

VACANT BUILDINGS ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 18 OF THE NUISANCES ORDINANCE OF DEKALB COUNTY TO ADD NEW CODE DIVISION I(VACANT BUILDINGS) TO “ REQUIRE PROPERTY OWNERS TO (1) SUBMIT A STATEMENT OF PLAN TO REHABILITATE OR MAKE IMPROVEMENTS TO STRUCTURE SO AS TO MAKE THE STRUCTURE SUITABLE FOR ITS INTENDED USE, AND (2) SUBMIT A FORM IN WHICH THE OWNER GRANTS PERMISSION TO THE PLANNING DIRECTOR OR HIS/HER DESIGNEE OR CODE ENFORCEMENT OFFICER TO ENTER AND INSPECT PROPERTY.

Whereas: Structures that are vacant and unsecured pose serious threats to the public’s health and safety and therefore are public nuisances.

Whereas: DeKalb County has an interest in maintaining the public health, safety and welfare of the citizens of the DeKalb County and its visitors; and

Whereas: Structures that are vacant and not properly secured attract vagrants and criminals and are prime locations to conduct illegal activities, including arson and drug use.

Whereas: Noncomplying structures must promptly be made safe and secure to protect the public safety and are declared to be a nuisance subject to the abatement process set forth Chapter 18.

Whereas: Noncomplying structures are a blight on their neighborhoods, cause deterioration and instability in their neighborhoods and have an adverse impact on other properties.

Whereas: Immediate action and abatement of these hazards or rehabilitation of these structures is necessary to prevent unsightly blight and the deterioration of neighborhoods with the consequent adverse impact on the value of adjacent and nearby properties. Such actions are also necessary to secure the public safety and to ensure and enhance the vitality and livability of our neighborhoods.

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Article V. Chapter 18 of the Nuisances Ordinance of DeKalb County, is hereby amended as follows:

TITLE: That Division I of Article V of Chapter 18 shall be titled “**Vacant Buildings**” of the DeKalb County Code of Ordinances shall hereby be amended such that it shall thereafter read as follows:

SECTION 1. 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:

Code enforcement and planning and sustainability services means the director of such department or such director's designee.

Statement of plan means a specific written document prepared by the property owner regarding the vacant structure and plans for its rehabilitation, maintenance or demolish.

Vacant structures means a structure or building that is unoccupied for a period of 60 days.

SECTION 2. Statement of plan.

(a) At the time a structure is registered as required in section 18-118 and section 18-119, the owner shall submit to planning and sustainability services a statement of plan. The plan shall include at least the following:

(1) The length of time the owner expects the vacancy to continue.

(2) The proposed rehabilitation or improvements to be made to the structure so as to make the structure suitable for its intended use.

(3) A form in which the owner grants permission to the director or its designee to enter and inspect the property.

(4) A description of what will be done to secure the structure so that it will not become open to the general public. Planning and sustainability services is authorized to establish a fee schedule so as to be able to monitor the proposed statement of plan. This fee will be kept on file in planning and sustainability services' office and the office of the county clerk.

(b) Should the owner fail to submit a statement of plan or fail to comply with such plan after it has been approved by planning and sustainability services, code enforcement shall issue summons setting a hearing in municipal court asserting that the owner's action or lack of action constitutes a violation of article V. If the owner fails to appear at said hearing, code enforcement is authorized to proceed to secure the structure so that it will not become open to the general public. The amount of the cost of such work shall be a lien against the real property and code enforcement may make application to the municipal court for issuance of a fi. fa.

SECTION 3. Vacant buildings or structures that are open to the general public.

A vacant building or structure that is open to the general public by casual entry, is a public nuisance and subject to abatement as provided in _____. A vacant building or structure shall be considered properly maintained if it:

(1) Has all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. Without limiting the generality of the foregoing, all doorways, windows and other openings shall be in accordance with building codes.

(2) All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the building.

(3) The building must be maintained in good repair, be structurally sound and free from rubbish, garbage, and other debris.

(4) Structured members of the building shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.

(5) The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the element by appropriate weather-coating materials (paint or similar treatment).

(6) Any balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair, appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the element against rust or decay by appropriate application of paint or similar weather-coating.

(7) Any accessories or appurtenant structures, including but not limited to garages, sheds and other storage facilities shall meet the same standards.

SECTION 4. Inspections by director.

Upon request of code enforcement, the owner of a vacant building shall permit inspection of the premise by code enforcement as well as appropriate police and/or fire officials. The reason for such inspections is to make sure that the building will support entry by police and fire personnel in cases of emergency. Should code enforcement have reason to believe an emergency situation exists such that there is an immediate danger to public health, welfare or safety, code enforcement may enter along with fire and/or police personnel to inspect the structure. Absent such an emergency, code enforcement will request permission from the owner to conduct such inspection and upon a refusal by the owner, code enforcement shall seek an appropriate search warrant.

SECTION 5. Vacant building permits.

Planning and sustainability services will issue a vacant building permit upon being satisfied that the building or structure has been inspected and is in compliance with all of the above maintenance standards. This permit will be valid for a period of six months, at the end of which the inspection process must again be carried out by planning and sustainability services and/or its designee(s).

SECTION 6. Board up permits

(a) No person, firm, association or corporation shall erect, install, place, or maintain boards over the doors, windows, or other openings of any building or structure or otherwise secure such openings by a means other than the conventional method used in the original construction and design of the

building or structure without first applying for and, within 30 days of application, completing all steps necessary for the issuance of a boarding permit and thereafter having a valid and current boarding permit therefor from the building official. Any properties with boards existing at the time of the adoption of the ordinance from which this article is derived will have one year from the date of the ordinance's adoption to make application to continue to board.

(b) The director of planning and sustainability services shall issue a boarding permit required by _____ of _____ section upon the submission of a written application by the owner of the property or such owner's authorized representative or contractor, upon the payment of the required fee and upon the confirmation through inspection by the director of code enforcement or the director of code enforcement's designee that the boarding or other method of securing the building or structure has been done in compliance with this article. The director of planning and sustainability services is authorized to establish a fee schedule so as to enable the county to offset its reasonable expenses in reviewing the application and monitoring the boarding process.

(c) The boarding permit issued pursuant to this section shall authorize the boarding or other securing of a building or structure for an initial period of six months. If the structure is still boarded at the end of each such six months, the boarding permit may be renewed upon the submission of a written application by the owner of the property or their authorized representative or contractor with the submission of the application occurring no later than ten business days prior to the expiration of the original permit, upon the payment of the required fee and upon the confirmation through inspection by a county code enforcement officer that the boarding or other method of securing the building or structure has been done in compliance with this article. The issuance of a renewal-boarding permit shall also be subject to all of the following conditions:

(1) The owner shall submit a detailed plan for correction, repair or rehabilitation of violations of state or local building and housing standards and for the securing of the doors, windows and other openings by the conventional method used in the original construction and design of the building or structure or, alternatively, a detailed plan for sale of the property to another person or entity with provision in the sale of correction, repair or rehabilitation;

(2) The owner shall submit a time line for applying for appropriate permits for such work and for completing such work prior to the expiration of the renewal permit, or alternatively, a timeline for the sale of the property;

(3) The permit may be revoked by written notice of the director of planning and sustainability services, at the recommendation of the director of code enforcement, if the owner fails to comply with the plan for such work or fails to comport to the timeline submitted.

(d) A boarding permit may not be extended beyond the renewal period nor may a new application for the same property be accepted by the director of planning and sustainability services within one year of the date of expiration of the prior permit, except upon the submission of a written application by the owner of the property or their authorized representative or contractor, upon the payment of the required fee, upon the confirmation through inspection by a county code enforcement officer that the boarding or other method of securing the building or structure has been done in compliance with this chapter and upon demonstration that "good cause" for the renewal exists. "Good cause" shall require a showing by the owner that the permit renewal is made

necessary by conditions or events beyond the owner's control, such as inability to obtain financing for repair or rehabilitation, inability to locate a suitable buyer, unanticipated delays in construction or rehabilitation, or unanticipated damage to the property. In addition, where appropriate, "good cause" shall also require a showing by the owner that the owner has exercised reasonable and due diligence in attempting to complete the needed repair, rehabilitation or correction or is attempting to sell the property. In the event that the director of planning and sustainability services determines that there exists good cause to renew the permit and that all other conditions are met, the permit may be renewed by the owner for an additional one year, subject to all of the same conditions imposed on the original renewal permit.

(e) Exceptions. Board up permit shall not be required in the following circumstances:

(1) Temporary emergency situations, including but not limited to damage caused by vandalism, theft or weather and hurricane preparation.

(2) Seasonal residences.

SECTION 7. - Standards for securing building.

(a) Compliance with minimum standards. The boarding of the doors, windows or other openings of any building or structure any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall comply with the following minimum standards:

(1) Securing by boarding. Windows and similar openings shall be boarded with exterior grade plywood of a minimum thickness of five-eighths inch nominal or its equivalent. Vent holes may be required, as deemed necessary by the county. The plywood shall be secured in place by two inches by four inches or four inches by four inches cross members, secured to the plywood by three-eighths inch plated carriage bolts with large washers at each end and with the cross member turned so that the carriage bolt goes through the larger dimension. Bolts used to secure the cross member shall be threaded to the correct length. A minimum of two cross members shall be used on each window and, depending on the size of the opening, additional cross members may be required. Each cross member shall be a continuous piece of lumber, and each must extend at least one foot past the window opening in each direction. Bolts and nuts used to secure the cross members to the plywood must be tightened enough to slightly deflect the wood. Bolt heads must fit tightly against the wood and not give a surface for pliers or pry bars.

(2) Exterior doors. Exterior doors shall be boarded with exterior grade plywood of a minimum thickness of five-eighths inch nominal or its equivalent, fitted to the entry doorjamb with maximum one-eighth inch clearance for each edge. The existing door should be removed and stored inside the building. The plywood shall be attached to three horizontal two-inch by four-inch wooden crossbars each with two three-eighths inch carriage bolts and matching hardware. The plywood shall be attached to the door entry with three case hardened strap hinges of the types specified by the building official and the plywood shall be secured by a case hardened steel hasp and minimum two-inch case hardened padlock also of the type specified by the county.

(3)Painting of boarded openings. All boarded openings shall be painted with a minimum of one coat of exterior paint, which is of a color compatible with the exterior color of the building or structure.

(4)Alternative methods of securing a building. Upon application for a boarding permit, the building official may approve alternative methods of securing a vacant and unoccupied building or structure. In making the determination to approve any alternative method, the county shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and longterm security against the unauthorized entry to the property.

(b)Additional requirements. In connection with the boarding of the doors, windows or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, the owner shall also comply with all of the following requirements:

(1)All utility service to the building or structure shall be terminated by removal of the meters and termination of electric power at the pole. Compliance with this subsection may be waived in writing by the county as to the electric utility service in the event that electricity is needed to power exterior security lighting, an alarm system or equipment to be used in connection with rehabilitation of the building or structure for which there is an active and current building permit;

(2)The sewer shall be capped in a manner approved by the county so as to prevent the accumulation of methane gas in the building or structure;

(3)The interior of the building or structure shall be cleaned of all trash, junk, garbage, debris, and solid waste, and personal possessions shall be removed from the interior of the building or structure, so as to eliminate any fire or health hazard and prevent hindrance to firefighting equipment or personnel in the event of a fire. Disposal of such trash, etc., must comply with any and all provisions of the county Code and no such trash, etc., shall be placed on county right-of-way.