

STATE OF GEORGIA  
CITY OF FOREST PARK  
COUNTY OF CLAYTON

ORDINANCE 24-02

1 AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE  
2 CITY OF FOREST PARK, GEORGIA TO AMEND TITLE 3 (FINANCE) AND  
3 ADOPT CHAPTER 8 (BLIGHTED PROPERTY) IN THE CITY’S CODE OF  
4 ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN  
5 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

6 **WHEREAS**, the duly elected governing authority of the City of Forest Park,  
7 Georgia (the “City”) is the Mayor and Council thereof; and

8 **WHEREAS**, section 36-35-3 of the Official Code of Georgia Annotated  
9 (O.C.G.A.) provides cities the power to adopt clearly reasonable ordinances,  
10 resolutions or regulations relating to the cities’ property and affairs; and

11 **WHEREAS**, the existence of blighted property increases the burden of the  
12 state and local government by increasing the need for government services; and

13 **WHEREAS**, the City desires to offer a community development tax  
14 incentive program to rehabilitate blighted property as authorized by O.C.G.A. §  
15 41-2-12, et seq., and Article IX, Section II, of the 1983 Constitution of the State  
16 of Georgia to aid in the decrease of government services; and

17 **WHEREAS**, the amendments contained herein would benefit the health,  
18 safety, morals, and welfare of the citizens of the City of Forest Park, Georgia.

19 **Section One.** The text codified in Title 3 (Finance) in the Code of Ordinances  
20 of the City of Forest Park, Georgia is hereby amended to include a new Chapter 8

21 (Blighted Property), to be read and codified as set forth in **Exhibit A** attached hereto  
22 and incorporated herein.

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

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

29 (b) It is hereby declared to be the intention of the Mayor and Council that, to  
30 the greatest extent allowed by law, each and every section, paragraph, sentence,  
31 clause or phrase of this Ordinance is severable from every other section, paragraph,  
32 sentence, clause or phrase of this Ordinance. It is hereby further declared to be the  
33 intention of the Mayor and Council that, to the greatest extent allowed by law, no  
34 section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
35 dependent upon any other section, paragraph, sentence, clause or phrase of this  
36 Ordinance.

37 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
38 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
39 otherwise unenforceable by the valid judgment or decree of any court of competent  
40 jurisdiction, it is the express intent of the Mayor and Council that such invalidity,  
41 unconstitutionality or unenforceability shall, to the greatest extent allowed by law,  
42 not render invalid, unconstitutional or otherwise unenforceable any of the remaining  
43 phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the

44 greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs  
45 and sections of the Ordinance shall remain valid, constitutional, enforceable, and of  
46 full force and effect.

47 **Section Four.** All ordinances and parts of ordinances in conflict herewith  
48 are hereby expressly repealed.

49 **Section Five.** This Ordinance shall be codified in a manner consistent with  
50 the laws of the State of Georgia and the City.

51 **Section Six.** The effective date of this Ordinance shall be the date of  
52 adoption unless otherwise stated herein.

53 **Section Seven.** The City Clerk, with the concurrence of the City Attorney,  
54 authorized to correct any scrivener’s errors found in this Ordinance, including any  
55 exhibits, as enacted.

56 **ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF FOREST PARK, GEORGIA**

\_\_\_\_\_  
Angelyne Butler, Mayor

**ATTEST:**

\_\_\_\_\_ (SEAL)  
Randi Rainey, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

## EXHIBIT A

57 TITLE 3 – FINANCE

58 Chapter 8. - BLIGHTED PROPERTY

59 Sec. 3-8-1. - Short title.

60 This article shall be known as the "Forest Park Blighted Property Ordinance."

61 Sec. 3-8-2. - Purpose.

62 The existence of real property which is maintained in a blighted condition increases the burden  
63 of the state and local government by increasing the need for government services, including but  
64 not limited to social services, public safety services, and code enforcement services. Rehabilitation  
65 of blighted property decreases this need for such government services.

66 In recognition of the need for enhanced governmental services and in order to encourage  
67 private property owners to maintain their real property and the buildings, structures and  
68 improvement thereon in good condition and repair, and as an incentive to encourage community  
69 redevelopment, a community redevelopment tax incentive program is hereby established as  
70 authorized by Article IX, Section II, Paragraph VII(d) of the 1983 Constitution of the State of  
71 Georgia.

72 Sec. 3-8-3. - Definitions.

73 *Blighted property, blighted, or blight* means any property which:

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

75 (a) Uninhabitable, unsafe, or abandoned structure;

76 (b) Inadequate provisions for ventilation, light, air, or sanitation;

77 (c) An imminent harm to life or other property caused by fire, flood, hurricane, tornado,  
78 earthquake, storm, or other natural catastrophe respecting which the governor has  
79 declared a state of emergency under the state law or has certified the need for disaster  
80 assistance under federal law; provided, however, this division shall not apply to  
81 property unless the relevant public agency has given notice in writing to the property  
82 owner regarding specific harm caused by the property and the owner has failed to  
83 take reasonable measures to remedy the harm;

84 (d) A site identified by the Federal Environmental Protection Agency as a superfund  
85 site pursuant to 42 U.S.C. Section 9601, et seq., or having environmental  
86 contamination to an extent that requires remedial actions;

87 (e) Repeated illegal and criminal activity on the property of which the property owner  
88 knew or should have known; or

89 (f) The maintenance of the property is below state, county, or municipal codes for at  
90 least three (3) months after written notice of the code violation to its owner;

91 (g) Is conducive to ill health, transmission of disease, infant mortality, or crime in the  
92 immediate proximity of the property;

- 93 (h) Property that is subject to frequent property maintenance or environmental code  
94 citations; and  
95 (i) Vacant property last occupied by a commercial or industrial use where no visible  
96 commercial or industrial activity has occurred in more than three (3) months.

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

98 *Building inspector* means a certified inspector possessing the requisite qualifications to  
99 determine minimal code compliance.

100 *Community redevelopment* means any activity, project, or service necessary or incidental to  
101 achieving the redevelopment or revitalization of a redevelopment area or portion thereof  
102 designated for redevelopment through an urban redevelopment plan or through local ordinances  
103 relating to the repair, closing, and demolition of buildings and structures unfit for human  
104 habitation.

105 *Governing authority* means the mayor and council of the City of Forest Park, a Georgia  
106 municipal corporation.

107 *Millage or millage rate* means the levy, in mills, which is established by the governing  
108 authority for purposes of financing, in whole or in part, the levying jurisdiction's general fund  
109 expenses for the fiscal year.

110 *Person* means such individual(s), partnership, corporations, business entities and associations  
111 which return real property for ad valorem taxation or who are chargeable by law for the taxes on  
112 the property.

113 *Public officer* means the city manager or such officer or employee of the city as designated  
114 by the city manager to perform the duties and responsibilities hereafter set forth in this article.

115 Sec. 3-8-4 - Ad valorem tax increase on blighted property.

116 (a) There is hereby levied on all real property within the city which has been officially identified  
117 as maintained in a blighted condition an increased ad valorem tax by applying a factor of ten  
118 (10.0) to the millage rate applied to the property, so that such property shall be taxed at a  
119 higher millage rate generally applied in the municipality, or otherwise provided by general  
120 law; provided, however, real property on which there is situated a dwelling house which is  
121 being occupied as the primary residence of one (1) or more persons shall not be subject to  
122 official identification as maintained in a blighted condition and shall not be subject to  
123 increased taxation.

124 (b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered  
125 following official designation of a real property as blighted; provided however, if a property  
126 owner resolves the blighted condition of such owner's property to the city's satisfaction (in  
127 accordance with the provisions of section 3-8-6) at least sixty (60) days prior to the preparation  
128 of the first tax bill following such official designation of such real property as blighted, the

129 property shall be eligible for the decrease of the tax rate as provided in section 3-8-7 in the  
130 first tax bill rendered following official designation of such real property as blighted.

131 (c) Revenues arising from the increased rate of ad valorem taxation shall, upon receipt, be  
132 segregated by the city manager and used only for community redevelopment purposes, as  
133 identified in an approved urban redevelopment program, including defraying the cost of the  
134 city's program to close, repair, or demolish unfit building and structures.

135 Sec. 3-8-5. - Identification of blighted property.

136 (a) In order for a parcel of real property to be officially designated as maintained in a blighted  
137 condition and subject to increased taxation, the following steps must be completed:

138 (1) An inspection must be performed on the parcel of property. In order for an inspection  
139 to be performed,

140 (a) A request may be made by the public officer or by at least five (5) residents (each  
141 living in a different household from the others) of the city for inspection of a parcel  
142 of property, said inspection to be based on the criteria as delineated in ordinance, or

143 (b) The public officer may cause a survey of existing housing conditions to be  
144 performed, or may refer to any such survey conducted or finalized within the  
145 previous five (5) years, to locate or identify any parcels which may be in a blighted  
146 condition and for which a full inspection should be conducted to determine if that  
147 parcel of property meets the criteria set out in this article for designation as being  
148 maintained in a blighted condition.

149 (2) A written inspection report of the findings for any parcel of property inspected pursuant  
150 to subsection (1) above shall be prepared and submitted to the public officer. Where  
151 feasible, photographs of the conditions found to exist on the property on the date of  
152 inspection shall be made and supplement the inspection report. Where compliance with  
153 minimum construction, housing, occupancy, fire and life safety codes in effect within the  
154 city are in question, the inspection shall be conducted by a certified inspector possessing  
155 the requisite qualifications to determine minimal code compliance.

156 (3) Following completion of the inspection report, the public officer shall make a  
157 determination, in writing, that a property is maintained in a blighted condition, as defined  
158 by this article, and is subject to increased taxation.

159 (4) The public officer shall cause a written notice of his determination that the real property  
160 at issue is being maintained in a blighted condition to be served upon the person(s) shown  
161 on the most recent tax digest of Clayton County as responsible for payment of ad valorem  
162 taxes assessed thereon; provided, however, where through the existence of reasonable  
163 diligence it becomes known to the public officer that real property has been sold or  
164 conveyed since publication of the most recent tax digest, written notice shall be given to  
165 the person(s) known or reasonably believed to then own the property or be chargeable  
166 with the payment of ad valorem taxes thereon, at the best address available. Service in  
167 the manner set forth at O.C.G.A. § 41-2-12 and a notice posted on the property shall  
168 constitute sufficient notice to the property's owner or person chargeable with the payment  
169 of ad valorem taxes for purpose of this section, except that posting of the notice on the  
170 property will not be required.

171 (b) The written notice given to the person(s) chargeable with the payment of ad valorem taxes  
172 shall notify such person of the public officer's determination the real property is being

173 maintained in a blighted condition and shall advise such person of the hours and location at  
174 which the person may inspect and copy the public officer's determination and any supporting  
175 documentation. Persons notified that real property of which the person(s) is chargeable with  
176 the payment of ad valorem taxes shall have thirty (30) days from the receipt of notice in which  
177 to request a hearing before the city's municipal court. Written request for hearing shall be filed  
178 with the public officer and shall be date stamped upon receipt. Upon receipt of a request for  
179 hearing, the public officer shall notify the municipal court and the building inspector or person  
180 who performed the inspection and prepared the inspection report.

181 (c) Within thirty (30) days of the receipt of a request for hearing, the municipal court clerk shall  
182 set a date, time and location for the hearing and shall give at least ten (10) business days'  
183 notice to the person(s) requesting the hearing, the public officer and the building inspector or  
184 person who performed the inspection and prepared the inspection report. Notice of scheduled  
185 hearings shall be published as a legal advertisement in the designated legal organ of the city,  
186 at least five (5) days prior to the hearing. Hearings may be continued by the municipal court  
187 judge upon request of any party, for good cause.

188 (d) At the hearing, the public officer shall have the burden of demonstrating by a preponderance  
189 of the evidence that the subject property is maintained in a blighted condition, as defined by  
190 this article. The municipal court judge shall cause a record of the evidence submitted at the  
191 hearing to be maintained. Upon hearing from the public officer and/or their witnesses and the  
192 person(s) requesting the hearing and/or their witnesses, the judge of municipal court shall  
193 make a determination either affirming or reversing the determination of the public officer. The  
194 determination shall be in writing and copies thereof shall be served on the parties by certified  
195 mail or statutory overnight delivery. The determination by the court shall be deemed final. A  
196 copy of such determination shall also be served upon the tax commissioner of Clayton County,  
197 as applicable, who shall include the increased tax on the next regular tax bill rendered on  
198 behalf of the city.

199 (e) Persons aggrieved by the determination of the court affirming the determination of the public  
200 officer may petition the Superior Court of Clayton County, as applicable, for a writ of  
201 certiorari within thirty (30) days of issuance of the court's written determination.

## 202 Sec. 3-8-6. - Remediation or redevelopment.

203 (a) A property owner or person(s) who is chargeable with the payment of ad valorem taxes on  
204 real property which has been officially designated pursuant to this article as property  
205 maintained in a blighted condition may petition the public officer to lift the designation, upon  
206 proof of compliance with the following:

207 (1) Completion of work required under a plan of remedial action or redevelopment  
208 approved by the city's planning and development director which addresses the conditions  
209 of blight found to exist on or within the property, including compliance with all applicable  
210 minimum codes; or

211 (2) Completion of work required under a court order entered in a proceeding brought  
212 pursuant to Forest Park's nuisance ordinance.

213 (b) Before action on a petition to lift the designation, the public officer shall cause the property  
214 to be thoroughly inspected by a building inspector who, by written inspection report, shall  
215 certify that all requisite work has been performed to applicable code in a workmanlike manner,  
216 in accordance with the specifications of the plan of remedial action or redevelopment, or

217 applicable court order. Upon finding required work to be satisfactorily performed, the public  
218 officer shall issue a written determination that the real property is no longer maintained in a  
219 blighted condition. Copies of this determination shall be served upon the person(s) chargeable  
220 with the payment of ad valorem taxes, and upon the tax commissioner of Clayton County, as  
221 applicable.

222 (c) All plans for remedial action or redevelopment shall be in writing, signed by the person(s)  
223 chargeable with the payment of ad valorem taxes on the real property and the director of the  
224 city's planning and development department, and contain the following:

225 (1) The plan shall be consistent with the city's comprehensive plan and all laws and  
226 ordinances governing the subject property, and shall conform to any urban redevelopment  
227 plan adopted for the area within which the property lies;

228 (2) The plan shall set forth in reasonable detail the requirements for repair, closure,  
229 demolition, or restoration of existing structures, in accordance with minimal statewide  
230 codes; where structures are demolished, the plan shall include provisions for debris  
231 removal, stabilization and landscaping of the property;

232 (3) On parcels of five (5) acres or greater, the plan shall address the relationship to local  
233 objectives respecting land uses, improved traffic, public transportation, public utilities,  
234 recreational and community facilities, and other public improvements;

235 (4) The plan shall contain verifiable funding sources which will be used to complete its  
236 requirements and show the feasibility thereof;

237 (5) The plan shall contain a timetable for completion of required work; and

238 (6) Any outstanding ad valorem taxes (state, school, county, and city, including the  
239 increased tax pursuant to this article) and governmental liens due and payable on the  
240 property must be satisfied in full.

241 Sec. 3-8-7. - Decrease of tax rate.

242 (a) Real property which has had its designation as maintained in a blighted condition removed  
243 by the public officer, as provided in section 3-8-5, Identification of blighted property, of this  
244 article, shall be eligible for a decrease in the rate of city ad valorem taxation by applying a  
245 factor of 0.5 to the city millage rate applied to the property, so that such property shall be  
246 taxed at a lower millage rate than the millage rate generally applied in the municipality or  
247 otherwise provided by general law; such decreased rate of taxation shall be applied beginning  
248 with the next tax bill rendered following removal of official designation of a real property as  
249 blighted. The decreased rate of taxation may be given in successive years, depending on the  
250 amount of cost expended by the person(s) chargeable with payment of ad valorem taxes on  
251 the property to satisfy its remediation or redevelopment, with every twenty-five thousand  
252 dollars (\$25,000.00) or portion thereof equaling one (1) year of tax reduction; provided,  
253 however, that no property shall be entitled to reduction in city ad valorem taxes for more than  
254 four (4) successive years.

255 (b) In order to claim entitlement for a decreased rate of taxation, the person(s) chargeable with  
256 payment of ad valorem taxes on the property shall submit a notarized affidavit to the public  
257 officer, supported by receipts or other evidence of payment, of the amount expended.

258 Sec. 3-8-8. - Notice to tax commissioner.



259           It shall be the duty of the public officer to notify the tax commissioner of Clayton County, as  
260 applicable, in writing as to designation or removal of designation of a specific property as  
261 maintained in a blighted condition. Such notice shall identify the specific property by street address  
262 and tax map, block and parcel number, as assigned by the tax commissioner of Clayton County,  
263 as applicable. The public officer shall cooperate with the tax commissioner to assure accurate tax  
264 billing of those properties subject to increased or reduced ad valorem taxation under this article.