

CITY OF HAMPTON

ORDINANCE NO.38

AN ORDINANCE TO DEFINE UNSAFE BUILDINGS IN THE CITY OF HAMPTON; TO DECLARE UNSAFE BUILDINGS TO BE A PUBLIC NUISANCE; TO PROVIDE FOR INSPECTION OF UNSAFE BUILDINGS; TO REPORT TO THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON HEREOF; TO PROVIDE FOR A HEARING BEFORE THE MAYOR AND COUNCIL AND FOR SERVICE UPON THE OWNERS, OCCUPANTS AND/OR PERSONS HOLDING A RECORD INTEREST IN THE TITLE TO SAID PROPERTY; TO PROVIDE FOR THE REPAIR, VACATION AND/OR DEMOLITION OF UNSAFE BUILDINGS; TO ASSESS THE COSTS OF REPAIRING OR DEMOLISHING UNSAFE BUILDINGS; TO FIX A LIEN FOR THE REPAIR AND/OR DEMOLITION OF UNSAFE BUILDINGS; TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY the Mayor and Council of the City of Hampton and it is hereby ordained by authority of the same that a new Ordinance is hereby added to the City of Hampton to read as follows:

1. Unsafe Buildings defined.

All buildings or structures within the corporate limits of the City of Hampton which have any or all of the following defects shall be deemed to be "unsafe buildings":

(a) Those in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of such wall;

(b) Those buildings which, exclusive of the foundation, show thirty-three (33) per cent, or more, of damage or deterioration of the supporting member or members, or fifty (50) per cent of damage or deterioration of a non-supporting enclosing or outside walls or covering;

(c) Those buildings which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose for which it is used, or intended to be used;

(d) Those buildings which have been damaged by fire, wind, or other causes, so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants thereof or the people of the City of Hampton;

(e) Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein, or may live therein;

(f) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein;

(g) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property;

(i) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of the City of Hampton; and

(j) Those buildings which exist in violation of any Ordinance of the City of Hampton, so as to constitute a nuisance, and to be unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of the City of Hampton.

2. Unsafe Buildings as Nuisances.

All unsafe buildings as defined herein are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as provided for in Georgia Code #69-1118 and as hereinbefore and hereinafter provided.

3. Duties of Building Inspector.

(a) The Building Inspector of the City of Hampton is specifically charged with the responsibility for the enforcement of this Ordinance and upon finding, within the corporate limits of the City of Hampton, an unsafe building as defined herein, shall cause an inspection to be made of such building, and if the same is found to be unsafe as defined herein, shall make a written report of the conditions and defects of such building and such evidence as may be available to the Mayor and Council of Hampton;

(b) The Building Inspector at the time such report is filed with the Mayor and Council of Hampton shall specifically point out the defects in such building which should be repaired, shall specify whether the same is unsafe for human habitation and/or

shall recommend to the Mayor and Council of Hampton such steps which in his opinion should be taken to remedy the conditions found to exist so that such building will no longer be unsafe, as defined herein;

(c) Upon such report being filed with the Mayor and Council of Hampton by the Building Inspector, such report shall be considered by Mayor and Council at its next regular meeting thereafter. If, after consideration of the report and evidence filed by the Building Inspector, the Mayor and Council shall determine that reasonable cause to proceed exists, the Mayor and Council shall then order that a hearing be held at a regular meeting of the Mayor and Council within not less than ten (10) days, nor more than sixty (60) days to determine whether the building described in the Building Inspector's report is an unsafe building.

The owner or owners, tenants, if any, and lien-holders of record, if any, of such building shall be served with a copy of such notice of hearing not less than ten (10) days prior to the date fixed for such hearing. The owners and/or lienholders of such building shall be served personally with such notice, if they reside or can be found within the city limits of the City of Hampton. If such owners and/or lienholders do not reside in the City of Hampton, or cannot be found in the City of Hampton they shall be served by publishing a copy of such notice, addressed to them, in the newspaper having general circulation in Henry County, Georgia, in which Sheriff's advertisements appear, once a week for four weeks immediately preceeding the date of such hearing, and a copy of such notice shall be mailed to such owners and/or lienholder at their last address as shown by the tax records of the City of Hampton, at least fifteen (15) days prior to such hearing, by registered or certified mail. The tenants in such building, if any, shall be served by leaving a copy with an adult residing in such building;

(e) After hearing evidence at the hearing, the Mayor and Council of the City of Hampton shall, by resolution, issue an order based upon the evidence produced at such hearing, and if by such order they find and determine such building to be an unsafe building, as defined herein, such order shall specify the acts and things to be done to such building or in or about such building, including demolition, if necessary to protect the health, morals,

safety or general welfare of the people of the City of Hampton and the persons who live or may live in, or who may inhabit such building;

(f) In the event that any interested party is dissatisfied with the finding of the Mayor and Council as set forth in Item (e), they shall have the right to appeal to the Superior Court of Henry County, Georgia, as provided for by the Code of the State of Georgia as in cases originating in the Recorder's Court of the City of Hampton;

(g) If the Mayor and Council, pursuant to the hearing herein provided for, shall determine that the building is an unsafe building, if they also find that the same is unsafe for human habitation, the tenants and/or inhabitants of such building shall be immediately ordered to vacate the same, and the same shall be posted as an unsafe building, and all persons prohibited from entering therein, except for the purpose of restoring, repairing or demolishing the same, pursuant to an order entered hereunder;

(h) Further, in the event the Mayor and Council of the City of Hampton determine that such building is unsafe and/or that the same should be demolished, the owner or owners of such building shall be given a reasonable period of time within which to repair the same or demolish the same as the case may be, and upon the failure of the owner to comply with such order within the period of time fixed, the Mayor and Council of the City of Hampton shall order the Building Inspector of the City of Hampton, or such other proper official of the City of Hampton, to repair and/or demolish the same, as required by such order, and assess the total cost thereof against the owner, as hereinafter provided; and

(i) In the event that the repairing and/or demolition of such building as required herein, is performed by the Building Inspector, or such other proper official of the City of Hampton, such official, upon completion of such work, shall file with the Clerk of the City of Hampton an itemization of the cost of such work and the Clerk of the City of Hampton is hereby ordered to immediately issue an execution against the owner or owners of such property for the total cost of such work, which execution shall constitute a lien against such real estate as of the date

of the resolution ordering such work to be done, and which execution shall thereafter be enforced and collected in the same manner as an execution or fi. fa. for unpaid taxes for the City of Hampton and such execution shall rank in dignity second only to taxes of the City of Hampton."

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted in open session.

First reading this 11 day of SEPTEMBER, 1979.
Second reading this 9 day of OCTOBER, 1979.

Tommy N. Smith
Mayor, Tommy N. Smith

John Griffin III
Councilman, John Griffin III

Councilman, Cary Hall

Bobby McBrayer
Councilman, Bobby McBrayer

Don L. Overstreet
Councilman, Don Overstreet

John C. Walters III
Councilman, John Walters III

Councilman, Wayne Greer

ATTEST: Martha A. Barnette
City Clerk, Martha A. Barnette

REVIEWED: A. J. Welch
City Attorney, A. J. Welch