sec. 22-531 – Purpose

Sec. 22-532 – Definitions

Sec. 22-533 – Notice to property owner

Sec. 22-534 – Nuisance Commercial Properties declared a public nuisance

Sec. 22-535 – Remedies

Secs. 22-536—22-560 – Reserved

Sec. 22-531. – Purpose

The purpose of this article is to provide for the public health, safety, and general welfare by providing remedies against commercial properties that are used for unlawful activities.

Sec. 22-532. – 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:

Nuisance Commercial Property means any commercial real property where unlawful commercial activity has occurred and continues to occur more than ten days after the owner of the property has received written notice from the City of the unlawful commercial activity.

Unlawful Commercial Activity means, for purposes of this article, any business activity in the City that violates any provision of Chapter 6 of the Code (Alcoholic Beverages), Chapter 22 of the Code (Businesses), or the Unified Development Ordinance.

Sec. 22-533. – Notice to property owner

(a) The city manager or designee may provide written notice via email, personal delivery, or certified mail to the record owner of commercial real property that unlawful commercial activity has occurred on the owner's property.

(b) The written notice shall state:

- (1) The address where the unlawful commercial activity has occurred;
- (2) The Code provision(s) that the unlawful commercial activity violates; and
- (3) That the property where the unlawful commercial activity has occurred shall constitute a nuisance commercial property if, following ten days' notice to the property owner, the unlawful commercial activity at the property continues.

Sec. 22-534. – Nuisance Commercial Properties declared a public nuisance

A nuisance commercial property as defined in this article is a public nuisance.

Sec. 22-535. – Remedies

The city, through its attorney, may seek to enjoin or otherwise abate a nuisance commercial property under any procedure now or hereafter provided by law or equity for an injunction against, or abatement of, any nuisance or any unlawful activity. This article shall not limit any remedy available to the City at law or in equity to enjoin or abate a nuisance.

Secs. 22-536—22-560 – Reserved

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PART II

Appendix A, Title 3, Chapter 300, Section 300-3 shall be amended by deleting the definition of Nuisances in its entirety and replacing it with the following:

Nuisances: Any activity that endangers the health, welfare or good order of the community, including but not limited to one or more of the following:

- (1) Stagnant water on any premises;
- (2) Any dead or decaying matter, weeds or vegetation, or any fruit, vegetable, animal or rodent, upon any premises, which is odorous or capable of causing disease or annoyance to the inhabitants of the City;
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the City;
- (4) The pollution of public water or the injection of matter into the sewer system which would be damaging thereto, or the pollution of public water or the injection of matter or other non-stormwater discharges into the separate stormwater sewer;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) Obstruction of a public street, highway or sidewalk without a permit;
- (7) Any unauthorized accumulation of garbage or trash on any premises;
- (8) All walls, trees and buildings that may endanger persons or property;
- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent such activities;
- (10) Unused freezers, refrigerators and the like, unless the doors, latches or locks thereof are removed; and
- (11) Any commercial real property which satisfies the definition of Nuisance Commercial Property as defined in Chapter 22, Article 11 of the Code of Ordinances.

PART III

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

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PART IV

This Ordinance shall be effective immediately upon its adoption by the City Council.

The foregoing was proposed by Council member Robson with a motion that the same be adopted. Said motion was seconded by Council member Furst. Same was then put to a vote and 5 Council members voted in favor of the ordinance, and 8 Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this 18th day of February, 2025.

Cherron Bouie

Cherron Bouie
City Clerk, City of Chamblee, Georgia

Approved this 18th day of February, 2025

Brian Mock

The Honorable Brian Mock
Mayor, City of Chamblee, Georgia

Approved as to form:

Gene Bland
City Attorney

First reading: 01/30/2025

Second reading: 02/18/2025