

ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DUBLIN, GEORGIA BY ADDING TO CHAPTER 21 "TAXATION," ARTICLE IV "BLIGHT TAX,"; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia, have been vested with substantial powers, rights, and functions to generally regulate the practice, conduct, or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Dublin; and

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia desire to protect the citizens of Dublin from the negative impacts to private and public property caused by blighted properties;

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia wish to declare by ordinance a disincentive to the continued maintenance of blighted property within the city limits;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION ONE:

That Chapter 21, Taxation, of the Code of Ordinances of the City of Dublin, Georgia, is hereby amended by adding a new Article IV, "Blight Tax", to read as follows:

Section 21-100 – Purpose.

- (a) *Purpose.* The City of Dublin recognizes the existence of real property that is maintained in a blighted condition. Such properties increase the need for governmental services, including, but not limited to, social services, public safety services, and code enforcement services. The City of Dublin finds the rehabilitation of blighted properties decreases the need for such government services and the costs to the City's taxpayers.

In furtherance of the City's objective to eradicate conditions of slum and blight within the City, the mayor and council, in the exercise of the powers granted to municipal corporations in Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated and continues to designate those areas of the City where conditions of slum and blight are found or are likely to spread.

In recognition of the need for enhanced governmental services and in order to encourage private property owners to maintain their real property and the buildings, structures and improvement thereon in good condition and repair, and as an incentive to encourage

community redevelopment, a community redevelopment tax incentive program is hereby established as authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia.

(b) *Definitions.* The following terms, when used in this section, shall have the meaning set out below:

(1) “*Blighted Property*”, “*blighted*”, or “*blight*” means any urbanized or developed property that:

a. Presents two or more of the following conditions:

1. Uninhabitable, unsafe, or abandoned structures;
2. Inadequate provisions for ventilation, light, air, or sanitation;
3. An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe that the Governor has declared a state of emergency under the state law or has certified the need for disaster assistance under federal law; provided, however, this division shall not apply to the property unless the relevant public agency has given notice in writing to the property owner regarding specific harm caused by the property and the owner has failed to take reasonable measures to remedy the harm;
4. A site identified by the Federal Environmental Protection Agency as a superfund site pursuant to 42 U.S.C. Section 9601, et. seq. or environmental contamination to the extent that requires remedial investigation or a feasibility study;
5. Repeated illegal activity on the individual property of which the property owner knew or should have known; or
6. The maintenance of the property is below state, county, or municipal codes for at least one year after written notice of the code violation to its owner; and

b. Is conducive to ill health, transmission of disease, infant mortality or crime in the immediate proximity of the property;

c. Notwithstanding the foregoing, no property shall be deemed blighted solely because of aesthetic conditions.

(2) “*Building Inspector*” means a certified inspector possessing the requisite qualifications to determine minimal code compliance.

(3) “*Community Redevelopment*” means any activity, project, or service necessary or incidental to achieving the redevelopment or revitalization of a redevelopment area or portion thereof designated for redevelopment through an urban redevelopment plan or through local ordinances relating to the repair, closing, and demolition of building and structures unfit for human habitation.

(4) “*Governing Authority*” means the mayor and council of the City of Dublin, a Georgia Municipal Corporation.

(5) “*Millage*” or “*millage rate*” means the levy, in mills, that is established by the governing authority for purposes of financing, in whole or in part, the levying jurisdiction’s general fund expenses for the fiscal year.

- (6) “*Person*” means such individual(s), partnership, corporations, business entities and associations which return real property for ad valorem taxation or who are chargeable by law for the taxes on the property.
- (7) “*Public Officer*” means the city manager or such officer or employee of the city as designated by the city manager to perform the duties and responsibilities hereafter set forth in this article.

Section 21-101 – Ad Valorem Tax Increase on Blighted Property.

- (a) There is hereby levied on all real property within the city which has been officially identified as maintained in a blighted condition an increased ad valorem tax by applying a factor of seven (7.0) to the millage rate applied to the property, so that such property shall be taxed at a higher millage rate than that generally applied in the municipality, or otherwise provided by general law; provided, however, real property on which there is situated a dwelling house which is being occupied as the primary residence of one or more persons shall not be subject to official identification as maintained in a blighted condition and shall not be subject to increased taxation.
- (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.
- (c) Revenues arising from the increased rate of ad valorem taxation shall be placed in the general fund of the City of Dublin.

Section 21-103 – Identification of Blighted Property.

- (a) In order for a parcel of real property to be officially designated as maintained in a blighted condition and subject to increased taxation, the following steps must be completed:
 - (1) A request may be made by a public officer or by at least five residents of the city charging that the building, structure, or property meets the criteria described in Section 21-100(b)(1).
 - (2) An investigation or inspection by a Public Officer and determination that the property in question meets the criteria described in Section 21-100(b)(1).
 - (3) A written inspection report of the findings for any parcel of property inspected pursuant to subsection (1) and (2) above shall be prepared and submitted to the public officer. Where feasible, photographs of the conditions found to exist on the property on the date of the inspection shall be made and supplement the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the city are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance.
 - (4) Following completion of the inspection report, the public officer shall make a determination, in writing, that a property is maintained in a blighted condition, as defined by this article, and is subject to increased taxation as provided herein.
 - (5) The public officer shall cause a written notice of his determination that the real property at issue is being maintained in a blighted condition to be served upon the person(s) shown on the most recent tax digest of Laurens County as responsible for payment of ad valorem taxes assessed thereon; provided, however, where through the existence of reasonable diligence it becomes known to the public

officer that the real property in question has been sold or conveyed since publication of the most recent tax digest, written notice shall be given to the person(s) known or reasonably believed to then own the property or be chargeable with the payment of ad valorem taxes thereon, at the best address available. Service in the manner set forth at O.C.G.A. § 41-2-12 shall constitute sufficient notice to the property's owner or person chargeable with the payment of ad valorem taxes for purpose of this section, except that posting of the notice on the property will not be required.

- (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person(s) of the public officer's determination the real property is being maintained in a blighted condition and shall advise such person of the hours and location at which the person may inspect and copy the public officer's determination and any supporting documentation. Persons notified that real property of which the person(s) is chargeable with the payment of ad valorem taxes shall have 30 days from the receipt of notice in which to request a hearing before the city's municipal court. A written request for a hearing shall be filed with the public officer and shall be date stamped upon receipt. Upon receipt of a request for a hearing, the public officer shall notify the municipal court and the building inspector or person who performed the inspection and prepared the inspection report.
- (c) Within 30 days of the receipt of a request for a hearing, the municipal court clerk shall set a date, time and location for the hearing and shall give at least ten business days' notice to the person(s) requesting the hearing, the public officer, and the building inspector or person who performed the inspection and prepared the inspection report. Notice of scheduled hearings shall be published as a legal advertisement in the legal organ of Laurens County, at least five days prior to the hearing. Hearings may be continued by the municipal court judge upon request of any party, for good cause.
- (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance of the evidence that the subject property is maintained in a blighted condition, as defined by this article. The municipal court judge shall cause a record of the evidence submitted at the hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the persons(s) requesting the hearing and/or their witnesses, the judge of the municipal court shall make a determination either affirming or reversing the determination of the public officer. The determination shall be in writing and copies thereof shall be served on the parties by certified mail or statutory overnight delivery. The determination by the municipal court judge shall be deemed final. A copy of such determination shall also be served upon the City Clerk, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.
- (e) Persons aggrieved by the determination of the municipal court affirming the determination of the public officer may petition the Superior Court of Laurens County for a writ of certiorari within 30 days of the issuance and filing of the court's written determination.

Section 21-104 – Remediation or Redevelopment.

- (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on real property which has been officially designated pursuant to this article as property

maintained in a blighted condition may petition the public officer to lift the designation, upon proof of compliance with the following:

- (1) Completion of work required under a plan of remedial action or redevelopment approved by the city manager, or his designee, which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - (2) Completion of work required under a court order entered in a proceeding brought pursuant to Articles I through III, of Chapter 13, Nuisances of the Code of Ordinances for the City of Dublin, Georgia.
- (b) Before action on a petition to lift the designation, the public officer shall cause the property to be thoroughly inspected by a building inspector who, by written inspection report, shall certify that all requisite work has been performed to applicable code in a workmanlike manner, in accordance with the specifications of the plan of remedial action or redevelopment, or applicable court order. Upon finding required work to be satisfactorily performed, the public officer shall issue a written determination that the real property is no longer maintained in a blighted condition. Copies of this determination shall be served upon the person(s) chargeable with the payment of ad valorem taxes, and upon the City Clerk of the City of Dublin.
- (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s) chargeable with the payment of ad valorem taxes on the real property and the chief building inspector, and contain the following:
- (1) The plan shall be consistent with the city's comprehensive plan and all laws and ordinances governing the subject property, and shall conform to any urban redevelopment plan adopted for the area within which the property lies;
 - (2) The plan shall set forth in reasonable detail the requirements for repair, closure, demolition, or restoration of existing structures, in accordance with minimal statewide codes; where structures are demolished, the plan shall include provisions for debris removal, stabilization and landscaping of the property;
 - (3) On parcels of five acres or greater, the plan shall address the relationship to local objectives respecting land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
 - (4) The plan shall contain verifiable funding sources which will be used to complete its requirements and show the feasibility thereof;
 - (5) The plan shall contain a timetable for completion of required work; and
 - (6) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this article) and governmental liens due and payable on the property must be satisfied in full.

Section 21-105 – Decrease of Tax Rate.

- (a) Real property which has had its designation as maintained in a blighted condition removed by the public officer, as provided in Section 21-103, Identification of Blighted Property, of this Article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a factor of 0.5 to the city millage rate applied to the property, so that such property shall be taxed at a lower millage rate than the millage rate generally applied in the municipality or otherwise provided by general law; such decreased rate of

taxation shall be applied beginning with the next tax bill rendered following removal of official designation of a real property as blighted. The decreased rate of taxation may be given in successive years, depending on the amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on the property to satisfy its remediation or redevelopment, with every \$25,000 or portion thereof equaling one year of tax reduction; provided, however, that no property shall be entitled to reduction in city ad valorem taxes for more than four successive years.

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

Section 21-106 – Notice to City Clerk.

It shall be the duty of the public officer to notify the City Clerk of the City of Dublin in writing as to designation or removal of designation of a specific property as maintained in a blighted condition. Such notice shall identify the specific property by street address and tax map, block and parcel number, as assigned by the Lauren County Tax Assessor's Office. The public officer shall cooperate with the City Clerk to assure accurate tax billing of those properties subject to increased ad valorem taxation under this article.

SECTION TWO

This Ordinance shall become effective immediately upon adoption by the Mayor and Council of the City of Dublin, Georgia.

SO ORDAINED, this ____ day of _____, 2016.

Approved:

Mayor

ATTEST:

_____(SEAL)
City Clerk

ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DUBLIN TO AMEND THE CODE OF ORDINANCES TO PROVIDE FOR CLARIFICATION IN THE BLIGHT TAX ORDINANCE; TO ESTABLISH DEADLINES FOR THE APPLICATION OF BLIGHT TAX DETERMINATIONS; TO PROVIDE FOR FURTHER JUDICIAL REVIEW OF BLIGHTED PROPERTY DETERMINATIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia have been vested with substantial powers, rights, and functions to generally regulate the practice, conduct, or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Dublin; and

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia have previously enacted a Blight Tax Ordinance for the City of Dublin; and

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia desire to further clarify the procedures for implementation of the blight tax, to provide for further judicial review of blight tax cases, and to set deadlines for the application of blight tax determinations;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION ONE:

Replace Subsection (b) of Section 21-201 of the Code of Ordinances of the City of Dublin, which currently reads:

“(b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.”

with a new subsection (b) to read as follows:

“(b) Subject to the time limitations provided in Section 21-103(f), such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted and shall be due and payable as taxes are due and payable to the City of Dublin.”

SECTION TWO:

Replace the last sentence of subsection (d) of 21-102 of the Code of Ordinances of the City of Dublin, which currently reads:

“A copy of such determination shall also be served upon the city clerk, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.”

with a new sentence that reads as follows:

“A copy of such determination shall also be served upon the city clerk.”

SECTION THREE:

Add a new sentence to the end of the existing Section 21-102(b) to read as follows:

“In the event a hearing is not requested within thirty (30) days as provided herein, the blighted property shall become subject to the increased taxation provided for herein. The public officer shall give written notice to the city clerk of such failure to request a hearing within the time limit.”

SECTION FOUR:

Add a new subparagraph (f) to the existing Section 21-102 to read as follows:

“(f) Any property determined to be blighted, either by the expiration of 30 days from the date of receipt of notice by the property owner from the public officer or by order of the Court, on or after August 1st shall not be subject to the increased taxation provided herein until the following taxable year.”

SECTION FIVE:

Add a new subparagraph (d) to the existing Section 21-103 to read as follows:

“(d)

- (1) Any written determination by the public officer that the property is no longer maintained in a blighted condition which is dated on or before the due date of the property tax bill for the property in question shall relieve the property owner of the increased taxation rate for that bill. Any written determination by the public officer that the property is no longer maintained in a blighted condition which is dated after the due date of the property tax bill for the property in question shall not relieve the property owner of the increased taxation rate for that bill.
- (2) If a property owner is dissatisfied with the determination made by the public officer that the property continues to remain in a blighted condition, the property owner may petition the Municipal Court of the City of Dublin for a hearing regarding the same. The petition must identify the property in question, the name of the property owner, the individual bringing the petition on behalf of the property owner, if any, and a certification that the property is no longer being maintained in a blighted condition as defined herein. The petition must be verified by the petitioner and submitted to the Municipal Court Clerk along with a \$50.00 filing fee. The Municipal Court shall cause a hearing to be scheduled and notice served on the Petitioner, Public Officer, and the City Attorney of the date of the hearing, which is to be scheduled within 60 days of the date the petition is filed. Said hearing may be continued by the Municipal Court Judge for good cause shown. During the pendency of any petition as provided in this subsection (d)(2), the increased taxation amount shall not be subject to any late fees or penalties, however, all regular ad valorem taxes due the City of Dublin (the base amount) shall be paid timely

according to the tax notice and subject to late fees and penalties. The Municipal Court Judge shall issue an order, after holding a hearing, with the Judge's determination as to whether the property is being maintained in a blighted condition, by a preponderance of the evidence. The Order shall be served on the Petitioner, Public Officer, City Attorney, and City Clerk. If the Municipal Court Judge determines the property is no longer being maintained in a blighted condition, the property shall not be subject to the increased taxation as required herein. If the Municipal Court Judge determines the property continues to be maintained in a blighted condition, the increased tax amount shall be due and payable within 30 days of the filing of the Order with such determination."

SECTION SIX:

This ordinance shall become effective at 12:00 noon on the fifth day after its adoption.

SO ORDAINED this _____ day of _____, 2017.

MAYOR

ATTEST:

CITY CLERK (Seal)