

FILED IN OFFICE
This 6th day of November, 2023
CITY OF SOUTH FULTON MUNICIPAL
BY: 

IN THE MUNICIPAL COURT
OF THE CITY OF SOUTH FULTON
STATE OF GEORGIA

CITY OF SOUTH FULTON

CASE NO. V20000122

vs.

CAMELOT CLUB CONDOMINIUM
ASSOCIATION, INC., ET AL,
Defendants.

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PROPOSED CONSENT ORDER

COMES NOW, Camelot Club Condominium Association, Inc., defendant in the above captioned case, and the Office of the Solicitor of Municipal Court of the City of South Fulton, and enters the Proposed Consent Order for review and consideration by this Court and states as follows:

1.

Camelot Club Condominium Association, Inc., (hereinafter Defendant) having been cited by City of South Fulton, Department of Code Enforcement, (hereinafter COSF, COSF Code Enforcement or Code Enforcement) in citation numbers T-1835CE, T-1831CE, T-3031CE T-2067CE, T-3034CE, T-1834CE, T-3035CE, T-2956CE, T-1838CE, T-1839CE, T-3136CE, T-1830CE, for violations of the City of South Fulton Municipal Code listed herein below, for conditions present at the property named Camelot Club Condominiums located at 5655 Old National Highway, South Fulton, Georgia, 30349, at the time of inspection on or about June 7, 2022, hereby acknowledges proper service of said citations in accordance with **Sec. 1-12003 of the City of South Fulton Code of Ordinances** by the proper party for service, on the Defendant, Tabettha Rowe, in her capacity as Camelot Club Condominium, Home Owners' Association President.

2.

Defendant further acknowledges that there is a factual basis for the citations issued to Defendant by COSF Code Enforcement on or about July 20, 2022.

3.

Defendant further acknowledges that the violations cited in the listed citations, except where otherwise noted, have a sentencing range of ninety (90) days in jail and a fine amount of up to One Thousand Dollars (\$1000.00) per day that the condition cited exists in accordance with Sec. 1-1006 of the Code of Ordinances the City of South Fulton.

4.

COSF and Defendant acknowledge that entry into this Consent Order is entirely voluntary and said Order is not made under duress by either party.

5.

The parties further acknowledge that Tabetha Rowe, as HOA Board President, on behalf of the Defendant and COSF Solicitor have authority to enter into this Proposed Order and to present said Order to the Court, to become the Order of the Court upon signature and filing.

6.

Defendant grants permission to COSF Code Enforcement to perform regular scheduled and unscheduled inspection of the premises at 5655 Old National Highway, South Fulton, Georgia 30349 while this Consent Order is in effect.

Parties further agree to participate in an inspection of the property on November 15, 2023. COSF shall identify issues to be addressed as detailed by the citations issued on June 7, 2022 and Defendant shall advise COSF of all repairs made pursuant to the citations issued on June 7, 2022.

7.

On June 7, 2022, inspection of Building 800 – Clubhouse on the premises of Camelot Club Condominium was conducted by COSF Code Enforcement. Following said inspection COSF Code Enforcement issued citation nos. T-1830CE, T-1831CE, and T2067CE, which allege violation of the following sections of COSF code of ordinances, zoning regulations and municipal code at, as follows:

- | | | | |
|------|-----------|--------------|---|
| i) | T-1830.1: | Sec. 1-304.1 | Failure to Repair Exterior Structure; |
| ii) | T-1830.2: | IPMC 108.13 | Structure Unfit for Human Occupation; and |
| iii) | T-1830.3: | IPMC 305 | Failure to repair the interior structure and dispose of debris and rubbish; |
| iv) | T-1831.1: | IPMC 504.1 | Plumbing Systems and Fixtures; |
| v) | T-1831.2: | IPMC 506 | Sanitary Drainage System; |
| vi) | T-1831.3: | IPMC 605.1 | Electrical Equipment; and |
| vii) | T-2067.1 | Sec. 3-3001 | Maintenance of Proper Sanitary Conditions. |

a.

The parties agree that the Defendant is fully in compliance as of the date of this Order as it pertains to the Clubhouse.

b.

Should the premises at Building 800 remain in compliance throughout the duration of this Order, the penalty for these violations shall be Two Hundred and Fifty Dollars (\$250.00) plus court costs for each violation, for a total fine amount of One Thousand Seven Hundred and Ninety-Two

Dollars (\$1,792.00), subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on efforts of remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

8.

On June 7, 2022, COSF Code Enforcement performed an inspection of Building 700 of Camelot Club Condominiums and issued citation no. T3136CE for violations as follows:

- i) T3136CE.1: IPMC 304.1 Exterior Structure;
- ii) T3136CE.2: IPMC 305 Interior Structure; and
- iii) T3136CE.3: IPMC 605.1 Electrical Equipment.

a.

The parties agree that the conditions that are the subject of this citation did occur but as of the date of this Consent Order, Defendant is insecure as to the status of the citation as of the last date of inspection. Defendant further agrees to work in good faith to resolve the citation.

b.

The parties agree that within **one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review, recognizing the efforts of the Defendant and** the nature of the conditions cited in citation T3136CE, the Defendant will remedy the conditions that are the subject of this citation to come into compliance. Should conditions be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs per violation, for a total of One Thousand Five Hundred Eighteen Dollars (\$1,518.00), subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

9.

On June 7, 2022, inspection of the premises at Camelot Club Condominium was conducted by COSF Code Enforcement. Following said inspection COSF Code Enforcement issued citation No. T-1834CE which alleges violation of the following sections of COSF code of ordinances, zoning regulations and municipal code, as follows:

- i) T-1834CE.1: violation of Sec. 3-3001 of the COSF Code of Ordinances, for failure to maintain proper sanitary conditions on the premises of the parking lot and exterior of all accessory structures by failing to maintain the parking lot and roadways that serve as means of ingress and egress and traverse of the property, free from the accumulation of debris;
- ii) T-1834CE.2: violation of Sec. 8-2006 of the COSF Code of Ordinances, for parking of inoperable or unlicensed vehicles throughout the property, by failing to remove inoperable or unlicensed vehicles from the parking lot of Camelot Club Condominium. The penalty for violation of this code section is stated in **Sections 8-2007 and 8-1002**, which state in pertinent part, that a fine of not more than \$1,000.00 or by imprisonment of not more than six (6) months or any combination thereof, and each occurrence shall be deemed a separate offense. These penalties shall be separate and apart from any costs associated with the

removal, towing, seizure, holding or storage of an offending vehicle authorized elsewhere in this article; and,

iii) T-1834CE.3: violation of section IMPC.302.7 of the COSF Code of Ordinances, Exterior Property Areas; Accessory Structures, punishable as a misdemeanor offense in accordance with IPMC Section 106.3, which states “that any person failing to comply with a notice of violation...shall be deemed guilty of a misdemeanor offense or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense.”

a.

The parties agree that the conditions that are the subject of this citation did occur but as of the date of this Consent Order, Defendant is insecure as to the status of the citation as of the last date of inspection. Defendant further agrees to work in good faith to resolve the citation.

b.

Defendant agrees to remedy the conditions to bring the subject property into compliance within one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review. recognizing the efforts of the Defendant and the nature of the conditions cited in citation T-1834CE. Should conditions be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs per violation, for a total of One Thousand Five Hundred Eighteen Dollars (\$1,518.00) subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

10.

On June 7, 2022, COSF inspected the premises at Building 500, 5665 Old National Highway, South Fulton, Georgia and issued citation numbers T1838CE and T1839CE for violations as follows:

| | | | |
|------|-----------|-------------|---------------------------|
| i) | T1838CE.1 | IPMC 506.1 | Sanitary Drainage Systems |
| ii) | T1838CE.2 | IPMC 605.4 | Wiring |
| iii) | T1838CE.3 | IPMC 604.3 | Electrical Systems |
| iv) | T1839CE.1 | Sec. 3-3001 | Maintenance of Property |
| v) | T1839CE.2 | IPMC 304.1 | Exterior Structure |
| vi) | T1839CE.3 | Sec. 303.13 | Outside Storage |

a.

The parties agree that the conditions that are the subject of this citation did occur but as of the date of this Consent Order, Defendant is insecure as to the status of the citation as of the last date of inspection. Defendant further agrees to work in good faith to resolve the citation.

b.

Defendant agrees to remedy the conditions to bring the property into compliance within **one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review,** recognizing the efforts of the Defendant and the nature of the conditions cited in citation numbers. T1838CE and T1839CE. Should the conditions be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs per violation for a total of Three Thousand Thirty Six Dollars (\$3,036.00), subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

11.

On June 7, 2022, COSF Code Enforcement inspected the premises at Building 200, 5665 Old National Highway, South Fulton, Georgia and issued citation no. T2956CE for violations as follows:

- i) T2956CE.1 IPMC 304.1 Exterior Structure
- ii) T2956CE.2 IPMC 305.1 Interior Structure; and
- iii) T2956CE.3 IPMC 604.3 Electrical Systems

a.

The parties agree that the conditions that are the subject of this citation did occur but as of the date of this Consent Order, Defendant is insecure as to the status of the citation as of the last date of inspection. Defendant further agrees to work in good faith to resolve the citation.

b.

Defendant agrees to remedy the conditions and bring the property into compliance within **one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review,** recognizing the efforts of the Defendant and the nature of the conditions cited in citation T2956CE. Should conditions be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs per violation, for a total of One Thousand Five Hundred Eighteen Dollars (\$1,518.00), subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

12.

On June 7, 2022, COSF Code Enforcement inspected the premises at Building 1400, 5665 Old National Highway, South Fulton, Georgia and issued citation nos. T3031CE, T3034CE, and T3035CE for violations as follows:

- i) T3031CE.1 CSOF 303.13 Outside Storage;
- ii) T3031CE.2 COSF 1-307.1 Accumulation of Trash;
- iii) T3031CE.3 COSF 602.01 Vehicles on Grass;
- iv) T3034CE.1 IPMC 305.3 Interior Surfaces;
- v) T3034CE.2 IPMC 605.1 Exposed Wiring;
- vi) T3034CE.3 COSF 3-2007 Permits; and
- vii) T3035CE.1 IPMC 1-304.1 Exterior Structure.

a.

The parties agree that the conditions that are the subject of this citation did occur but as of the date of this Consent Order, Defendant is insecure as to the status of the citation as of the last date of inspection. Defendant further agrees to work in good faith to resolve the citation.

b.

Defendant agrees to remedy the conditions to bring the property into compliance within **one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review,** recognizing the efforts of the Defendant and the nature of the conditions cited in citation numbers T3031CE, T3034CE, and T3035CE. Should violations be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs per violation for a total of Three Thousand Five Hundred Thirty-Six Dollars (\$3,542.00), subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

13.

On June 7, 2022, COSF Code Enforcement inspected the premises at Building 1100, 5665 Old National Highway, South Fulton, Georgia and issued citation no. T1835CE for violations as follows:

- i) T1835CE.1 IPMC 304.1 Exterior Structure; and
- ii) T1835CE.2 IPMC 305.3 Exterior Surface.

a.

The parties acknowledge that the conditions that are the subject of these violations persist as of the date of this Consent Order.

b.

Defendant agrees to remedy the conditions and bring the property into compliance within **one hundred twenty (120) days of the inspection date referenced in paragraph 6 herein above, or other mutually agreed day determined by the parties, subject to judicial review,** recognizing the efforts of the Defendant and the nature of the conditions cited in citation number. Should conditions be remedied by the compliance date, the parties agree to the imposed fine amount of Five Hundred Dollars (\$500) plus court costs for a total of One Thousand Twelve Dollars (\$1,012.00) subject to reconsideration or abatement of fines as agreed to by parties with Defendant having an opportunity to present efforts on remediation and compliance. Defendant shall be afforded a hearing before this Court for purposes of abatement if requested.

14.

When brought into compliance, the Defendant shall maintain the premises free of violations for the duration of the Consent Order.

15.

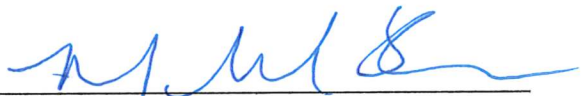
The parties acknowledge that thirty (30) days after the entry of this Consent Order, any further violation(s) of any code section shall be grounds for additional citation(s), and the City will recommend the maximum fine amount be imposed.

NOW, THEREFORE, WITH THE CONSENT OF THE PARTIES, THIS COURT HEREBY ORDERS AND ADJUDGES AS FOLLOWS: the above preamble is incorporated here.

- 1.) THAT Defendant and COSF Code Enforcement will perform a physical walk through of the subject property on November 15, 2023 to provide Defendant and its agents directional analysis of the remaining repair work to be conducted as expected as part of compliance with this Order.
- 2.) THAT Camelot Club Condominium HOA, shall have one-hundred and twenty (120) days from the date of this Consent Order or other mutually agreed day as determined by the parties recognizing the efforts of the Defendant and the nature of the citation in question to address the issues cited and identified by Code Enforcement Officer Warren dated July 20, 2022, and attached hereto as Addendum (A).
- 3.) THAT, during the compliance period of this order, Camelot Club Condominium HOA shall provide monthly updates no later than the Code Enforcement Calendar for the Court each month. *Provided that there are no new citations issued, these updates may be made through counsel in writing by e-mail to the Municipal Court Solicitor so as to avoid the necessity of Camelot Club Condominium HOA appearing in Court each month.*
- 4.) THAT, for any new issues which the City of South Fulton's Code Enforcement Department determine violate City Code, the Code Enforcement Department shall issue a Notice of Violation to Camelot Club Condominium HOA. Notice of Violation shall include a reinspection date of at least five (5) days from the date the Notice of Violation is received by Camelot Club Condominium HOA. During the time period contemplated by this Consent Order only, Notices of Violation may be e-mailed to Tabetha Rowe with a copy to counsel of record John Andrle emailed to jandrle@coalegal.com.
- 5.) THAT, if there are any new citations issued in a given month following the issuance of a Notice of Violation and finding of non-compliance after the reinspection date, then Camelot Club Condominium HOA shall provide a status update as to the new citations during the status report contemplated hereinabove. Depending on the severity of any new citation, the satisfaction of the status report, and the timing in connection with the next Court calendar, Camelot Club Condominium HOA may be required to appear at the next Court calendar to provide a status update "in person." In person reporting is at the Solicitor's discretion.

- 6.) THAT the initial one hundred and twenty (120) day period contemplated by this Consent Order shall be extendable by consent agreement of the parties and judicial review.
- 7.) THAT the one hundred and twenty (120) day period contemplated by this Consent Order shall also be terminable by the Parties following an inspection by the City of South Fulton's Code Enforcement Department if the issues that are the subject of the pending citations have been resolved.
- 8.) THAT Camelot Club Condominium HOA shall pay to the City of South Fulton the sum of \$13,937.00 (USD), in full and complete monetary satisfaction of the citations that are the subject matter of the instant action to the extent not abated, mitigated, reduced, compromised or resolved. To that end, Camelot Club Condominium HOA shall pay the above-referenced amount within thirty days of the completion of the one hundred and twenty (120) day time period referenced herein (or other mutually agreed date as determined by parties based on the efforts and progress of Defendant), as may be extended or terminated as detailed hereinabove.

SO ORDERED this 6 day of November, 2023.


The HONORABLE JUDGE SHERIDAN
CITY OF SOUTH FULTON MUNICIPAL
COURT

CONSENTED TO BY:



11 / 02 / 2023

Tabetna Rowe, President
Camelot Club Condominium Association, Inc.

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