



City of Fairburn Work Session Agenda

February 24, 2025
6:00 PM

The Honorable Mayor Mario Avery

The Honorable Mayor Pro-Tem Alex Heath
The Honorable Samantha Hudson
The Honorable Ulysses J. Smallwood

Mr. Tony Phillips
Mr. Rory Starkey
Ms. Brenda B. James

The Honorable Linda J. Davis
The Honorable Hattie Portis-Jones
The Honorable James Whitmore

City Administrator
City Attorney
City Clerk

- I. Meeting Called to Order: The Honorable Mayor Avery
- II. Roll Call: City Clerk
- III. Agenda Items:
 - 1. Permit and Compliance Update (**Planning & Zoning**)
- IV. Adjournment:

When an Executive Session is required, one will be called for for the following Issues:
(1) Personnel (2) Real Estate or (3) Litigation



CITY OF FAIRBURN WORK SESSION AGENDA ITEM

SUBJECT: Permit and Compliance Update

ITEM TYPE: Presentation

SUBMITTED: 02/17/2025 **WORK SESSION:** 02/24/2025 **COUNCIL MEETING:** N/A

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

Staff will present an update on the proposed text amendment, which addresses construction hours, stop work orders, inoperable vehicles, and various requests from community members.

HISTORY:

N/A

FACTS AND ISSUES:

The Planning and Zoning Department requested feedback from various stakeholders regarding compliance issues. The top areas of concern from community members are listed below:

1. Safety
2. Trees, weeds, or high grass
3. Housing Conditions
4. Trash, rubbish or similar items
5. Abandoned Motor Vehicles/Commercial Vehicles
6. Sense of Belonging
7. Vacant Property
8. Neighborhood Amenities

Staff is seeking feedback on proposed changes to address the community concerns and other field observations.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

N/A

ATTACHMENTS:

1. City Council _PZ_02172025



— PLANNING AND ZONING DEPARTMENT —

TOP PRIORITIES:

Safety

Trees, weeds, or high grass

Housing Conditions

Trash, rubbish, or similar items

Abandoned Motor Vehicles / Commercial Vehicles

Sense of Belonging

Vacant Property

Neighborhood Amenities

TOP COMPLIANCE CONCERNS:



- Overgrown grass
- Animal Control or Dogs
- Parking on Grass/Sidewalk/ Illegal Parking
- Exterior building maintenance
- Junk vehicles
- Trash and debris
- Illicit Discharge
- Yard Waste Disposal
- Tree maintenance
- Vacant Property
- Noise

STAFF UPDATE



Care of Premise

Community Toolkit
Overgrown Grass
Corner Visibility
(vision clearance for vehicles)
Inoperative vehicles



Exterior Building Maintenance

IPMC Regulations
(International Property Maintenance Code)



Noise

Update the 1980 sound regulations
Permits (Construction Hours)

(Current Regulations)

Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except on urgent necessity in the interest of public health and safety, and then only with a permit from the city building inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed by the city council for periods of three days or less while the emergency continues. If the city council determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways from 6:00 p.m. to 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest, the city council may grant permission for such work to be done from 6:00 p.m. to 7:00 a.m., upon application made at the time the permit for the work is applied for or during the progress of the work.

(Proposed Changes) Requirements for construction.

(a) Construction activity and deliveries shall be limited to:

Monday—Friday -7:00 a.m. to 7:00 p.m.

Saturday - 8:00 a.m. to 5:00 p.m.

There shall be no construction activity or deliveries on Sundays, New Year's Day, Thanksgiving Day, Christmas Day, Memorial Day, July 4th or Labor Day unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.

(b) Dumpsters or any onsite waste disposal equipment may not be located on the street. If adequate traffic controls can be implemented, the director or designee may approve the placement of dumpsters and onsite waste disposal equipment on a street so long as the street has a paved width greater than 24 feet.

(c) Portable toilets shall be located out of the right-of-way and at least 15 feet from any side property line.

(d) Wherever possible, temporary parking shall be provided onsite and not on the street.

(e) The applicant for construction on any lot shall be responsible for ensuring that all existing sewer services and taps from the buildings to the street are in operating condition prior to connection.

(Proposed Changes)

Stop order.

(a)Authority. Whenever the building official or other city staff finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

(b)Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. The stop work order shall be posted on the property and remain, under penalty of law, until the building official or designee authorizes its removal.

(c)Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to correct a violation or an unsafe condition, shall be subject to issuance of a court citation to appear in the municipal court of the city and upon conviction shall be subject to a fine and/or imprisonment in accordance with this Code. Where any offense continues from day to day, each day's continuance thereof shall be deemed a separate offense.

STAFF UPDATE

(Current Regulations)

Abandoned motor vehicle means any motor vehicle that is in a state of disrepair and incapable of being moved under its own power or any motor vehicle that does not possess a current motor vehicle license plate.

Residential property means any property, improved or not, zoned as residential property or when more than 50 percent of the adjacent or surrounding property (determined by lot division and not land area) is used for residential purposes.

(b) It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the storage of any abandoned, dismantled, wrecked, junked and/or inoperative motor vehicle, icebox, refrigerator, stove or other appliances, machinery and equipment, or the open storage of glass, building materials, building rubbish or similar items, except as permitted by the city zoning ordinance set forth in [chapter 80](#).

STAFF UPDATE

Inoperative vehicles.

A. No inoperative *vehicle*, as that term is defined in subsection B. of this section, shall be parked or stand on any private property for longer than thirty (30) days after written notice to remove such *vehicle* has been delivered by the city to the record owner of such *vehicle* or to the owner of the property on which such *vehicle* is located. Such *vehicles* are hereby determined to create conditions tending to reduce the value of private property, to promote blight and deterioration, to invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare of the public and, when on city streets, to create a traffic hazard and endanger public safety. This section shall not be the exclusive regulation of *abandoned*, wrecked, dismantled, or inoperative *vehicles* within the corporate limits of the city, but shall be supplemental and in addition to other regulations and regulatory codes, zoning ordinances, statutes, or provisions of law heretofore and hereafter enacted by the city, county, state or other legal entity or agency having proper jurisdiction.

B. An inoperative condition shall include, but not be limited to, any automobile, truck, *vehicle*, mobile machinery or trailer of any kind or type, or part thereof, the condition of which is one or more of the following:

1. Wrecked;
2. Dismantled;
3. Partially dismantled;
4. Inoperative (incapable of being moved under its own power);
5. *Abandoned*;
6. Discarded; or
7. One which does not have a valid license plate attached hereto.

C. The following conditions will permit the parking or standing of an inoperative *vehicle* on private property within the corporate limits of the city, provided that:

1. Such *vehicle* shall be fully enclosed within a building in residential zoning districts, provided the owner or occupant of the building is in the process of repairing or reconditioning the *vehicle* for personal use.
2. Such *vehicle* shall not be stored for the purpose of salvage or parts, but shall be in the process of repair or reconditioning.

D. Whenever any public officer of the city has reasonable cause to believe that an inoperative *vehicle* is being unlawfully maintained, or allowed to exist on any premises within the corporate limits of the city, such officer may enter said premises at all reasonable times for the purpose of inspecting said *vehicle*; provided that if said premises is occupied the public officer shall present proper credentials to the occupant prior to a request for entry. If said premises is not occupied, the public officer shall make a reasonable effort to locate the owner or other person having control of the premises. If entry is refused, the public officer shall have recourse to every legal remedy to secure entry, including an application for an inspection warrant from Fairburn Municipal Court.