

AN ORDINANCE
ENTITLED 08-104

AN ORDINANCE AMENDING ART. I OF CHAPTER 16 OF THE CODE OF ORDINANCES OF THE CITY OF ALBANY, GEORGIA BY ADDING SECTIONS 16-13 AND 16-14, ART. I, CHAPTER 16, TO ESTABLISH RULES AND REGULATIONS FOR REGISTRATION OF VACANT BUILDINGS AND RELATED MATTERS; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES; REPEALING PRIOR ORDINANCES IN CONFLICT AND OTHER PURPOSES.

WHEREAS, the City of Albany declares and finds that within its City limits there is the existence of buildings or structures which are dangerous or unsafe and vacant or abandoned and which must be made safe and secure so as to protect the citizens of Albany, Georgia; and

WHEREAS, it is found and declared that within the city limits of the City of Albany vacant structures are vulnerable to be set afire and thus are injurious to the health, safety, and welfare of the people of the City and especially to adjacent property; and

WHEREAS, the City of Albany finds that such vacant structures cause deterioration and instability in neighborhoods because of increase in hazards of fire, accidents, or other calamities; and

WHEREAS, vacant structures attract criminals who tend to use same for illegal activities such as drugs; and

WHEREAS, it is essential to public health, safety and welfare that the City maintain an accurate registration of all vacant structures; and

WHEREAS, it is the desire of the Mayor and Board of Commissioners of the City of Albany, Georgia, as the duly elected governing authority of the City, to amend Art. 1 of Chapter 16 of the Code of Ordinances of the City of Albany, Georgia so as to add Sections 16-13 so as to combat the blight and other harmful effects outlined above; and

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and is hereby ordained by authority of same:

SECTION 1. That the Code of Ordinances of the City of Albany, Georgia is hereby amended as follows: to add the following Sec. 16-10 - **Vacant Buildings**.

Sec. 16-13.1. Definitions.

1) “*Code Enforcement*” and “*Planning and Development Services*” means the Director of such department or his or her designee.

2) “*Statement of Plan*” means a specific written document prepared by the property owner regarding the vacant structure and plans for its rehabilitation, maintenance or demolish.

3) “*Vacant Structures*” means a structure or building that is unoccupied for a period of ninety (90) days.

Sec. 16-13.2. Registration of Vacant Buildings.

Whenever Code Enforcement provides written notice to the owner of the existence of a vacant building or dwelling, the owner shall within ten days of such notice register said structure with Planning and Development Services. This registration must be renewed at the end of each six months if the structure is still a vacant building. Planning and Development Services is authorized to establish a fee schedule so as to enable the City to offset its reasonable expenses in providing this notice and monitoring the information provided. This fee will be kept in Planning and Development Services’ office and in the office of the City Clerk.

Planning and Development Services is authorized to prepare the necessary forms which shall include the owner’s name, address and telephone number; the name, address and telephone number of any other responsible party or local representative of the owner; the common address of the structure as well as the tax map, map block and parcel tax identification.

Should the owner fail to respond to such notice, Code Enforcement shall issue Summons setting a hearing in Municipal Court asserting the owner should be punished as set forth in Section 1-17 of the City Code.

Sec.16-13.3. Statement of Plan.

At the time a structure is registered as required above, the owner shall submit to Planning and Development Services a Statement of Plan. The plan shall include at least the following:

- (i) The length of time the owner expects the vacancy to continue
- (ii) The proposed rehabilitation or improvements to be made to the structure so as to make the structure suitable for its intended use
- (iii) A form in which the owner grants permission to the Director or its designee to enter and inspect the property
- (iv) A description of what will be done to secure the structure so that it will not become open to the general public

Planning and Development Services is authorized to establish a fee schedule so as to be able to monitor the proposed statement of plan. This fee will be kept on file in Planning and Development Services' office and the office of the City Clerk.

Should the owner fail to submit a statement of plan or fail to comply with such plan after it has been approved by Planning and Development Services, Code Enforcement shall issue Summons setting a hearing in Municipal Court asserting that the owner's action or lack of action constitutes a violated Section 1-17 of the City code. 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 shall be a lien against the real property and Code Enforcement may make application to the Municipal Court for issuance of a fi. fa.

Sec. 16-14. Vacant Buildings Or Structures That Are Open To The General Public.

A vacant building or structure that is open to the general public by casual entry, is a public nuisance and subject to abatement as provided in City Code Section 16-10, et seq. A vacant building or structure shall be considered properly maintained if it:

- (i) Has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. Without limiting the generality of the foregoing, all doorways, windows and other openings shall be in accordance with Section 16-14.3.

- (ii) All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.
- (iii) The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris
- (iv) Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load
- (v) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather – coating materials (paint or similar treatment).
- (vi) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the element against rust or decay by appropriate application of paint or similar weather – coating.
- (vii) Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.

Sec. 16-14.1. Inspections by Director

- (i) Upon request of Code Enforcement, the owner of a vacant building shall permit inspection of the premise by Code Enforcement as well as appropriate police and/or fire officials. The reason for such inspections is to make sure that the building will support entry by police and fire personnel in cases of emergency. Should Code Enforcement have reason to believe an emergency situation exists such that there is an immediate danger to public health, welfare or safety, Code Enforcement may enter along with fire and/or police personnel to inspect the structure. Absent such an emergency, Code Enforcement will request permission from the owner to conduct such inspection and upon a refusal by the owner, Code Enforcement shall seek an appropriate search warrant.

Sec. 16-14.2. Vacant Building Permits

Planning and Development Services will issue a vacant building permit upon being satisfied that the building or structure has been inspected and is in compliance with all of the above maintenance standards. This permit will be valid for a period of 6 months, at the end of which the inspection process must again be carried out by Planning and Development Services and/or his designee(s).

Sec. 16-14.3 Board Up Permits

- (a) No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or

otherwise secure such openings by a means other than the conventional method used in the original construction and design of the building or structure without first applying for and, within thirty (30) days of application, completing all steps necessary for the issuance of a boarding permit and thereafter having a valid and current boarding permit therefore from the building official. Any properties with boards existing at the time of the adoption of this ordinance will have one year from the date of the ordinance's adoption to make application to continue to board.

(b) The Director of Planning and Development Services shall issue a boarding permit required by subsection (a) upon the submission of a written application by the owner of the property or his/her authorized representative or contractor, upon the payment of the required fee and upon the confirmation through inspection by the Director of Code Enforcement or his/her designee that the boarding or other method of securing the building or structure has been done in compliance with this article. The Director of Planning and Development Services is authorized to establish a fee schedule so as to enable the City to offset its reasonable expenses in reviewing the application and monitoring the boarding process.

(c) The boarding permit issued pursuant to this section shall authorize the boarding or other securing of a building or structure for an initial period of six months. If the structure is still boarded at the end of each such six months, the boarding permit may be renewed upon the submission of a written application by the owner of the property or their authorized representative or contractor with the submission of the application occurring no later than ten (10) business days prior to the expiration of the original permit, upon the payment of the required fee and upon the confirmation through inspection by a city code enforcement officer that the boarding or other method of securing the building or structure has been done in compliance with this article. The issuance of a renewal-boarding permit shall also be subject to all of the following conditions:

(1) The owner shall submit a detailed plan for correction, repair or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair or rehabilitation; and

(2) The owner shall submit a time line for applying for appropriate permits for such work and for completing such work prior to the expiration of the renewal permit, or alternatively, a timeline for the sale of the property;

(3) The permit may be revoked by written notice of the Director of Planning and Developmental services, at the recommendation of the Director of Code Enforcement, if the owner fails to comply with the plan for such work or fails to comport to the timeline submitted.

(d) A boarding permit may not be extended beyond the renewal period nor may a new application for the same property be accepted by the Director of Planning and Development Services within one (1) year of the date of expiration of the prior permit, except upon the submission of a written application by the owner of the property or their

authorized representative or contractor, upon the payment of the required fee, upon the confirmation through inspection by a city code enforcement officer that the boarding or other method of securing the building or structure has been done in compliance with this chapter and upon demonstration that "good cause" for the renewal exists. "Good cause" shall require a showing by the owner that the permit renewal is made necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, "good cause" shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed repair, rehabilitation or correction or is attempting to sell the property. In the event that the Director of Planning and Development Services determines that there exists good cause to renew the permit and that all other conditions are met, the permit may be renewed by the owner for an additional one (1) year, subject to all of the same conditions imposed on the original renewal permit.

Exceptions. Board up permit shall not be required in the following circumstances:

- (a) Temporary emergency situations, including but not limited to damage caused by vandalism, theft or weather and hurricane preparation.
- (b) Seasonal residences.

Sec. 16-14.4 Standards for Securing Building.

(a) The boarding of the doors, windows or other openings of any building or structure any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:

(1) *Securing by boarding.* Windows and similar openings shall be boarded with exterior grade plywood of a minimum thickness of five-eighths (5/8) inch nominal or its equivalent. Vent holes may be required, as deemed necessary by the city. The plywood shall be secured in place by two (2) inches by four (4) inches or four (4) inches by four (4) inches cross members, secured to the plywood by three-eighths (3/8) inch plated carriage bolts with large washers at each end and with the cross member turned so that the carriage bolt goes through the larger dimension. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two (2) cross members shall be used on each window and, depending on the size of the opening, additional cross members may be required. Each cross member shall be a continuous piece of lumber, and each must extend at least one (1) foot past the window opening in each direction. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a surface for pliers or pry bars.

(2) *Exterior doors:* Exterior doors shall be boarded with exterior grade plywood of a minimum thickness of five-eighths (5/8) inch nominal or its equivalent, fitted to the entry doorjamb with maximum one-eighth (1/8) inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be attached to three (3) horizontal two (2) inches

by four (4) inch wooden crossbars each with two (2) three-eighths (3/8) inch carriage bolts and matching hardware. The plywood shall be attached to the door entry with three case hardened strap hinges of the types specified by the building official and the plywood shall be secured by a case hardened steel hasp and minimum two-inch case hardened padlock also of the type specified by the city.

(3) *Painting of boarded openings:* All boarded openings shall be painted with a minimum of one coat of exterior paint, which is of a color compatible with the exterior color of the building or structure.

(4) *Alternative methods of securing a building:* Upon application for a boarding permit, the building official may approve alternative methods of securing a vacant and unoccupied building or structure. In making the determination to approve any alternative method, the city shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

(b) *Additional requirements.* In connection with the boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

(1) All utility service to the building or structure shall be terminated by removal of the meters and termination of electric power at the pole. Compliance with this subsection may be waived in writing by the city as to the electric utility service in the event that electricity is needed to power exterior security lighting, an alarm system or equipment to be used in connection with rehabilitation of the building or structure for which there is an active and current building permit;

(2) The sewer shall be capped in a manner approved by the city so as to prevent the accumulation of methane gas in the building or structure;

(3) The interior of the building or structure shall be cleaned of all trash, junk, garbage, debris, and solid waste, and personal possessions shall be removed from the interior of the building or structure, so as to eliminate any fire or health hazard and prevent hindrance to firefighting equipment or personnel in the event of a fire. Disposal of such trash, etc. must comply with any and all provisions of the City Code and no such trash, etc. shall be placed on City right-of-way.

SECTION 2. The preamble to this ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SECTION 3. This Ordinance is not the exclusive regulation within the City. It shall be supplemental and in addition to the other regulatory statutes and ordinances heretofore or hereinafter enacted by the City, the state or any other legal entity or agency having jurisdiction.

SECTION 4. It is hereby declared to be the intention of the Mayor and Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or

were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

SECTION 5. It is hereby declared to be the intention of the Mayor and Board of Commissioners that, to the greatest extent allowed by law, each and every other section, paragraph, sentence, clause, or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause, or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

SECTION 6. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Board of Commissioners that such invalidity, unconstitutionality, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable and of full force and effect.

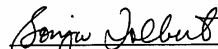
SECTION 7. Penalties provided for violation of this Ordinance are set out in Section 1 hereinabove and are incorporated herein by specific reference.

SECTION 8. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

SECTION 9. The effective date of this Ordinance shall be February 26, 2008.


MAYOR

ATTEST:


CITY CLERK
Adopted: February 26, 2008

Introduced By Commissioner: Postell
Date(s) read: February 26, 2008