

Ordinance 24-009

AN ORDINANCE AMENDING THE CODE OF AUBURN, GEORGIA, TO ESTABLISH A COMMUNITY REDEVELOPMENT TAX INCENTIVE PROGRAM, PURSUANT TO ARTICLE IX, SECTION II, PARAGRAPH VII (D) OF THE 1983 CONSTITUTION OF THE STATE OF GEORGIA; SPECIFYING ASCERTAINABLE STANDARDS TO BE APPLIED IN DETERMINING WHETHER PROPERTY IS MAINTAINED IN A BLIGHTED CONDITION; ESTABLISHING A PROCEDURE FOR THE OFFICIAL IDENTIFICATION OF REAL PROPERTY WHICH IS MAINTAINED IN A BLIGHTED CONDITION; SPECIFYING AN INCREASED RATE OF AD VALOREM TAXATION TO BE APPLIED TO REAL PROPERTY WHICH HAS BEEN OFFICIALLY IDENTIFIED AS MAINTAINED IN BLIGHTED CONDITION; SEGREGATING THE REVENUES ARISING FROM THE INCREASED RATE OF AD VALOREM TAXATION AND PROVIDING FOR USE OF SUCH REVENUES ONLY FOR COMMUNITY REDEVELOPMENT PURPOSES; SPECIFYING ASCERTAINABLE STANDARDS FOR REHABILITATION THROUGH PLANS FOR REMEDIAL ACTION OR REDEVELOPMENT WITH WHICH THE OWNER MUST COMPLY TO HAVE THE IDENTIFICATION OF BLIGHTED CONDITION REMOVED; SPECIFYING A DECREASED RATE OF AD VALOREM TAXATION TO BE APPLIED FOR A SPECIFIC PERIOD AFTER THE OWNER COMPLIES WITH A PLAN FOR REMEDIAL ACTION OR REDEVELOPMENT; REPEALING CONFLICTING ORDINANCES AND CODE PROVISIONS; REAFFIRMING AND RESTATING THE CODE OF AUBURN, GEORGIA, AS AMENDED; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Auburn, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect the public health, safety, and welfare of the citizens of the City Of Auburn, Georgia; and

WHEREAS, the duly elected governing authority of the City of Auburn, Georgia is the Mayor and City Council therefore; and

WHEREAS, in 2002 a majority of the State's electorate, voting in a referendum called for the purpose of ratifying a Constitutional amendment to the 1983 Constitution of the State of Georgia, now Article IX, Section II, Paragraph VII(d), confirmed the existence in a community of real property which is maintained in a blighted condition increases the burden of state and local government by increasing the need for governmental services, including but not limited to social services, public safety services, and code enforcement services; and

WHEREAS, rehabilitation of blighted property decreases the need for such governmental services and allows local governments to better utilize limited revenues available from ad valorem taxation of real property; and

WHEREAS, this Mayor and City Council has previously determined the existence of properties within the City that are maintained in blighted condition and has enacted various ordinance intended to combat the existence of slum and blight and prevent its spread to properties in other areas of the City, including the designation of urban

redevelopment areas, pursuant to Chapter 61 of Title 36 of the Official Code of Georgia Annotated, however, the cost of current and previous efforts has outpaced the ability of the City to fund from current revenue sources;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AUBURN, GEORGIA HEREBY ORGAINS THAT THE FOLLOWING ORDINANCE (CHAPTER 3.05) BE ADOPTED AND ENACTED AS FOLLOWS:

1.

The Code of Auburn, Georgia, is hereby amended by the establishment of a community redevelopment tax incentive program, in accordance with the authority found at Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of Georgia, as follows:

“Sec. 3.05.010 Purpose.

The existence of real property which is maintained in a blighted condition increases the burden of the State and local 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 this need for such government services.

In furtherance of its objective to eradicate conditions of slum and blight within the City, this City Council, in exercise of the powers granted to municipal corporations at Chapter 61, Urban Redevelopment, of Title 36 of the Official Code of Georgia Annotated, has designated 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.

Sec. 3.05.020 Definitions.

- 1) “Blighted property,” “blighted,” or “blight” means any urbanized or developed property which:
 - a.) Presents two or more of the following conditions:
 - (i) Uninhabitable, unsafe, or abandoned structure;
 - (ii) Inadequate provisions for ventilation, light, air, or sanitation;
 - (iii) An imminent harm to life or other property caused by fire, flood, hurricane, tornado, earthquake, storm, or other natural catastrophe respecting which 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 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.

- (iv) 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 an extent that requires remedial investigation or a feasibility study.
 - (v) Repeated illegal activity on the individual property of which the property owner knew or should have known;
 - (vi) The presence of trash, rubbish and/or graffiti; or
 - (vii) The maintenance of the property is below state, county, or municipal codes for at least one year; and
- b.) Is conducive to ill health, transmission of disease, infant mortality, or crime in the immediate proximity of the property.

Property shall not be deemed blighted solely because of esthetic 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 thorough local ordinances relating to the repair, closing, and demotion of buildings and structures unfit for human habitation.
- 4) “Governing authority” means the City Council of the City of Auburn, a Georgia municipal corporation.
- 5) “Millage” or “millage rate” means the levy, in mills, which 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 Administrator or such officer or employee of the City as designated by the City Administrator to perform the duties and responsibilities hereafter set forth in this Ordinance.
- 8) “Qualified Inspector” means building inspector possessing the requisite qualifications to determine minimal code compliance as certified in accordance with O.C.G.A 8-2-26-1.
- 9) “Abandon” means to terminate the use of a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction. Except for ongoing agricultural activities, there shall be a presumption that a use has been abandoned if it is not undertaken, utilized, implemented or performed for a period of two

years.

Sec. 3.05.030 Levy of Increase Ad Valorem Tax on Blighted Real Property.

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 millage rate times seven (7) to the property, so that such property shall be taxed at a higher millage rate 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.

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.

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

Sec. 3.05.040 Official Identification of Property Maintained in Blighted Condition.

- 1) 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:
 - a. An inspection must be performed on the parcel of property. In order for an inspection to be performed,
 - i. a request may be made by the Public Officer
 - ii. the Public Officer may cause a survey of existing conditions to be performed, or may refer to any such survey conducted or finalized within the previous five years, to locate or identify any parcels which may be in a blighted condition and for which a full inspection should be conducted to determine if that parcel of property meets the criteria set out in this ordinance for designation as being maintained in a blighted condition.
 - b. A written inspection report of the findings for any parcel of property inspected pursuant to Subsection (a) 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 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.
 - c. 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 ordinance, and is subject to increased taxation.
 - d. 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 Barrow 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 real property 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.

- 2) The written notice given to the person(s) chargeable with the payment of ad valorem taxes shall notify such person 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. Written request for hearing shall be filed with the Public Officer and shall be date stamped upon receipt. Upon receipt of a request for hearing, the Public Officer shall notify the Municipal Court and the Building Inspector or person who performed the inspection and prepared the inspection report.
- 3) Within thirty (30) days of the receipt of a request for hearing, the Municipal Court Clerk shall set a date, time and location for the hearing and shall give at least ten (10) 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 prior to the hearing. Hearings may be continued upon request of any party, for good cause.
- 4) 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 ordinance. Upon hearing from the Public Officer and/or their witnesses and the person(s) requesting the hearing and/or their witnesses, the Judge of 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 Court shall be deemed final. A copy of such determination shall also be served upon the Tax Commissioner of Barrow County, who shall include the increased tax on the next regular tax bill rendered on behalf of the City.
- 5) Persons aggrieved by the determination of the Court affirming the determination of the Public Officer may petition the Superior Court of Barrow County for a writ of certiorari, within thirty (30) days of issuance of the Court's written determination.

Sec. 3.05.050. Remediation or Redevelopment to Remove Designation of Blighted Condition.

- 1) 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 ordinance as

property maintained in a blighted condition may petition the Public Officer to lift the designation, upon proof of compliance with the following:

- a) Completion of work required under a plan of remedial action or redevelopment approved by the City's Planning and Development Director which addresses the conditions of blight found to exist on or within the property, including compliance with all applicable minimum codes; or
 - b) Completion of work required under a Court Order entered in a proceeding brought pursuant to Article IV, Unfit Buildings and Structures, of Chapter 22 of the Code of Auburn, Georgia.
 - c) Any outstanding ad valorem taxes (state, school, county and city, including the increased tax pursuant to this ordinance) and governmental liens due and payable on the property must be satisfied in full.
- 2) 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 Tax Commissioner of Barrow County.
- 3) 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 Director of the City's Building and Community Development Departments, and contain the following:
- a) 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 that area;
 - b) 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.
 - c) The plan shall contain a timetable for completion of required work.

Sec. 3.05.060. Decreased Rate of Taxation to be Applied After Successful Remedial Action or Redevelopment of Blighted Property.

- 1) Real property which has had its designation as maintained in a blighted condition removed by the Public Officer, as provided in Section 5 of this ordinance, shall be eligible for a decrease in the rate of City ad valorem taxation. 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.

Sec 3.05.070 Duty of Public Officer to Provide Notice to County Tax Commissioner.

It shall be the duty of the Public Officer to notify the Tax Commissioner of Barrow County 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 Barrow County Tax Assessor's Office. The Public Officer shall cooperate with the Tax Commissioner to assure accurate tax billing of those properties subject to increased or reduced ad valorem taxation under this Ordinance."

Sec 3.05.080. Tax Incentives and Abatements to fill unoccupied buildings

Any property owner of a qualified empty/vacant commercial or residential building and pays City real property taxes for the qualifying property will receive credits for all such taxes paid. The amount of these credits will be calculated as follows: The property owner will receive cash reimbursements for all City real property taxes paid over the same number of years the qualified property had been continuously empty and/or vacant and which was listed for sale and or lease during that time, up to a maximum period of five (5) years, as long as the property is maintained and occupied.

2.

The City Administrator and City Clerk are further authorized to correct typographical errors in the text of this Ordinance and the existing City Code and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

3.

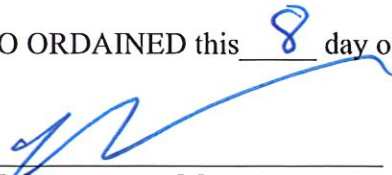
In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional, or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

4.


All laws and parts of laws in conflict with this Ordinance are hereby repealed.

This Ordinance shall be effective immediately upon its adoption by the Mayor and City Council.

SO ORDAINED this 8 day of August, 2024.




Richard E. Roquemore, Mayor



Joshua Rowan, Council Member



Robert L. Vogel, III Council Member



Jamie L. Bradley, Council Member



Taylor J. Sisk, Council Member

ATTEST:



Brooke Haney, City Clerk