

ORDINANCE  
(NO. 2021-12)

AN ORDINANCE TO DECLARE, AUTHORIZE, AND APPROVE RESIDENTIAL NUISANCE PROPERTY ABATEMENT THROUGH ADMINISTRATIVE PROCESS IN LIEU OF JUDICIAL PROCESS IN CERTAIN CIRCUMSTANCES; TO MAKE FINDINGS OF FACT, AUTHORIZE ACTION OF THE ADMINISTRATOR OR DIRECTOR OF PUBLIC WORKS TO DEMOLISH AND CLEAR PRIVATE PROPERTIES IN LIMITED CIRCUMSTANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City by its governing authority has heretofore found that within the city limits of the City of Dalton there is the existence or occupancy of dwellings or other buildings or structures that are unfit for human habitation or use and not in compliance with applicable state minimum standard codes relative to safe use of real estate property and real property improvements or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the city and State and where a public necessity exists for repair, closing, or demolition of such dwellings, buildings, or structures; and

WHEREAS, the City by its governing authority has heretofore found that in the city there is in existence a condition of real estate which renders unsafe or is inimical to safe human habitation, and that such use is dangerous and injurious to the health, safety, and welfare of the people of the city, and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation and which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structures unsafe or unsanitary or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of residents of the city; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed; and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property; and

WHEREAS, the City has heretofore adopted nuisance abatement procedures in accordance with O.C.G.A. §41-2-1 et. seq. which include Revised Code Section 22-421 and 22-422; and

WHEREAS, there are limited circumstances in which all property interest holders of a tract or parcel of real estate where nuisance abatement is proper agree with the City to grant

easement and consent to nuisance abatement up to and including demolition and clearance of the tract or parcel of real estate and payment of various costs of the City therein; and

WHEREAS, such agreements between the City and the private property interest holder are in the interest of the public health, safety, and welfare inasmuch as they reduce the delay in implementing the nuisance abatement and avoid the cost to the City of undertaking the judicial process;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of the same IT IS ORDAINED as follows:

-1-

It is the policy of the City of Dalton to allow for administrative abatement of such nuisances through action of the City Administrator and the Department of Public Works where the following limited conditions and circumstances have been met:

- i) the subject tract or parcel of real estate is a residential dwelling unit or structure;
- ii) all interested persons in the tract or parcel of real estate as defined in Rev. Code Section 422 have consented and agreed to demolition and clearing of the subject property by the City; and
- iii) all interested persons in the subject property have agreed to pay to the City the City's landfill tipping fees and any environmental testing and abatement.

-2-

In those limited circumstances described in Section 1, the City Administrator or the Director of Public Works, as the case may be, shall be authorized to make and enter into on behalf of the City of Dalton, a Demolition Agreement and Consent with the interested property owners and undertake the project provided there exist a funded budget to perform such project or projects.

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This Ordinance shall be cited as Rev. Code of the City of Dalton Section 22-423.

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All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

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This Ordinance shall be effective after adoption by the Mayor and Council of the City of Dalton and it being published in two (2) public places for five (5) consecutive days thereafter.

So ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.