

**SPONSOR: MAYOR LESTER M. MILLER**

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE V OF CHAPTER 6 OF THE INAUGURAL CODE OF MACON-BIBB COUNTY RELATING TO THE BLIGHT ELIMINATION REVOLVING LOAN FUND, TO APPROPRIATE MONEY RECEIVED FROM THE SUBSEQUENT TAX SALE PROGRAM TO THE FUND; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, on January 21, 2020, the Macon-Bibb County Commission approved Ordinance No. O-20-0002, creating the Macon-Bibb County Blight Elimination Revolving Loan Fund ("Fund") and appropriating certain monies thereto; and

**WHEREAS**, a copy of Ordinance No. O-20-0002 has been attached hereto at Exhibit A for reference purposes, and is incorporated herein by reference; and

**WHEREAS**, Section 6-84 of the Macon-Bibb County Code of Ordinances provides that the Fund would initially be funded by those monies received from the 2019 subsequent tax sales, with ongoing funding to be received from the sale of properties acquired and remediated under Article V of Chapter 6, as well as the increased ad valorem taxes received through the Macon-Bibb County Community Redevelopment Tax Incentive Program; and

**WHEREAS**, the Macon-Bibb County Tax Commissioner's subsequent tax sale program has been highly successful, and continues to generate significant sums of money for Macon-Bibb County while placing tax-delinquent properties in the hands of new and responsible owners; and

**WHEREAS**, the Macon-Bibb County Commission wishes to continue to dedicate funds received through the subsequent tax sale program to the use of the Fund; and

**WHEREAS**, Sections 6-85 through 6-87 of the Macon-Bibb County Code of Ordinances currently provide that the Mayor may unilaterally expend money from the Fund for the purpose of acquiring ownership in blighted properties for remediation and resale; and

**WHEREAS**, the Macon-Bibb County Commission desires to expand said authority to allow the Mayor to demolish blighted structures that are not owned by Macon-Bibb County, or otherwise abate blighted conditions on property not owned by Macon-Bibb County that are severe enough to constitute a nuisance; and

**WHEREAS**, the Macon-Bibb County Commission finds that this Ordinance is in the best interests of, and promotes the health, wellness, morals and safety of, the citizens and employees of Macon-Bibb County; and

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordered and ordained by the authority of the same that:

**Section 1.**

All monies received from the Macon-Bibb County Tax Commissioner's subsequent tax sale or judicial in rem subsequent tax sale program, which have not been previously obligated or spent as of the effective date of this Ordinance, are hereby appropriated to the Macon-Bibb County Blight Elimination Revolving Loan Fund, as established in Section 6-82 of the Macon-Bibb County Code of Ordinances.

**Section 2.**

Section 6-83 of the Macon-Bibb County Code of Ordinances, is hereby repealed in its entirety and replaced with the following:

Chapter 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE V – BLIGHT ELIMINATION REVOLVING LOAN FUND

Section 6-83. – Definitions.

As used in this Article, the following terms are hereby defined as follows:

(a) *Blighted property, blighted or blight* means any urbanized or developed property which:

(1) Presents two or more of the following conditions:

- a. Uninhabitable, unsafe, or abandoned structure;
- b. Inadequate provisions for ventilation, light, air or sanitation;
- c. 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;
- d. A site identified by the federal Environmental Protection Agency as a superfund site pursuant to 42 USC Section 9601 et seq., or having environmental contamination to an extent that requires remedial investigation or a feasibility study;
- e. Repeated illegal activity on the property of which the property owner knew or should have known; or

- f. The maintenance of the property is below state, county, consolidated government, or municipal codes for at least one year after written notice of the code violation to its owner; and
- (2) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property. Property shall not be deemed blighted solely because of esthetic conditions.

(b) *Governing authority* means the Commission of Macon-Bibb County, a political subdivision of the State of Georgia.

(c) *Nuisance property* means any parcel or portion of real property located in Macon-Bibb County, but not owned by Macon-Bibb County, for which:

- (1) a court of competent jurisdiction has entered an order permitting or ordering the County to demolish any structure, improvement, alteration, or condition on the property, for so long as such order remains valid under the law;
- (2) a court of competent jurisdiction has entered an order finding that a nuisance condition exists on any property, and permitting or ordering the County to abate such nuisance, for so long as such order remains valid under the law; or
- (3) the Mayor has declared a nuisance per se in accordance with Section 15-9 of this Code or otherwise in lawful exercise of the police powers of Macon-Bibb County.

### **Section 3.**

Section 6-84 of the Macon-Bibb County Code of Ordinances, is hereby repealed in its entirety and replaced with the following:

#### **Chapter 6 – BUILDINGS AND BUILDING REGULATIONS**

#### **ARTICLE V – BLIGHT ELIMINATION REVOLVING LOAN FUND**

##### **Section 6-84. – Funding.**

###### **(a) Initial funding:**

The Fund shall initially be funded through monies received by the governing authority from 2019 subsequent tax sales which have already occurred.

###### **(b) Continued funding for the Fund shall be from**

- (1) The sale of properties acquired and remediated under this Article after all costs and expenses have been paid from the Fund;



- (2) The collection of the increased ad valorem tax on blighted property implemented by the governing authority in Chapter 26, Article XI;
- (3) The collection of funds from the Macon-Bibb County Tax Commissioner's subsequent tax sale and judicial in rem subsequent tax sale programs; and
- (4) All fines collected through the Municipal Court for violations relating to blight, enforcement of the International Property Maintenance Code, or other environmental court actions.

All money eligible to be appropriated to the Fund under the terms of this Section may be appropriated to the Fund immediately upon receipt. The governing authority may from time to time as it deems necessary appropriate further funding into the Fund.

#### Section 4.

There is created a new section of the Macon-Bibb County Code of Ordinances, to be known as Section 6-88, and to provide as follows:

#### Chapter 6 – BUILDINGS AND BUILDING REGULATIONS

#### ARTICLE V – BLIGHT ELIMINATION REVOLVING LOAN FUND

#### Section 6-88. – Demolition and abatement of nuisances.

- (a) In addition to the expenditures otherwise authorized by this Article, the governing authority expressly provides the Mayor with the power to expend any necessary funds to take the following actions without prior authorization so long as the expenditure does not exceed the amount retained in the Fund at the time of the expense:
  - (1) Conduct any preparatory work relating to and necessary for the safe, lawful, and proper demolition or abatement of any property in accordance with this Section, including, without limitation, testing for and removal or mitigation of asbestos or other environmental contamination; special handling of any personal property, condition, or fixture which may interfere with demolition or abatement; acquiring surveyor, architectural, engineering, legal, planning, inspection, or other professional services related to the subject property;
  - (2) demolish any structure, improvement, alteration, or condition existing on any nuisance property, and to do so in accordance with any judicial orders, if applicable;
  - (3) to abate any nuisance, existing on any nuisance property, and to do so in accordance with any judicial orders, if applicable;

- (4) to clean, remove, or dispose of any debris, refuse, garbage, vegetation, yard waste, or other abandoned or dangerous material located on a nuisance property, whether in conjunction with a demolition or otherwise; or
- (5) to fill in any holes left on a nuisance property as a result of demolition or otherwise return the nuisance property or portion thereof to grade.

(b) Nothing in this Section shall be construed as prohibiting or limiting the right of Macon-Bibb County to file liens on any nuisance property where work is performed under this Section, in accordance with any other provision of this Code. Any lien filed arising out of work performed under this Article shall so indicate on its face, and upon satisfaction, any funds received therefrom shall be returned to the Fund if it remains in existence at such time.

#### **Section 5.**

There is created a new section of the Macon-Bibb County Code of Ordinances, to be known as Section 6-89, and to provide as follows:

#### **Chapter 6 – BUILDINGS AND BUILDING REGULATIONS**

#### **ARTICLE V – BLIGHT ELIMINATION REVOLVING LOAN FUND**

#### **Section 6-89. – Purchasing, contracts, and disposal of property.**

Notwithstanding the authority granted under this Article, the Mayor shall not exercise any authority granted under this Article to enter into any contract or dispose of any property where the same is required by state or federal law, or by any applicable contractual or grant obligations, to first be competitively bid unless such requirements have been met.

#### **Section 6.**

The Macon-Bibb County Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

#### **Section 7.**

In accordance with Sec. 1-4( c) of the Code of Ordinances of Macon-Bibb County, Georgia, it is hereby ordained that the provisions of this Ordinance shall become and be

made part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Section 8.**

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

**Section 9.**

The Mayor, County Attorney, and all other proper officers and agents of the County are authorized and directed to execute such documents and to take such other actions as may be required to accomplish the intents and purposes of this Ordinance.

**Section 10.**

Except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance shall be and the same hereby are repealed, and this Ordinance shall be in full force and effect from and after its adoption.

**Section 11.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

SO ORDERED AND ORDAINED this 14 day of February, 2021.

  
LESTER M. MILLER, MAYOR



ATTEST:

  
JANICE S. ROSS, CLERK OF COMMISSION





**Routing/File Form**

**Document Type:** ☐ Contract ☐ Deed ☐ Ordinance ☐ Resolution ☐ Grant ☐ Other  
 (Check one of the above document types)

**PURPOSE:** AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE V OF CHAPTER 6 OF THE INAUGURAL CODE OF MACON-BIBB COUNTY RELATING TO THE BLIGHT ELIMINATION REVOLVING LOAN FUND, TO APPROPRIATE MONEY RECEIVED FROM THE SUBSEQUENT TAX SALE PROGRAM TO THE FUND; AND FOR OTHER LAWFUL PURPOSES.

**Annual Cost:** \_\_\_\_\_

**Total Contract Amount:** \_\_\_\_\_

**Administering Department or Officer:** \_\_\_\_\_

**Contractor(s):** \_\_\_\_\_  
 \_\_\_\_\_

**Contract Start Date:** \_\_\_\_\_ **Contract End Date:** \_\_\_\_\_

**Funding Source(s):** \_\_\_\_\_

**Automatic Renewals:** \_\_\_\_\_ yes \_\_\_\_\_ no

**Number of Renewals:** \_\_\_\_\_ **Final Expiration Date:** \_\_\_\_\_

<u>Ordinance/Resolution</u>			<u>Contracts/Other</u>	
<u>Reviewed By:</u>	<u>Initials</u>	<u>Month/Day/Year</u>	<u>Initials</u>	<u>Month/Day/Year</u>
Sr. Assistant / Cnty. Attorney	MJM	2 / 1 / 21	_____	____ / ____ / ____
Grant Administrator	_____	____ / ____ / ____	_____	____ / ____ / ____
Finance Director	Cue	2 / 1 / 21	_____	____ / ____ / ____
County Manager	_____	____ / ____ / ____	_____	____ / ____ / ____
Mayor	Lor	2 / 2 / 21	_____	____ / ____ / ____
Clerk of Commission	_____	____ / ____ / ____	_____	____ / ____ / ____
<b>Commission Approval</b>	_____	____ / ____ / ____		

**Additional comments, instructions, etc.:** \_\_\_\_\_

**ALL FULLY-EXECUTED CONTRACTS ARE TO BE PLACED ON FILE IN THE CLERK OF COMMISSION'S OFFICE AS SOON AS POSSIBLE AFTER EXECUTION.**



## SPONSORED BY

Lester M. Miller, Mayor

COMMITTEE REPORT

	Yes	No

ACTION TAKEN AND DATE:RECOMMEND: approved

(Approved/Disapproved/Approved as Amended)

February 9, 2021  
Date

APPROVED AS TO FORM BY COUNTY ATTORNEY

Michael J. McNeill  
Senior Assistant County Attorney

AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND ARTICLE V OF CHAPTER 6 OF THE INAUGURAL CODE OF MACON-BIBB COUNTY RELATING TO THE BLIGHT ELIMINATION REVOLVING LOAN FUND, TO RENAME THE SAME AS THE "BLIGHT ELIMINATION FUND"; APPROPRIATE MONEY RECEIVED FROM THE SUBSEQUENT TAX SALE PROGRAM TO THE FUND; AND FOR OTHER LAWFUL PURPOSES.

Referred to the Committee on \_\_\_\_\_

Date: \_\_\_\_\_

REPORT
 Rendered February 16, 2021  
 and approved
VOTE

Yes No Abstain Absent

Wynn	<input checked="" type="checkbox"/>			
Bronson	<input checked="" type="checkbox"/>			
Lucas	<input checked="" type="checkbox"/>			
Jones	<input checked="" type="checkbox"/>			
Clark	<input checked="" type="checkbox"/>			
Wilder	<input checked="" type="checkbox"/>			
Howell	<input checked="" type="checkbox"/>			
Watkins	<input checked="" type="checkbox"/>			
Tillman				<input checked="" type="checkbox"/>
Mayor Miller				
<b>Total:</b>				