

## EXISTING ORDINANCE

### ARTICLE B. - PROPERTY MAINTENANCE

~~Every person, whether owner, agent or tenant, owning, holding, or occupying property in the city shall, at all times, maintain the property, whether a vacant lot or otherwise, in a clean and sanitary condition. No person shall occupy as owner-occupant nor let nor sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the adopted state codes regulating and governing the conditions and maintenance of all property.~~

~~Sec. 4-8026. - Definitions.~~

~~Certificate of occupancy as defined in the building code.~~

~~Chronically derelict rental property is a property for which a documented "derelict" condition persists for more than 60 days or that two or more such documented findings are made within a 24-month period.~~

~~Derelict rental property is any rental property for which blight and nuisances are documented by the code official and for which an administrative order finds present one or more of the following conditions that may or may not be readily visible from the street or the exterior of the property:~~

- ~~(1) One or more property maintenance, sanitary, or building code violations;~~
- ~~(2) Any criminal activity on the property which violates the criminal laws of the state and which contributes to the creation of blight in a neighborhood;~~
- ~~(3) Utility service (electricity, water, and/or sewer) that has been disconnected for more than 60 consecutive days as verified by the utility provider; or~~
- ~~(4) Any violations involving the health and safety of a third party.~~

~~Hearing officer. - An administrative officer appointed by the city manager to determine:~~

- ~~(1) If a property is a derelict property or a "chronically derelict property" as defined by this article;~~
- ~~(2) To impose such sanctions, fines, and penalties as are appropriate, but do not exceed the maximum penalty as provided by this article; and~~
- ~~(3) To establish the necessary actions that must be taken by the property owner and the time frame for completing said actions to bring the property into full compliance with the minimum standards; and~~
- ~~(4) To terminate the status of "chronic dereliction" after all previously determined violations of this article by the hearing officer have been brought into compliance. Appeals of a decision of the hearing officer shall be to the property maintenance code enforcement board.~~

~~Property maintenance code enforcement board. - A code enforcement board created pursuant to the Local Government Code Enforcement Boards Act, O.C.G.A. § 36-74-1 et seq., and the International Property Maintenance Code, 2003 Edition.~~

~~Rental housing is any property which contains one or more dwelling units that are not homeowner occupied. The property may or may not be occupied with a tenant. Further, the owner of the property~~

has or is receiving compensation for the use of the property. Such properties include, but are not limited to, single units, duplexes, triplexes, quadriplexes, rowhouses, multifamily housing, and boarding houses, but shall not include rental properties subject to the hotel-motel tax.

Violation involving the health or safety of a third party means a violation that creates a legitimate concern for the health and safety of a third-party occupant of a dwelling place or that creates an immediate and substantial danger to the environment. O.C.G.A. § 36-74-21(6).

Sec. 4-8027. ~~Substandard units.~~

(a) ~~Occupancy of substandard units. No person shall occupy as owner-occupant, or let to another for occupancy, any vacant dwelling, dwelling unit, apartment or any space designed or intended to be used for the purpose of living, sleeping, cooking or eating therein which does not meet the requirements of the adopted codes for a certificate of occupancy. A certificate of occupancy may be issued by the building official or upon the certificate of a qualified building professional as approved by the building official. Should the building official determine that further work is necessary to comply with the minimum standards as set forth in the codes, then such owner shall submit a reasonable plan for completion of such work, and if such plan is not completed as required, then notice of violation shall be given by a code enforcement official as stated in the Code for a hearing in the Recorder's Court of Chatham County or an administrative hearing before a hearing officer as provided for herein or the code enforcement board as provided in the property maintenance code and in O.C.G.A. title 36, chapter 74 provided, however, that said code official shall not pursue a specific instance of an alleged violation of an ordinance against one violator before both a code enforcement board and a magistrate, municipal, or other court authorized to hear ordinance violations (O.C.G.A. § 36-74-30(a)), the Recorder's Court of Chatham County being such a Court.~~

(b) ~~[Violations; compliance.]When the code official determines that there has been a violation of the code or has grounds to believe that a violation has occurred and issues a notice as provided in the code stating a deadline for compliance and there is a failure to comply, then the code official may issue subpoenas requiring the occupants, owners, agents or parties in interest to appear in the Recorder's Court of Chatham County for a violation or to respond to a petition to said court for the abatement of a nuisance or, in the alternative, may issue a notice for an administrative hearing before a hearing officer as defined herein. Evidence may be presented of:~~

- ~~(1) Property maintenance violations, including utility cutoff and the duration thereof;~~
- ~~(2) Criminal activity on the premises;~~
- ~~(3) Violations involving the health and safety of a third party.~~

~~Should the hearing officer determine that said property is derelict, then in addition to the sanctions, fines, and penalties provided for herein and in the code, the hearing officer may require a plan of mitigation of any derelict conditions with a plan to keep the property free from such violations. The remediation plan for such property shall include a listing of the defects, photos of the property with current contact information for the property owner or agent responsible for the remediation, and shall be subject to the payment of administrative fees and inspection fees as provided in the revenue~~

ordinance and shall obtain all proper permits and comply with the building codes and all technical codes. Upon compliance the hearing officer may remove the derelict status.

~~(c) Chronically derelict rental property. Should the code official determine that a property is in a chronically derelict condition as defined herein, the alleged violations not having been pursued before the code enforcement board and no reasonable plan for correction of such violations having been complied with, then the code official shall after notice subpoena the occupants, owners, or parties at interest to the Recorder's Court of Chatham County for a violation and the abatement of a nuisance. A citation for an existing violation may be issued without prior written notice. A property owner may be served with such citation and notice to abate a nuisance at the address shown on the ad-valorem tax records. The costs of any such abatement or the correction of code violations shall be a lien on the property and collectable as provided for other such liens in the City Code. In addition to such costs and charges, each day such a violation continues after notice has been served, shall be deemed a separate offense and subject to the penalties as provided in the City Code, or in the alternative enforcement proceedings before the property maintenance code enforcement board may be pursued with a hearing scheduled as provided in O.C.G.A. § 36-74-23. At the conclusion of the hearing as provided for therein, the enforcement board shall issue findings of fact based upon the evidence presented and conclusions of law and issue its order as provided in O.C.G.A. § 36-74-25 having the force of law commanding whatever steps are necessary to bring a violation into compliance.~~

~~Sec. 4-8028. Administrative fines; public record.~~

- ~~(a) The enforcement board, upon notification by the code official that an order of the enforcement board has not been complied with by the set time may order the violator to pay an administrative fine in an amount specified in this section and as authorized by O.C.G.A. § 36-74-26.~~
- ~~(b)~~
- ~~(1) An administrative fine imposed pursuant to this Code section for a violation involving the health or safety of a third party shall not exceed \$1,000.00 per day.~~
- ~~(2) An administrative fine imposed pursuant to this section for a violation that is not a violation involving the health or safety of a third party shall not exceed a total of \$1,000.00.~~
- ~~(3) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:~~
- ~~a. The gravity of the violation;~~
- ~~b. Any actions taken by the violator to correct the violation; and~~
- ~~c. Any previous violations committed by the violator.~~
- ~~(4) An enforcement board may reduce a fine imposed pursuant to this section.~~
- ~~(c) A certified copy of an order imposing an administrative fine may be recorded in the public records of the county and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator.~~

Appeals of a final administrative order of the property maintenance code enforcement board shall be as provided in O.C.G.A. title 36, chapter 74, and the property maintenance code.