

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Daphne Talley

Contact Number: 404-865-8502

Originating Department: The Atlanta Police Department – Code Enforcement Section

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: September 26, 2014

Anticipated Committee Meeting Date(s): October 15, 2014

Anticipated Full Council Date: October 20, 2014

Legislative Counsel's Signature: 

Commissioner's Signature:  (2)

Chief Financial Officer / Budget Analyst: N/A

Chief Information Officer Signature (for IT Procurement) N/A

Chief Procurement Officer Signature: N/A

AN ORDINANCE

BY PUBLIC SAFETY/LEGAL ADMINISTRATIVE COMMITTEE

AN ORDINANCE TO AMEND ARTICLE II, SECTION 29, OF THE ATLANTA HOUSING CODE OF 1987, APPENDIX "E" OF THE CITY OF ATLANTA LAND DEVELOPMENT CODE, ENTITLED "MINIMUM SPECIFICATIONS TO ABATE INTERIOR REQUIREMENTS IN VACANT DWELLING UNITS", SO AS TO REQUIRE MINIMUM BOARDING SPECIFICATIONS FOR STRUCTURES BOARDED PURSUANT TO IN REM ACTION TO INCLUDE STEEL COVERINGS; AND FOR OTHER PURPOSES.

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WHEREAS, the Atlanta Housing Code of 1987 has as its purpose to provide for the maintenance of the minimum requirements necessary for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential property in the City of Atlanta; and

WHEREAS, Section 29 of the Atlanta Housing Code of 1987 imposes a duty upon owners and operators to secure vacant property according to wood-based minimum boarding standards set forth therein; and

WHEREAS, many local jurisdictions require and/or authorize use of superior steel-based boarding to secure windows, door and other structural openings and that may be remotely monitored against unauthorized entry; and

WHEREAS, the City desires to authorize use of steel-based boarding materials at the election of the property owner and at the election of City officials charged with carrying out orders of either the In Rem Review Board of the Atlanta Municipal Court to clean and close vacant structures when the owner or responsible party fails to do so.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

Section 1: That Article II, Section 29 of the Atlanta Housing Code of 1987, Appendix “E” of the City of Atlanta Land Development Code, and that reads as follows:

(a) When a vacant, burned or otherwise damaged or deteriorated dwelling has been boarded, corrective action to bring the dwelling into full compliance with the Atlanta Housing Code shall begin within 30 days after the dwelling has been boarded and shall be completed and the boarding removed within a period of six months from the date of the boarding. The dwelling shall be subject to an inspection beginning four months from the date of the boarding. Failure to have begun the corrective action necessary to bring the dwelling into full compliance with the Atlanta Housing Code within 30 days after the dwelling has been boarded, and the failure to allow city code enforcement officers to gain access to the interior of the dwelling after proper notification, shall each constitute a separate violation of this Code.

(b) The minimum specifications to secure a vacant dwelling to abate interior requirements shall be as follows unless otherwise approved in writing by the director:

- (1) All windows on all levels, through which access to the interior of the dwelling can be made, shall be secured from the interior of the building with ½" exterior grade plywood sheathing, as shown in Exhibit "A";
- (2) All window boards shall be fit to screen inset molding as shown;
- (3) All fabricated boards shall be painted with one coat of primer on the exterior surface;
- (4) All 2" × 4" interior wood stock used in securing the sheathing shall be padded with carpet type material of minimum dimensions 4" × 8" permanently attached. This padding shall be adjusted to prevent damage to interior walls and wood trim;
- (5) All exterior doors of the dwelling shall be secured from the exterior of the dwelling with ¾" exterior grade plywood. Prior to securing plywood cut (4) 2 × 4 pressure treated pieces of lumber to fit the inside of the existing door frame (see attached detail "A"). Screw the pieces into the door frame with a 3" hex head screw at 10" on center.
- (6) Cut ¾" exterior grade plywood to fit and enclose the existing opening, screw 3" hex head screws and washers around the edge of the ¾" plywood at 8" on center. (See attached detail "A")

Note: Each door should be on case by case bases, because not all doors are the same. The contractor should field verify the existing door conditions and make adjustments in the field accordingly.

(c) Maintenance of a secured vacant dwelling. All openings specified in section 29(b) herein, must remain secured in the manner prescribed in section 29(b) herein and the exterior of the dwelling must remain in compliance with all applicable provisions of this Code. Failure of the owner, operator or agent to maintain the secured vacant dwelling as prescribed herein shall subject them to legal action without further notice from the director.

(d) Compliance with these minimum specifications shall not include issuance of citations in the event that subsequent thereto the structure becomes open or otherwise falls below these minimum specifications. These specifications shall in no way abate, assume, substitute or replace the responsibility of any dweller and or owner to secure and maintain the premises. These standards shall be reviewed on an annual basis.

IS HEREBY AMENDED TO READ AS FOLLOWS:

(a) When a vacant, burned or otherwise damaged or deteriorated dwelling has been boarded, corrective action to bring the dwelling into full compliance with the Atlanta Housing Code shall begin within 30 days after the dwelling has been boarded and shall be completed and the boarding removed within a period of six months from the date of the boarding. The dwelling shall be subject to an inspection beginning four months from the date of the boarding. Failure to have begun the corrective action necessary to bring the dwelling into full compliance with the Atlanta Housing Code within 30 days after the dwelling has been boarded, and the failure to allow city code enforcement officers to gain access to the interior of the dwelling after proper notification, shall each constitute a separate violation of this Code.

(b) The minimum specifications to secure a vacant dwelling to abate interior requirements shall be as follows unless otherwise approved in writing by the director:

(1) All windows on all levels, through which access to the interior of the dwelling can be made, shall be secured from the interior of the building with ½" exterior grade plywood sheathing, as shown in Exhibit "A";

(2) All window boards shall be fit to screen inset molding as shown;

(3) All fabricated boards shall be painted with one coat of primer on the exterior surface;

(4) All 2" × 4" interior wood stock used in securing the sheathing shall be padded with carpet type material of minimum dimensions 4" × 8" permanently attached. This padding shall be adjusted to prevent damage to interior walls and wood trim;

(5) All exterior doors of the dwelling shall be secured from the exterior of the dwelling with ¾" exterior grade plywood. Prior to securing plywood cut (4) 2 × 4 pressure treated pieces of lumber to fit the inside of the existing door frame (see attached detail "A"). Screw the pieces into the door frame with a 3" hex head screw at 10" on center.

(6) Cut ¾" exterior grade plywood to fit and enclose the existing opening, screw 3" hex head screws and washers around the edge of the ¾" plywood at 8" on center. (See attached detail "A")

Note: Each door should be on case by case bases, because not all doors are the same. The contractor should field verify the existing door conditions and make adjustments in the field accordingly.

(c) As an alternative to the minimum specifications set forth immediately above, any property owner or the City acting pursuant to an in rem order may secure a vacant dwelling to abate interior requirements, in its sound discretion, as follows:

- 1) All windows and doors on all levels, through which access to the interior of the dwelling can be made, shall be secured from the interior of the building with fourteen (14) gauge reinforced perforated steel covers;
- 2) All coverings shall be devoid of any pry points by which trespassers can pry the coverings open so as to gain unauthorized entry;
- 3) At least one steel-covered door shall be equipped with a lock mechanism to allow for authorized entry;
- 4) All coverings may be equipped with a monitoring system in order to notify the property owner or party responsible for the covering of any unauthorized entry. The monitoring system shall not be dependent on electrical or phone service; and
- 5) Any costs incurred by the City shall be billed to and collected from the property owner or other responsible party, including through lien of real property, in the same manner as set forth in Article III or V of the Housing Code.

(d) Maintenance of a secured vacant dwelling. All openings specified in section 29(b) or (c) herein must remain secured in the manner prescribed in section 29(b) or (c) herein and the exterior of the dwelling must remain in compliance with all applicable provisions of this Code. Failure of the owner, operator or agent to maintain the secured vacant dwelling as prescribed herein shall subject them to legal action without further notice from the director.

(e) Compliance with these minimum specifications shall not include issuance of citations in the event that subsequent thereto the structure becomes open or otherwise falls below these minimum specifications. These specifications shall in no way abate, assume, substitute or replace the responsibility of any dweller and or owner to secure and maintain the premises. These standards shall be reviewed on an annual basis.