

BE IT ORDAINED by the Mayor and Council of the City of Hahira, Georgia, and it is hereby ordained by authority of same, as follows:

It is the finding of Mayor and Council and it is hereby declared that there exist in the City of Hahira, dwellings or other buildings or structures which are unfit for human habitation or for commercial industrial or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the people of this city and that a public necessity exists for the repair, closing or demolition of such dwellings, buildings or structures. It is also hereby found and declared that dwellings, buildings or structure conditions of the character described in O.C.G.A. s 41-2-7 exists within the City of Hahira and in accordance with the authority granted the City of Hahira pursuant to provisions of O.C.G.A. s 41-2-9 the city hereby enacts the following ordinance relating to unfit buildings or structures:

Section I - Public Officer Designated to Exercise Powers

The building inspector of the City of Hahira is hereby designated and appointed to exercise the powers and duties pursuant to the terms and provisions of this ordinance as hereinafter set forth including but not limited to the following:

(a) The building inspector may determine that a dwelling, building or structure is unfit for human habitation or is unfit for current commercial industrial or business use if he finds that conditions exist in such building, dwelling or structure which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, building, or structure; or of the occupants of neighborhood dwellings, buildings or structures; or of other residence of the city. Such conditions may include the following (without limiting the generality of the foregoing):

(1) Defects herein increasing the hazard of fire, accident or other calamity;

(2) Lack of adequate ventilation, light or sanitation facilities;

(3) Dilapidation;

(4) Disrepair;

(5) Structural defects;

(6) Violations of the building and housing codes of the City of Hahira which create unsafe conditions which are dangerous or injurious to the health safety of the occupant and/or neighborhood.

(b) The building inspector may determine that a dwelling, building or structure is vacant, dilapidated or being used in connection with the commission of drug crimes upon personal observation or report of law enforcement agencies and evidence of drug crimes being committed therein.

Section 2 - Powers of Building Inspector in regard to Unfit Buildings or Structures

The building inspector is hereby authorized to exercise such powers as may be necessary and convenient to carry out and effectuate the purposes and provisions of this ordinance and O.C.G.A. s 41-2-7, including the following powers in addition to others granted in Code Section 41-2-7 through 41-2-0 and Code Section 41-2-12 through 41-2-17:

(1) To investigate the dwelling condition in the incorporated area of the city in order to determine which dwellings, buildings or structures therein are unfit for human habitation or are unfit for current commercial industrial business use or are vacant, dilapidated or being used in connection with the commission of drug crimes;

(2) To administer oaths and affirmations, to examine witnesses and to receive evidence;

(3) To enter upon premises for the purpose of making examinations; provided however, that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and affix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinance; and

(5) To delegate any of his functions and powers under this ordinance to such agents as he may designate.

(c) Whenever a request is filed with the building inspector by a public authority or by at least five residents of the city charging that any dwelling, building or structure is unfit for human habitation or for commercial industrial business use or whenever it appears to the building inspector on his own motion that any dwelling, building or structure is unfit for human habitation or is unfit for its current commercial industrial business use or is vacant, dilapidated or being used in connection with the commission of drug crimes, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any party with interest in such dwelling, building or structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the building inspector or his designated agent in the city not less than 10 days, no more than 30 after the service of said complaint; that the owner and any parties in interest shall be given a right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the hearing inspector;

(d) That if, after such notice and hearing the public officer determines that the dwelling, building or structure under consideration is unfit for human habitation or is unfit for its

current commercial industrial or business use or is vacant dilapidated or being used in connection with the commission of drug crimes, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

(A) If the repair, alteration or improvement of the said dwelling, building or structure can be made at reasonable cost in relation to the value of the dwelling, building or structure requiring the owner or party in interest within the time specified in the order to repair, alter, or improve such dwelling, building or structure so as to render it fit for human habitation or for current commercial industrial business use or to vacate and close the dwelling, building or structure as a human habitation; or

(B) If the repair, alteration or improvement of said dwelling, building or structure cannot be made at a reasonable cost in relation to the value of the dwelling, building or structure, requiring the owner or parties in interest, within the time specified in the order, to remove or demolish that dwelling, building or structure.

In no event shall the city require removal or demolition of any dwelling, building or structure except upon a finding that the cost of repair, alteration or improvement thereof exceeds 1/2 the value such dwelling, building or structure will have when repaired to satisfy the minimum requirements of this ordinance and the provisions of O.C.G.A. s 41-2-9.

Section 3

If the owner or parties in interest fail to comply with an order to vacate and close or demolish the dwelling, building or structure, the building inspector may cause such dwelling, building or structure to be repaired, altered or improved or to be vacated and closed or demolished and that the building inspector may cause to be posted on the main entrance of any building, dwelling or structure so closed, a plaque printed with the following words:

" This building is unfit for human habitation or commercial industrial or business use; the use or occupation of this building for human habitation or for commercial industrial or business use is prohibited and unlawful."

Section 4

If the owner fails to comply with any order to remove or demolish the dwelling, building or structure, the public officer may cause such dwelling, building or structure to be removed or demolished provided however, that the duties of the public officer as hereinafter set forth in Section 3 of this ordinance and this section shall not be exercised until Mayor and Council shall have by ordinance ordered the building inspector to proceed to effectuate

the purpose of Code Section O.C.G.A. 41-2-7, 41-2-8, 41-2-9, and O.C.G.A. s 41-2-10 through 41-2-17 with respect to the particular property or properties which the building inspector shall have found to be unfit for human habitation or unfit for its current commercial industrial or business use which property or properties shall be described in the ordinance.

Section 5

The amount of the cost of such vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which said cost was incurred. Said lien shall attach to the real property upon the payment of all costs or demolition by the city and the filing of an itemized statement of the total sum of said cost by the building inspector in the office of the City Clerk on a lien docket maintained by the City Clerk for such purposes. If the dwelling, building or structure is removed or demolished by the building inspector he shall sell the materials of such dwelling, building or structures and shall credit the proceeds of such sale against the cost of the removal and demolition and any balance remaining shall be deposited to the Superior Court by the building inspector, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order and decree of the court.

Section 6

The city may enforce a collection of any amount due on such lien for removal or demolition of dwelling, buildings or structures only in the following manner:

(1) The owner or parties in interest shall be allowed to satisfy the amount due of such lien by paying to the city within 30 days after perfection of said lien a sum of money equal to 25% of the total amount due and by further paying to the city the remaining balance due on such lien together with interest at the rate of 7% per annum in three equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as hereinabove prescribed;

(2) Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner or parties in interest at any time prior to the termination of said three year period, then the entire balance due on such lien shall be due and payable to the city;

(3) Should the amount due on such lien or any portion thereof be unpaid after the passage of said three year period, or upon the sale, transfer or conveyance by the owners or parties at interest at any time prior to the termination of said three year period the city may enforce the collection of any amount due on such lien for alterations, repair, removal or demolition of dwellings, buildings or structures in the same manner as provided

in Code Section O.C.G.A 48-5-358 and other applicable state statutes. This procedure shall be subject to the right of redemption by any person having any right, title or interest in or lien upon said property, all as provided in Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia.

Section 7 - Service of Complaints on Owners and Parties at Interest and Owners of Unfit Buildings of Structures

Service of complaints or orders upon parties at interest and owners of unfit buildings or structures shall be in accordance with and pursuant to provisions of O.C.G.A. s 41-2-12.

Section 8 - Construction of this Ordinance

Nothing in this ordinance shall be construed, abrogate or impair the powers of the city to enforce any provisions of its charters or other ordinances or regulations nor to prevent or punish violations thereof; in the powers conferred by this ordinance shall be in addition to and supplemental to powers conferred by any other law or ordinance.

SO ORDAINED, this 6 day of June, 1996.

John L Adams
Mayor, City of Hahira

ATTEST:

Scott Lewis
Clerk of Council