

# O.C.G.A. § 41-2-1

Current through the 2017 Regular Session of the General Assembly.

[Official Code of Georgia Annotated](#) > [TITLE 41. NUISANCES](#) > [CHAPTER 2. ABATEMENT OF NUISANCES GENERALLY](#)

## § 41-2-1. Authorization and procedure for abatement of nuisances generally

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Upon filing of a petition as provided in Code Section 41-2-2, any nuisance which tends to the immediate annoyance of the public in general, is manifestly injurious to the public health or safety, or tends greatly to corrupt the manners and morals of the public may be abated by order of a judge of the superior court of the county in which venue is proper.

### History

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Laws 1833, Cobb's 1851 Digest, p. 817; Code 1863, § 3995; Code 1868, § 4023; Code 1873, § 4094; Code 1882, § 4094; Civil Code 1895, § 4760; Civil Code 1910, § 5329; Code 1933, § 72-201; Ga. L. 1980, p. 620, § 1; Ga. L. 1981, p. 867, § 1.

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## O.C.G.A. § 41-2-2

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-2. Filing of complaint to abate public nuisance

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Private citizens may not generally interfere to have a public nuisance abated. A complaint must be filed by the district attorney, solicitor-general, city attorney, or county attorney on behalf of the public. However, a public nuisance may be abated upon filing of a complaint by any private citizen specially injured.

### History

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Orig. Code 1863, § 3999; Code 1868, § 4027; Code 1873, § 4098; Code 1882, § 4098; Civil Code 1895, §§ 4761, 4766; Civil Code 1910, §§ 5330, 5338; Code 1933, § 72-202; Ga. L. 1980, p. 620, § 2; Ga. L. 1999, p. 467, § 1.

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## **O.C.G.A. § 41-2-3**

Current through the 2017 Regular Session of the General Assembly.

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### **§ 41-2-3. Filing of petition to abate private nuisance**

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A private nuisance may be abated upon filing of a petition by the person injured.

#### **History**

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Orig. Code 1863, § 3999; Code 1868, § 4027; Code 1873, § 4098; Code 1882, § 4098; Civil Code 1895, § 4766; Civil Code 1910, § 5338; Code 1933, § 72-203; Ga. L. 1980, p. 620, § 3.

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## O.C.G.A. § 41-2-4

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-4. Issuance of injunction where nuisance about to be erected or commenced likely to result in irreparable damage

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Where the consequence of a nuisance about to be erected or commenced will be irreparable damage and such consequence is not merely possible but to a reasonable degree certain, an injunction may be issued to restrain the nuisance before it is completed.

#### History

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Orig. Code 1863, § 2944; Code 1868, § 2951; Code 1873, § 3002; Code 1882, § 3002; Civil Code 1895, § 3863; Civil Code 1910, § 4459; Code 1933, § 72-204; Ga. L. 1980, p. 620, § 4.

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## O.C.G.A. § 41-2-5

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-5. Authorization and procedure for abatement of nuisances in cities and unincorporated areas of counties

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If the existence of a nuisance is complained of in a county or city of this state, the municipal court of the city, if the nuisance complained of is in the city, shall have jurisdiction to hear and determine the question of the existence of such nuisance and, if found to exist, to order its abatement. If the nuisance complained of is located in the unincorporated area of a county, the magistrate court of the county, unless otherwise provided by local law, shall have such jurisdiction and power to order its abatement.

#### History

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Laws 1833, Cobb's 1851 Digest, p. 817; Code 1863, § 3996; Code 1868, § 4024; Code 1873, § 4095; Code 1882, § 4095; Ga. L. 1892, p. 64, § 1; Civil Code 1895, § 4762; Civil Code 1910, § 5331; Code 1933, § 72-401; Ga. L. 1981, p. 1739, § 1; Ga. L. 1987, p. 3, § 41; Ga. L. 1988, p. 1419, § 1.

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## **O.C.G.A. § 41-2-6**

Current through the 2017 Regular Session of the General Assembly.

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### **§ 41-2-6. Notice of meeting to determine question of abatement**

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Reserved. Repealed by Ga. L. 1981, p. 1739, § 1, effective April 17, 1981.

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## O.C.G.A. § 41-2-7

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-7. Power of counties and municipalities to repair, close, or demolish unfit buildings or structures; health hazards on private property; properties affected

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- (a) It is found and declared that in the counties and municipalities of this state 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 the 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 jurisdiction where the property is located; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of this state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures. It is found and declared that in the counties and municipalities of this state 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 this state 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. Whenever the governing authority of any county or municipality of this state finds that there exist in such county or municipality dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and 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 where 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 such county or municipality, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon such county or municipality to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided in this Code section and Code Sections 41-2-8 through 41-2-17.
- (b) All the provisions of this Code section and Code Sections 41-2-8 through 41-2-17 including method and procedure may also be applied to private property where there exists 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. A finding by any governmental health department, health officer, or building inspector that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this Code section and Code Sections 41-2-8 through 41-2-17.
- (c) The exercise of the powers conferred upon counties in this Code section and in Code Sections 41-2-8 through 41-2-17 shall be limited to properties located in the unincorporated areas of such counties.

## History

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Ga. L. 1966, p. 3089, § 2; Ga. L. 1977, p. 4445, § 2; Code 1981, § 41-2-7, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1983, p. 3, § 30; Ga. L. 1986, p. 10, § 41; Ga. L. 1986, p. 1508, § 1; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 1161, § 1; Ga. L. 2001, p. 1196, § 1.

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## O.C.G.A. § 41-2-8

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### § 41-2-8. Definitions for use in Code Sections 41-2-7 through 41-2-17

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As used in Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through 41-2-17, the term:

- (1) "Applicable codes" means (A) any optional housing or abatement standard provided in Chapter 2 of Title 8 as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (B) any fire or life safety code as provided for in Chapter 2 of Title 25; and (C) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.
- (2) "Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.
- (3) "Drug crime" means an act which is a violation of Article 2 of Chapter 13 of Title 16, known as the "Georgia Controlled Substances Act."
- (4) "Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through 41-2-17, the term "dwellings, buildings, or structures" shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.
- (5) "Governing authority" means the board of commissioners or sole commissioner of a county or the council, board of commissioners, board of aldermen, or other legislative body charged with governing a municipality.
- (6) "Interested parties" means:
  - (A) Owner;
  - (B) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
  - (C) Those parties having filed a notice in accordance with Code Section 48-3-9;
  - (D) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of

any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and

- (E) Persons in possession of said property and premises.
- (7) "Municipality" means any incorporated city within this state.
- (8) "Owner" means the holder of the title in fee simple and every mortgagee of record.
- (9) "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.
- (10) "Public officer" means the officer or officers who are authorized by Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through 41-2-17 and by ordinances adopted under Code Section 41-2-7, this Code section, and Code Sections 41-2-9 through 41-2-17 to exercise the powers prescribed by such ordinances or any agent of such officer or officers.
- (11) "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.
- (12) "Resident" means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

## History

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Code 1981, § 41-2-8, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1986, p. 1508, § 2; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 14, § 41; Ga. L. 1989, p. 1161, § 2; Ga. L. 1991, p. 94, § 41; Ga. L. 2001, p. 1196, § 2; Ga. L. 2004, p. 907, § 1.

## O.C.G.A. § 41-2-9

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-9. County or municipal ordinances relating to unfit buildings or structures

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- (a) In addition to any other remedies or enforcement mechanisms available, upon the adoption of an ordinance finding that dwelling, building, or structure conditions of the character described in Code Section 41-2-7 exist within a county or municipality, the governing body of such county or municipality is authorized to adopt ordinances relating to the dwellings, buildings, or structures within such county or municipality which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. Such ordinances shall include at least the following provisions:
- (1) That it is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the jurisdiction, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances;
  - (2) That a public officer be designated or appointed to exercise the powers prescribed by the ordinances;
  - (3) That whenever a request is filed with the public officer by a public authority or by at least five residents of the municipality or by five residents of the unincorporated area of the county if the property in question is located in the unincorporated area of the county charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before a court of competent jurisdiction as determined by Code Section 41-

2-5, at a date and time certain and at a place within the county or municipality where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing;

(4) That if, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

(A) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or

(B) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

For purposes of this Code section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction;

(5) That, if the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to Code Section 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted

on the main entrance of the building, dwelling, or structure a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.”;

- (6) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and
- (7) That the amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(b)

- (1) The lien provided for in paragraph (7) of subsection (a) of this Code section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice required under subsection (c) of Code Section 41-2-12. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- (2) Upon final determination of costs, fees, and expenses incurred in accordance with this chapter, the public officer responsible for enforcement actions in accordance with this chapter shall transmit to the appropriate county tax commissioner or municipal tax collector or city revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the appropriate county tax commissioner or municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48; provided, however, that the limitation of Code Section 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. A county tax commissioner shall collect and enforce municipal liens imposed pursuant to this chapter in accordance with Code Section 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the governing authority of the county or municipality whose lien is being collected.

- (3) Enforcement of liens pursuant to this Code section may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this chapter. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to Code Section 48-4-78 for delinquent ad valorem taxes may include all amounts due under this chapter.
  - (4) The redemption amount in any enforcement proceeding pursuant to this Code section shall be the full amount of the costs as finally determined in accordance with this Code section together with interest, penalties, and costs incurred by the governing authority, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of Code Sections 48-4-80 and 48-4-81.
- (c) The governing authority may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county or municipality agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
  - (d) Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under Code Section 5-3-29.
  - (e) In addition to the procedures and remedies in this chapter, a governing authority may provide by ordinance that designated public officers may issue citations for violations of state minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and seek to enforce such citations in a court of competent jurisdiction prior to issuing a complaint in rem as provided in this Code section.
  - (f) Nothing in this Code section shall be construed to impair or limit in any way the power of the county or municipality to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

## History

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Code 1981, § 41-2-9, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1983, p. 3, § 30; Ga. L. 1984, p. 22, § 41; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 14, § 41; Ga. L. 1989, p. 1161, § 3; Ga. L. 1990, p. 1347, § 1; Ga. L. 1991, p. 94, § 41; Ga. L. 2001, p. 1196, § 3; Ga. L. 2004, p. 907, § 2; Ga. L. 2005, p. 60, § 41/HB 95.

## O.C.G.A. § 41-2-10

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### § 41-2-10. Determination by public officer that dwelling, building, or structure is unfit or vacant, dilapidated, and being used in connection with the commission of drug crimes

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- (a) In an ordinance adopted by a county or municipality under Code Sections 41-2-7 through 41-2-9, this Code section, and Code Sections 41-2-11 through 41-2-17 shall provide that the public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of such county or municipality. Such conditions may include the following (without limiting the generality of the foregoing):
- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
  - (2) Lack of adequate ventilation, light, or sanitary facilities;
  - (3) Dilapidation;
  - (4) Disrepair;
  - (5) Structural defects; and
  - (6) Uncleanliness.

Such ordinance may provide additional standards to guide the public officer, or his agents, in determining the fitness of a dwelling, building, or structure for human habitation or for its current commercial, industrial, or business use.

- (b) An ordinance adopted by a county or municipality under Code Sections 41-2-7 through 41-2-9, this Code section, and Code Sections 41-2-11 through 41-2-17 shall provide that the public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

### History

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Code 1981, § 41-2-10, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 1161, § 4; Ga. L. 1991, p. 94, § 41.

# O.C.G.A. § 41-2-11

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## § 41-2-11. Powers of public officers in regard to unfit buildings or structures

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An ordinance adopted by the governing body of the county or municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of Code Sections 41-2-7 through 41-2-10, this Code section, and Code Sections 41-2-12 through 41-2-17, including the following powers in addition to others granted in Code Sections 41-2-7 through 41-2-10 and Code Sections 41-2-12 through 41-2-17:

- (1) To investigate the dwelling conditions in the unincorporated area of the county or in the municipality in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of the ordinances; and
- (5) To delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

## History

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Code 1981, § 41-2-11, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 1161, § 5; Ga. L. 1991, p. 94, § 41.

## O.C.G.A. § 41-2-12

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### § 41-2-12. Service of complaints or orders upon parties in interest and owners of unfit buildings or structures

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- (a) Complaints issued by a public officer pursuant to an ordinance adopted under Code Sections 41-2-7 through 41-2-11, this Code section, and Code Sections 41-2-13 through 41-2-17 shall be served in the following manner. At least 14 days prior to the date of the hearing, the public officer shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- (b) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
- (c) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (d) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Code section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

### History

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Code 1981, § 41-2-12, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1983, p. 3, § 30; Ga. L. 1986, p. 1508, § 3; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 14, § 41; Ga. L. 1991, p. 94, § 41; Ga. L. 1992, p. 1538, § 1; Ga. L. 2000, p. 1589, § 3; Ga. L. 2001, p. 1196, § 4; Ga. L. 2004, p. 907, § 3.

## O.C.G.A. § 41-2-13

Current through the 2017 Regular Session of the General Assembly.

[Official Code of Georgia Annotated](#) > [TITLE 41. NUISANCES](#) > [CHAPTER 2. ABATEMENT OF NUISANCES GENERALLY](#)

### § 41-2-13. Injunctions against order to repair, close, or demolish unfit buildings or structures

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Any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be had by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Code section.

#### History

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Code 1981, § 41-2-13, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1983, p. 3, § 30.

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# O.C.G.A. § 41-2-14

Current through the 2017 Regular Session of the General Assembly.

[Official Code of Georgia Annotated](#) > [TITLE 41. NUISANCES](#) > [CHAPTER 2. ABATEMENT OF NUISANCES GENERALLY](#)

## § 41-2-14. Taking of unfit buildings or structures by eminent domain; police power

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Nothing in Code Sections 41-2-7 through 41-2-13, this Code section, and Code Sections 41-2-15 through 41-2-17 shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.

### History

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Code 1981, § 41-2-14, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1991, p. 94, § 41.

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## O.C.G.A. § 41-2-15

Current through the 2017 Regular Session of the General Assembly.

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### § 41-2-15. Authority to use revenues, grants, and donations to repair, close, or demolish unfit buildings or structures

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Any county or municipality is authorized to make such appropriations from its revenues as it may deem necessary and may accept and apply grants or donations to assist it in carrying out the provisions of ordinances adopted in connection with the exercise of the powers granted under this chapter.

#### History

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Code 1981, § 41-2-15, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1988, p. 1419, § 2; Ga. L. 1989, p. 14, § 41.

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# O.C.G.A. § 41-2-16

Current through the 2017 Regular Session of the General Assembly.

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## § 41-2-16. Construction of Code Sections 41-2-7 through 41-2-17 with county or municipal local enabling Act, charter, and other laws, ordinances, and regulations

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Nothing in Code Sections 41-2-7 through 41-2-15, this Code section, and Code Section 41-2-17 shall be construed to abrogate or impair the powers of the courts or of any department of any county or municipality to enforce any provisions of its local enabling Act, its charter, or its ordinances or regulations nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law.

### History

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Code 1981, § 41-2-16, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1988, p. 1419, § 2; Ga. L. 1991, p. 94, § 41.

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## O.C.G.A. § 41-2-17

Current through the 2017 Regular Session of the General Assembly.

[Official Code of Georgia Annotated](#) > [TITLE 41. NUISANCES](#) > [CHAPTER 2. ABATEMENT OF NUISANCES GENERALLY](#)

### § 41-2-17. Prior ordinances relating to repair, closing, or demolition of unfit buildings or structures

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Ordinances relating to the subject matter of Code Sections 41-2-7 through 41-2-16 and this Code section adopted prior to July 1, 2001, shall have the same force and effect on and after said date as ordinances adopted subsequent to and by authority of these Code sections.

### History

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Code 1981, § 41-2-17, enacted by Ga. L. 1982, p. 2107, § 45; Ga. L. 1991, p. 94, § 41; Ga. L. 2001, p. 1196, § 5.

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