

**Ordinance: 223**

**AN ORDINANCE AMENDING CHAPTER 5 (BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES) OF THE GROVETOWN CODE OF ORDINANCES**

**BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GROVETOWN, GEORGIA**, that Chapter 5 (Buildings; Construction and Related Articles) of the Grovetown Code of Ordinances, is hereby amended as follows:

**Section 1.** Article I (In General), is amended by adding the following Sections:

**Sec. 5-4. Adoption of International Property Maintenance Code.**

The International Property Maintenance Code, 2012 edition, is adopted as a general ordinance of the city and is incorporated by reference into this section as though it were copied herein fully, with the exception of the modifications hereinafter set forth in Sec. 5-5. A copy of the International Property Maintenance Code shall be maintained on file in the office of the city clerk and shall be available for inspection by the public.

**Sec. 5-5. Modifications to International Property Maintenance Code.**

The International Property Maintenance Code is hereby modified by the changes set forth below.

- 1) Chapter 1, Administration, is deleted in its entirety.
- 2) Section 301.3, Vacant structures and land, is deleted in its entirety.
- 3) Section 302.1, Sanitation, is deleted in its entirety.
- 4) Section 302.4, Weeds, is deleted in its entirety.
- 5) Section 302.8, Motor vehicles, is deleted in its entirety.
- 6) Section 304.14, Insect screens, is amended to include the dates [January 1] to [December 31].
- 7) Section 602.3, Heat supply, is amended to include the dates [January 1] to [December 31].
- 8) Section 602.4, Occupiable work spaces, is amended to include the dates [January 1 to December 31].

**Sec. 5-6. Enforcement of International Property Maintenance Code.**

The enforcement of the International Property Maintenance Code shall be carried out in the same manner as the process described in Sec. 5-25 to 5-31 of

this chapter.

**Sec. 5-7. International Property Maintenance Code – penalties.**

A violation of the International Property Maintenance Code shall be a misdemeanor. The maximum penalty shall be a fine of \$1,000.00, imprisonment for six months and probation of 12 months. The penalty for a first violation within five years shall be a minimum fine of \$100.00. The penalty for a second violation of the same provisions of this code by the same owner or tenant during a five-year period shall be a minimum fine of \$200.00. The penalty for a third or repeat violations of the same provisions of this code by the same owner or tenant during a five-year period shall be a minimum fine of \$500.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Fines may not be stayed, deferred or suspended. The maximum total fine for repeat violations due to a violation continuing over multiple days shall be \$1,000.00.

**Section 2.** Article II (Soil Erosion, Sedimentation and Pollution Control) existing prior to the adoption of this ordinance, is hereby renumbered as Article IV, with all sections within being renumbered beginning with Section 5-81; the content and sequence of such sections being unaltered.

**Section 3.** Article III (Flood Damage Prevention) existing prior to the adoption of this ordinance, is hereby renumbered as Article V, with all sections within being renumbered beginning with Section 5-101; the content and sequence of such sections being unaltered.

**Section 4.** Article IV (Water Conservation Restrictions) existing prior to the adoption of this ordinance, is hereby renumbered as Article VI, with all sections within being renumbered beginning with Section 5-131; the content and sequence of such sections being unaltered.

**Section 5.** A new Article II (Unfit Buildings and Structures) is hereby added, such Article to read as follows:

**Sec. 5-21. Purpose.**

The governing authority of the city finds and declares that, within the city limits, there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the city; or general

nuisance law in which constitutes a hazard to the health, safety, and welfare of the people of the city and the state; and that public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

It is further found and declared that in the city, where there is in existence a condition or use of real estate which renders it unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the city and a public necessity exists for the repair of such condition or the cessation of such use.

**Sec. 5-22. Definitions.**

As used in this article, the term:

“Applicable codes” means any optional housing or abatement standard provided in O.C.G.A. Title 8, Chapter 2, “Standards and Requirements for Construction, Alteration, etc. of Buildings and other Structures” as adopted by ordinance or operation of law, or other property-maintenance standards as adopted by Grovetown ordinance or operation of law, or general nuisance law, relative to the safe use of real property; any fire or life safety code as provided for in O.C.G.A. Title 25, Chapter 2, “Regulation of Fire and Other Hazards to Persons and Property Generally”; and any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Title 8, Chapter 2 after October 1, 1991, provided that such building or minimum standard codes for real-property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

“Closing” means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

“Demolition” means the tearing down and removal of any dwelling, building or structure.

“Dwelling, building, or structure” means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any improvements and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

“Graffiti” means any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by means of any aerosol paint container, broad-tipped marker, gum label, paint

stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface without prior authorization from the owner or occupant of the property.

“Governing authority” means the City Council of the City of Grovetown, Georgia.

“Interested party” means:

- (1) The “owner”;
- (2) Persons in possession of said property and premises;
- (3) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (4) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9, “Notice of levy to owner of security deed or mortgage; lists; fees”; and
- (5) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the municipality or records maintained in the county courthouse or by the clerk of court; provided, however, interested party shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected.

“Municipality” means the City of Grovetown, Georgia.

“Owner” means the holder of the title in fee simple and every mortgagee of record.

“Public authority” means any member of the governing authority or any public officer who is in charge of any department or branch of government (municipal, county or state) relating to health, fire, life safety, building regulations, or to other activities concerning dwellings, buildings, or structures, or use of private property within the city.

“Public officer” means the city administrator, who is authorized to exercise the powers prescribed by article, and any officer or employee of the city to whom he or she delegates such authority.

“Repair” means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

“Resident” means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

**Sec. 5-23. Duty of owners of real property and structures thereon.**

It is the duty of the owner of every dwelling, building, structure, or private property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city or such laws and ordinances which regulate and prohibit activities on private property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or use private property in violation of such codes, laws or ordinances.

**Sec. 5-24. Declaration of unfit building.**

Every dwelling, building, or structure within the city which (i) is constructed or maintained in violation of applicable codes in force within the city; (ii) is unfit for human habitation or commercial, industrial, or business use or occupancy due to inadequate provisions for ventilation, light, air, sanitation, or open spaces; (iii) poses an imminent harm to life or other property due to fire, flood, hurricane, tornado, earthquake, storm or other natural catastrophe; or (iv) otherwise constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, is hereby declared an unfit building and therefore shall also be deemed a public nuisance.

**Sec. 5-25. Powers of public officer or his or her designee.**

(a) In carrying out his or her duties pursuant to this article, the public officer or his or her designee to whom his authority is assigned shall, in addition to those powers otherwise conferred upon or delegated to him by the Charter and other ordinances of the city, be empowered to:

(1) Investigate and inspect the condition of dwellings, buildings, structures, and private property within the city to determine those structures and property uses in violation of this article. Entries onto private property shall be made in a manner so as to cause the least possible inconvenience; provided, however, the public officer shall not enter into any occupied dwelling or structure without first having obtained the consent of the owner or a person in possession. In those cases where consent to entry is denied after reasonable request, the public officer may apply to the municipal court for an administrative search warrant upon showing probable cause that a violation exists.

(2) To retain experts including certified real estate appraisers, qualified

building contractors, and qualified building inspectors, engineers, surveyors, accountants, and attorneys.

(3) To appoint and fix the duties of such officers and employees of the city as he deems necessary to carry out the purposes of this article; and

(4) To delegate any of his functions and powers under this article to such officers, employees and agents as he may designate.

(b) In addition to the procedures set forth in this article, the public officer or his designee(s) may issue citations for violations of state minimum standard codes, optional building, fire, life safety and other codes adopted by ordinance, and conditions declared to constitute a public health or safety hazard or general nuisance, and to seek enforcement of such citations before the municipal court prior to issuing a complaint in rem as provided in this article. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by other summary proceedings.

#### **Sec. 5-26. Investigation and complaint**

(a) Whenever a request for investigation is filed with the public officer by a public authority or by at least five residents of the municipality charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; or that it constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; or when by his or her own information believes this to be the case, the public officer may make an investigation or inspection of the specific dwelling, building, structure, or property and make a written report of the findings. Such officer shall be guided in his investigation by documenting conditions, which include but are not limited to:

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light, or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair by failure to conform to applicable codes and ordinances;
- (5) Structural defects which render the structure unsafe for human habitation or occupancy;
- (6) Uncleanliness;
- (7) Lack of utilities for more than 90 days;

(8) Lack of occupancy, for a newly constructed structure, for more than one year; or,

(9) The presence of graffiti which is visible from adjoining public or private property.

(b) If the public officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall file a complaint in rem in the municipal court of the city against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

**Sec. 5-27. Service of complaints or orders upon owners and parties in interest.**

(a) Summons and copies of the complaint shall be served in the following manner:

(1) In all cases, a copy of the complaint and summons shall be conspicuously posted on the subject dwelling, building, structure, or property within three business days of filing of the complaint and at least 14 days prior to the date of the hearing.

(2) At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint and summons by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are readily ascertainable. Copies of the complaint and summons shall also be mailed by first-class mail to the property address

to the attention of the occupants, if any;

(3) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing; and

(4) A notice of lis pendens shall be filed in the office of the clerk of superior court in which the dwelling, building, structure, or property is located at the time of filing the complaint in municipal court.

(b) The public officer shall cause an affidavit of service to be filed of record in the municipal court prior to the hearing showing compliance with the service requirements of this section. Such affidavit shall constitute a prima facie showing of minimum procedural due process and shall constitute sufficient proof that service was perfected.

(c) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on every interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

**Sec. 5-28. Complaint in rem in municipal court; procedure;**

(a) If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

(1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation; or

(2) If the repair, alteration, or improvement of the dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in



relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to

(A) Demolish and remove such dwelling, building, or structure and all debris from the property; or

(B) Secure the dwelling, building or structure and premises in a manner that prevents unauthorized access, following the procedure set out in Sec. 5-32 – Sec. 5-34.

For purposes of this section, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building, or structure without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered; and, provided further, that if the unsatisfactory condition is limited solely to the presence of graffiti, the dwelling, building or structure shall not be ordered demolished or closed, but its owner may be ordered to repair the same by cleaning or removal of the graffiti. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. Title 43, Chapter 39A, "Real Estate Appraisers," qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

(b) The order shall include a statement of the time within which the nuisance must be abated. This shall be as many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public, but no more than 60 days.

(c) An order to repair, alter, improve, close or demolish a dwelling, building or structure does not preclude the possibility of applying fines in addition to any other requirements.

### **Sec. 5-29. Appeals**

Review of a court order requiring the repair, alteration, improvement or demolition of a dwelling, building or structure shall be by direct appeal to the Columbia County Superior Court.

### **Sec. 5-30. Summary abatement; emergency conditions.**

Nothing contained in this chapter shall prevent the municipal court judge from summarily and without notice ordering the abatement of or abating any unfit dwelling, building or structure deemed to be a nuisance where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

**Sec. 5-31. Public remedy.**

(a) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and secured, or demolished within 270 days of the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to subsection (a) of this section or any equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action shall commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.”

**Sec. 5-32. Process for closing**

If a dwelling, building or structure is required to be closed according to this chapter, the following provisions apply.

A boarded building shall be secured in a manner as to adequately prevent entry by trespassers and animals, exposure to the elements to be free from increased hazard from fire, and structurally sound and safe for entry by emergency personnel and shall be subject to the process set out in Sec. 5-33 and Sec. 5-34.

**Sec. 5-33. Boarded building permit required.**

A boarded building permit shall be issued for the purpose of authorizing a building owner to board their building. A boarded building permit shall not be issued until an inspection of the building is performed by the building official or their designee to confirm compliance with the provisions of this section. The permit applicant must complete boarding the structure within seven (7) calendar days after a permit is issued. The manner of boarding shall prevent entry by trespassers or animals and prevent the exposure of the interior to the elements.

A boarded building permit shall be valid for no more than twelve (12) months from the date of issuance at which time a new permit must be obtained by the building owner. The cost of the boarded building permit shall be \$150.00. If the building is without a valid boarded building permit for more than seven (7) calendar days, the structure will fail to comply with the building official's order for corrective action and be subject to the applicable procedures and remedies listed in Sec. 5-38 of this chapter.

**Sec. 5-34. Inspection of secured unfit buildings and property.**

A boarded building shall be deemed to adequately prevent entry by trespassers and animals and exposure to the elements and be granted a boarded building permit if:

(a) Building openings are weather-tight and secured. All openings including missing or broken doors and windows shall be covered with one half (1/2) inch CDX plywood, weather protected, tightly fitted to the opening and secured by screws or bolts. The coverings shall be cut and aligned to match the shape of the opening.

(b) The roof, fascia and flashings are sound, tight, will not admit moisture, and will prevent dampness in the walls or interior of the building.

(c) The building's storm drainage system is adequately sized and installed in an improved manner, functional and discharged in an improved manner.

(d) The building is maintained free from debris, rubbish, garbage, and unsanitary conditions.

(e) Chimneys, smokestacks, cooling towers and similar appurtenances are structurally safe.

(f) All sanitary sewer connections have been terminated in a manner consistent with this chapter.

(g) All interior water pipes have been drained at the lowest point and the water service terminated in a manner consistent with this chapter.

(h) Electric and fuel gas utility services have been terminated in a manner consistent with this chapter.

(i) The premises upon which the dwelling, building or structure is located and the dwelling, building or structure itself do not have any conditions that would constitute a nuisance under the provisions of this chapter or of Chapter 8 of this code.

(j) Accessory and appurtenant buildings such as garages, sheds and fences are

free from debris, rubbish, garbage and safety health and fire hazards.

**Sec. 5-35. Process for demolition.**

(a) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

**Sec. 5-36. Recovery of costs; lien.**

(a) The amount of the cost incurred by the city of repair, closure or demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(b) The lien provided for in this chapter shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in Columbia County and shall relate back to the date of the filing of the lis pendens notice required in Sec. 5-27.

The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid. After filing a certified copy of the order with the clerk of superior court, the public officer shall, within 90 days of the completion of repairs, demolition or closure, forward a copy of the order and a final statement of costs to the county tax commissioner.

(c) It shall be the duty of the county tax commissioner to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. § 48-4-5, "Ad Valorem Tax Foreclosures"; provided, however, that the limitation of O.C.G.A § 48-4-78 "Identification of properties on which ad valorem taxes are delinquent; petition for tax foreclosure;

contents of petition; notice” which requires 12 months of delinquency before commencing a tax foreclosure shall not apply; provided, further, that redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 [“Redemption by owner or other interested party”](#) and 48-4-81 “Sale procedures; time; minimum bid; finality; right of redemption by owner; execution of tax deed; report of sale.” The tax commissioner may initiate enforcement of liens imposed under this section at any time following receipt of the final determination of costs from the public officer. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.

(d) The tax commissioner shall remit the amount collected to the governing authority of the municipality whose ordinance is being enforced. The tax commissioner may retain an amount equal to the cost of administering collection of the lien. Any such amount collected and retained for administration shall be deposited in the general fund of the county to pay the cost of administering the lien.

(e) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

**Sec. 5-37. Limitation of liability for code enforcement; no special duty created.**

It is the intent of this article to protect the public health, life safety and general welfare of properties and occupiers of dwellings, buildings and structures within the city in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of the city. Approval of a permit and inspection of a property shall in no manner guarantee or warrant to the owner or occupants thereof that said property has been constructed, maintained, or operated in conformance with applicable codes, laws and regulations. The city reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any federal or state law, regulation, or ordinance requires compliance as a condition precedent to the issuance of a permit, plan or design approval, inspection or other activity by the city, its officers, employees and

agents, issuance of such permit, approval, or inspection shall not be deemed to constitute a waiver or estoppel of the condition precedent, and it shall remain the obligation and responsibility of the owner, his design professional(s), and contractor(s) to satisfy such legal requirements.

**Sec. 5-38. Violations; enforcement penalties.**

Any person who shall violate a provision contained in Article II, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted for a misdemeanor for violation of a city ordinance. The maximum penalty shall be a fine of \$1,000.00, imprisonment for six months and probation of 12 months. Penalties for the first violation of Article II shall be a minimum fine of \$500.00. The penalty for repeat violations of the same provisions of Article II by the same owner or tenant shall be a minimum fine of \$1,000.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The maximum total fine for repeat violations due to a violation continuing over multiple days shall be \$5,000.00. Fines given for convictions of violating a provision of this code shall still be applied even if abatement occurs before the court ruling. Fines are in addition to any costs that the city may have incurred in abating an unfit dwelling, building or structure. Fines may not be stayed, deferred or suspended.

**Section 6.** A new Article III (Vacant and Foreclosed Property Registry) is hereby added, such Article to read as follows:

**Sec. 5-51. Purpose.**

The purpose of this article is to promote the health, safety, and general welfare of the residents of the City of Grovetown by authorizing the creation of a registry for vacant or foreclosed dwellings, buildings or structures. The intent is to monitor the condition of property to ensure that a lack of attention does not eventually lead to dilapidated or unsafe structures. Registration is not a judgment of a property's current condition.

**Sec. 5-52. Definitions.**

"Agent" means an individual with a place of business in this state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

"Foreclosed real property" means improved or unimproved real property for which a land disturbance permit has been issued by a county or municipal corporation and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, 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.

“Street address” means the street or route address. Such term shall not mean or include a post office box.

“Vacant real property” means real property that: is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or is partially constructed or incomplete, without a valid building permit. Such term shall not include a dwelling, building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

**Sec. 5-53. Registration required.**

At such time a registry is created by the public officer, all vacant or foreclosed properties in the city of Grovetown are required to be registered with the city, with exceptions as set out in Sec. 5-57 below.

**Sec. 5-54. Designation of public officer.**

The public officer shall be the city administrator and any officer or employee of the city to whom he or she delegates such authority. The public officer is responsible for carrying out the provisions of this article. Any responsibilities may be delegated to officers or agents the public officer as he or she may designate.

**Sec. 5-55. Administrative procedures.**

The determination that a property is vacant or foreclosed shall be made by the public officer. The public officer shall inform the property owner of the registration requirement in writing. Notice shall be addressed to the owner at the last known address or by posting the notice on the property. The owner of a property required to be registered shall register the property with the city within 30 days of receiving notice.

**Sec. 5-56. Specific Requirements.**

Each registrant shall be required to file with the Grovetown Planning and Zoning department an application that includes the following information:

- (1) The real property owner’s name, street address, mailing address, phone number, and e-mail address;
- (2) If an agent is representing the owner, the agent's name, street address, mailing address, phone number, and e-mail address;

- (3) The real property's street address and tax parcel number;
- (4) The transfer date of the instrument conveying the real property to the owner; and
- (5) 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.

**Sec. 5-57. Exceptions.**

1) When any real property is acquired by foreclosure under power of sale pursuant to Georgia Code Section 44-14-160 "Recording of foreclosure and deed under power; notations of sale in records," or acquired 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 paragraphs (1) through (5) of Sec. 5-56; and

(B) The deed is filed with the clerk of superior court within 60 days of the transfer; and

(C) Proof of the following is provided to the office or officer in charge of the county or municipal foreclosed real property registry:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure, then the property does not need to be registered.

2) A new owner is not required to register the property until 90 days have passed following the transfer of property.

**Sec. 5-58. Change of information.**

A vacant or foreclosed real property owner must update the information specified in paragraphs (1) through (5) of Sec. 5-56 within 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.

**Sec. 5-59. Fees.**

The cost for registering a property is \$100.00. The cost is due at the time of registration. This amount is intended to approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry.

**Sec. 5-60. Appeals.**



A property owner found to own vacant or foreclosed property may appeal this finding. The appeal shall be made to municipal court. Appeals must be filed within 30 days after the property owner or agent is notified of the determination. Any other determination made pursuant to this ordinance may be challenged in municipal court. Appeals of municipal court decisions shall be made to Columbia County Superior Court.

**Sec. 5-61. Failure to register.**

If the owner of a property fails to register the property with the city during the time specified, a summons to municipal court shall be issued. The summons shall notify the interested parties that a hearing will be held before the municipal court at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing. Service of the summons shall be done in the manner as described in Sec. 5-27 of this chapter.

**Sec. 5-62. Complaint in municipal court.**

If, after such notice and hearing, the court determines that the owner failed to register property required to be registered, it shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the owner and interested parties that have answered the complaint or appeared at the hearing an order stating that the property must be registered.

**Sec. 5-63. Penalty.**

The penalty for noncompliance with the registration requirement shall be a fine of \$1,000.00.

**Sec. 5-64. Removal from registry**

A vacant or foreclosed real property owner, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry at such time as the real property no longer constitutes vacant or foreclosed real property. The City shall grant or deny such application within 30 days, and if no such determination is made within 30 days, the application shall be deemed granted.

**Section 7.** Should any section, subsection, or provision of this ordinance be ruled invalid by a court of competent jurisdiction, then all other sections, subsections, and provisions of this ordinance shall remain in full force and effect.

**Section 8.** All other ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 9.** The effective date of this ordinance is October 14, 2013.

Approved this the 15th day of April, 2013, by the Mayor and City Council of the City of Grovetown, Georgia

ATTESTED:

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Vicky Capetillo, Clerk

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George W. James, Mayor