

STATE OF GEORGIA
CITY OF FOREST PARK
COUNTY OF CLAYTON

ORDINANCE 2024-____

1 AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
2 FOREST PARK, GEORGIA TO AMEND TITLE 3 (FINANCE) AND ADOPT CHAPTER 8
3 (BLIGHTED PROPERTY) IN THE CITY’S CODE OF ORDINANCES; TO PROVIDE AN
4 ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL
5 PURPOSES.

6 **WHEREAS**, the duly elected governing authority of the City of Forest Park, Georgia (the
7 “City”) is the Mayor and Council thereof; and

8 **WHEREAS**, section 36-35-3 of the Official Code of Georgia Annotated (O.C.G.A.)
9 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations
10 relating to the cities’ property and affairs; and

11 **WHEREAS**, the existence of blighted property increases the burden of the state and local
12 government by increasing the need for government services; and

13 **WHEREAS**, the City desires to offer a community development tax incentive program to
14 rehabilitate blighted property as authorized by O.C.G.A. § 41-2-12, et seq., and Article IX,
15 Section II, of the 1983 Constitution of the State of Georgia to aid in the decrease of government
16 services; and

17 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals,
18 and welfare of the citizens of the City of Forest Park, Georgia.

19 **Section One.** The text codified in Title 3 (Finance) in the Code of Ordinances of the City
20 of Forest Park, Georgia is hereby amended to include a new Chapter 8 (Blighted Property), to be
21 read and codified as set forth in **Exhibit A** attached hereto and incorporated herein.

22 **Section Two.** The preamble of this Ordinance shall be considered to be and is hereby
23 incorporated by reference as if fully set out herein.

24 **Section Three.** (a) It is hereby declared to be the intention of the Mayor and Council that all
25 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
26 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

27 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
28 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
29 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
30 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
31 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance
32 is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this
33 Ordinance.

34 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
35 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable
36 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
37 the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
38 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
39 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
40 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

41 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
42 effect.

43 **Section Four.** All ordinances and parts of ordinances in conflict herewith are hereby
44 expressly repealed.

45 **Section Five.** This Ordinance shall be codified in a manner consistent with the laws of the
46 State of Georgia and the City.

47 **Section Six.** The effective date of this Ordinance shall be the date of adoption unless
48 otherwise stated herein.

49 **Section Seven.** The City Clerk, with the concurrence of the City Attorney, authorized to
50 correct any scrivener's errors found in this Ordinance, including any exhibits, as enacted.

51 **ORDAINED** this _____ day of _____, 2024.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, Mayor

ATTEST:

_____ (SEAL)
Randi Rainey, City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

52 TITLE 3 – FINANCE

53 Chapter 8. - BLIGHTED PROPERTY

54 Sec. 3-8-1. - Short title.

55 This article shall be known as the "Forest Park Blighted Property Ordinance."

56 Sec. 3-8-2. - Purpose.

57 The existence of real property which is maintained in a blighted condition increases the burden
58 of the state and local government by increasing the need for government services, including but
59 not limited to social services, public safety services, and code enforcement services. Rehabilitation
60 of blighted property decreases this need for such government services.

61 In recognition of the need for enhanced governmental services and in order to encourage
62 private property owners to maintain their real property and the buildings, structures and
63 improvement thereon in good condition and repair, and as an incentive to encourage community
64 redevelopment, a community redevelopment tax incentive program is hereby established as
65 authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of
66 Georgia.

67 Sec. 3-8-3. - Definitions.

68 *Blighted property, blighted, or blight* means any property which:

69 (1) Presents one (1) or more of the following conditions:

70 (a) Uninhabitable, unsafe, or abandoned structure;

71 (b) Inadequate provisions for ventilation, light, air, or sanitation;

72 (c) An imminent harm to life or other property caused by fire, flood, hurricane, tornado,
73 earthquake, storm, or other natural catastrophe respecting which the governor has
74 declared a state of emergency under the state law or has certified the need for disaster
75 assistance under federal law; provided, however, this division shall not apply to
76 property unless the relevant public agency has given notice in writing to the property
77 owner regarding specific harm caused by the property and the owner has failed to
78 take reasonable measures to remedy the harm;

- 79 (d) A site identified by the Federal Environmental Protection Agency as a superfund
80 site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental
81 contamination to an extent that requires remedial actions;
- 82 (e) Repeated illegal and criminal activity on the property of which the property owner
83 knew or should have known; or
- 84 (f) The maintenance of the property is below state, county, or municipal codes for at
85 least three (3) months after written notice of the code violation to its owner;
- 86 (g) Is conducive to ill health, transmission of disease, infant mortality, or crime in the
87 immediate proximity of the property;
- 88 (h) Property that is subject to frequent property maintenance or environmental code
89 citations; and
- 90 (i) Vacant property last occupied by a commercial or industrial use where no visible
91 commercial or industrial activity has occurred in more than three (3) months.

92 Property shall not be deemed blighted solely because of aesthetic conditions.

93 *Building inspector* means a certified inspector possessing the requisite qualifications to
94 determine minimal code compliance.

95 *Community redevelopment* means any activity, project, or service necessary or incidental to
96 achieving the redevelopment or revitalization of a redevelopment area or portion thereof
97 designated for redevelopment through an urban redevelopment plan or through local ordinances
98 relating to the repair, closing, and demolition of buildings and structures unfit for human
99 habitation.

100 *Governing authority* means the mayor and council of the City of Forest Park, a Georgia
101 municipal corporation.

102 *Millage or millage rate* means the levy, in mills, which is established by the governing
103 authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund
104 expenses for the fiscal year.

105 *Person* means such individual(s), partnership, corporations, business entities and associations
106 which return real property for ad valorem taxation or who are chargeable by law for the taxes on
107 the property.

108 *Public officer* means the city manager or such officer or employee of the city as designated
109 by the city manager to perform the duties and responsibilities hereafter set forth in this article.

110 Sec. 3-8-4 - Ad valorem tax increase on blighted property.

111 (a) There is hereby levied on all real property within the city which has been officially identified
112 as maintained in a blighted condition an increased ad valorem tax by applying a factor of
113 seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at
114 a higher millage rate generally applied in the municipality, or otherwise provided by general
115 law; provided, however, real property on which there is situated a dwelling house which is

116 being occupied as the primary residence of one (1) or more persons shall not be subject to
117 official identification as maintained in a blighted condition and shall not be subject to
118 increased taxation.

119 (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered
120 following official designation of a real property as blighted; provided however, if a property
121 owner resolves the blighted condition of such owner's property to the city's satisfaction (in
122 accordance with the provisions of section 3-8-6) at least sixty (60) days prior to the preparation
123 of the first tax bill following such official designation of such real property as blighted, the
124 property shall be eligible for the decrease of the tax rate as provided in section 3-8-7 in the
125 first tax bill rendered following official designation of such real property as blighted.

126 (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be
127 segregated by the city manager and used only for community redevelopment purposes, as
128 identified in an approved urban redevelopment program, including defraying the cost of the
129 city's program to close, repair, or demolish unfit building and structures.

130 Sec. 3-8-5. - Identification of blighted property.

131 (a) In order for a parcel of real property to be officially designated as maintained in a blighted
132 condition and subject to increased taxation, the following steps must be completed:

133 (1) An inspection must be performed on the parcel of property. In order for an inspection
134 to be performed,

135 (a) A request may be made by the public officer or by at least five (5) residents (each
136 living in a different household from the others) of the city for inspection of a parcel
137 of property, said inspection to be based on the criteria as delineated in ordinance, or

138 (b) The public officer may cause a survey of existing housing conditions to be
139 performed, or may refer to any such survey conducted or finalized within the
140 previous five (5) years, to locate or identify any parcels which may be in a blighted
141 condition and for which a full inspection should be conducted to determine if that
142 parcel of property meets the criteria set out in this article for designation as being
143 maintained in a blighted condition.

144 (2) A written inspection report of the findings for any parcel of property inspected pursuant
145 to subsection (1) above shall be prepared and submitted to the public officer. Where
146 feasible, photographs of the conditions found to exist on the property on the date of
147 inspection shall be made and supplement the inspection report. Where compliance with
148 minimum construction, housing, occupancy, fire and life safety codes in effect within the
149 city are in question, the inspection shall be conducted by a certified inspector possessing
150 the requisite qualifications to determine minimal code compliance.

151 (3) Following completion of the inspection report, the public officer shall make a
152 determination, in writing, that a property is maintained in a blighted condition, as defined
153 by this article, and is subject to increased taxation.

154 (4) The public officer shall cause a written notice of his determination that the real property
155 at issue is being maintained in a blighted condition to be served upon the person(s) shown
156 on the most recent tax digest of Clayton County as responsible for payment of ad valorem
157 taxes assessed thereon; provided, however, where through the existence of reasonable
158 diligence it becomes known to the public officer that real property has been sold or
159 conveyed since publication of the most recent tax digest, written notice shall be given to

160 the person(s) known or reasonably believed to then own the property or be chargeable
161 with the payment of ad valorem taxes thereon, at the best address available. Service in
162 the manner set forth at O.C.G.A. § 41-2-12 and a notice posted on the property shall
163 constitute sufficient notice to the property's owner or person chargeable with the payment
164 of ad valorem taxes for purpose of this section, except that posting of the notice on the
165 property will not be required.

166 (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes
167 shall notify such person of the public officer's determination the real property is being
168 maintained in a blighted condition and shall advise such person of the hours and location at
169 which the person may inspect and copy the public officer's determination and any supporting
170 documentation. Persons notified that real property of which the person(s) is chargeable with
171 the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which
172 to request a hearing before the city's municipal court. Written request for hearing shall be filed
173 with the public officer and shall be date stamped upon receipt. Upon receipt of a request for
174 hearing, the public officer shall notify the municipal court and the building inspector or person
175 who performed the inspection and prepared the inspection report.

176 (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall
177 set a date, time and location for the hearing and shall give at least ten (10) business days'
178 notice to the person(s) requesting the hearing, the public officer and the building inspector or
179 person who performed the inspection and prepared the inspection report. Notice of scheduled
180 hearings shall be published as a legal advertisement in the designated legal organ of the city,
181 at least five (5) days prior to the hearing. Hearings may be continued by the municipal court
182 judge upon request of any party, for good cause.

183 (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance
184 of the evidence that the subject property is maintained in a blighted condition, as defined by
185 this article. The municipal court judge shall cause a record of the evidence submitted at the
186 hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the
187 person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall
188 make a determination either affirming or reversing the determination of the public officer. The
189 determination shall be in writing and copies thereof shall be served on the parties by certified
190 mail or statutory overnight delivery. The determination by the court shall be deemed final. A
191 copy of such determination shall also be served upon the Tax Division of the City's Finance
192 Department, as applicable, who shall include the increased tax on the next regular tax bill
193 rendered on behalf of the city.

194 (e) Persons aggrieved by the determination of the court affirming the determination of the public
195 officer may petition the Superior Court of Clayton County, as applicable, for a writ of
196 certiorari within thirty (30) days of issuance of the court's written determination.

197 Sec. 3-8-6. - Remediation or redevelopment.

198 (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on
199 real property which has been officially designated pursuant to this article as property
200 maintained in a blighted condition may petition the public officer to lift the designation, upon
201 proof of compliance with the following:

202 (1) Completion of work required under a plan of remedial action or redevelopment
203 approved by the city's planning and development director which addresses the conditions

204 of blight found to exist on or within the property, including compliance with all applicable
205 minimum codes; or

206 (2) Completion of work required under a court order entered in a proceeding brought
207 pursuant to Forest Park's nuisance ordinance.

208 (b) Before action on a petition to lift the designation, the public officer shall cause the property
209 to be thoroughly inspected by a building inspector who, by written inspection report, shall
210 certify that all requisite work has been performed to applicable code in a workmanlike manner,
211 in accordance with the specifications of the plan of remedial action or redevelopment, or
212 applicable court order. Upon finding required work to be satisfactorily performed, the public
213 officer shall issue a written determination that the real property is no longer maintained in a
214 blighted condition. Copies of this determination shall be served upon the person(s) chargeable
215 with the payment of ad valorem taxes, and upon the Tax Division of the City's Finance
216 Department.

217 (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s)
218 chargeable with the payment of ad valorem taxes on the real property and the director of the
219 city's planning and development department, and contain the following:

220 (1) The plan shall be consistent with the city's comprehensive plan and all laws and
221 ordinances governing the subject property, and shall conform to any urban redevelopment
222 plan adopted for the area within which the property lies;

223 (2) The plan shall set forth in reasonable detail the requirements for repair, closure,
224 demolition, or restoration of existing structures, in accordance with minimal statewide
225 codes; where structures are demolished, the plan shall include provisions for debris
226 removal, stabilization and landscaping of the property;

227 (3) On parcels of five (5) acres or greater, the plan shall address the relationship to local
228 objectives respecting land uses, improved traffic, public transportation, public utilities,
229 recreational and community facilities, and other public improvements;

230 (4) The plan shall contain verifiable funding sources which will be used to complete its
231 requirements and show the feasibility thereof;

232 (5) The plan shall contain a timetable for completion of required work; and

233 (6) Any outstanding ad valorem taxes (state, school, county, and city, including the
234 increased tax pursuant to this article) and governmental liens due and payable on the
235 property must be satisfied in full.

236 Sec. 3-8-7. - Decrease of tax rate.

237 (a) Real property which has had its designation as maintained in a blighted condition removed
238 by the public officer, as provided in section 3-8-5, Identification of blighted property, of this
239 article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a
240 factor of 0.5 to the city millage rate applied to the property, so that such property shall be
241 taxed at a lower millage rate than the millage rate generally applied in the municipality or
242 otherwise provided by general law; such decreased rate of taxation shall be applied beginning
243 with the next tax bill rendered following removal of official designation of a real property as
244 blighted. The decreased rate of taxation may be given in successive years, depending on the
245 amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on
246 the property to satisfy its remediation or redevelopment, with every twenty-five thousand
247 dollars (\$25,000.00) or portion thereof equaling one (1) year of tax reduction; provided,

248 however, that no property shall be entitled to reduction in city ad valorem taxes for more than
249 four (4) successive years.

250 (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with
251 payment of ad valorem taxes on the property shall submit a notarized affidavit to the public
252 officer, supported by receipts or other evidence of payment, of the amount expended.

253 Sec. 3-8-8. - Notice to tax division.

254 It shall be the duty of the public officer to notify the Tax Division of the City's Finance
255 Department, as applicable, in writing as to designation or removal of designation of a specific
256 property as maintained in a blighted condition. Such notice shall identify the specific property by
257 street address and tax map, block and parcel number, as assigned by the tax commissioner of
258 Clayton County, as applicable. The public officer shall cooperate with the Tax Division to assure
259 accurate tax billing of those properties subject to increased or reduced ad valorem taxation under
260 this article.