

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019-41

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, CHAPTER 18 "BUILDINGS AND BUILDING CODE REGULATIONS", ARTICLE VI "CONSTRUCTION STANDARDS" TO ADD A NEW SUBSECTION 18.62 ENTITLED "ABANDONED CONSTRUCTION SITES;" TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the Clayton County Board of Commissioners ("Board of Commissioners") is charged with protecting the health, safety and welfare of the citizens of Clayton County; and

**WHEREAS** the Board of Commissioners finds that abandoned construction sites constitute a hazard to the health or safety of persons who may come on or near the property on which such dwellings or structures are located and which are not fenced in or otherwise protected to reasonably prohibit public access or nuisance thereto; and

**WHEREAS** the Board of Commissioners deems it in the best interest of the County and the County will best be served by regulating abandoned construction sites.

**NOW THEREFORE, BE IT ORDAINED BY THE CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED**

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding a new subsection 18.62 entitled "Abandoned Construction Sites" to Article VI "Construction Standards" of Chapter 18 "Buildings and building code regulations" to read as follows:

**18-62. ABANDONED CONSTRUCTION SITES**

**(a) Definition.** Any building construction or land development site meeting one or more of the following conditions, shall be considered an abandoned construction or land development site:

(1) A construction or development site having an expired or invalid permit as defined in Section 18-46(a) of the Code that has not been renewed within 45 days of the invalidation or expiration date; or

(2) A building or trade permit where the work by such permit is not commenced within six (6) months of its issuance (commencement will be the first recorded inspection), or if the work authorized by such permit is suspended or abandoned for a period of six months from the time of the last recorded inspection. All permits will expire 18 months from issuance, except that the county official is authorized to grant no more than two extensions of time for additional periods of not more than 180 days each, as cited in Section 18.46 of the Building Code; or

(3) A partially constructed building with no active permits or inspections within 180 days from the date of the last issued permit and such building constitutes a hazard to the health or safety of persons who may come on or near the property on which such dwellings or structures are located.

**(b) Determination of an abandoned site.** In the event it is reported to the department that a construction/land development site appears to be abandoned or met any of the definitions for an abandoned construction site, an investigation shall be conducted.

**(c) Notification and Reinstatement Provisions.** A written inspection report of the findings for any parcel of property inspected pursuant to subsection (b) above shall be prepared by the county official. Where feasible, photographs of the conditions found to exist on the property on the date of inspection shall be made

*and included in the inspection report. Where compliance with minimum construction, housing, occupancy, fire and life safety codes in effect within the county are in question, the inspection shall be conducted by a certified inspector possessing the requisite qualifications to determine minimal code compliance. The county official shall notify the property owner, building permit applicant or land development permit applicant, via certified letter, of the investigation rendering the site abandoned. The owner or applicant may contact the county official to voluntarily remediate the conditions on the property within thirty days of receiving the written notice. Said voluntary remediation shall be in conformance with the requirements of subsection (d).*

***(d) Reinstatement.***

- 1) All plans for remedial action or improvement shall be in writing, signed by the owner, applicant or person(s) chargeable with the building construction or land development site conditions, and contain the following:
  - a. An engineering letter that assures the structural integrity of the building;*
  - b. Construction plans consistent with the current County Code for plans review (Commercial plans review only) and payment of all applicable fees;*
  - c. Application(s) for all expired permit(s) including building, mechanical, electrical and plumbing;*
  - d. Information on a licensed contractor for the project with state and local licenses as required and a bond sufficient to cover the cost of removal of existing development; and*
  - e. a timetable for completion of required work.**
- 2) If the owner or applicant does not respond within 30 days or does not abide by the reinstatement plan submitted pursuant to subsection (d)(1), the*

*director may post the site as an abandoned site and may deem the permit non-renewable.*

*(e) Any property owner, building permit applicant or land development permit applicant that fails to respond within thirty (30) days of a notice provided under subsection (c) above or does not abide by the reinstatement plan submitted pursuant to subsection (d)(1) above, may be punished as provided in section 1-12 of the Code of Clayton County for a violation of this section.*

*(f) If the site is posted, five (5) working days after posting the site, the director or designee shall forward the case to Code Enforcement for abatement. The county shall have the authority to enter the property and bring such structure into compliance with these regulations. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county.*

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

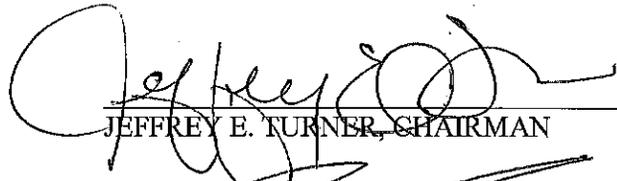
Section 3. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

{Signatures on the following page}

SO ORDAINED, this the 8 day of April, 2019.

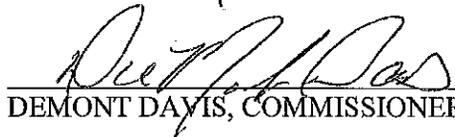
**CLAYTON COUNTY BOARD OF COMMISSIONERS**

  
JEFFREY E. TURNER, CHAIRMAN

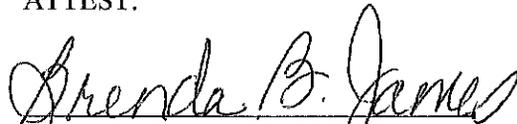
  
FELICIA FRANKLIN WARNER, VICE CHAIRMAN

  
SONNA GREGORY, COMMISSIONER

  
GAIL HAMBRICK, COMMISSIONER

  
DEMONT DAVIS, COMMISSIONER

ATTEST:

  
BRENDA B. JAMES, CLERK