

CITY OF LOGANVILLE

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 103, BUILDINGS AND BUILDING REGULATION, ARTICLE II, PROPERTY MAINTENANCE, DIVISION 5, ENTITLED "VACANT PROPERTY REGISTRATION," OF THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly passed a bill amending Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated so as to provide for a vacant property registry, which law shall be effective July 1, 2012; and

WHEREAS, the Mayor and Council of the City of Loganville desire to amend the current Division 5 of Chapter 103 of the Code of Ordinances of the City of Loganville to provide for the registration of vacant real property in a manner consistent with OCGA § 44-14-14.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

Section 1. The City of Loganville Code of Ordinances is amended by striking sections 151 through 159 of Chapter 103, entitled "Vacant Property Registration," in their entirety and replacing them with the following:

Division 5

VACANT PROPERTY REGISTRATION

Sec. 103-151 – Purpose and Findings.

- a. Within the city limits, there are buildings and structures that are vacant and pose a danger to the citizens of the city. Vacant structures are vulnerable to break-ins, criminal activity, destruction, fire, accidents, looting, and other unsafe activities that are injurious to the health, safety and welfare of persons who come on or near the property.
- b. In addition, vacant structures can adversely affect the aesthetic and economic attributes of communities. Vacant structures can attract and/or cause blight and other harmful effects to surrounding properties through lack of adequate maintenance and security.
- c. City officials often have difficulty locating the party responsible for the condition of vacant structures, so the city concludes that it is in the best interest of its citizens to impose registration requirements on such properties located within the city.
- d. Pursuant to the authority granted to the city by its Charter, the code of Georgia, and its general police powers, powers, the city has determined that it is in the best interest of its citizens and residents to impose requirements for the registration of vacant structures within the city and to ensure such properties are made safe and secure so as to protect the citizens of Loganville, Georgia.

Sec. 103-152 – Definitions.

The following terms shall have the meanings set out herein:

- (1) *Agent* means an individual with a place of business in the state of Georgia at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.
- (2) *City* means the City of Loganville, Georgia.
- (3) *Code enforcement* means the officer duly appointed by the governing authority of the city to enforce the ordinances of the city and who is authorized by this article to exercise the powers prescribed by this article or any agent of such officer.
- (4) *Days* means consecutive calendar days.
- (5) *Foreclosed real property* means improved or unimproved real property for which a land disturbance permit has been issued by the City and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.
- (6) *Foreclosure* means the process under O.C.G.A. tit. 44, art. VII, whereby a holder of a mortgage enforces its secured rights in property and takes title to the property to satisfy the underlying mortgage debt.
- (7) *Multi-unit structure* means a building or structure where two or more businesses exist that operate under one certificate of occupancy.
- (8) *Municipal court* means the Municipal Court of the City of Loganville.
- (9) *Owner* means any person having a legal or equitable interest in the property, recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate or any such person, and the executor or administrator of the estate of such person if ordered to take possession of the property by a court.
- (10) *Person* means any person, agent, operator, firm, partnership, corporation or trust.
- (11) *Property* means any residential or commercial real property or portion thereof, situated in the city limits of Loganville, including any buildings or structures located thereon, regardless of condition.
- (12) *Street address* means the street or route address. Such term shall not mean or include a post office box.

(13) *Structure* means any building, dwelling, or other improvement or part thereof, used and occupied for residential, commercial, industrial or other uses, or intended to be so used, including any outhouses and appurtenances belonging thereto and usually enjoyed therewith.

(14) *Vacant structure* means a structure that:

(A) Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or

(B) Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

Sec. 103-153 – Applicability/Exemptions.

The requirements of this section shall be applicable to each owner of property in the city limits on which any vacant structure is located, unless one of the following exemptions applies.

(a) *Subject to Active Permit.*

- (1) The structure is the subject of an active building permit for repair, rehabilitation or demolition; and
- (2) The owner is proceeding diligently in good faith to complete the repair, rehabilitation or demolition.

(b) *Exemption of Foreclosed Property.*

The transferee shall not be required to register a foreclosed real property pursuant to this Chapter when such real property is acquired by foreclosure under power of sale pursuant to OCGA § 44-14-160 or pursuant to a deed in lieu of foreclosure and

- (1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in Section 103-154 (3) of this Chapter;
- (2) The deed is filed with the clerk of the superior court within 60 days of the transfer; and
- (3) Proof of the following is provided to the city code enforcement office:
 - (i) filing date stamp or a receipt showing payment of the applicable filing fees; and
 - (ii) The entire deed under power of sale or entire deed in lieu of foreclosure.

Sec. 103-154 – Registration of vacant structures.

Unless exempt under Section 103-153, all vacant structures located within the city shall be registered with the city code enforcement office. Registration requires submission of a completed registration application and receipt of all necessary fees.

(1) Any owner of property on which a vacant structure is located whose ownership predates the effective date of the ordinance from which this division derives, shall register the vacant structure with the city code enforcement office within 30 days after the city provides written notice of the existence of a vacant structure.

(2) No sooner than 90 but within 120 days of the effective date of the transfer of title to any property with a vacant structure located thereon, whether such transfer is by sale, gift, foreclosure, deed in lieu of foreclosure, or other transfer, whether voluntary or involuntary, the new owner shall register the property with the city code enforcement office.

(3) The registration requirements of this division shall be satisfied by providing the city with the following information on an authorized registration application form provided by the city:

a. Name, direct street address (P.O. boxes are insufficient), mailing address, e-mail address, and telephone number of the owner. For purposes of this section, the following requirements shall apply dependent on the nature of the owner:

1. If the owner is a corporation, the registration application shall provide the names and residence addresses of all officers of the corporation;

If an estate, the name and business address of the executor or administrator of the estate;

3. If a trust, the name and address of the trustee;

4. If a partnership, the names and residence addresses of the general partner;

5. If an individual person, the name and residence address of that individual person.

b. If the property is managed, maintained or operated by a third party property management company or agent, the name, street address, mailing address, e-mail address, facsimile number, and telephone number of the agent or representative of the owner who is responsible for the security, maintenance and marketing of the property;

c. Street address of the structure;

d. Tax parcel identification number of the property on which the structure is situated;

e. Transfer date of the instrument conveying the real property to the owner;

- f. At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the property to the owner; and
- g. An annual administrative registration fee in the amount set forth in **section 103-158** shall be paid to the City of Loganville Office of Code Enforcement at the time of registration. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due. Registration fees will not be prorated.

(4) *Requirement to Update Information.*

Any owner that has registered a property under this chapter must report any change of information contained in the registration application to the city within 30 days of the change. Such notice shall include the name and address of any buyer or transferee of the property. Failure to report any change in such required information within 30 days shall be subject to penalties as provided in Section 103-156.

Sec. 103-155 – Renewal of Registration.

Structures subject to this chapter shall remain under the annual registration requirement and the security and maintenance standards of this section as long as they remain vacant. This registration must be renewed and the registration fee paid at the end of each year if the structure on the property is still vacant.

Sec. 103-156 – Penalties.

Should the property owner fail to register a vacant structure or fail to update or renew a registration, the office of code enforcement may issue a citation and summons setting a hearing in municipal court. All persons found guilty are subject to the penalties set forth in **section 1-8** of the City Code per violation. No penalty shall exceed \$1,000.00.

Sec. 103-157 – Application for Removal from Registry.

A real property owner, or the agent of such owner, may apply to remove a property from the city vacant structure registry at such time as the property no longer contains a vacant structure. Such application may be submitted to the city code enforcement office. The city code enforcement officer shall grant or deny such application within 30 days. If no determination is made within 30 days, the application shall be deemed granted.

Sec. 103-158 – Fee structure.

- (1) The city is authorized to collect fees to offset the cost of reviewing and approving the registration application and maintaining and operating the vacant structure registry. The registration fee for each property is \$100.00.
- (2) When a currently registered vacant property is transferred to a new owner, no administrative fee shall be due for the remainder of the calendar year for which the registration is current if the updated registration is submitted to the City within 30 days of the transfer.

Sec. 103-159 – Administrative Procedures/Appeal.

Any person aggrieved by the refusal of the office of code enforcement to approve an application for removal from the vacant structure registry or by other enforcement of this Chapter may appeal the denial or other determination by filing with the city manager's office, within ten business days after the date of the denial or other determination, a written notice of the appeal setting forth the grounds therefore. The city manager shall act upon the appeal within ten business days after its receipt by either affirming the decision of the code enforcement official or overturning the decision of the code enforcement official, with or without conditions. Within thirty days after the city manager's written decision, the person may appeal the decision to the municipal court, subject to applicable jurisdictional requirements.

Sec. 103-160 – 103-185. Reserved.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 3. This Ordinance shall become effective on July 1, 2012.

CITY OF LOGANVILLE

ATTEST:

Bill Jones, City Manager

Ray Nunley, Mayor