



*Lovejoy*

A GREAT PLACE TO GROW AND PROSPER

**Bobby Cartwright, Mayor**

2296 Talmadge Rd.

P.O. Box 220

Lovejoy, GA 30250

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## **PUBLIC NOTICE**

Be advised that on August 21, 2017 the City Council adopted Sections 62.250 through 62.260 of Chapter 62 Offense and Miscellaneous Matters of the Code of Ordinances. These sections pertain to the permitting, construction, location and maintenance of all residential and commercial fences within the City of Lovejoy. For more information, contact City Hall at 770-471-2304.

**CITY OF LOVEJOY  
FENCE PERMIT APPLICATION \$100**

APPLICANT \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 PHONE \_\_\_\_\_  
 \_\_\_\_\_

OWNER  
 TENANT  
 OTHER \_\_\_\_\_

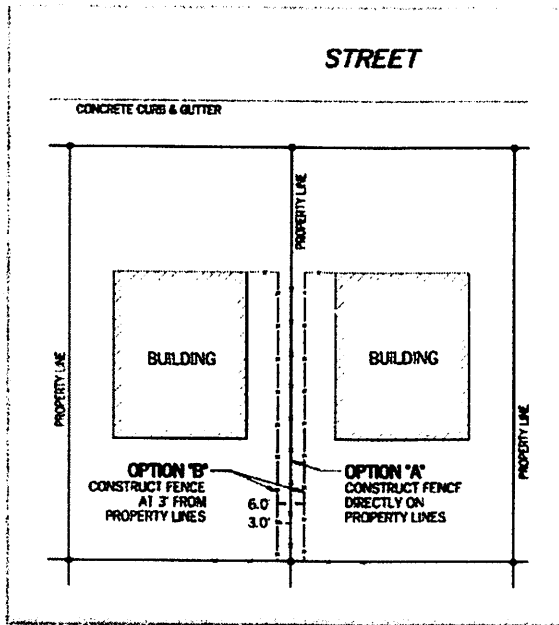
\_\_\_\_\_  
 APPLICANT'S SIGNATURE

ADDRESS FOR FENCE \_\_\_\_\_  
 SUBDIVISION/LOT \_\_\_\_\_

FENCE LOCATION  
 FRONT  
 SIDE  
 REAR

FENCE HEIGHT \_\_\_\_\_  
 FENCE TYPE \_\_\_\_\_  
 FENCE MATERIAL \_\_\_\_\_

OPTION B



OPTION A  
 Requires documented  
 agreement from all involved  
 property owners.

\*\*\*ATTACHED DETAILED DRAWING (legible drawing to include property lines, buildings and fence location)

DECISION  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

BY \_\_\_\_\_  
 \_\_\_\_\_  
 DATE \_\_\_\_\_

**CITY OF LOVEJOY  
STATE OF GEORGIA**

**ORDINANCE NO. 2017- 11**

AN ORDINANCE TO AMEND CHAPTER 62 OFFENSES AND MISCELLANEOUS MATTERS OF THE CODE OF ORDINANCES, CITY OF LOVEJOY, GEORGIA; TO CREATE SECTIONS 62-250 TO 62-260; TO PROVIDE FOR THE REGULATION OF FENCES; TO PROVIDE FOR PENALTIES; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Lovejoy, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the amendments contained herein would benefit the health, safety, morals and welfare of the citizens of the City of Lovejoy.

**BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Lovejoy, Georgia, and by the authority thereof:

**Section 1.** Those Sections 62-250 through 62-260 of Chapter 62 Offense and Miscellaneous Matters of the Code of Ordinances of the City of Lovejoy, Georgia are hereby created so that Sections 62-250 through 62-260 shall read as follows:

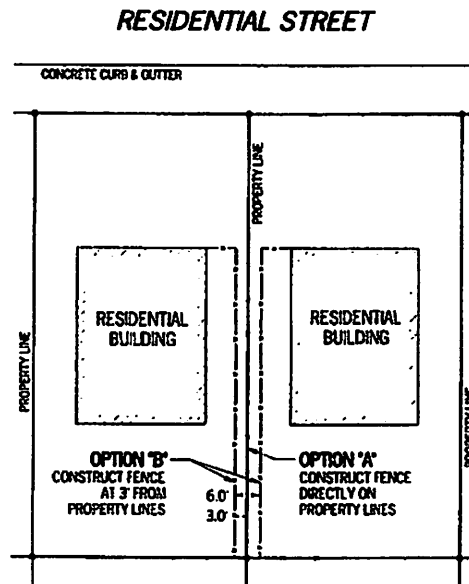
**Sec. 62-250. Definitions.**

- a) **Fence** - any structure erected to provide a barrier, either physical or visual, for the purpose of delineating property lines, protecting property, providing for security and privacy, and/or a means to contain activities on the property.
- b) **Fence Height** – the vertical dimension from the natural ground level to the top of the fence, measured at any point along the length of the fence.
- c) **Corner lot** – lot which has frontage at two intersecting streets.

**Sec. 62-251. Standards.**

- a) All fences erected after the enacting of this ordinance must be reviewed and approved by the City Engineer prior to construction.
- b) No fence shall encroach into a public right-of-way.
- c) No fence shall be installed so that, in the opinion of the City Engineer or Chief of Police, it prevents or unduly restricts access to a property for emergency purposes.
- d) No fence shall be installed so that, in the opinion of the City Engineer or the Chief of Police, it obstructs, hinders or impedes the movement of the pedestrian or vehicular traffic.
- e) No fence shall encroach into an undisturbed buffer.
- f) Any fence proposed for placement within an easement must be accompanied by documented permission from the titled owner, if applicable, and must be approved by the City Engineer.
- g) Structural supports are allowed only within the interior of the fenced yard.
- h) Fences located on non-residential property shall have the following restrictions:
  - 1. Maximum height of 8 feet;
  - 2. Allowed only in the side and rear yard areas; and

3. No fence shall be allowed in front yard.
- i) Fences located on residential property shall have the following restrictions:
1. Front yard:
    - i. Maximum height of 4 feet;
    - ii. Ornamental in design and limited to brick, masonry, picket or split rail; and
    - iii. Chain link or any other type wire fence shall be prohibited in the front yard.
  2. Side and rear yards:
    - i. Maximum height of 6 feet.
- j) Corner lots are considered to have two front yards; therefore, front yard restrictions apply to yard areas adjacent to both streets.
- k) Fences may be located on the property line with a written agreement between the two adjoining property owners which would allow for the connection of two fences (Option "A"). In the event the adjoining property owners do not allow for the connection, it is required that each fence be placed a minimum of 3 ft. inside the property line, leaving a 6 ft. separation for maintenance (Option "B"). See diagram.



**Sec. 62-252. Maintenance.**

It is the responsibility of the owner of the property on which a fence is located to maintain the fence in a non-damaged, clean, good and proper condition at all times.

**Sec. 62-253. Violations.**

Damaged or illegal fences shall be immediately repaired, replaced or removed by the owner, agent, tenant, or person having the beneficial use of the building or structure upon which said fence or wall shall be found. Upon identification of a damaged or illegal fence, the Code Enforcement Officer shall order the property owner via notice of violation to remove or make repairs within ten (10) business days. If the damaged fence is not removed or repaired as ordered within ten business days, the Code Enforcement officer shall issue a citation to be adjudicated in the Municipal Court of Lovejoy. After an adjudication of said citation in the Court with a finding of guilt, or plea of guilty or nolo contendere, the Court shall require the removal or repair within forty-five (45) calendar days of plea or finding of guilt. Failure to remedy the fence violation within 45 days shall result in the authority of the City to pursue court approval for the removal or repair at the expense of the property owner. All expenses related to the removal or repair shall result in a lien against the property to

which the fence is associated unless reimbursed to the City within ten (10) days of City's removal or repair.

**Sec. 62-254 through Sec. 62-260. Reserved.**

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Lovejoy.

**Section 4.** This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Lovejoy, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

**Section 5.**

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.


**Section 7.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED this 21<sup>st</sup> day of Aug., 2017.

CITY OF LOVEJOY, GEORGIA

  
BOBBY CARTWRIGHT, Mayor

ATTEST:

  
MARIE BURNHAM, City Clerk

APPROVED AS TO FORM:

  
L'ERIN BARNES WIGGINS, City Attorney