



FANNIN COUNTY DILAPIDATED BUILDING ORDINANCE

Approved February 13, 2024

An ordinance providing for the vacation, removal, repair, or demolition of any building or structure which is, or threatens to be a public nuisance, dangerous to the health, safety, or general welfare of the people of the County of Fannin, or which might tend to constitute a fire hazard; and for the assessment of the cost of vacation, removal, repair, or demolition thereof as a lien or assessment against such premises, and to provide for the recovery of such cost in an action at law.

Whereas, in Fannin County, a political subdivision of the State of Georgia, there are, or may in the future be, buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, a menace to the health, safety, and general welfare of the people of this County, and might tend to constitute a fire hazard, and which are a public nuisance:

1. Be it therefore ordained by the members of the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia:

ARTICLE I **DANGEROUS BUILDINGS DEFINED**

All buildings or structures which have any or all the following defects shall be deemed "dangerous buildings":

1. Those whose 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 the third of its base.
2. Those which, exclusive of the foundation, show thirty-three percent (33%) or more, of damage or deterioration of the supporting member or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosure, outside walls and roof.
3. Those 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 used.
4. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the people of Fannin County, a political subdivision of the State of Georgia.
5. Those 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 any likely to cause sickness or disease to the health, safety, or general welfare of those living therein.
6. Those having light, air, and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
 7. Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of evacuation.
 8. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 9. Those which, because of their condition, are unsafe, unsanitary, (unsanitary to include extreme mold and structures where illegal drugs has been produced) or dangerous to the health, safety, or general welfare of the people of Fannin County.

ARTICLE II
STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspectors in ordering repair, vacation, or demolition:

1. If the "dangerous building" can reasonably be repaired to current building codes so that it will no longer exist in violation of the terms of this Ordinance, it shall be ordered in writing to be repaired.
2. If the dangerous building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered in writing to be vacated.
3. In any case where a "dangerous building" as defined in Article 1, 2, so that it no longer exists in violation of the terms of this ordinance, it shall be ordered in writing, demolished. In all cases where a "dangerous building" is a fire hazard existing or erected in violation of the terms of this ordinance, or any Ordinance of the County or statute of the State of Georgia, it shall be ordered demolished.

ARTICLE III
DANGEROUS BUILDING- NUISANCE

All "dangerous buildings" within the terms of Article I of this Ordinance are hereby declared to be public nuisances, and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

ARTICLE IV
Building Inspectors Office

The Building Inspector or Designee shall:

1. Upon a request shall inspect or cause to be inspected bi-annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercials, manufacturing, or loft buildings for the purpose of determining whether any conditions exist which renders such places a "dangerous building within terms of Article I of the Ordinance.

(a) Inspect any building, wall, roof, or structure reported (as hereinafter provided for) by the Fire or Sheriffs of this county as probably existing in violation of the terms of this Ordinance.

(b) Order in writing, the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in said building as shown by the deed records of the Clerk of the Superior Court for Fannin County, Georgia, and/or the tax records of the County of Fannin, or the public utilities or by any other means available to the Building Inspector of any building found to be a "dangerous building" within the standards set forth in Article I of this Ordinance, that they:

(c) Must vacate, repair, or demolish said building in accordance with the terms of the notice and this ordinance;

(d) The mortgagee, agent, or other persons having an interest in said building as shown by the deed records of the Clerk of the Superior Court for Fannin County, Georgia, may, at his own risk, repair, vacate, or demolish said building or have such work or act done, provided that any persons notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding Ninety (90) days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.

4. Set forth in the order provided for in subsection 4 hereof, a description of the building, or structure deemed unsafe, a statement of the particulars which make the building or structure a "dangerous building an order requiring the same to be put in such condition as to comply with the terms of this Ordinance within such length of time, not exceeding Ninety (90) days, as is reasonable.

5. Report to the Building Inspectors Office or Designee any non-compliance with "notices provided for in subsections 4 and 5 hereof.

6. Appear at all hearings conducted by the County Commissioner and testify as to the condition of "dangerous buildings".

7. Place a notice on all "dangerous buildings" reading as follows:

"This building has been found to be a dangerous building by the Building Inspector or Designee. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, and all other persons having an interest in said building as shown by the deed records in the office of the Clerk of the Superior Court for Fannin County, Georgia, and/or the tax records of the County of Fannin, and/or such other records as may be available to the Building Inspector or Designee. It is unlawful to remove this notice until such notice is complied with."

ARTICLE V
DUTIES OF COUNTY COMMISSIONER

The Building Inspector shall:

1. Upon receipt of a report as provided for in Article IV (6) hereof, give written notice sent by certified mail with return receipt to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building as shown by the deed of records of the Clerk of Superior Court for Fannin County, Georgia, and/or the tax records as may be available to them to appear before said Board on the date specified in the notice to show cause why the building or structure reported to be a "dangerous building" should not be repaired, vacated, or demolished in accordance with the statement of particulars set forth in the Designee notice provided for herein in article IV (6).
2. Hold a hearing and hear such testimony as the owner, occupant, mortgagee, lessee, or any other person having an interest in said building as shown by the deed records in the office of the Clerk of Superior Court for Fannin County, Georgia, and/or tax records of the County of Fannin, shall offer relative to the "dangerous buildings".
3. Make written findings of fact from the testimony offered pursuant to subsection 2 as to whether the building in question is a "dangerous building" within the terms of Article I hereof.
4. Issue an order based upon finding of fact made pursuant to Article V (3) commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the deed records of the Superior Court for Fannin County, Georgia and/or the tax records of the county of Fannin, to repair, vacate, or demolish any building found to be a "dangerous building" within the terms of this ordinance and provided that any person, except the owner, so noticed shall have the privilege of either vacating or repairing said "dangerous building"; or any persons not the owner said "dangerous building" but having an interest in said building as shown by the deed records of the Superior Court for Fannin County, Georgia, and/or the tax records of the County of Fannin, may demolish said "dangerous building" at his own risk to prevent the acquiring of a lien against the land upon which said "dangerous building" stands by the county as provided in Article V (5) hereof.
5. If the owner, occupant, mortgagee, or lessee fails to comply with the order provided for in Article IV (4) hereof, within Ninety (90) days, the Commissioners shall cause such buildings or structure to be repaired, vacated, or demolished as the facts may warrant, under the standards hereinbefore provided for in Article II of this Ordinance, and shall, with the assistance of the County Attorney, cause the cost of such repair, vacation, or demolition to be charged against the land on which the building existed as a lien or cause such costs to be added to the tax duplicate as an assessment, or to be levied as a special tax upon the land upon which the building stands or did stand, or to be recovered in a suit at law against the owner, provided that, in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety, or general welfare of the people of the

County, the Commissioners shall notify the County Attorney to take legal action to force the owner to make all necessary repairs or demolish the building.

6. Report to the County Attorney the names of all persons not complying with the order provided for in article V (4) hereof.

ARTICLE VI

VIOLATIONS - PENALTY FOR DISREGARDING NOTICES OR ORDERS

The owner of property shall be fined and or penalized as the Magistrate court deems necessary.

ARTICLE VII

DUTIES OF THE COUNTY ATTORNEY

The County Attorney shall:

1. Prosecute all persons failing to comply with the terms of the notice provided for herein the Article IV. (5,6) and the order provided for in article V. (4).
2. Appear at all hearings before the County Commissioners regarding "dangerous buildings".
3. Bring suit to collect all county liens, assessments, or cost incurred by the county commissioners in repairing or causing to be vacated or demolished "dangerous buildings.
4. Take such other legal action as it is necessary to carry out the terms and provisions of this Ordinance.
5. In the event that a person charged with violating the within ordinance files a demand for a jury trial, to coordinate with the District Attorney for the Magistrate or Superior Court for Fannin County, Georgia, for the prosecution of said individual in accordance with the applicable criminal procedure's regulations for the State of Georgia,

ARTICLE VIII

EMERGENCY CASES

1. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "dangerous building" as defined herein is immediately repaired, vacated, or demolished, the Building Inspector or Designee shall report such facts to the Commissioners and the Commissioners shall cause the immediate repair, vacation, or demolition of such "dangerous building". The costs of such emergency repair, vacation, or demolition of such "dangerous building" shall be collected in the same manner as provided in article V (4) hereof.
2. In any case deemed an emergency by the Building Inspectors Office or Designee, the commissioners shall cause a notice to be placed upon the subject property identical to the specified in Article 4, Section 8. The notice shall further specify that the subject building will be repaired, vacated, or demolished at the expiration of thirty (30) days from the date of the posting of the subject notice. The notice shall

further state that all expenses associated with said repair, vacation of demolition shall be charged against the record property owner.

3. A copy of said notice shall be mailed by certified mail with return receipt to the record property owner at the address last indicated on the tax records of Fannin County, Georgia, on notice of the proposed actions of the Commissioners.

ARTICLE IX
OWNER ABSENT FROM THE COUNTY

In any case, except emergency cases, where the owner, occupant, lessee, or mortgagee is absent from the County, all notices or orders provided for herein shall be sent by certified mail return receipt to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building as shown by the deed records in the Superior Court for Fannin County, Georgia, and/or the tax records of the County of Fannin, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the "dangerous building" to which it relates. Such mailing and posting shall be deemed adequate service. (Note: In cases where desirable, the Ordinance does hereby provide for service of the notices and order provided for herein in the same manner a summons is served in the courts of general jurisdiction).

ARTICLE X
ADMINISTRATIVE LIABILITY

No officer, agent, or employee of the county of Fannin shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent, or employee of the County of Fannin as a result of any act required or permitted in the discharge of his duties under the Ordinance shall be defended by the County Attorney until the final determination of the proceedings therein.

ARTICLE XI
DUTIES OF FIRE DEPARTMENT

The Fire Chief of the Fire Department shall make a report in writing to the Building Inspectors Office, of all buildings or structures which are, may be, or are suspected to be, "dangerous buildings" within the terms of this Ordinance. Such reports must be delivered to the Building Inspectors Office within 24 hours of the discovery of such buildings by any employee of the Fire Department. Said building shall be evaluated by Fire Chief to see if said building is suitable to be used for training purposes, granted it is a good candidate, qualifies, permitted, and allowed.

ARTICLE XII
SEPARABILITY

It is the intention of the Board of the Commissioners that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Commissioners of Fannin County that, if any provisions thereof shall be unenforceable, the rest shall be valid and in force.

This ordinance was approved by the Fannin County Board of Commissioners, after required notice, public hearings, publication of agenda and a majority vote in favor of adoption on February 13, 2024. Each ordinance is effective upon adoption.

James V. Hensley II, Chairman

Attest:

Sherrie K. Walther, County Clerk



CERTIFICATION

STATE OF GEORGIA

COUNTY OF FANNIN

I, Sherri L. Walker, the duly appointed County Clerk for the Board of Commissioners of Fannin County, Georgia, and keeper of the minutes in and for the said Board of Commissioners, do hereby certify that the attached constitutes a full, complete and correct copy of the original approved by the Fannin County Board of Commissioners at a regular meeting held on February 13, 2024.

Given under my official signature and seal of office, on this the 13th day of February, 2024.

Sherrie L. Walker
Sherri L. Walker, Certified County Clerk
Fannin County Board of Commissioners

(SEAL OF OFFICE)

