

1 **ST. MARYS CITY COUNCIL**
2 **ST. MARYS, GEORGIA**

3
4 At the regular meeting of the St. Marys City Council, held in the
5 St. Marys City Hall, St. Marys, Georgia:
6

7 Present:

8
9 John F. Morrissey, Mayor
10 Robert L. Nutter, Councilman, Post 1
11 Elaine Powierski, Councilwoman, Post 2
12 Jim Gant, Councilman, Post 3
13 Sam L. Colville, Councilman, Post 4
14 David Reilly, Councilman, Post 5
15 Linda P. Williams, Councilman, Post 6
16

17 On motion of Councilmember Dave Reilly, which carried unanimously, the following Ordinance
18 amendment was adopted:
19

20 AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA,
21 SECTION 46 ENVIRONMENT ORDINANCE TO ADD ARTICLE X CONSISTING OF SECTIONS
22 46-300 THROUGH 46-311 ENTITLED "FORECLOSED AND VACANT REAL PROPERTY
23 REGISTRY ORDINANCE" TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR GUIDELINES
24 FOR VACANT AND FORECLOSED PROPERTY REGISTRY; TO PROVIDE FOR
25 EXEMPTIONS; TO PROVIDE FOR MAXIMUM FEES AND PENALITES FOR REGISTRATION
26 AND FAILURE TO REGISTER; TO PROVIDE FOR APPELLATE RIGHTS; TO PROVIDE FOR
27 SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND
28 PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.
29

30 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys,
31 this 20th day of July, 2015 that Chapter 46 ENVIRONMENT of the Code of
32 Ordinances, City of St. Marys, Georgia is hereby amended to add the following Article X
33 to read as follows:
34

35 **CHAPTER 46 ENVIRONMENT**

36
37 **ARTICLE X. - Foreclosed and Vacant Real Property Registry Ordinance**

38
39 **Sec. 46-300. Title.**

40
41 The ordinance codified in this Article is adopted by the City Council of St. Marys, Georgia,
42 pursuant to the Official Code of Georgia Annotated, Section 44-14-14, and shall be referred to as
43 the "St Marys Vacant and Foreclosed Property Ordinance."
44

45 **Sec. 46-301. Findings and Intent.**

46
47 This ordinance is adopted to address the interest of public health, safety and welfare.
48

49 (a) The governing authority finds that there is a need to establish a foreclosure and vacant
50 real property as a mechanism to protect our citizens health, welfare and property values in
51 neighborhoods for all property owners.
52

1 (b) Due to the lack of adequate maintenance and security of properties that are foreclosed or
2 where ownership has been transferred after foreclosure, the health, welfare, property values and
3 quality of life of neighboring properties and residents are negatively impacted.

4
5 (c) Improperly maintained and secured foreclosed properties can become a hazard to the
6 health and safety of persons who may come on or near the property and can adversely affect the
7 aesthetic and economic attributes of communities. Difficulties also often arise in locating the
8 person responsible for the condition of foreclosed or vacant real property. The governing authority
9 finds that there is a substantial need directly related to the public health, safety and welfare to
10 comprehensively address these concerns through the adoption of the provisions in this article.

11
12 (d) This foreclosure and vacant real property registry will require owners and agents to
13 provide the City with official information for contacting a party responsible for bringing foreclosed
14 and vacant real property into compliance with applicable provisions of municipal code of St.
15 Marys, Georgia.

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17
18 **Sec. 46-302. Definitions.**

19
20 The terms 'Agent', 'Foreclosed real property', 'Street address', and 'Vacant Real Property' shall
21 have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-14-14.

22
23 **Sec. 46-303. Registration of Vacant or Foreclosed Property.**

24
25 (a) Owner or agents of foreclosed real property or vacant real property, including foreclosed
26 real property and vacant real property which is also residential rental property, are required to
27 register such property with the St. Marys Code Compliance Office within thirty (30) days of such
28 property becoming foreclosed or vacant real property by following the provisions of this section
29 unless otherwise exempted by this Article or state law.

30
31 (b) Any such owner or agent of foreclosed real property or vacant real property located within
32 the jurisdiction of the City is required to file with the St. Marys Code Compliance Office a
33 registration form, provided by the City in paper or electronic format containing the following
34 information:

35
36 (1) The real property owner's name, street address, mailing address, phone number,
37 facsimile number, and e-mail address;

38
39 (2) The agent's name, street address, mailing address, phone number, facsimile number, and
40 e-mail address;

41
42 (3) The real property's street address and tax parcel number;

43
44 (4) The transfer date of the instrument conveying the real property to the owner; and

45
46 (5) At such time as it becomes available, recording information, including deed book and
47 page numbers, of the instrument conveying the real property to the owner.

48
49 (c) Registration is required for all vacant or foreclosed real property unless otherwise
50 exempted, pursuant to this Article, but is not required for vacant or foreclosed real property within
51 90 days of such real property's transfer:

52
53 (1) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or

1
2 (2) To the first subsequent transferee after the vacant real property has been acquired by
3 foreclosure under power of sale, or acquired pursuant to a deed in lieu of foreclosure.
4

5 (d) Any owner or agent required to register any vacant or foreclosed real property pursuant to
6 this Article or to Georgia law shall also be required to update the information specified in
7 subsection (a) of this section within 30 days after any change in such required information
8 regardless of whether the information provided to the registry was in the deed under power of
9 sale or deed in lieu of foreclosure.
10

11
12 **Sec. 46-304. Foreclosed and Vacant Real Property Exemptions.**
13

14 (a) Registration or payment of any administrative fees of foreclosed real property pursuant to
15 this Article and Georgia law is not required of transferees as described in subsection (b) of this
16 section.
17

18 (b) Any transferee who acquires any real property by foreclosure under power of sale
19 pursuant to the Official Code of Georgia Annotated, Section 44-14-160 or acquires any real
20 property pursuant to a deed in lieu of foreclosure and:
21

22 (1) The deed under power of sale or deed in lieu of foreclosure contains the information
23 specified in subsection (a) of this section;
24

25 (2) The deed is filed with the clerk of the superior court within 60 days of the transfer; and
26

27 (3) Proof of the following is provided to the office or the officer in charge of the city foreclosed
28 real property registry:
29

30 (a) A filing date stamp or receipt showing payment of the applicable filing fees; and
31

32 (b) A copy of the entire deed under power of sale or entire deed in lieu of foreclosure.
33

34 (c) Any owner or agent required to register any vacant or foreclosed real property pursuant to
35 this Article or to Georgia law shall also be required to update the information specified in
36 subsection (a) of this section within 30 days after any change in such required information
37 regardless of whether the information provided to the registry was in the deed under power of
38 sale or deed in lieu of foreclosure.
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41 **Sec. 46-305. Removal from Registry.**
42

43 (a) Any owner or agent of a vacant or foreclosed real property may apply to the city to remove
44 a vacant or foreclosed real property from the city registry at such time as the real property no
45 longer constitutes a vacant or foreclosed real property.
46

47 (b) Any application for removal allowed under subsection (a) of this section shall be granted
48 or denied by the St. Marys Code Compliance Office within 30 days, and if no such determination
49 is made within 30 days then the application for removal from the registry shall be deemed
50 granted.
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52
53 **Sec. 46-306. Administrative Fees.**

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2 Any owner or agent of a vacant or foreclosed real property which is required to be registered with
3 the City under this Article shall be required to make a payment of \$100.00 for administrative fees
4 to the City for the establishment, maintenance, operation, and administration of the registry.
5

6
7 **Sec. 46-307. Appeal Procedures.**
8

9 (a) Any owner or agent aggrieved of any determination or decision of the St. Marys Code
10 Compliance Office or the City in the administration of this Article may appeal to the Municipal
11 Court of the City of St. Marys. All appeals hereunder must be taken within thirty (30) days of the
12 decision in question by filing with the St. Marys Code Compliance Office a notice of appeal
13 specifying the grounds thereof.
14

15 (b) The St. Marys Code Compliance Office shall forthwith transmit the notice of appeal and all
16 the papers constituting the record upon which the action appealed was taken to the municipal
17 court clerk who shall schedule an appeal hearing within sixty (60) days following the date the
18 appealing party submits its completed written appeal with subsection (a) above.
19

20 (c) The municipal court judge may call for further information to be provided within the next
21 thirty-five (35) days following the hearing, and may continue the hearing for the purpose of
22 receiving such information or for such other proceedings and reasons as the municipal court
23 judge deems appropriate.
24

25 (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the
26 St. Marys Code Compliance Office certifies to the Municipal Court of the City of St. Marys, after
27 the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a
28 stay would, in his or her opinion, cause imminent peril to life or property. In such case, the
29 proceedings shall not be stayed except by order of the municipal court judge on notice to the St.
30 Marys Code Compliance Office, and on due cause shown.
31

32 (e) The municipal court judge may, in conformity with the provisions of this Article, reverse or
33 affirm, in whole or in part, or modify the decision, requirement, or determination of the St. Marys
34 Code Compliance Office appealed from by the owner or agent and may make such decision,
35 requirement, or determination, as may be appropriate under the circumstances.
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37

38 **Sec. 46-308. Administration.**
39

40 (a) The foreclosure and vacant real property registry is subject to the Open Records Act of
41 the State of Georgia and the City may make such registry information available online.
42

43 (b) Registration information shall be deemed prima facie proof of the statements contained
44 therein in any court proceeding or administrative enforcement proceeding in connection with the
45 enforcement of this chapter.
46
47

48 **Sec. 46-309. Nuisances.**
49

50 Nothing in this Article shall be construed to impair, limit, or preempt in any way the power of the
51 City to enforce any applicable codes, as defined in state law, or to define or declare nuisances
52 and to cause their removal or abatement by summary proceedings or otherwise.
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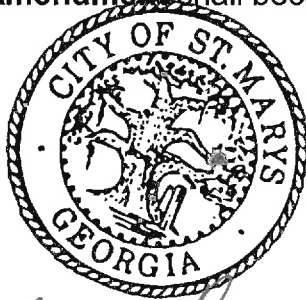
Sec. 46-310. Penalties.

Any owner or agent required to register a vacant or foreclosed real property under this Article who fails to register or fails to update the information specified in subsection (a), of Section 46-93, of this Article, Registration of Vacant or Foreclosed Property, may be fined up to \$1,000.00 per occurrence.

Sec. 46-311. Conflicts and Severability.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

This Amendment shall become effective upon passage.



**ST. MARYS CITY COUNCIL
ST. MARYS, GEORGIA**

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JOHN F. MORRISSEY, MAYOR

ATTEST:

[Handwritten signature]

DEBORAH WALKER-REED, CITY CLERK
CITY OF ST. MARYS, GEORGIA

EXPLANATION OF CHANGES

NOTE: Deletions are ~~stricken through~~, additions are underlined.

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Article X of Chapter 46 is entirely new.