

ORDINANCE
#17 - 15

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DUBLIN TO AMEND THE CODE OF ORDINANCES TO PROVIDE FOR CLARIFICATION IN THE BLIGHT TAX ORDINANCE; TO ESTABLISH DEADLINES FOR THE APPLICATION OF BLIGHT TAX DETERMINATIONS; TO PROVIDE FOR FURTHER JUDICIAL REVIEW OF BLIGHTED PROPERTY DETERMINATIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia have been vested with substantial powers, rights, and functions to generally regulate the practice, conduct, or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Dublin; and

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia have previously enacted a Blight Tax Ordinance for the City of Dublin; and

WHEREAS, the Mayor and City Council of the City of Dublin, Georgia desire to further clarify the procedures for implementation of the blight tax, to provide for further judicial review of blight tax cases, and to set deadlines for the application of blight tax determinations;

NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DUBLIN, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION ONE:

Replace Subsection (b) of Section 21-201 of the Code of Ordinances of the City of Dublin, which currently reads:

“(b) Such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted.”

with a new subsection (b) to read as follows:

“(b) Subject to the time limitations provided in Section 21-103(f), such increased ad valorem tax shall be applied and reflected in the first tax bill rendered following official designation of a real property as blighted and shall be due and payable as taxes are due and payable to the City of Dublin.”

SECTION TWO:

Replace the last sentence of subsection (d) of 21-102 of the Code of Ordinances of the City of Dublin, which currently reads:

“A copy of such determination shall also be served upon the city clerk, who shall include the increased tax on the next regular tax bill rendered on behalf of the city.”

with a new sentence that reads as follows:

“A copy of such determination shall also be served upon the city clerk.”

SECTION THREE:

Add a new sentence to the end of the existing Section 21-102(b) to read as follows:

“In the event a hearing is not requested within thirty (30) days as provided herein, the blighted property shall become subject to the increased taxation provided for herein. The public officer shall give written notice to the city clerk of such failure to request a hearing within the time limit.”

SECTION FOUR:

Add a new subparagraph (f) to the existing Section 21-102 to read as follows:

“(f) Any property determined to be blighted, either by the expiration of 30 days from the date of receipt of notice by the property owner from the public officer or by order of the Court, on or after August 1st shall not be subject to the increased taxation provided herein until the following taxable year.”

SECTION FIVE:

Add a new subparagraph (d) to the existing Section 21-103 to read as follows:

“(d)

- (1) Any written determination by the public officer that the property is no longer maintained in a blighted condition which is dated on or before the due date of the property tax bill for the property in question shall relieve the property owner of the increased taxation rate for that bill. Any written determination by the public officer that the property is no longer maintained in a blighted condition which is dated after the due date of the property tax bill for the property in question shall not relieve the property owner of the increased taxation rate for that bill.

- (2) If a property owner is dissatisfied with the determination made by the public officer that the property continues to remain in a blighted condition, the property owner may petition the Municipal Court of the City of Dublin for a hearing regarding the same. The petition must identify the property in question, the name of the property owner, the individual bringing the petition on behalf of the property owner, and a certification that the property is no longer being maintained in a blighted condition as defined herein. The petition must be verified by the petitioner and submitted to the Municipal Court Clerk along with a \$50.00 filing fee. The Municipal Court shall cause a hearing to be scheduled and notice served on the Petitioner, Public Officer, and the City Attorney of the date of the hearing, which is to be scheduled within 60 days of the date the petition is filed. Said hearing may be continued by the Municipal Court Judge for good cause shown. During the pendency of any petition as provided in this subsection (d)(2), the increased taxation amount shall not be subject to any late fees and penalties, however, all regular ad valorem taxes due the City of Dublin (the base amount) shall be paid timely according to the tax notice and subject to late fees and penalties. The Municipal Court Judge shall issue an order, after holding a hearing, with the Judge’s determination as to whether the property is being maintained in a blighted condition, by a preponderance of the evidence. The Order shall be served on the Petitioner, Public Officer, City Attorney, and City Clerk. If the Municipal Court Judge determines the property is no longer being maintained in a blighted condition, the property shall not be subject to the increased taxation as required herein. If the Municipal Court Judge determines the property continues to be maintained in a blighted condition, the increased tax amount shall be due and payable within 30 days of the filing of the Order with such determination.”

SECTION SIX:

This ordinance shall become effective at 12:00 noon on the fifth day after its adoption.

SO ORDAINED this 5th day of *October, 2017* by a vote of (7) FOR and (0) AGAINST to approve this rezone:



PHIL BEST, SR., MAYOR

ATTEST:



Artiffany Stanley/Acting City Clerk