

AN ORDINANCE
ENTITLED

20-106

AN ORDINANCE AMENDING ORDINANCE 08-140 SO AS TO PROVIDE FOR AN INCREASE IN CITY AD VALOREM TAXATION EQUAL TO SIX TIMES THE MILLAGE RATE SHALL APPLY TO REAL PROPERTY MAINTAINED IN A BLIGHTED CONDITION; TO PROVIDE THE CITY MAY USE THE INCREASE FOR COMMUNITY REDEVELOPMENT PURPOSES; REPEALING PRIOR ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, the existence of real property, which is maintained in a blighted condition, increases the burden of government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases the need for such government services; and

WHEREAS, in recognition of such service needs and in order to encourage community redevelopment, a community redevelopment tax incentive program is authorized by Article IX, Section II, Paragraph VII(d) of the Constitution of the State of Georgia [Ga. Laws 2002, p. 1497]; and

WHEREAS, it is in the best interest of the City of Albany that a community redevelopment tax incentive program be established,

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

SECTION 1. From and after adoption of this Ordinance, Chapter 36, Art. VII of the Code of Ordinance of the City of Albany, Georgia, shall hereafter read as follows:

Sec. 36-203. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted as applied to a piece of property, means that property is being maintained in a blighted condition.

Public officer means the building inspector, code enforcement director, city manager, police officer or any other city official who is authorized by law and this Code to exercise the powers prescribed by this section, or any agent of such officer or officers, or any other employee, officer or officers designated by the city manager for purposes of this section.

Sec. 36-204. Blighted condition designation.

In order for the property in question to be subject to official identification as blighted and subject to increased taxation, the property must be determined to be:

- (1) Unfit for human habitation or unfit for commercial, industrial, or business use and not in compliance with applicable codes; or
- (2) Vacant and being used in connection with the commission of drug crimes; or
- (3) Constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; and
- (4) Not a dwelling house, which is being used as the primary residence of one or more persons.

Sec. 36-205. Procedure for identification of property as blighted.

The procedure for official identification of real property as blighted includes:

- (1) A request from a public officer or at least five residents of the city charging that any building, structure or property meets criteria described in section 36-204.
- (2) An investigation or inspection by a public officer and determination that the property in question meets the criteria described in section 36-204.
- (3) A public officer's issuance of a complaint in rem against the property. The complaint shall state which condition(s) under subsection (2) of this section exist on the property and what steps should be taken to remediate the property.
- (4) A public officer's causing a summons and a copy of the complaint to be mailed via certified to the owner of the property. The latter is anyone revealed by a certification of title to the real property conducted in accordance with the title standards of the State Bar of Georgia. The summons shall notify the interested parties that a hearing will be held before the municipal court of the city (hereinafter "municipal court") at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (5) If after such notice and hearing, the municipal court determines that the dwelling, building or structure in question meets the criteria in section 36-204, the court shall state in writing findings of fact in support of such determination and shall issue and cause its written findings to be served upon the interested parties that have answered the complaint or appeared at the hearing an order.
- (6) No property shall be designated as blighted unless the municipal court of Albany enters an order that finds the property in question meets the criteria described in section 36-

204(1), (2) or (3). This order constitutes official identification of real property as maintained in a blighted condition.

(7) If the municipal court finds that the property is blighted, it shall, in the same order, list what must be done to remove the blighted condition designation, and give the owner a deadline in which to finish the work.

Sec. 36-206. Imposition of increased tax rate.

Property, which has been officially designated as blighted, shall be subject to an increased rate of city ad valorem taxation equivalent to six (6) times the normal millage rate applied to the property, applied at the time of the issuance of the subsequent tax bill, as provided in Article IX, Section II, Paragraph VII(d). The increased rate continues to be applied to all subsequent tax bills until the property's designation as maintained in a blighted condition is removed as provided in this section. This increased rate of taxation and the official identification of the property as blighted remain with the property if transferred to another owner.

Sec. 36-207. Revenue segregated.

Revenue collected from increases in rate of ad valorem taxation may be used for community redevelopment purposes.

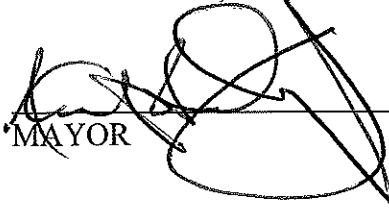
Sec. 36-208. Remediation.

The property in question may be rehabilitated at any time through remedial actions or redevelopment that conforms with the municipal court order setting forth what must be done to remove the identification of the property as maintained in a blighted condition. Owner may request removal of the property's designation as blighted from the city manager or from the municipal court upon proper proof, including an inspection by a public officer, that the property has been remediated and now conforms with the court order listing what must be done to remove the identification of the property as blighted. The city manager shall be notified in writing ten (10) days before any hearing in the municipal court.

Sec. 36-209. Remediation property tax rate.

Property which has had its designation as maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of city ad valorem taxation equivalent to one-half (50%) of the millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to two years tax bills.

SECTION 2. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.


MAYOR

ATTEST:

Sissy Kelly
CITY CLERK, Asst.
Adopted: 5-26-20

Introduced by Commissioner: Chad Worthington

