

An Ordinance to Amend Chapter 17  
of the Municipal Code of the  
City of Roberta, Georgia relating to  
Buildings and Structures Dangerous  
or Detrimental to the Public

Be it ordained that Sections 17-100 and 17-200 of the municipal Code of the City of Roberta, Georgia, are hereby repealed and new Sections 17-100 and 17-200 are substituted therefore as follows:

17-100  
Findings

There exist within the city of Roberta, Georgia, dwellings, buildings and other structures as described in Code Section 41-2-7 (Official Code of Georgia, Annotated), which are unfit for human habitation or commercial, industrial or business uses and which constitute a hazard to the public health and welfare.

17-200  
Provisions

(a) The Mayor is hereby designated and appointed to exercise the powers of investigation and the prosecution of complaints prescribed by this ordinance. The Mayor may delegate his powers and duties to another city official or employee in such cases as may be appropriate. All complaints shall be filed in the Mayor's Court and shall be heard by the Judge of the Mayor's Court.

(b) The Mayor may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its 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; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the municipality. Such conditions may include the following (without limiting the generality of the foregoing):

- (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;
- (5) Structural defects; and
- (6) Uncleanliness.

The Mayor may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed. He may investigate the dwelling conditions in the municipality in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes and may enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(c) Whenever a request is filed with the Mayor by a public authority or by at least five residents of the municipality charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use or whenever it appears to the Mayor (on his own motion) that any dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use or is vacant, dilapidated, and being used in connection with the commission of drug crimes, the Mayor shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in 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 Judge of the Mayor's Court at the Roberta City Hall on a date fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner and any parties in interest shall be given the 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 the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. The complaint shall be served as provided in Official Code of Georgia, Annotated §41-2-12.

(d) If, after such hearing, the Judge of the Mayor's Court 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, and 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 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 repair, alter, or improve such dwelling, building, or structure so as to render it fit for human habitation or for current commercial, industrial, or 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 the 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 such dwelling, building, or structure.

In no event shall the removal or demolition of any dwelling, building, or structure be required except upon a finding that the cost of repair, alteration, or improvement thereof exceeds one-half the value such dwelling, building, or structure will have when repaired to satisfy the minimum requirements of this law;

(e) 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 Mayor may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished; and that the Mayor may cause to be posted on the main entrance of any building, dwelling, or structure so closed a placard 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."

(f) If the owner fails to comply with any order to remove or demolish the dwelling, building, or structure, the Mayor may cause such dwelling, building, or structure to be removed or demolished; provided, however, that the duties of the Mayor, set forth in paragraph (e) of this Code section and this paragraph, shall not be exercised until the Mayor and Council shall have by ordinance ordered the Mayor to proceed to effectuate the purpose of this Code section with respect to the particular property which shall be described in the ordinance.

(g) The amount of the cost of such vacating and closing or removal or demolition by the Mayor shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the payment of all costs of demolition by the city and the filing of an itemized statement of the total sum of said costs by the Mayor in the office of the city clerk on a lien docket maintained by said clerk for such purposes. If the dwelling, building, or structure is removed or demolished by the Mayor he shall sell the materials of such dwellings, buildings, or structures and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the Mayor, 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 or decree of such court. Nothing in this Code section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

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

(i) The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying to the city, within 30 days after the perfection of said lien, a sum of money equal to 25 percent of the total amount due and by further paying the remaining balance due on such lien, together with interest at the rate of 7 percent 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;

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

(iii) Should the amount due on such lien, or any portion thereof, be unpaid after the passage of said three-year period, or upon the occurrence of the contingency provided for in subparagraph (ii) of this paragraph, the city may enforce the collection of any amount due on such lien in the same manner as provided in Code Section 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 by Article 3 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated.

So ordained this 21<sup>st</sup> day of November, 1995.

Mayor and Council of  
Reberta, Georgia

By: David R. Bailey

Mayor

Attest: Ticki J. Grant

City Clerk