

1 **STATE OF GEORGIA**

2 **CITY OF COLLEGE PARK**

3 **ORDINANCE NO. 2017-09**

4 AN ORDINANCE TO AMEND SECTION 18-23 (“DEFINITIONS”) IN ARTICLE III
5 (“BLIGHTED PROPERTY”) OF CHAPTER 18 (“TAXATION OF PROPERTY”) OF THE
6 CODE OF ORDINANCES, CITY OF COLLEGE PARK, GEORGIA; TO PROVIDE FOR
7 DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR REPEAL OF
8 CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE;
9 AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

10 **WHEREAS**, the duly elected governing authority of the City of College Park, Georgia is
11 the Mayor and Council thereof; and

12 **WHEREAS**, the governing authority desires to update the definitions of said section;

13 **WHEREAS**, the amendments contained herein would benefit the health, safety, morals
14 and welfare of the citizens of the City.

15 **BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of
16 College Park, Georgia, and by the authority thereof:

17 **Section 1.** The Code of Ordinances, City of College Park, Georgia is amended by
18 repealing, in its entirety, the text in Section 18-23 (“Definitions”) in Article III (“Blighted
19 Property”) of Chapter 18 (“Taxation of Property”) and inserting in lieu thereof new text, which
20 shall read and be codified as follows:

21 **“Sec. 18-23. - Definitions.**

22 Blighted property, blighted, or blight means any property which:

23 (1) Presents one (1) or more of the following conditions:
24

- 25 a. Uninhabitable, unsafe, or abandoned structure;
 26 b. Inadequate provisions for ventilation, light, air, or sanitation;
 27 c. An imminent harm to life or other property caused by fire, flood, hurricane,
 28 tornado, earthquake, storm, or other natural catastrophe respecting which the
 29 governor has declared a state of emergency under the state law or has
 30 certified the need for disaster assistance under federal law; provided,
 31 however, this division shall not apply to property unless the relevant public
 32 agency has given notice in writing to the property owner regarding specific
 33 harm caused by the property and the owner has failed to take reasonable
 34 measures to remedy the harm;
 35 d. A site identified by the Federal Environmental Protection Agency as a
 36 superfund site pursuant to 42 U.S.C. Section 9601, et seq., or having
 37 environmental contamination to an extent that requires remedial actions;
 38 e. Repeated illegal and criminal activity on the property of which the property
 39 owner knew or should have known; or
 40 f. The maintenance of the property is below state, county, or municipal codes
 41 for at least three (3) months after written notice of the code violation to its
 42 owner;
 43 g. Is conducive to ill health, transmission of disease, infant mortality, or crime in
 44 the immediate proximity of the property;
 45 h. Property that is subject to frequent property maintenance or environmental
 46 code citations; and
 47 i. Vacant property last occupied by a commercial or industrial use where no
 48 visible commercial or industrial activity has occurred in more than three (3)
 49 months.

50 Property shall not be deemed blighted solely because of aesthetic conditions.”

51 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
 52 incorporated by reference as if fully set out herein.

53 **Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the
 54 State of Georgia and the City of College Park, Georgia.

55 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
 56 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
 57 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

58 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
 59 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

60 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
61 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
62 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
63 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
64 of this Ordinance.

65 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
66 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
67 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
68 express intent of the Mayor and Council that such invalidity, unconstitutionality or
69 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
70 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
71 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,
72 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
73 enforceable, and of full force and effect.

74 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby
75 expressly repealed.

76 **Section 6.** Unless otherwise provided for herein, penalties in effect for violations of the
77 Code of Ordinances of the City of College Park, Georgia at the time of the effective date of this
78 Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full
79 force and effect.

80 **Section 7.** The effective date of this Ordinance shall be the date of adoption unless
81 otherwise specified herein.

82 [SIGNATURES CONTAINED ON FOLLOWING PAGE]

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ORDAINED this ____ day of _____, 2017.

CITY OF COLLEGE PARK, GEORGIA

JACK P. LONGINO, Mayor

ATTEST:

MELISSA BROOKS, City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY