

CLOSURE OF CHRONIC PUBLIC NUISANCE PROPERTIES ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 18 OF THE NUISANCES ORDINANCE OF THE DEKALB COUNTY CODE TO AUTHORIZE THE MUNICIPAL COURT TO ORDER THE ABATEMENT OF A PUBLIC NUISANCE ESTABLISHED AS A RESULT OF VIOLENT CONDUCT OR CRIME OCCURRING WITH CERTAIN PROPERTIES THROUGH THE IMMEDIATE CLOSURE OF SUCH PROPERTIES; TO REQUIRE THE MUNICIPAL COURT TO ORDER THE ABATEMENT OF SUCH A PUBLIC NUISANCE THROUGH THE IMMEDIATE CLOSURE OF SUCH PROPERTIES WHERE THE MUNICIPAL COURT HAS DETERMINED SUCH A PUBLIC NUISANCE TO HAVE OCCURRED TWICE REGARDING THE SAME PROPERTY WITHIN EIGHTEEN MONTHS; AND FOR OTHER PURPOSES.

Whereas: DeKalb County continues to experience violent crimes which have consistently occurred within or near specific nuisance properties; and

Whereas: It is the desire of DeKalb County to strengthen the County's abatement tools to address violent conduct or crime occurring within certain properties in the County which endanger the public health, safety and welfare of the citizens of the DeKalb Count and a public nuisance is determined by the municipal court; and

Whereas: DeKalb County desires to authorize the municipal court to, in abating such a public nuisance, order the property to immediately close in order to permit the abatement of the nuisance through the implementation of the remedies available to the municipal court pursuant to [Chapter 62, Division II](#); and

Whereas: It is the desire of the DeKalb County Board of Commissioners that upon the second determination of a public nuisance by the municipal court regarding the same property within [eighteen months](#), that the municipal court shall, in abating such a public nuisance, order the property to immediately close in order to permit the abatement of nuisance through the implementation of the remedies available to the municipal court pursuant [to Chapter 62, Division II](#);

Whereas: A closure ordered by the municipal court in order to abate a nuisance in accordance herewith shall be for the period that the municipal court determines shall be necessary to abate the nuisance, but in no event may the closing be for longer than twelve months; and

Whereas: A closure directed by the municipal court to abate the nuisance in accordance with this ordinance shall not be considered an act of seizure, condemnation, ownership, or control by the DeKalb County Government

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

TITLE. That Article IX of Chapter 18 shall be titled “**Closure of Chronic Public Nuisance Properties**” of the DeKalb County Code of Ordinances shall hereby be amended such that it shall thereafter read as follows:

SECTION 1. Definitions

Properties where activities therein and thereon threaten the public health, safety and welfare.

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

Violent conduct or crime means conduct which constitutes a probable danger of physical harm, such as assault, battery, sexual assault, armed robbery, homicide, or any other criminal activity that endangers the public health, safety and welfare of the citizens of the county.

Notice. For purposes of this section, an owner, the owner's managing agent or the party responsible for the property is deemed to know or have reason to know of the nuisance if the owner, the owner's managing agent or the party responsible for the property has received notice from the county of documented reports of violent conduct or crime occurring on the property.

Nuisance declared. The county finds that multiple incidents of violent conduct or crime occurring on certain properties and conditions on such properties that foster or contribute to the commission of violent crime, endanger the public health, safety and welfare of the citizens of the county.

Section 2. Remedy.

In abating the public nuisance, the municipal court may order:

- (1) That the owner, the owner's managing agent or the party responsible for the property implement security measures on the property.
- (2) That the owner initiate dispossessory proceedings to evict tenants engaged in or permitting the conditions that contribute to the violent conduct or crime on the property.
- (3) That the owner be assessed with the cost of abating the nuisance.
- (4) That the owner, the owner's managing agent or the party responsible for the property be enjoined from conducting any other activities on the property.
- (5) Any other remedy deemed appropriate in abating nuisances in the state.

Section 3. Abatement Closing.

- (1) Should a murder or other violent crime occur on subject property, in abating the public nuisance, the municipal court shall order the immediate closing of the property to permit

abatement through the implementations of the remedies which may be ordered pursuant to section 2

(2) In addition to the remedies listed in section 2, in abating the public nuisance, the municipal court may order the immediate closing of the property to permit abatement through the implementation of the remedies which may be order pursuant to section 2

(3) Upon the municipal court's second finding that a property is a public nuisance in accordance with this chapter within 18 months, in addition to the remedies listed in section 2, in abating the public nuisance, the municipal court shall order the immediate closing of the property to permit abatement through the implementation of the remedies which may be ordered pursuant to section 2.

(4) A closing ordered by the municipal court in order to abate a nuisance in accordance with this section shall be for the period that the municipal court determines shall be necessary to abate the nuisance, but in no event may the closing be for longer than twelve months.

(5) A closing directed by the municipal court to abate the nuisance in accordance with this section shall not be considered an act of seizure, condemnation, ownership, or control by DeKalb County.

SECTION 4: The amendments in this ordinance shall become effective immediately.

SECTION 5: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 6: That the Municipal Clerk is instructed to retain all legislative history references in the codified versions of Chapter 18 including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.