

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF ORDINANCES OF LEE COUNTY, TO ESTABLISH THE LEE COUNTY VACANT AND FORECLOSED PROPERTY ORDINANCE; TO PROVIDE FOR NOTICES REGARDING VACANT AND FORECLOSED PROPERTY LOCATED WITHIN THE UNINCORPORATED AREA OF LEE COUNTY; TO PROVIDE FOR A REGISTRY OF VACANT PROPERTY AND REAL PROPERTY; TO PROVIDE FOR EXEMPTIONS FROM SUCH NOTICE REQUIREMENTS; TO PROVIDE FOR THE REMOVAL FROM THE REGISTRY OF PROPERTY NO LONGER CONSIDERED VACANT OR FORECLOSED; TO PROVIDE FOR ADMINISTRATIVE FEES; TO PROVIDE FOR APPEALS; TO PROVIDE FOR THE ADMINISTRATION OF THE REGISTRY AND A PENALTY FOR FAILURE TO REGISTER VACANT OR FORECLOSED REAL PROPERTY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR APPEAL OF ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND FOR OTHER PURPOSES**

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BE IT ORDAINED that the Lee County Vacant and Foreclosed Property Ordinance attached hereto as Exhibit "A" is hereby adopted by the governing body of Lee County in its entirety as an amendment to Chapter 34 of the Lee County Code of Ordinances, to be known as Chapter 34, Article X of said Code of Ordinances;

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective as of the date of its adoption by the governing body of Lee County.

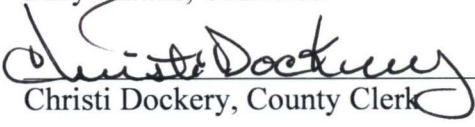
SO ORDAINED, effective the 21 day of August, 2019.

**Board of Commissioners  
of Lee County, Georgia**

By:

  
Billy Mathis, Chairman

Attest:

  
Christi Dockery, County Clerk

## **EXHIBIT “A”**

### **CHAPTER 34 ARTICLE X**

#### **LEE COUNTY VACANT AND FORECLOSED PROPERTY**

##### **Sec. 34-520 Title.**

This Chapter shall be known as the “Lee County Vacant and Foreclosed Property” Ordinance.

##### **Sec. 34-521 Definitions.**

1. **“Agent”** means an individual with a place of business in the state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner. The definition of “agent” shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-14-14 should that definition differ from the definition of this Chapter.
2. **“Foreclosed real property”** means improved or unimproved real property held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor or shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-14-14, should that definition differ from the definition of this Chapter.
3. **“Street address”** means the street or route address. Such term shall not mean or include a post office box. The definition of ‘street address’ shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-14-14 should that definition differ from the definition in this Chapter.
4. **“Vacant Real Property”** means real property that:
  - A. Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past sixty (60) days; or
  - B. Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. The definition of “**vacant real property**” shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-14-14 should that definition differ from the definition in this Chapter.

**Sec. 34-522 Registration of Vacant or Foreclosed Property.**

1. Owner or agents of owners of vacant real property or foreclosed real property, including vacant real property and foreclosed real property which is also residential rental property, are required to register such property with the Lee County Planning, Zoning & Engineering Department within thirty (30) days of such property becoming vacant or foreclosed real property by following the provisions of this Section unless otherwise exempted by this Chapter or State law.
2. Any such owner or agent of owners of vacant foreclosed real property or foreclosed real property located within the jurisdiction of Lee County is required to obtain from and file with the Lee County Planning, Zoning & Engineering Department a registration, and shall submit the following information with such filing:
  - A. The real property owner’s name, street address, mailing address, phone number, facsimile number, and e-mail address;
  - B. The agent’s name, street address, mailing address, phone number, facsimile number, and e-mail address;
  - C. The real property’s street address and tax parcel number;
  - D. The transfer date of the instrument conveying the real property to the owner; and
  - E. At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.
3. Registration is required for all vacant or foreclosed real property unless otherwise exempted pursuant to this Article, but is not required for vacant or foreclosed real property within ninety (90) days of such real property’s transfer:
  - A. Pursuant to a deed under power of sale or deed in lieu of foreclosure; or
  - B. To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to the Official Code of Georgia Annotated, section 44-14-160, or acquired pursuant to a deed in lieu of foreclosure.
4. Any owner or agent required to register any vacant or foreclosed real property pursuant to this Article shall also be required to update such information which is

specified in Subsection 34-522, with the Lee County Planning, Zoning & Engineering Department within thirty (30) days after any change in such required information, regardless of whether the information provided to the registry was in the Deed Under Power of Sale or Deed in Lieu of Foreclosure.

5. The Lee County Planning, Zoning & Engineering Department shall use all standard forms promulgated by the Georgia Department of Community Affairs for use in connection with the vacant and foreclosed real property registry.

**Sec. 34-523 Foreclosed Real Property Fee Exemptions.**

1. Registration or payment of any administrative fees on foreclosed real property pursuant to this Chapter and Georgia law is not required of transferees as described in Subsection 34-523(2) of this Section.
2. Any transferee who acquires any real property by foreclosure under power of sale pursuant to the Official Code of Georgia Annotated, Section 44-14-160 or acquires any real property pursuant to a deed in lieu of foreclosure and
  - A. The deed under power of sale or deed in lieu of foreclosure contains the information specified in Section 34-522 of this Chapter;
  - B. The deed is filed with the Clerk of the Superior Court within sixty (60) days of the foreclosure sale or transfer of the deed in lieu of foreclosure; and
  - C. Proof of the following is provided to the Lee County Planning, Zoning & Engineering Department, the office in charge of the Lee County foreclosed real property registry:
    - i. A filing date stamp or receipt showing payment of the applicable filing fees; and
    - ii. The entire Deed Under Power of Sale or entire Deed in Lieu of Foreclosure.

**Sec. 34-524 Removal from Registry.**

1. Any owner or agent of a vacant or foreclosed real property may apply to the Lee County Planning, Zoning & Engineering Department to remove a vacant or foreclosed real property from the Lee County registry at such time as the real property no longer constitutes a vacant or foreclosed real property.
2. Any application for removal allowed under Subsection 34-524(1) of this Section shall be granted or denied by the Lee County Planning, Zoning & Engineering Department

within thirty (30) days, and if no such determination is made within thirty (30) days, then the application for removal from the registry shall be deemed granted.

**Sec. 34-525 Administrative Procedures. Appeal.**

1. Any owner or agent aggrieved by any determination or decision of the Lee County Planning, Zoning & Engineering Department in the administration of this Chapter may appeal to the Lee County Magistrate Court. All appeals hereunder must be filed within thirty (30) days of the decision being appealed by filing with the Lee County Magistrate Court a written notice of appeal specifying the grounds upon which the appeal is based. A copy of the notice of appeal, including the grounds therefor, shall be served upon the County in the same manner as other legal proceedings are served upon the County.
2. Upon service of the notice of appeal upon the County, The Lee County Planning, Zoning & Engineering Department shall transmit all the documents and papers constituting the record upon which the action appealed was filed to the Magistrate Court of Lee County for filing. The Court shall schedule an appeal hearing to be held within sixty (60) days following the date the appealing party submits its completed written appeal with Subsection 34-525(1) above. The County shall file a written answer and other responses deemed appropriate by the County to the appeal within twenty (20) days from the filing of the appeal.
3. The Magistrate Court shall hear the appeal upon the date set for the appeal hearing, or upon such other date as may be agreed upon by the County and the appellant, and approved by the Court. Parties shall receive written notice of the hearing date at least ten (10) days before the hearing and shall be authorized to be represented by legal counsel, call and swear witnesses, cross examine witness, and present such other evidence and argument as may be relevant to the issues on the appeal. The same rules of evidence which apply in other civil proceedings before the Magistrate Court shall apply with respect to the appeal.
4. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Magistrate Court determines, upon motion made by the County, that by reason of the facts involved in the matter, a stay would cause imminent peril to life or property.
5. In making its decision on the appeal, the Magistrate Court may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the Lee County Planning, Zoning & Engineering Department appealed from by the owner or agent; provided, however, that if there is any evidence to support the decision appealed, then the Magistrate Court shall affirm such decision and deny the appeal.

**Sec. 34-526 Administration.**

1. The foreclosure and vacant real property registry is subject to the provisions of the Georgia Open Records Act.
2. Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Article.

**Sec. 34-527 Nuisances.**

Nothing in this Article shall be construed to impair, limit, or preempt in any way the power of Lee County to enforce any applicable codes, as defined in State law or local ordinance, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

**Sec. 34-528 Penalties.**

Any owner or agent required to register a vacant or foreclosed real property under this Chapter with the Lee County Planning, Zoning & Engineering Department who fails to register or fails to update the information specified in Section 34-522 shall be subject to a civil penalty imposed by the Code Enforcement Office of up to \$1,000.00 per occurrence.