

CITY OF LOGANVILLE

ORDINANCE NO. 103-128

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LOGANVILLE, GEORGIA, TO ADD SECTION 128 TO CHAPTER 103, ENTITLED “VACANT PROPERTY REGISTRATION”; TO REPEAL CONFLICTING LAWS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOGANVILLE HEREBY ORDAINS:

Section 128 The City of Loganville code of ordinances is amended by adding the following sections 128-134 to Chapter 103, entitled “Vacant Property Registration”:

“Chapter 103”

VACANT PROPERTY REGISTRATION

Sec. 103-128.1 – 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. 103-128.2 – Definitions.

The following terms shall have the meanings set out herein:

“City” means the City of Loganville, Georgia.

“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.

"Days" means consecutive calendar days.

"Foreclosure" means the process under Title 44, Article VII of the Georgia Code whereby a holder of a mortgage enforces its secured rights in Property and takes title to the Property to satisfy the underlying mortgage debt.

"Multi-Unit Structure" means a building or structure where two or more businesses exist that operate under one certificate of occupancy.

"Municipal Court" means the Municipal Court of the City of Loganville.

"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.

"Person" means any person, agent, operator, firm, partnership, corporation, or trust.

"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.

"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.

"Vacant Structure" means any Structure that is abandoned or unoccupied for a period of sixty (60) days or more, except during a period of construction, renovation or demolition. For multi-family, such as but not limited to residential duplexes and apartment buildings, and Multi-Unit Structures, the Structure is deemed vacant if it is more than 50% unoccupied for a period of sixty (60) days or more.

"Vacant Structure Plan" means a specific written document prepared by the Property Owner regarding the Vacant Structure and the Owner's plan and timeline for its rehabilitation, maintenance or demolition. The plan shall be submitted as part of the registration process. [See 103-129, below.]

Sec. 103-128.3- Applicability

(a) The requirements of this section shall be applicable to each Owner of Property in the City limits on which any Vacant Structure is located, including properties that have been the subject of a Foreclosure, unless:

- (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) *Properties 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 at the end of each year if the Structure on the Property is still vacant.***

Sec. 103-129- Registration of Vacant Structures.

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 a Vacant Structure Plan; completion of necessary inspections; and receipt of all necessary fees.

- (a) *Any Owner of Property on which a Vacant Structure is located whose ownership predates the Effective Date of this Ordinance shall register the Vacant Structure with the City Code Enforcement Office within thirty (30) days after the City provides written notice of the existence of a Vacant Structure.*
- (b) *Within thirty (30) 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, or other transfer, whether voluntary or involuntary, the new owner shall register the Property with the City Code Enforcement Office.*
- (c) *The registration requirements of this Ordinance shall be satisfied by providing the City with the following information on an authorized registration application form provided by the City:*
 - (1) *Name, direct street address (P.O. Boxes are insufficient), 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:*
 - (i) *If the owner is a corporation, the registration application shall provide the names and residence addresses of all officers of the corporation;*
 - (ii) *If an estate, the name and business address of the executor or administrator of the estate;*
 - (iii) *If a trust, the name and address of the trustee;*
 - (iv) *If a partnership, the names and residence addresses of the general partner;*
 - (v) *If an individual person, the name and residence address of that individual person.*
 - (2) *If the Property is managed, maintained, or operated by a third-party property management company or agent, the name, address, e-mail address, and telephone number of the staff of any property management company or property preservation company, or of the agent or representative of the owner who is responsible for the security, maintenance, and marketing of the property.*
 - (3) *Common address of the structure;*
 - (4) *Legal description and tax parcel identification number of the Property on which the Structure is situated;*

(5) *Date on which the structure became vacant;*

(6) *Vacant Structure Plan;*

(7) *An annual registration fee in the amount set forth in section 103-133 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.*

() 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 of the Property. No fee shall be due for this registration update if it is submitted within the 30 days and the registration is current.

Sec. 103-130 Vacant Structure Plan

(a) At the time a Vacant Structure is registered as required above, the Owner shall submit to the Office of Code Enforcement a Vacant Structure Plan. The plan shall include at least the following:

(1) The length of time the Owner expects the vacancy to continue.

(2) The proposed rehabilitation or improvements to be made to the Structure so as to make the Structure suitable for its intended use.

(3) A form in which the Owner grants permission to the Office of Code Enforcement or its designee to enter and inspect the property.

(4) A description of what will be done to secure the structure so that it will not become open to the general public.

(5) A plan of action to secure, monitor and maintain the Structure and premises thereof in conformance with this chapter.

(b) Any subsequent Owner is subject to the terms of the Plan as long as the Structure remains vacant, unless the City grants relief from same.

Sec. 103-131- Inspections and Maintenance.

(a) At the time the Owner submits a registration application, at the time of renewal registration, and at any other time that the City deems necessary, the City may perform an inspection of the Property and any Vacant Structures thereon. One of the purposes of the inspections is to ensure that the Vacant Structure is properly maintained in accordance with the standards set forth in

Chapter 103 of the City Code. A Vacant Structure shall be maintained in compliance with sections 103-90 through 103-96 of the City Code.

- (b) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons or animals. A Vacant Structure that is open to the general public by casual entry may constitute a public nuisance and is subject to abatement as provided in City Code Section 103-20.*
- (c) To erect, install, place or maintain boards over the doors, windows, or other openings of any Vacant Structure or to otherwise secure the openings of a Structure by other than the conventional method used in the original construction and design of the Structure, the Owner or his agent or representative must first obtain a valid boarding permit in compliance with section 103-97 of the City Code.*
- (d) Adherence to this section does not relieve the Owner or any other party of any applicable obligations set forth in any other ordinances, or in covenant conditions and restrictions, and/or in homeowners association's rules and regulations.*
- (e) A Vacant Structure shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.*
- (f) Any accessories or appurtenant structures on the Property, including but not limited to garages, sheds or other storage facilities, shall meet the same standards.*
- (g) At any time the City police or fire departments require, the Owner shall permit inspections of the property in order to determine that a Vacant Structure will support entry by police and/or fire personnel in cases of emergency.*
- (h) The City is hereby authorized to collect a fee to offset the cost of inspections. The fee for inspections is set forth in the schedule of fees set forth in section 103-133.*

Sec. 103-132 - Maintenance of Vacant Structures and enforcement of maintenance.

- (a) Should the Owner fail to register a Vacant Structure, update or renew a registration, allow inspections, submit a Vacant Structure Plan, comply with such plan after it has been approved by the Office of Code Enforcement, or pay required fees, 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.*
- (b) If the Owner fails to appear at said hearing, Code Enforcement is authorized to proceed to secure the Structure so that it will not become open to the general public. The amount of the cost of such work may be assessed against the Property Owner upon whose premises the work is done, and the City shall have the right to cite the Owner for being in violation of this section and to fine the Owner, in conformity with the Charter of the City.*
- (c) Lien. If any assessment made against the Property of an Owner remains unpaid for 30 days after being assessed and after notice and opportunity for a hearing being given in conformity with this section, the amount shall then become a lien upon the Property and be enforceable upon the Property in the same manner as provided for the collection of unpaid ad valorem taxes.*

Sec. 103-133 – Fees

Fee Structure. The City is authorized to collect fees to offset the cost of reviewing and approving the registration application and Vacant Structure Plan and to conduct inspections. The registration fee for each property is \$100. The inspection fee is \$150 per inspection.

Sec. 103-134 – Appeal.

Any Person aggrieved by the refusal of the Office of Code Enforcement to approve a Vacant Structure Plan or by the revocation of registration after approval may appeal the denial or revocation by filing with the city manager’s office, within ten working days after the date of the denial or revocation, 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.

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 the date of its adoption.*

CITY OF LOGANVILLE

ATTEST:

Bill Jones, City Manager

Ray Nunley, Mayor

January 13th 2011
DATE

APPLICATION FOR VACANT PROPERTY REGISTRATION

City of Loganville Fire Marshal's Office

Department of Code Enforcement

(INCOMPLETE APPLICATIONS AND P.O. BOXES WILL NOT BE ACCEPTED)

Date of Application

103-129 - 1.

(i) FULL LEGAL NAME OF CORPORATION

Officer Name _____

Address _____

City/State/ Zip _____

Email Address _____

Phone Number _____

(ii) FULL LEGAL NAME OF ESTATE

Executor/Administrator Name _____

Business Address _____

City/State/ Zip _____

Email Address _____

Phone Number _____

(iii) FULL LEGAL NAME OF TRUST

Trustee Name _____

Address _____

City/State/ Zip _____

Email Address _____

Phone Number _____

(iv) FULL LEGAL NAME OF PARTNERSHIP

General Partner Name _____

Address _____

City/State/ Zip _____

Email Address _____

Phone Number _____

(v) FULL LEGAL NAME OF INDIVIDUAL OWNER

Name _____
Address _____
City/State/ Zip _____
Email Address _____
Phone Number _____

103-129 - 2.

FULL LEGAL NAME OF PROPERTY PRESERVATION, MANAGEMENT OR AGENT

Company Name _____
Officer/Agent Name _____
Address _____
City/State/ Zip _____
Email Address _____
Phone Number _____

103-129 - 3.

COMMON ADDRESS OF PROPERTY

Street Number _____
Street Name _____
Suite _____
Apartment _____
City/State/ Zip _____

103-129-4.

FULL LEGAL DESCRIPTION OF PROPERTY

Tax Parcel Number _____
Deed/Plat book and page Number _____

103-129-5.

DATE STRUCTURE BECAME VACANT

Date _____

103-130

VACANT STRUCTURE PLAN

(1) Length of time Owner expects the vacancy to continue _____

(2) Proposed rehabilitation or improvements if needed or required(attach sheet to application)

(3) Permission to Inspect form (See Appendix (A))

(4) Description to secure structure (If Needed- Attach Sheet)

(5) Plan of Action to maintain a secured structure (Attach Sheet)

APPLICANT'S CERTIFICATION

The applicant shall be responsible from the date of the application, for all injury or damage of any kind resulting from work, whether for basic services or additional services, to persons or property. The applicant shall exonerate, indemnify and save harmless the City from and against all claims or actions, and all expenses incidental to the defense (including death) to persons or property caused or sustained in connection with the vacant structure or by conditions created thereby or arising out of or anyway connected with the property under this application or for any and all claims for damages under the laws of the United States or of Georgia arising out of or in any way connected with the acquisition under this application and shall assume and pay for, without cost to the City, the defense of any and all claims, litigation, and actions, suffered through any act or omission of the applicant or anyone directly or indirectly employed under the supervision of any of them.

I HEREBY CERTIFY THAT I HAVE EXAMINED AND UNDERSTAND ALL INFORMATION IN THIS APPLICATION AND THAT THE ABOVE STATEMENTS AND INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THE WORK TO BE PERFORMED SHALL COMPLY WITH ALL PROVISIONS OF ALL APPLICABLE LAWS AND ORDINANCES WITH WHETHER SPECIFIED HEREIN OR NOT. FAILURE TO COMPLY OR FALSE STATEMENTS SHALL BE DEEMED IN VIOLATION OF THIS ORDINANCE.

Signature of Applicant (Applicant is: Owner / Agent)

FOR OFFICIAL USE ONLY

Application: Approved Denied Reasons for Denial _____

Approved by: _____ Date _____

Application Fee: \$100.00

Inspection Fee: \$150.00

Amount Paid \$ _____

Date Paid _____ Check # _____ Receipt # _____
finsde (100-0000-351171) Taken by: _____

Mail Complete Application to:
City of Loganville Fire Marshal's Office
Department of Code Enforcement
605 Tom Brewer Rd.
Suite 103
Loganville, GA 30052

APPENDIX - A

PERMISSION TO INSPECT PROPERTY

By signing this permission form for submission with the vacant property registration application to the City of Loganville's Fire Marshal's Office Department of Code Enforcement (DCE), the signer consents to inspection by DCE staff of the vacant property or structure for which a application is sought and, to the extent necessary, areas adjacent to the vacant property or structure. This consent allows DCE staff to enter upon and pass through such property in order to inspect the property or structure, without prior notice, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If DCE staff should wish to conduct an inspection at any other times, DCE staff will so notify the applicant for such an inspection.

Inspections may take place as part of the application review or prior to the application being sought. By signing this consent form, the signer agrees that this consent remains in effect as long as the structure remains vacant, and is effective regardless of whether the signer, applicant or an agent is present at the time of the inspection. In the event that the property or structure is posted with any form of "posted" or "keep out" notices, or fenced in with an unlocked gate, this permission authorizes DCE staff to disregard such notices or unlocked gates at the time of the inspection.

The signer further agrees that during an inspection, DCE staff may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, City of Loganville Codes and State of GA. Building Codes, and may make drawings and take photographs.

Failure to grant consent for an inspection is grounds for, and may result in, a violation of the vacant property ordinance (103-132).

Permission is granted for inspection of property located at the following address(es):
*By signing this form, I affirm under penalty of perjury that I am authorized to give consent to entry by DCE staff as described above. I understand that false statements made herein are punishable as a misdemeanor pursuant to Section 1.8 of the City of Loganville Code of Ordinance.**

Property Address

Print Name and Title

Signature

Date

*The signer of this form must be an individual or authorized representative of a legal entity that:

- owns fee title and is in possession of the property identified above;
- maintains possessory interest in the property through a lease, rental agreement or other legally binding agreement; or
- is provided permission to act on behalf of an individual or legal entity possessing fee title or other possessory interest in the property for the purpose of consenting to inspection of such property.