

Ordinance: 224

AN ORDINANCE AMENDING CHAPTER 8 (HEALTH AND SANITATION) OF THE GROVETOWN CODE OF ORDINANCES

BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GROVETOWN, GEORGIA, THAT:

Section 1. Chapter 8 (Health and Sanitation) of the Grovetown Code of Ordinances, is hereby repealed in full and replaced with the following:

Article I. IN GENERAL

Sec. 8-1. Purpose.

The purpose of this chapter is to exercise the police power in relation to public nuisances and abatement of such nuisances in order to protect the public health, safety and welfare.

The governing authority of this city finds that certain activities and situations harm the public health, safety and welfare. It is further found and declared that in the city, where there is in existence an activity or situation that is injurious to the health, safety, and welfare of the people of the city, a public necessity exists for the cessation and abatement of such activity or situation.

Sec. 8-2. Unlawful to create or maintain.

It shall be unlawful for any person to create and/or maintain a nuisance on public or private premises.

Sec. 8-3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

“Brush” means all vegetation detached from the land resulting from land clearing operations or other causes.

“Garden trash” means all accumulations of grass or shrubbery cuttings and other rubbish attending the care of land, shrubbery, vines, trees, and tree limbs.

“Litter” means all waste material, rubbish, brush, garden trash, tin cans, bottles, sand, gravel, concrete, slag, refuse, garbage, trash, debris, dead animals, or discarded materials of any and every kind and description.

“Nuisance” means whatever is dangerous or detrimental to human life or health

and whatever renders or tends to render soil, air, water or food impure or unwholesome.

“Person” means a person, corporation, society, association or municipality.

“Public officer” means the city administrator or his or her designee for the purposes of carrying out the duties of this chapter.

Sec. 8-4. Nuisances.

The following are specifically declared to be nuisances:

- (1) Toilets, other sanitary facilities, plumbing or sewers in bad repair.
- (2) Conditions conducive to the breeding of flies, mosquitoes or other insects.
- (3) Pollution of the air by gases, vapors, fumes, mists, dusts or smoke in quantities sufficient to be disagreeable, discomforting or detrimental to health or well-being.
- (4) Trash, garbage, refuse or any foul, decaying or putrescent material kept or used in such a manner or place as to be or become offensive, objectionable or detrimental to health or well-being.
- (5) The growing, maintaining, permitting or allowing of any weed, undergrowth, vegetable or horticultural growth which either:
 - a. Overhangs, encroaches upon, obstructs or in any manner interferes with the full and free use by the public of any street, sidewalk or sidewalk area upon which such property so owned or occupied abuts;
 - b. Has grown and died upon any premises owned, occupied or in control of the responsible person or persons and which constitutes the detriment to the public health, safety or welfare, including, but not limited to, a fire hazard; or
 - c. Is so overgrown upon any premises owned, occupied, or in control of the responsible person or persons, as to cause the degradation of the character of the neighborhood as determined by code enforcement. It shall be unlawful for any owner or resident of any lot, area or place located within the city to permit any weeds, grass or deleterious, unhealthful growths to obtain a height exceeding ten (10) inches on such property. For the purposes of this section, “weeds” shall be deemed to mean jimson, burdock, ragweed, thistle, cocklebur, dandelion or other unsightly growths of a like kind.
- (6) The presence of debris or other material on sidewalks or the public right-of-way which impedes safe passage or otherwise creates a hazardous condition.

(7) Any pit, basin, hole, well or other excavation which is unguarded and dangerous to life, or has been abandoned, or is no longer used for the purpose for which it was constructed, or is maintained contrary to law. All abandoned wells, i.e., wells no longer in use and unsecured, are hereby declared to be a nuisance and shall be filled with dirt by the owner of the well. All wells other than abandoned wells shall be completely covered and secured in a manner approved by the Director of the Planning and Zoning Department which shall provide for the health, safety and welfare of the public.

(8) Unused iceboxes, refrigerators and the like, unless the doors, latches or locks thereof are removed.

(9) The depositing or allowing of irrigation or other water to run by any street, alley or other public place, in such manner as to cause settling or damage to the street, alley or other public place, or to cause annoyance, damage or hazard to any user of the street, alley or other public place.

(10) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto.

(11) All walls, trees, and buildings that may endanger persons or property.

(12) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent the activities;

(13) An inoperative or abandoned vehicle. This shall include but shall not be limited to any automobile, vehicle, trailer of any kind or type or contrivance or a part thereof, which exists in any of the following conditions: (1) Wrecked; (2) Dismantled; (3) Partially dismantled; (4) Inoperative; (5) Abandoned; (6) Discarded; (7) Scrapped; (8) Does not have a current license plate attached thereto. In all instances where the owner of any abandoned motor vehicle and/or trailer cannot be determined or the owner of any abandoned motor vehicle and/or trailer refuse to give consent to the city to remove any abandoned motor vehicle and/or trailer which has been determined to constitute a nuisance, such abandoned motor vehicle and/or trailer shall be removed under the authority and provisions of Chapter 40-11, "Abandoned Motor Vehicles," of the Georgia Code Annotated.

(14) Dumping or depositing on premises of another, streets, streams, or lakes, including public or private property or waters. It shall be unlawful for any person or legal entity in person or its agent or employees, to cast, dump, deposit, accumulate, throw or leave, or to cause to permit the dumping, depositing,

placing, accumulating, throwing or leaving of litter, garbage, garden trash, brush or rubbish on any public or private property in the city or any waters in the city unless:

- a. The property is designated by the city or by the county for the disposal of such materials and the person is authorized by the proper public authority to use such property;
- b. The litter is placed into a litter receptacle or container installed on such property; or
- c. The person or legal entity is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare and city regulations.

(15) Rubbish thrown from motor vehicles.

- a. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or other means of conveyance in violation of this section, it shall be prima facie evidence that the operator of the conveyance has violated this section.
- b. When litter which is dumped, deposited, thrown or left on public or private property in violation of this section is discovered to contain any article, including but not limited to letters, bills, publications or other writings which display the name of a person in such a manner as to indicate that the article belongs to such a person, it shall be rebuttable presumption that such person has violated this section.

(16) Burning or burying when in violation of the following provisions:

(a) Garbage, rubbish, hydrocarbons and other restrictions. The burning of garbage, rubbish, automotive tires and tubes, asphalt shingles, PVC pipe, insulation, treated lumber, adhesives, shale oil, nitro-cellulose, combustible liquids and other products manufactured from derivatives of petroleum is prohibited. The use of hydrocarbons to start or fuel a fire is prohibited. Only one (1) active burn site is permitted on any lot one (1) acre or less in size. The burying of garbage or rubbish is prohibited except for burying in a designated landfill as approved by the authority having jurisdiction. Controlled outdoor burning will not be permitted to continue if it becomes a public nuisance or a health hazard.

(b) Garden trash, yard debris or brush in small amounts. The burning of garden trash, yard debris and brush is permitted in small amounts not exceeding

seventy-five (75) cubic feet provided that there is compliance with O.C.G.A. § 12-9-1 et seq., that authorization has been granted by the Fire Chief or his designated representative, that proper safeguards have been taken to prevent spread of the fire, and that the fire is attended at all times until it is fully extinguished. Fires must be fully extinguished by nightfall.

(c) *Brush in large quantities.* The burning of brush in large quantities, (greater than seventy-five (75) cubic feet), is not permitted, except for those special circumstances or occasions as noted in subsection (d).

(d) *Special events.* For special occasions where outdoor cooking takes place in a manner other than the utilization of an approved grill such as social functions which include campfires for cooking, luau, or any other similar type of cooking activity, and for bonfires, campfires and similar activities, the person in charge of the activity must obtain authorization through the office of the fire marshal.

(e) *Authorization for burning required.* Authorization to perform outdoor burning is required for all outdoor burning except for outdoor cooking on approved charcoal or gas grills. Each request to conduct outdoor burning shall be made to the fire department in person or via communication acceptable to the department. The fire chief and the fire marshal shall have reasonable discretion as to when outdoor burning is allowed based on existing or forecasted weather conditions.

(f) *Monitoring and enforcement.* The fire department will periodically monitor authorized burning to assess compliance with safety and environmental requirements and will investigate complaints and reports of violations. For any fires found not in compliance, fire department personnel may require the correction of the deficiency(ies) or direct extinguishment of the fire, as they judge appropriate. In no case should burning be allowed to continue if in the fire officer's judgment smoke or other particles of combustion have or are likely to enter openings in someone's home, or become a hazard to someone's property, or if the fire is causing other discernible adverse effects. Failure to be in compliance with any of the rules and regulations noted above may result in revocation of any authorization to burn that has been issued, and a verbal warning, written warning, or citation as appropriate. Citations may be issued by the fire chief, fire marshal, fire department operations officer, code enforcement officers, and police officers.

(g) *Implementation.* The fire chief is authorized to publish rules, regulations and procedures to implement the above requirements for controlled burning.

(17) *Accumulation of brush.* All accumulation of brush shall be removed or

otherwise effaced from public view within thirty (30) days of the start of the accumulation. Permitting brush to accumulate is hereby declared to be a nuisance.

(18) Spilling of trash, sand, gravel, similar materials from vehicles.

(a) It shall be unlawful for any person to transport upon any public roads within the city garbage, refuse, trash, rubbish, sand, gravel, shell, rock, marl, limestone or asphalt in a vehicle which is not completely covered or otherwise secured in such a manner to prevent the spilling of its contents on public roads.

(b) It shall be unlawful for any person to transport upon any public roads within the city material or supplies other than those enumerated in subsection (a) of this section in a vehicle which is not completely covered or otherwise properly secured in such a manner as to prevent the spilling of its contents on public roads.

(19) Any other condition constituting a nuisance under state law.

ARTICLE II. NUISANCE ABATEMENT

Sec. 8-10. Violation.

Violation of any provision of this chapter is hereby declared to be a misdemeanor and upon conviction thereof shall be punished as provided by law.

Sec. 8-11. Complaint of nuisance.

Any official or inhabitant of the city may direct a complaint of nuisance to the public officer, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation and issue a summons to the owner and any other interested parties.

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.

Animal control officers or building and license inspectors of the city may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as the public officer.

Sec. 8-12. Service of notice and orders.

(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. 8-13. Orders for corrective action.

If, after such notice and hearing, the municipal judge determines that the dwelling, building, structure, or property under consideration does contain a nuisance or is the source of a nuisance, the municipal judge 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 the following:

(1) The enumeration of conditions which are creating the nuisance and an enumeration of remedial action necessary to correct each of the conditions pursuant to O.C.G.A. § 41-2-9 "County or municipal ordinances relating to unfit buildings or structures," as amended.

(2) 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.

(3) That failure to comply with the order within the required time above set forth is in violation of this chapter and shall subject the parties and property to the remedies of this chapter.

Where a condition exists regarding any property which constitutes an immediate danger to persons or adjacent property, the building official may request that the municipal judge shorten the time periods otherwise specified in the order for corrective action.

An order of corrective action does not preclude the possibility of fines being assessed in addition to any other requirements.

Sec. 8-14. Abatement by city.

In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge, that it must be immediately abated, the judge may issue an order to the public officer directing the nuisance to be abated. The public officer, in such case, shall keep a record of the expenses and cost of abating same and the costs shall be billed against the owner, agent or tenant for collection as for city revenues generally and shall become a lien on the property of such persons.

Other city departments shall assist as is necessary in abating nuisances hereunder.

Sec. 8-15. Recovery of costs; lien.

The amount of any cost incurred by the city to abate a nuisance, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, and all other costs necessarily associated with the abatement action, shall be a lien against the real property upon which such cost was incurred.

(a) The lien provided for in this section shall attach to the real property upon the filing of a certified copy of the order requiring abatement 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. 8-12.

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.

(b) 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.

(c) 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.

(d) 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. 8-16. Nuisance per se; exception; summary abatement.

Nothing contained in this chapter shall prevent the public officer from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Sec. 8-17. Offense; penalty.

It is declared to be a misdemeanor offense for any owner, agent or tenant to create or have a nuisance. Each day a nuisance is continued shall constitute a separate offense. Following five days after receipt of certified written notice to the property owner, agent or tenant, a citation may be issued by the city. The maximum penalty shall be a fine of \$1,000, imprisonment for six months and probation of 12 months.

The penalty for a first violation of this article within five years shall be a minimum fine of \$100. 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 \$500.00. 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 \$1000.00. 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 \$2,000.00.

ARTICLE III. REPETITIVE NUISANCES

Sec. 8-30. Repetitively maintaining a nuisance.

Notwithstanding the remedies prescribed to the city for the abatement of nuisances as provided in articles I and II of this chapter, when an income-producing residential or nonresidential building, dwelling, structure or property has been determined to be a nuisance or unfit building as defined in Chapter 5, Article II or articles I or II of this chapter on two (2) or more separate occasions within any twelve (12) month period, or if a violation under those portions of this code has occurred at more than one such building, dwelling, structure or property owned by the same owner during any twelve (12) month period, the municipal judge may determine that the owner is willfully and repetitively maintaining a nuisance. Violations that occurred prior to the effective date of this

article will not be considered. If warranted by the municipal judge's decision, the subsequent conditions of abatement enumerated by the public officer may include, but are not limited to, making security improvements to the premises, hiring of licensed and insured security personnel, the initiation and execution of eviction proceedings against tenants who engage in the nuisance behavior, or the loss of a business license or certificate of occupancy for a period of up to one year. The loss of a certificate of occupancy in accordance with this article shall be effective regardless of a subsequent change in ownership.

Sec. 8-31. Revocation of permits, licenses and nullification of exemptions.

Where a property owner or interested party has been found to have been willfully and repetitively maintaining a nuisance, the following may apply by court order:

(a) Any licenses, permits or certificates, whether business, occupancy or building code which pertain to the subject premises and were in effect at the time of closure are deemed revoked or abandoned.

(b) Any residential or nonresidential building, dwelling, structure or property which had previously been exempt from or "grandfathered" from any of the provisions of this Code shall have forfeited such status and must be in compliance with all applicable City, state and federal, health, safety, property maintenance, building, subdivision and zoning codes.

(c) Prior to occupancy of the premises following the conclusion of a prescribed closing and boarding period, the property shall be inspected by the appropriate City, state and federal inspectors, and be found to be in compliance with all applicable City, state and federal, health, safety, property maintenance, building, subdivision and zoning codes. No occupancy shall occur unless all code violations are abated.

(1) If a premise is required to be closed under this section, the public officer shall cause to be posted on the premises a placard with the following words:

"The owner of this premise has been found to have been willfully and repetitively maintaining a nuisance. The use or occupation of this premise is prohibited and unlawful."

Sec. 8-32. Penalties

Any person, who shall violate a provision of this article, 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 within five years shall be a minimum fine of \$500.00. The penalty for repeat violations of the same provisions of this code by the same owner or tenant within five years 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 may not be stayed, deferred or suspended. In the case where the court finds a violation, the fine shall be applied regardless of whether abatement has taken place by the time of the court ruling. Fines given under this section shall be in place of, rather than in addition to, fines potentially levied under other sections of this code.

ARTICLE IV. BLIGHTED PROPERTY TAX

Sec. 8-40. Blighted property.

The existence of real property which is maintained in a blighted condition increases the burden of the state and local government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the city, Grovetown, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated those areas of the city where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

Cross reference – Finance and Taxation – 6-1-6-4.

Sec. 8-41. Definitions.

“Building inspector” means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

“Community redevelopment” means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment

area or portion thereof designated for redevelopment through an urban redevelopment plan or thorough local ordinances relating to the repair, closing, and demolition of buildings and structures unfit for human habitation.

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

“Millage” or “millage rate” means the levy, in mills, which is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction’s general fund expenses for the fiscal year.

“Person” means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.

“Public officer” means the city administrator or such officer or employee of the city as designated by the city administrator to perform the duties and responsibilities hereafter set forth in this article.

Sec. 8-42. Designation of blight

“Blighted property”, “blighted”, or “blight” means any urbanized or developed property in the city’s redevelopment area which:

(a) Presents one or more of the following conditions:

- (1) Uninhabitable, unsafe, or abandoned structure;
- (2) Inadequate provisions for ventilation, light, air, or sanitation;
- (3) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which the governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
- (4) A site identified by the federal Environmental Protection Agency as a Superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- (5) Repeated illegal activity on the individual property of which the property owner knew or should have known; or

(6) The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

(b) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property; and

(c) Has been found to be in violation of Chapter 5, Article II or Chapter 8, Articles I or II two or more times during the previous five years. Violations that occurred prior to the effective date of this article will not be considered.

Property shall not be deemed blighted solely because of aesthetic conditions.

Sec. 8-43. Ad Valorem Tax Increase on Blighted Property

(a) There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of ten (10.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.

(b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.

(c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be segregated by the city manager and used only for community redevelopment purposes, as identified in an approved urban redevelopment program, including defraying the cost of the city's program to close, repair, or demolish unfit building and structures.

Sec. 8-44. Identification of Blighted Property.

(a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:

(1) An inspection must be performed on the parcel of property. In order for an inspection to be performed,

(A) A request may be made by the public officer or by at least five residents of the city for inspection of a parcel of property, said inspection to be based on the criteria as delineated in ordinance, or

(B) The public officer may cause a survey of existing housing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this article for designation as being maintained in a blighted condition.

(2) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(3) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation.

(4) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Columbia County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public officer that real property has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12, "Service of complaints or orders upon parties in interest and owners of unfit buildings or structures," shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

(b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to

request a hearing before the city's municipal court. Written request for hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.

(c) Within 30 days of the receipt of a request for hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the public officer and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the Columbia County News-Times or other designated legal organ in Columbia County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.

(d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Columbia County, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.

(e) Persons aggrieved by the determination of the court affirming the determination of the public officer may petition the Superior Court of Columbia County for a writ of certiorari within 30 days of issuance of the court's written determination.

Sec. 8-45. Remediation or Redevelopment.

(a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

(1) Completion of work required under a plan of remedial action or

redevelopment approved by the city's planning and zoning director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes.

(b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the Tax Commissioner of Columbia County.

(c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the city administrator, and contain the following:

(1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;

(2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;

(3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;

(4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;

(5) The plan shall contain a timetable for completion of required work; and

(6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Sec. 8-46. Decrease of Tax Rate.

(a) Real property which has had its designation as maintained in a blighted

condition removed by the public officer, as provided in Section 8-44, Identification of Blighted Property, of this Article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000.00 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years and provided that no property will receive more in total tax reduction than it paid in increased taxes prior to the removal of the blighted condition designation.

(b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with payment of ad valorem taxes on the property shall submit a notarized affidavit to the public officer, supported by receipts or other evidence of payment, of the amount expended.

(c) To be eligible for the reduction in ad valorem taxes below the generally applied rate, the property must have had its designation as maintained in a blighted condition removed within 24 months following the date it was originally designated as maintained in a blighted condition. If the designation is lifted after this time, the millage rate will return to the generally applied rate.

Sec. 8-47. Notice to Tax Commissioner.

It shall be the duty of the public officer to notify the Tax Commissioner of Columbia County in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Columbia County Tax Assessor's Office. The public officer shall cooperate with the tax commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this article.

Section 2. 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 3. All other ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. 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:

Vicky Capetillo, Clerk

George W. James, Mayor