

Ordinance No. \_\_\_\_\_

An ordinance to revise and clarify certain provisions of the Columbus Code which provide for the foreclosure of liens on property for which funds are due and owing to the consolidated government; and for other purposes.

**THE COUNCIL OF COLUMBUS, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

SECTION 1.

Section 8-85 of the Columbus Code is here by amended by striking the current code section in its entirety and adopting a new Columbus Code Section 8-85 to read as follows:

**“Sec. 8-85. Demolition costs to become lien against property.**

The amount of the cost of boarding up, demolition or removal of a building and cleaning the lot as approved by City Council shall be a lien against the real property upon which the building or structure is or was situated. Said lien shall be placed upon a special lien book designated "Demolition Lien Book," which shall be maintained by the clerk of superior court of Muscogee County. The director of finance of Columbus, Georgia, shall enforce the collection of any amount due on such lien in the following manner:

- (1) The owner or parties in interest shall pay the full amount due on such lien to the director of finance of Columbus, Georgia within 30 days of perfection of such lien, and if such lien is not paid in full within 30 days of the perfection of such lien, the owner or parties in interest shall pay 25 percent of the total lien amount plus seven percent interest within 60 days of the perfection of such lien to the Director of Finance of Columbus, Georgia, with the remaining balance due on such lien to be paid in three equal annual installments with interest at the rate of seven percent per annum, each of which shall become due and payable on the anniversary date of the initial payment made as hereinabove prescribed;
- (2) Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner and/or parties in interest at any time, then the entire balance due on such lien shall be due and payable to the director of finance of Columbus, Georgia; and,
- (3) Should any amount due remain unpaid within 30 days after the due date for the first or any subsequent annual installment prescribed in subsection (1) above, then the finance director of the consolidated government shall issue a writ of execution against the real property upon which the building or structure is or was situated, and upon the owner thereof, whereupon such real property shall be levied on as governed by general law. The finance director may transmit notice of the execution to the Tax Commissioner with the request that the property be sold at tax sale pursuant to O.C.G.A. § 41-2-90(b)(2)
- (4) The city manager is authorized to waive such liens, or any portion thereof, for property identified to be transferred to the Land Bank Authority, pursuant to O.C.G.A. Title 48, Chapter 4, for the sole purpose of disposing of the property to an organization contemplated under O.C.G.A. § 48-4-64. Prior to the transfer to the Land Bank Authority, the city's real estate office shall actively market the property for sale for a minimum of 12 months from the date of waiver of the lien. The city manager is also authorized to waive such liens, or any portion thereof, for property in the ownership of an organization contemplated under O.C.G.A. § 48-4-64.

- (5) In addition to the authority granted in subsection (4), the city manager is authorized to waive any demolition lien, or any portion thereof, when the demolition lien does not exceed \$25,000.00. If the demolition lien exceeds \$25,000.00, any waiver of such lien, or any portion thereof, must be approved by resolution of the Columbus Council.”

## SECTION 2.

Section 8-86 of the Columbus Code is here by amended by striking the current code section in its entirety and adopting a new Columbus Code Section 8-85 to read as follows:

### **“Sec. 8-86. Service of complaints, notices, orders.**

Complaints, notices or orders issued pursuant to this division shall be served either personally or by registered or certified mail. If the whereabouts of any person who is an owner and/or party in interest is unknown and the whereabouts can not be ascertained by the building official exercising reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of the complaint and notice or order upon such party may be made by publishing the same once a week for two successive weeks in a newspaper of general circulation published in Columbus, Georgia. A copy of such notice served by publication shall be posted in a conspicuous place on the premises effected by the notice. Additional forms of service determined to be effective may also be used at the discretion of the building official.”

## SECTION 3.

Section 13-115 of the Columbus Code is here by amended by striking the current code section in its entirety and adopting a new Columbus Code Section 13-115 to read as follows:

### **“Sec. 13-115. - Same—Notice to property occupants and owners; assessment of costs; execution and sale.**

Where the owner or occupant of land violates the provisions hereof relating to removal of weeds and the owner or occupant, and such owner or occupant or his agent or representative cannot be served with notice or summons so as to subject him to punishment by the recorder, the director of inspections and code enforcement or one of his assistants shall notify such owner by certified mail, directing the weeds or grass on his lot be cut and removed, so as to comply with [Section 13-113](#) of this Code. The certified mail notice shall allow ten days from the date of receipt or a second attempt to deliver such notice to correct the violation. After this notice and during a period of 36 months, no further written notice or warning period shall be required. If the owner fails to comply with the provisions herein, the director of inspections and code enforcement shall have the weeds and grass cut and removed, assessing a fee plus a service charge (as recommended annually by the directors of public works and finance and approved by the city manager) for the work and charging the amount to the owner, and such amount shall constitute a lien against the lot, as of the date of such work, and if such amount be not paid within 30 days after the doing of the work, the finance director of the consolidated government shall issue execution against the particular real estate for which the service was rendered, and

against the owner thereof, whereupon such real estate shall be levied on, advertised and sold under such execution as governed by general law. The finance director may transmit notice of the execution to the Tax Commissioner with the request that the property be sold at tax sale pursuant to O.C.G.A. § 41-2-90(b)(2).”

#### SECTION 4.

Section 13-115 of the Columbus Code is here by amended by striking the current code section in its entirety and adopting a new Columbus Code Section 13-115 to read as follows:

**“Sec. 13-117. Complaint, hearing, order to abate.**

- (a) Any person complaining of any nuisance shall complain to the recorder in writing, setting forth particularly the location and nature of the same, and how he may be affected thereby, whereupon it shall be the duty of the recorder to cause the parties creating or permitting such nuisance to be summoned to appear before the recorder's court as in other cases. After hearing the testimony in the case, the recorder may, in his discretion, order the party creating or permitting such nuisance to abate the nuisance in such manner and within such time as the recorder may prescribe.
- (b) When a nuisance as defined in article III of this chapter cannot be abated in a timely manner by other means, enforcement officials shall complain to the recorder in writing setting forth particularly the location and nature of the same, how it creates an unsafe condition, a public health hazard or a general nuisance to the persons residing in the vicinity, and detailing the actions taken that have failed to abate the nuisance. After hearing the testimony in the case, the recorder may, in his or her discretion, order the nuisance to be abated by the appropriate officials. The director of inspections and code enforcement shall have the nuisance abated, assessing a fee plus a service charge (as recommended annually by the directors of public works and finance and approved by the city manager) for the work and charging the amount to the owner or occupant of the property, and such amount shall constitute a lien against the real estate for which the service was rendered, and against the owner thereof, as of the date of such work, and if such amount is not paid within 30 days after the completion of the work, the finance director of the consolidated government shall issue execution against the particular real estate for which the service was rendered, and against the owner thereof, whereupon such real estate shall be levied on, advertised and sold under such execution as governed by general law, The finance director may transmit notice of the execution to the Tax Commissioner with the request that the property be sold at tax sale pursuant to O.C.G.A. § 41-2-90(b)(2).”

#### SECTION 5.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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Introduced at a regular meeting of the Council of Columbus, Georgia, held on the 13th day of February 2024; continued on 1<sup>st</sup> Reading February 27, 2024 and May 14<sup>th</sup> 2024, introduced a second time at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024 and adopted at said meeting by the affirmative vote of \_\_\_\_\_ members of said Council.

Councilor Allen	voting	_____.
Councilor Begly	voting	_____.
Councilor Cogle	voting	_____.
Councilor Crabb	voting	_____.
Councilor Davis	voting	_____.
Councilor Garrett	voting	_____.
Councilor _____	voting	_____.
Councilor Huff	voting	_____.
Councilor Thomas	voting	_____.
Councilor Tucker	voting	_____.

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Sandra T. Davis, Clerk of Council

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B.H. "Skip" Henderson, III Mayor