

STATE OF GEORGIA

TOWN OF TYRONE

ORDINANCE

NO. 2021-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF TYRONE, GEORGIA; TO ENACT PROVISIONS PERTAINING TO REGISTRATION OF VACANT OR FORECLOSED REAL PROPERTY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TYRONE AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF THE TOWN OF TYRONE AS IT PERTAINS TO NUISANCES (CHAPTER 26), BE AMENDED AS FOLLOWS:

Section 1. By designating Sections 26-72 through 26-100 of Chapter 26 as “Reserved” and by creating a new Article IV, pertaining to “Registration of Vacant or Foreclosed Real Property”, in Chapter 26, to be numbered and read as follows:

ARTICLE IV.

REGISTRATION OF VACANT OR FORECLOSED REAL PROPERTY

Sec. 26-101. Definitions.

(a) *Agent* shall mean an individual with a place of business in the State of Georgia at which

he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

(b) *Foreclosed real property* shall mean improved or unimproved real property for which a land disturbance permit has been issued by the Town and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

(c) *Street address* shall mean the street or route address. Such term shall not mean or include a post office box.

(d) *Vacant real property* shall mean real property that:

- (1) Is intended for habitation, has not been lawfully inhabited for at least sixty (60) days, and has no evidence of utility usage within the past sixty (60) days; or
- (2) Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

Sec. 26-102. Registration.

(a) Pursuant to O.C.G.A. § 44-14-14, there is hereby created in the Town of Tyrone a registry of vacant or foreclosed real properties located within the Town.

(b) All vacant or foreclosed real property located within the area described in subsection (a) must be registered as provided in this section and article, except as provided in Section 26-103.

(c) Each registrant shall file with the Town Manager a registration form setting out the

following information:

- (1) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
- (2) If applicable, the agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
- (3) The real property's street address and tax parcel number;
- (4) The transfer date of the instrument conveying the real property to the owner; and
- (5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

Sec. 26-103. Transfers.

(a) When any real property is acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160 or acquired pursuant to a deed in lieu of foreclosure, the transferee shall not be required to register such foreclosed real property pursuant to this article or pay any of the administrative fees provided for in Section 26-106 of this article where:

- (1) The deed under power of sale or deed in lieu of foreclosure contains the information specified in paragraphs (1) through (5) of subsection (c) of Section 26-102;
- (2) The deed is filed with the clerk of superior court within sixty (60) days of the foreclosure sale or transfer of the deed in lieu of foreclosure; and
- (3) Proof of the following is provided to the Town Manager:
 - (i) A filing date stamp or a receipt showing payment of the applicable filing

fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure.

(b) Registration of vacant or foreclosed real property is not required within ninety (90) days of such real property's transfer:

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

(2) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

Once the aforementioned ninety-day period has expired, registration of such vacant or foreclosed property must be made within thirty (30) days of said expiration.

Sec. 26-104. Updating of information.

The owner of vacant or foreclosed real property registered with the Town shall update the information specified in paragraphs (1) through (5) of subsection (c) of Section 26-102 within thirty (30) days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

Sec. 26-105. Removal from registry.

The owner of vacant or foreclosed real property registered with the Town, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry at such time as the real property no longer constitutes vacant or foreclosed real property. Such

application shall be considered by the Town Manager, whose determination shall be issued within thirty (30) days of the receipt of said application. If no such determination is made within thirty (30) days, the application shall be deemed granted.

Sec. 26-106. Administrative fees.

Upon the submission of the registration required in Section 26-102, the owner of such vacant or foreclosed real property, or the agent of such owner, shall pay to the Town an administrative fee which shall be established by the Mayor and Council and which shall not exceed \$100.00 per registration. Said fee shall reasonably approximate the cost to the Town of the establishment, maintenance, operation, and administration of the registry.

Sec. 26-107. Violations.

Failure to register vacant or foreclosed real property or failure to update the information specified in paragraphs (1) through (5) of subsection (c) of Section 26-102 shall be punishable by a fine of up to \$1,000.00.

Sec. 26-108. Appeals.

Any vacant or foreclosed real property owner affected by this article may challenge any determination made by the Town or its officials pursuant to this article by appealing said determination to the Municipal Court of the Town of Tyrone. Such appeal shall be filed with the Court no later than thirty (30) days after receipt of said determination.

- Section 2.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the Town of Tyrone.
- Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- Section 4.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Mayor and Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2021.

MAYOR AND COUNIL OF
THE TOWN OF TYRONE

By: _____
Eric Dial, Mayor

(SEAL)

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney