

**THE CITY OF MOLENA, GEORGIA**  
**ORDINANCE NO. 44**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MOLENA, GEORGIA, TO CREATE A NEW ARTICLE ENTITLED "UNSAFE AND DILAPIDATED BUILDINGS"; TO ESTABLISH FINDINGS THAT DWELLINGS, BUILDINGS, OR STRUCTURES EXIST IN THE CITY OF MOLENA, GEORGIA, OF A NEGATIVE CONDITION OR CHARACTER AS DESCRIBED UNDER THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) SECTION 41-2-7; TO ADOPT THE FINDINGS HEREIN UNDER THE DESCRIPTION PROVIDED AND SECTION 41-2-7 BY COMPLYING WITH SECTION 41-2-9; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES**

**WHEREAS**, state law under the Official Code of Georgia Annotated (hereinafter "O.C.G.A.") § 41-2-7 *et seq.* allows local governments to combat the negative impacts of nuisances by adopting local ordinances to control nuisance properties and structures by allowing repair, removal, and demolition; and

**WHEREAS**, O.C.G.A. § 41-2-9 requires that a separate ordinance finding that dwellings, buildings, or structures of negative condition as described in O.C.G.A. § 41-2-7 be adopted by local governing authorities so that the benefits of O.C.G.A. § 41-2-7 *et seq.* can be utilized by the local government; and

**WHEREAS**, the duly elected governing authority of the City of Molena, Georgia (hereinafter "City") is the Mayor and City Council (hereinafter "Council") thereof; and

**WHEREAS**, the Council intends to adopt this Ordinance so as to comply with O.C.G.A. § 41-2-9 by adopting findings that there exist in the City dwellings, buildings, or structures the condition and character of which meet the description found in O.C.G.A. § 41-2-7. Now,

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF  
THE CITY OF MOLENA, GEORGIA**

**SECTION 1. Findings of the existence of nuisances.**

A. The governing authority of the City of Molena finds and declares that within the incorporated areas of the City there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for

commercial, industrial, or business occupancy or use and not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the City or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City, County and the State; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

B. It is further found and declared that in the City where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City, and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. The governing authority of the City finds that there exists in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City; or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed; and private property exists constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

C. It is the intention of the Council that this Ordinance shall comply with and does comply with O.C.G.A. § 41-2-9 as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the incorporated areas of the City of Molena, Georgia.

**SECTION 2.** The preamble to this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**SECTION 3.** This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

**SECTION 4.**

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.



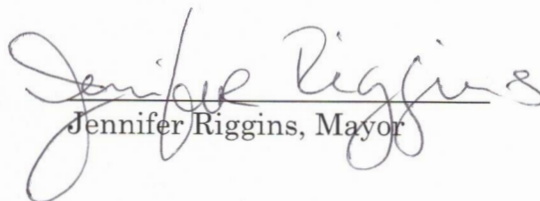
B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 5.** Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6.** Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council.

SO ORDAINED this 9th day of JANUARY, 2017.

  
Jennifer Riggins, Mayor

ATTEST:

  
Cindy Darsey, City Clerk

(SEAL)

FIRST READING: Dec. 12, 2016

SECOND READING/ADOPTION: Jan. 9, 2017