

May 6, 2013
HIAWASSEE COMMITTEES MEETING POSTED AGENDA

The May Meeting of the Hiawassee Committees will be held on Monday, May 6, 2013 at 2:00 pm at the Hiawassee City Hall, 50 River Street. The following items may be considered. The Final Agenda will be adopted immediately preceding the Call to Order. The public may request time to be placed on the agenda until 12:00 noon on the preceding Friday.

Call to Order and Adoption of Final Agenda.

Adoption of Final Agenda, Introduction of Guests & Announcements.

1. Adoption of Final Agenda as Distributed.
[Adoption Presumed unless a Committee Member requests an Item's Addition or Deletion].
2. Introduction of guests.
3. Announcements.

Regular Business Items.

1. City Manager's Oral Report.
 - a. Update on USDA & 2012 Water & Sewer Bonds and Validation.
 - b. Resolution to toll Annual Inflation Adjustment under the 2013 Comprehensive Rate Ordinance [June 1, 2013 Deadline].
 - c. Resolution Designating the Hiawassee City Manager to represent the City at the 2013 Georgia Municipal Association (GMA) Annual Meeting.
 - d. ARC Audit (School Force main Project).
 - e. USDA Project Status.
 - f. 2013 Water & Sewer Project Update (Water Intake & Comprehensive Schools Water tank.
 - g. Towns County Tourism Association, Bylaw Changes & Hiawassee Hotel Motel Funding Issues.
 - h. Update on Splost Collections and Distribution.
 - i. 2013 Nuisance Ordinance.

Motion to Adjourn.

May 7, 2013

HIAWASSEE COUNCIL REGULAR MEETING POSTED AGENDA

The May Regular Meeting of the Hiawassee City Council will be held on Tuesday, May 7, 2013 at 4:00 pm at the Hiawassee City Hall at 50 River Street. The following items may be considered. The Final Agenda will be adopted immediately preceding the Council Meeting with the Mayor's Call to Order. The public may request time to be placed on the agenda until 12:00 noon on the preceding Friday.

Call to Order by Mayor Mathis and Adoption of Final Agenda.

Adoption of Final Agenda, Introduction of Guests & Mayor's Announcements.

1. Adoption of Final Agenda as Distributed.
[Adoption presumed unless a Council Member requests an Item's Addition or Deletion].
2. Mayor's introduction of guests.
3. Mayor's Announcements.
4. Remarks by Tony Stancil, Park Sterling Bank.
5. 2013 Clean Up Hiawassee Report – Councilman Stephen Smith.

Regular Business Items.

1. Motion to adopt Minutes of the Regular April 2, 2013 Council Minutes as distributed.
2. Motion to adopt and approve February 2013 Financial Statements.
3. Motion to adopt the City Manger's May 2013 Written Report as distributed.
4. Resolution to toll Annual Inflation Adjustment under the 2013 Comprehensive Rate Ordinance [June 1, 2013 Deadline].
5. Resolution Designating the Hiawassee City Manager to represent the City at the 2013 Georgia Municipal Association (GMA) Annual Meeting.
6. City Manager's Report.
 - a. 2013 USDA Bond Validation Report.
 - b. ARC Audit (School Force main Project).
7. City Engineer's Report.
 - a. USDA Project Status.
 - b. 2013 Water & Sewer Project Update (Water Intake & Comprehensive Schools

Water tank.

8. Resolution expressing support for The Apartments Project on Mining Gap Road and supporting its Application to the Georgia Department of Community Affairs.
9. Resolution authorizing Mayor to cast the City of Hiawassee Ballot for the 2013-2014 nominated slate of officers for Georgia Municipal Association (GMA) District Two.
10. 2013 Hiawassee Nuisance Ordinance.

Motion to Adjourn.

CITY OF HIAWASSEE
MOTION TO ADOPT AND APPROVE THE

Minutes of the City Council Meeting of April 2, 2013

I move that the City Council ADOPT AND APPROVE the MINUTES OF THE HIAWASSEE COUNCIL MEETING of April 2, 2013 as previously distributed for review.

Motion By: _____, and

Seconded By: _____.

Voting Yes, this 7th. Day of May 2013.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

JOAN CROTHERS, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

PAT SMITH, COUNCILMAN

Adoption Certified by:

[CITY SEAL]

Wylene White, City Clerk

CITY OF HIAWASSEE
MOTION TO ADOPT AND APPROVE

February 2013 Financial Statements

I move that the City Council ADOPT AND APPROVE the February 2013 Financial Statements as previously distributed to the Council for review. [March 2013 Statements in Folders].

Motion By: _____, and

Seconded By: _____

Voting Yes, this 7th. Day of May 2013.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

JOAN CROTHERS, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

PAT SMITH, COUNCILMAN

Adoption Certified by:

[CITY SEAL]

Wylene White, City Clerk

MOTION TO ADOPT AND APPROVE THE
CITY MANAGER'S MAY 2013 AGENDA & REPORT

I move that the City Council ADOPT AND APPROVE the City Manager's May 2013 Agenda & Report as attached hereto as an Exhibit. Further, that said Agenda & Report be incorporated into the Council's Minutes of May 7, 2013.

Motion By: _____ and

Seconded By: _____

Voting Yes, this 7th. Day of May 2013.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

JOAN CROTHERS, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

PAT SMITH, COUNCILMAN

Adoption Certified by:

Wylene White, City Clerk

[CITY SEAL]

May 2013
City Manager's Briefing Memorandum & Report

Available to the Public

To: Mayor, City Council, Engineers, Interested Parties, Planning Committee & Facilities & Finance Committee Members.

From: Rick Stancil, Manager

Date: 05-02-13

The following items and reports may be made at the May 2013 Committees Meeting or the Council Meeting. Please call me if you have any questions in advance or need any item added to the Committee or Council agendas.

The May Meeting of the Hiawassee Committees will be held on Monday, May 6, 2013 at 2:00 pm at the Hiawassee City Hall. The Committee Agenda has been provided by separate email.

The May Meeting of the Hiawassee City Council will be held on Tuesday, May 7, 2013 at 4:00 pm at City Hall. The Council Agenda has been provided by separate email.

The Final Agenda will be *adopted immediately preceding the Committee or Council Meeting with the Call to Order*. The public may request time to be placed on either agenda until 12:00 noon on the preceding Friday.

City Manager's Report.

1. Remaining City Hall Renovations.

The Elevator has been approved by state and local officials. However, concerns have been expressed by inspectors/maintenance that the elevator should be enclosed to prevent moisture from inferring with electrical circuits. I will have Chad and Don to review and give an estimate of costs.

2. 2012 Water & Sewer Improvements, Water Intake and Highway 76 project.

Don, Randy and I met with a structural engineer. We are still looking at revisions to the pump, types, number and location. We plan to bid this year; however, the work will not be completed until next year. A change in our construction plans was made necessary due to the TVA plans to lower the lake levels this year to accommodate maintenance of DOT bridges.

EPD has approved the Water Tank (behind the High School) Plans. As previously reported the City is holding on advertising the bids for the water tank due to cash flow issues.

3. Update on USDA loan/bonds.

A Bond Validation Order was signed last week. A Bond Transcript has been provided to USDA by Bond Counsel after their review. We are now waiting on USDA to review and schedule a Bond Closing.

As you will recall, the City has bid and awarded the Longview Lift Station project which is a part of the USDA project. The Mayor and Clerk have signed the bridge loan for the construction of the lift station. The Contractor has advised us that he will begin work at the end of May.

United Community has the TAN used to pay for Phase 1 of the Sewer Plant Upgrades, (the Sludge Press and Sludge Press Building). We plan to pay off the TAN as the first USDA draw as soon as possible after the Bond Closing.

4. City Web Page.

As previously reported, a new City webpage is available for your use. We are still editing. I am very happy with our ability to post community notices and update the page quickly. Please let me know if you have any suggestions or changes.

5. Utility Billing System.

We are now live with the new Utility Billing System. We received fewer complaints than expected. We have implemented the bank drafts and online payments should be available in about 30 days.

6. Splost Proceeds.

We are still waiting on Splost proceeds to finish payments on City Hall Renovations and begin looking at other improvements. We had planned to resubmit our previous sidewalk Improvement Application to DOT but have held submittal due to cash flow issues. We also hope to hear from the contractors that did the Young Harris project and cross-walks in the near future. However, any improvements will need to be bid as a part of an overall sidewalks project.

7. Doctors' Complex.

A revised Plat for the development has been filed and recorded. The Hiawassee River Watershed Coalitions met with the Doctors at City Hall last week to see how they might help with technical assistance and improvements. We are still getting some complaints regarding muddy water in the cove and storm water/construction runoff. While this project does not fall under city

governance, we are attempting to asset where we can.

8. Proposed 65 Unit Multi-Family Development in County.

As previously reported, the Mayor and I have been contacted by David Brown regarding Water and Sewer Service for a proposed 65 Unit Multifamily development located near the Junction and new County Park. It cannot be built without Sewer Service. The Water and Sewer Demand will be approximately 17,380 gallons per day. This will mean water and sewer connection fees of up to \$435,500 under our current fee schedule and an increase in monthly Water and sewer revenues. We have negotiated the connection fees in the past to attract a major customer (i.e. Georgia Baptist).

I believe this development to be located within the area (commercial corridor) designed in the Service Delivery Agreement for Hiawassee to receive water and sewer service and revenue. I have spoken to the Commissioner and to Chad Hooper, Chairman of the Water Authority to confirm my understanding. It appears we are generally in agreement. The Commissioner wants to make sure that the capacity will not come out of the capacity he is purchasing.

The developer has requested that the City provide a Resolution for DCA supporting the project and indicating the City's commitment to provide water and sewer service. I have prepared a Resolution for the Council for its May meeting.

9. City Hall Flagpole.

We have ordered a new flag pole for City Hall which should be delivered shortly. The American Legion has requested a dedication ceremony which we will coordinate.

10. Hotel Motel Tax Issues.

I will forward a separate memo to the Council members outlining concerns with the Hotel Motel Tax and the structure of the Towns County Tourism Association. I have invited Hilda and Jane from the Association to report on the recommended changes to the Bylaws and Articles of the Tourism Association and the current use of funds. As the Council is aware, Hiawassee allocates approximately \$65,000.00 a year in City Hotel Motel Tax to the Association.

Thank you. Please let me know if you have any questions. Rick Stancil

Cell phone: 706-897-0495
City Hall; 706-896-2202, Ext. 3
Email: citymanager@hiawasseeega.gov

RESOLUTION # _____

RESOLUTION TOLLING COST OF LIVING INCREASE UNDER THE
2013 COMPREHENSIVE WATER AND SEWER
RATE & CONNECTION FEE ORDINANCE

A RESOLUTION TOLLING A COST OF LIVING INCREASE UNDER THE 2013
COMPREHENSIVE WATER AND SEWER RATE & CONNECTION FEE ORDINANCE;
AND FOR OTHER PURPOSES

Whereas the City of Hiawassee passed and implemented a 2013 Comprehensive Water and Sewer Rate Ordinance, which established late schedules, connection fees and other charges for the City of Hiawassee to its water and sewer customers ; and

Whereas said Ordinance contained a provision entitled, "ANNUAL INFLATION ADJUSTMENT" which reads, "The above Usage Rates and Connection Fees shall be increased annually on the first day of the City Fiscal Year (July 1) by a factor of two and one-half percent (2.5%) to adjust for inflation. The City Manager shall make this first adjustment to billing on July 1, 2013. The City Manager shall make the Annual Increase or inflation adjustment each year thereafter without further action by the City Council unless the City Council adopts a Resolution tolling said increase for any one-year period. Said tolling resolution shall be adopted by the Council no later than on June 1 of each year." and

Whereas, the City wishes to toll the 2013 Annual Inflation Adjustment pending receipt of additional information regarding income generated by the 2013 Rates.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Hiawassee, Georgia, that the 2013 Annual Inflation Adjustment be hereby tolled.

Adoption, this 7th. Day of May 2013.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

PAT SMITH, COUNCILMAN

JUNIOR CHASTAIN, COUNCILMAN

JOAN CROTHERS, COUNCILMAN

Second Reading & Adoption Certified by:

Wylene White, City Clerk

[CITY SEAL]

RESOLUTION NUMBER _____

RESOLUTION DESIGNATING THE HIAWASSEE CITY MANAGER
TO REPRESENT THE CITY OF HIAWASSEE AT THE 2013 GEORGIA MUNICIPAL
ASSOCIATION (GMA) ANNUAL MEETING

WHEREAS, the Georgia Municipal Association (“GMA”) will be holding its 2013 Annual Meeting during the month of June 2013 and the Hiawassee City Manager will be attending the annual meeting on behalf of the City; and

WHEREAS, the City of Hiawassee has been asked to designate a voting delegate and representative for the City at GMA business meetings to be held during the 2013 Conference.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of Hiawassee, that the City hereby designates Richard “Rick” Stancil, Hiawassee City Manager, as its voting delegate and representative at all meetings held during the GMA Annual Meeting and hereby directs that all necessary credential and forms be provided to the GMA so as to authorize its Manager to cast all votes on behalf of the City.

SO RESOLVED, THIS 7TH. DAY OF MAY 2012.

BY:

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

PAT SMITH, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

JOAN CROTHERS, COUNCILMAN

Adoption Certified by: _____ [CITY SEAL]
Wylene White, City Clerk

Resolution Number _____

RESOLUTION EXPRESSING SUPPORT FOR THE GARDENS
APARTMENTS PROPOSAL AND APPLICATION TO THE GEORGIA
DEPARTMENT OF COMMUNITY AFFAIRS FOR THE CONSTRUCTION
OF SIXTY-FOUR AFFORDABLE APARTMENT HOMES FOR FAMILIES
ON MINING GAP ROAD IN HIAWASSEE, GEORGIA

FINDINGS OF FINDING

The City of Hiawassee and Towns County has participated in the development of a ten-year update to the Towns County Joint Comprehensive Plan in accordance with the standards and requirements of the Georgia Department of Community Affairs; and

Said Comprehensive Plan contains provisions for the encouragement of community projects including affordable, senior and multi-family housing; and

Houston Brown of Investors Management Company has advised the Hiawassee Council on its development and need for Housing Tax Credits from the Georgia Department of Community Affairs; and

The Council finds the projects as proposed by Investors Management Company to be consistent with the Hiawassee Comprehensive Plan, and the City is willing to provide water and sewer services to the project, and finds the project to be of great need to our city and our county.

THEREFORE, THE COUNCIL OF THE CITY OF HIAWASSEE HEREBY RESOLVES:

That the City of Hiawassee does hereby express its support for The Gardens Apartments and does hereby urge the Georgia Department of Community Affairs to approve its proposal and award applicable tax credits under the State of Georgia Qualified Allocation Plan.

SO RESOLVED, THIS 7TH. DAY OF MAY 2013.

BY:

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

PAT SMITH, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

JOAN CROTHERS, COUNCILMAN

Adoption Certified by: _____ [CITY SEAL]
Wylene White, City Clerk

RESOLUTION NUMBER _____

RESOLUTION AUTHORIZING MAYOR TO CAST
CITY OF HIAWASSEE BALLOT FOR THE 2013-2014 NOMINATED SLATE OF
OFFICERS FOR GEORGIA MUNICIPAL ASSOCIATION (GMA) DISTRICT TWO

WHEREAS, the Georgia Municipal Association ("GMA") will be electing its District 2 Officers on or about May 31, 2013 and the City of Hiawassee will cast its vote as a member of District 2; and

WHEREAS, the following is the slate of officers nominated for District 2 for the 2013-2014 year.

| | |
|-----------------------|---------------------------------------|
| President | Jim Conley, Mayor, Blairsville |
| First Vice President | Gerald Lord, Councilmember, Dahlonega |
| Second Vice President | Harold Harbin, Councilmember, Lavonia |
| Third Vice President | Keith Turman, Councilmember, Royston |

WHEREAS, in accordance with procedures adopted by GMA: the election of district officers will be conducted by mail; Ballots are due to GMA by May 31, 2013; each city will be entitled to one vote; and the results of the election will be announced prior to the GMA Annual Convention.

NOW, THEREFORE BE IT RESOLVED by the City Council that Hiawassee hereby casts its vote for the above-nominated slate of officers and designates Barbara Mathis, Mayor, as its designee to cast the Hiawassee vote by mail on behalf of the City.

SO RESOLVED, THIS 7TH. DAY OF MAY 2012.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHAN H. SMITH, COUNCILMAN

PAT SMITH, COUNCILMAN

JAY CHASTAIN, JR., COUNCILMAN

JOAN CROTHERS, COUNCILMAN

Adoption Certified by:

Wylene White, City Clerk

[CITY SEAL]

CITY OF HIAWASSEE
2013 NUISANCE ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWASSEE, GEORGIA TO DEFINE THE STANDARDS AND CONDITIONS WHICH CONSTITUTE A NUISANCE WITHIN THE CITY OF HIAWASSEE; TO PROVIDE FOR DEFINITIONS; THE FILING OF NUISANCE COMPLAINTS; ABATEMENT AND COSTS THEREOF; TO DEFINE PENALTIES; TO PROVIDE FOR THE DEMOLITION OF BUILDINGS AND STRUCTURES; TO PROVIDE FOR THE REPEAL OF PRIOR ORDINANCES; TO PROVIDE FOR SEVERABILITY OF THE PROVISION CONTAINED HEREIN; AND TO PROVIDE AN EFFECTIVE DATE.

Findings of Fact

The Hiawassee Council has determined that certain conditions of land and structure located thereon constitute a danger to the health and welfare of its citizens. In order to protect the health and safety of our citizens and property owners, the Council finds that process is necessary whereby a complaint alleging a nuisance may be filed, the complaint investigated, the matter referred to city court where appropriate, a judicial hearing held and if a court order of abatement is issued that a process be established for abatement of the nuisance and the collections of costs and fine where appropriate.

NOW, THEREFORE, BE IT ordained by the governing authority of the City of Hiawassee that this 2011 Nuisance Ordinance is adopted as follows:

Section 1 - Definitions.

Section 2 - Complaint of nuisance.

Section 3 - Abatement by city.

Section 4 - Offense; penalty.

Section 5 - Demolition of unsafe buildings or structures.

Section 6 – Repealer.

Section 7 – Severability.

Section 8. Effective date.

Section 1 - Definitions.

The following conditions are declared nuisances when any one of them endangers the health, welfare or good order of the community:

- A. Stagnant water on premises;
- B. Any dead or decaying matter; weeds; vegetation; or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- C. The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city;
- D. The pollution of public water or the injection of matter into the sewerage system that would be damaging thereto;
- E. Maintaining a dangerous or diseased animal or fowl;
- F. Obstruction of a public street, right-of-way, highway or sidewalk without a permit or written authorization;
- G. Loud or unusual noises, including sounds produced by domestic animals, which are detrimental or annoying to adjoining landowners, including without limitation unusual loud disturbances in or around churches or multiple-family complexes such as loud music and noise generated by the operation of automobiles or machinery;
- H. All walls, trees, and buildings that may endanger persons or property especially dead, dying or decaying trees;
- I. Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent the activities;
- J. Unused iceboxes, refrigerators, washing machines and the like, notwithstanding that the doors, latches or locks thereof are removed;
- K. Leaves, grass clippings or vegetated material collected or stored on premises within ten foot or less of any city street or state highway or stored without adequate safeguards to ensure that such materials cannot blow or wash into the street or highway causing blocked drains or diverted water flow or which blow across streets or highways in a manner that obstructs or endangers traffic;
- L. Domesticated Annual, livestock, cattle or horse which are inadequately or improperly pastured, housed, maintained or stored; or where the animal or property owner fails to

keep such animals on premise; or where domestic animals wander into city streets or state highways; or where the property owner or animal owner allows the animal off property due to inadequate safeguards including proper fencing or restrains to ensure that such animals cannot wander into the street or highway or obstructs or endangers traffic; and

- M. Any other condition constituting a nuisance under state law.

Section 2 - Complaint of nuisance.

- A. Any inhabitant of the city may direct a complaint of nuisance to the city police department, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court, after thirty (30) days' notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of, or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the judge shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.
- B. The City Manager, City Attorney or building and license inspectors of the city may also receive complaints from the public and may forward the same to city police for investigation of the same.

Section 3 - Abatement by city.

- A. In any case where the owner, agent or tenant fails to abate the nuisance in the time specified by court order, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the city judge, that it must be immediately abated, the judge may issue an order to the chief of police directing the nuisance to be abated. The chief of police, in such case, shall keep a record of the expenses and cost of abating same and the costs shall be billed against the owner, agent or tenant for collection as for city revenues generally and shall become a lien on the property of such persons.
- B. Other city departments shall assist the chief of police as is necessary in abating nuisances hereunder or the chief may contract with appropriate third parties for abatement service as the police chief deems appropriate.

Section 4 - Offense; penalty.

- A. In addition to any remedy specified in court order including abatement, the following criminal fine or penalty shall apply:

It is declared an offense for any owner, agent or tenant to maintain a nuisance

following a finding by the City Court that a nuisance exists. Each day a nuisance is continued shall constitute a separate offense. Following five days after receipt of certified written notice to the property owner, agent or tenant, a criminal citation may be issued by the city police.

- B. Penalties for the first violation of this Code section shall be a minimum fine of \$100.00.
- C. The penalty for second violations of the same provisions of this Code section by the same owner or tenant shall be a minimum fine of \$250.00.
- D. Third or repeat violations of the same provisions of this Code section by the same owner or tenant shall be a minimum fine of \$500.00.

Section 5 - Demolition of unsafe buildings or structures.

- A. Whenever the building inspector, fire chief or the police chief determines that there exists an unsafe building or structure within the city, he shall so advise the City Attorney. The City Attorney shall be advised and the Attorney shall serve or cause to be served upon the record owner of such structure or building at the address shown on the current ad valorem tax records, and upon any other person or entity known to have a vested interest in such building or structure, a written notice containing the following:
 - 1. The street address or legal description of the building, structure, or premises upon which the same is located;
 - 2. A statement indicating that the building or structure has been declared unsafe, specifying the conditions determined to have rendered the building or structure unsafe;
 - 3. Said statement shall further specify the section or sections of applicable building code, gas code, mechanical code, plumbing code, electrical code, housing code, comprehensive development code or any other applicable state law, city or county code or ordinance alleged to be violated by such building or structure; and
 - 4. Notification that a hearing will be held before the municipal court judge of the City of Hiawassee to consider whether such building or structure constitutes an unsafe building or structure and the remedial action which shall be required of the owner to render such building or structure safe, including the demolition and removal of such building or structure. The owner and any other parties known to have a vested interest in such building or structure shall be advised that they may be represented by counsel at such hearing and shall be permitted to present any relevant evidence and will be given an opportunity to cross-examine all witnesses.
- B. The notice specified in subsection A. of this section, shall be mailed to such owner and any other persons known to have a vested interest in such building or structure at least

thirty (30) days prior to such hearing and shall be posted in a conspicuous place on the premises to which it relates.

- C. At such hearing, the judge of the municipal court shall determine whether such building or structure is unsafe, and if so, the judge shall enter an order setting forth:
1. The specific conditions and deficiencies rendering such building or structure unsafe.
 2. If the judge determines that such building or structure can be repaired and restored to a safe condition within a reasonable period of time, such order shall also state the specific conditions and deficiencies to be corrected and the period of time during which such corrections are to be made and that if such conditions and deficiencies are not corrected during said period of time and the owner has not demolished and removed such building or structure within such period of time, the city will demolish and remove such building or structure, at the owner's expense.
 3. If the judge determines that such building or structure cannot be repaired and restored to a safe condition within a reasonable period of time, such order shall state that the owner shall demolish and remove such building or structure within ten (10) days thereafter, and upon the failure of the owner to do so, the city will demolish and remove such building or structure, at the owner's expense.
- D. If the city demolishes and removes any such building or structure pursuant to subsection C. of this section, then the city shall bill the owner of such building or structure for the reasonable cost thereof, and such cost shall constitute a lien on the real property upon which such building or structure was located, and the city clerk shall issue execution therefore, and such execution shall be made in the same manner as execution for Delinquent taxes.
- E. The term "unsafe buildings or structures" shall apply to buildings, structures, or portions thereof, existing or hereafter erected, as follows:
1. Those deemed structurally unsafe; unstable; unsanitary; constituting a hazard to life because of inadequate exit facilities or otherwise; constituting a fire hazard; unsuitable or improper for the use or occupancy to which it is put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property; or
 2. Vacant building or structures or portions thereof deemed to constitute a hazard to health, safety or property or deemed to constitute a nuisance.

F. When a building or structure or portion thereof is in an unsafe condition so that life is in imminent danger, the city police chief shall order and require the occupants thereof to vacate the same forthwith or as soon as practicable. The city police chief shall, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such buildings or structures, and prohibit the same from being used.

Section 6 – Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 7 – Severability.

Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 8. Effective date.

This Ordinance shall become effective on its Second Reading and Adoption by the City Council.

First Reading, this 7th. Day of May 2013.

BARBARA MATHIS, MAYOR

JANET ALLEN, COUNCILMAN

STEPHEN H. SMITH, COUNCILMAN

PAT SMITH, COUNCILMAN

JUNIOR CHASTAIN, COUNCILMAN

JOAN CROTHERS, COUNCILMAN

Second Reading & Adoption Certified by:

Wylene White, City Clerk

[CITY SEAL]