

AN ORDINANCE

NO.

An Ordinance amending Chapter 13 of the Columbus Code to revise enforcement mechanisms to abate various nuisances; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS:

SECTION 1.

Section 13-111 is hereby deleted in its entirety and replaced by a new section 13-111 to read as follows:

"Sec. 13-111. - ~~Same-Same-Notice thereof to owners, assessment of costs, execution and sale.~~

Where the owner or occupant of any land violating the provisions hereof relating to drainage or stagnant water and the owner or occupant cannot be served with notice or summons, so as to subject him to punishment by the recorder, the health officer shall notify such owner, at the address shown in the tax commissioner's records, with a copy to the occupant. Both notices shall be sent by certified mail and direct how and in what manner such corrective measures are to be performed to correct the drainage and stagnant water nuisance. If within ten days from the date of mailing of the notice, the owner or occupant fails to comply with the notice and this article, the Director of Public Works shall have the drainage work performed, charging the amount of cost thereof to such owner, and such amount shall constitute a lien against the lot, as of the date of such work, and if such amount be not paid within 30 days after the doing of the work, the Finance Director of the Columbus Consolidated Government shall issue execution against the particular real estate for which the service was rendered, and against the owner thereof, whereupon such real estate should be levied on, advertised and sold under such execution, as in cases of levy and sale under executions for street improvement assessments due the consolidated government, with same procedure including defendant's right to defense by affidavit of illegality and the right of the consolidated government to purchase at the sale."

SECTION 2.

Section 13-115 is hereby deleted in its entirety and replaced by a new section 13-115 to read as follows:

"Sec. 13-115. - ~~Same~~—Notice to property occupants and owners; assessment of costs; execution and sale.

Where the owner or occupant of land violates the provisions hereof relating to removal of weeds and the owner or occupant, and such owner or occupant or his agent or representative cannot be served with notice or summons so as to subject him to punishment by the recorder, the Director of Inspections and Code Enforcement or one of his assistants shall notify such owner by certified mail, directing the weeds or grass on his lot be cut and removed, so as to comply with Section 13-113 of this Code. The certified mail notice shall allow ten days from the date of receipt or a second attempt to deliver such notice to correct the violation. After this notice and during a period of 36 months, no further written notice or warning period shall be required. If the owner fails to comply with the provisions herein, the Director of Inspections and Code Enforcement shall have the weeds and grass cut and removed, assessing a fee plus a service charge (as recommended annually by the directors of public works and finance and approved by the city manager) for the work and charging the amount to the owner, and such amount shall constitute a lien against the lot, as of the date of such work, and if such amount be not paid within 30 days after the doing of the work, the finance director of the consolidated government shall issue execution against the particular real estate for which the service was rendered, and against the owner thereof, whereupon such real estate shall be levied on, advertised and sold under such execution, as in cases of levy and sale under executions for street improvement assessments due the city, with same procedure, including defendant's right to defense by affidavit of illegality and the right of the consolidated government to purchase at the sale."

SECTION 3.

Section 13-117 is hereby deleted in its entirety and replaced by a new section 13-117 to read as follows:

"Sec. 13-117. - Complaint, hearing, order to abate.

(a) Any person complaining of any nuisance shall complain to the recorder in writing, setting forth particularly the location and nature of the same, and how he may be affected thereby, whereupon it shall be the duty of the recorder to cause the parties creating or permitting such nuisance to be summoned to appear before the recorder's court as in other cases. After hearing the testimony in the case, the recorder may, in his discretion, order the party creating or permitting such nuisance to abate the nuisance in such manner and within such time as the recorder may prescribe.

(b) When a nuisance as defined in Article III of this Chapter cannot be abated in a timely manner by other means, enforcement officials shall complain to the recorder in writing setting forth particularly the location and nature of the same, how it creates an unsafe condition, a public health hazard or a general nuisance to the persons residing in the vicinity, and detailing the actions taken that have failed to abate the nuisance. After hearing the testimony in the case, the recorder may, in his or her discretion, order the nuisance to be abated by the appropriate officials. The Director of Inspections and Code Enforcement shall have the nuisance abated, assessing a fee plus a service charge (as recommended annually by the directors of public works and finance and approved by the city manager) for the work and charging the amount to the owner or occupant of the property, and such amount shall constitute a lien against the real estate for which the service was rendered, and against the owner thereof, as of the date of such work, and if such amount is not paid within 30 days after the completion of the work, the finance director of the consolidated government shall issue execution against the particular real estate for which the service was rendered, and against the owner thereof, whereupon such real estate shall be levied on, advertised and sold under such execution, as in cases of levy and sale under executions for street improvement assessments due the city, with same procedure, including defendant's right to defense by affidavit of illegality and the right of the consolidated government to purchase at the sale."

SECTION 4.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia, held on the 22nd day of August, 2017; introduced a second time at a regular meeting of said council held on the ____ day of _____, 2017 and adopted at said meeting by the affirmation vote of ____ members of Council.

Councilor Allen	voting	_____
Councilor Baker	voting	_____
Councilor Barnes	voting	_____
Councilor Davis	voting	_____
Councilor Garrett	voting	_____
Councilor Henderson	voting	_____
Councilor Huff	voting	_____
Councilor Thomas	voting	_____
Councilor Pugh	voting	_____
Councilor Woodson	voting	_____

Tiny B. Washington
Clerk of Council

Teresa Pike Tomlinson
Mayor