

ORDINANCE 90-8

AN ORDINANCE RELATING TO UNFIT BUILDINGS AND STRUCTURES

Be it ordained by the City Council of the City of Sky Valley:

That the City of Sky Valley hereby adopts this Ordinance relating to the dwellings, buildings, or structures within the City of Sky Valley which are unfit for human habitation, commercial, industrial, or business uses as follows:

1. A public officer shall be designated or appointed to exercise the powers prescribed by this ordinance.

2. Whenever a request is filed with the public officer 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 public officer (on his own motion) that any dwelling, building, or structure unfit for human habitation or is unfit for its current commercial, industrial, or business use, 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 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 public officer (or his designated agent) at the City Hall in the City of Sky Valley, filed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint. The owner and any party in interest is hereby 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. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

3. If, after such notice and hearing, the public officer determines that the dwelling, building, or structure under consideration is unfit for human habitation or otherwise unfit, 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 governing authority of any such municipality require removal or demolition of any dwelling, building, or structure 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;

4. That, 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 public officer may cause such dwelling, building, or structure to be

repaired, altered, or improved or to be vacated and closed or demolished; and that the public officer 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.";

5. That, 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, set forth in paragraph (4) of this Code section and this paragraph, shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of Code Sections 41-2-7 through 41-2-17 with respect to the particular property or properties which the public officer 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;

6. That 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 the payment of all costs of demolition by the municipality and the filing of an itemized statement of the total sum of said costs by the public officer in the office of the clerk of the governing body of the municipality on a lien docket maintained by said clerk for such purposes. If the dwelling, building, or structure is removed or demolished by the public officer 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 public officer, 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;

7. The City of Sky Valley 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:

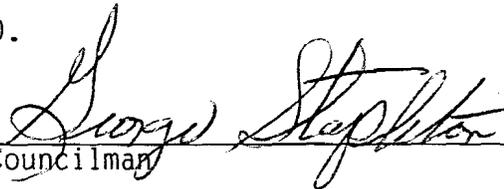
(A) The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying to the municipal corporation, within 30 days after the perfection of said lien, a sum of money equal to 25 percent of the total amount due and by further paying to said municipal corporation the remaining 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:

(B) 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 to the municipal corporation; and

(C) 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 (B) of this paragraph, the municipal corporation may enforce the collection of any amount due on such

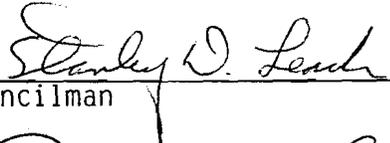
lien for alteration, repair, removal, or demolition of dwellings, buildings, or structures in the same manner as provided in Code Section 48-5-358 and other applicable state statutes. This procedure shall be subject to the right of redemption by any person having any right, title, or interest in or lien upon said property, all as provided by Article 3 of Chapter 4 of Title 48 (Code 1981 § 41-2-9, enacted by Ga. L. 1982, P. 2107, § 45; Ga. L. 1983, p. 3, § 30; Ga. L. 1984, p. 22 § 41.) of Title 48 of the Official Code of Georgia Annotated.

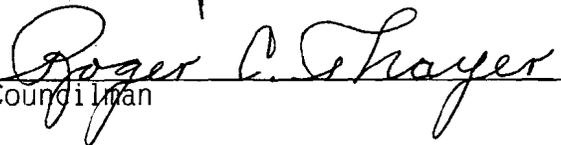
This the 2nd day of July, 1990.


Councilman


Councilman


Councilman


Councilman


Councilman

Attested by:


City Clerk

Approved by Mayor:


Janet R. Kiernan