

GENERAL GOVERNMENTAL REGULATIONS
CHAPTER 32 – NUISANCES

Chapter 32-101 – Necessity of Article.

It is found and declared that in the City of Bowman, there is the existence or occupancy of dwelling or other buildings or structures which are unfit for human habitation or for commercial, industrial or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the people of the City of Bowman and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

It is further found and declared that in the City of Bowman 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 and people of the City of Bowman and is 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.

In accordance with the O.C.G.A. §41-2.7(a) and §41-2-7(b) the mayor and council of the City of Bowman therefore pass the following article, and in connection therewith, the provisions of the O.C.G.A. §§41-2.8 through 41-2.17 are hereby incorporated by reference as if set forth verbatim herein.

Chapter 32-102 – Definitions for use in this Article.

Closing means securing and causing a dwelling, building or structure to be vacated.

Dwelling, 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 and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, 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.

Governing Body means the Mayor and Council of the City of Bowman.

Municipality means the City of Bowman.

Owner means the holder of the title in fee simple and every mortgage of record.

Parties in interest means persons in possession of said property and all individuals, associations, and corporations who have interest of record in the county where the property is located in a dwelling, building, or structure including executors, administrators, guardians, and trustees.

Public Authority means any housing authority 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 this county or municipality.

Public officer means the officer or officers who are authorized by this article to exercise the powers prescribed by this article or any agent of such officer or officers.

Repair means closing a dwelling, building, or structure or 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.

Chapter 32 -103 – Nuisance Abatement Procedures.

- (a) Continued use of other laws and ordinances. It is the intent of the mayor and council that nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of any local enabling Act, Charter, or ordinance or regulation, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Applicable codes means: (a) any optional housing or abatement standard provided in O.C.G.A., Chapter 2 of Title 8 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 O.C.G.A., 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 O.C.G.A., Chapter 2 of Title after October 1, 1991, 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.

Closing means causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Drug crime means an act, which is a violation of O.C.G.A., Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

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 outbuildings, improvements, and appurtenances belonging thereto or customarily enjoyed therewith, and also includes any building or structure of any design. 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.

Governing authority means the mayor and council of the city.

Municipality means the incorporated area of the City of Bowman.

Owner means the holder of the title in fee simple and every mortgagee or record.

Parties in interest 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 premise.

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 City of Bowman or Elbert County, Georgia.

Public officer means the officer or officers who are authorized by O.C.G.A. §§ 41-2-7, 41-2-8, 41-2-9 through 41-2-17 and by this section adopted under O.C.G.A. § 41-2-7, et seq. to exercise the powers prescribed by this section or any agent of such officer or officers.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure in 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.

Resident means any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

- (c) Duties of owners; appointment of public officer; procedure for determining premises to be safe or unhealthful.
- (1) It is the duty of the owner of every dwelling, building, structure, or property located within the corporate limits of the city, to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force with the city, or such ordinances which regulate and prohibit activities on property, and it is declared to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances.
 - (2) The mayor and council of the city appoint and designate the city building inspector and his/her designee as public officer(s) to exercise the powers prescribed by this section.
 - (3) Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, or structure 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 owner and parties in interest in such dwelling, building, or structure.

The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and the parties in interest; 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 owner and parties in interest that a hearing will be held before a court of competent jurisdiction as determined by O.C.G.A. § 41-2-5, at a date and time certain and at a place within the city.

Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The owner and parties in interest 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 Ordinance, 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 of the Official Code of Georgia Annotated, 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 City of Bowman.

- (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 office has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any monies 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 the city are relieved of any and all liability resulting from or occasioned by the sale of any such salvages materials, including, without limitation, defects in such salvaged materials.
- (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.
- a) (1) The lien provided for herein 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 action 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 48-40-78 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 City of Bowman.

(3) Enforcement of liens pursuant to this Ordinance 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 the 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 Ordinance shall be the full amount of the costs as finally determined in accordance with this Ordinance 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.

b) 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.

- c) 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.
- d) In addition to the procedures and remedies in this chapter, a governing authority may provide by ordinance that designated public officers may issue citation 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 Ordinance.
- e) Nothing in this Ordinance 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.
- (d) Determination by public officer that under existing ordinances dwellings, buildings or structures are vacant and sample conditions of nuisances. 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/she finds that conditions exist in such dwelling, building, 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 the city. Such conditions 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;
 - (6) Uncleanliness; and
 - (7) Other additional standards which may from time to time be adopted and referenced herein ordinance amendment.

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 based upon personal observation or upon the report of a law enforcement agency and evidence of drug crimes being committed.

(e) Powers of public officers. The public officer(s) designated in this section shall have the following powers:

(1) To investigate the dwelling conditions in the city in order to determine which dwelling, 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 affirmation, to examine witnesses, and to receive evidence;

(3) To enter upon premises for the purpose of making inspections and 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/she deems necessary to carry out the purposes of this section; and

(5) To delegate any of his/her functions and powers under this section to such officers and agents as he/she may designate.

(f) Service of complaints.

1. Complaints issued by a public officer pursuant to this Ordinance 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.
2. 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.
3. 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.
4. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Ordinance 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.

Chapter 32 -104 – Taking by Eminent Domain; Police Power.

Nothing in this article 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 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.

Chapter 32 -105 – Authority to Use Revenues.

The City of Bowman is authorized to make such appropriations from its revenues as it may deem necessary and may not accept and apply grants or donations to assist it in carrying out the provisions of this article.

Chapter 32 -106 – Powers.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or any department of the City of Bowman to enforce any provisions of its local enabling act, its charter, or its articles 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.

Chapter 32 -107 – Prior Ordinances.

Pending complaints filed under existing ordinance shall not be affected by this article but shall proceed pursuant to the provisions of existing ordinances.

Chapter 32 -108 – Adoption of Standard Fire Prevention Code.

The Standard Fire Prevention Code and Life Safety Code 101 (one-and two-family dwellings are exempt from the Life Safety Code 101) of which a copy is on file in the Building Inspector's Office, is adopted as the Fire Code of the city and all provisions of said code are made effect in the city, except such portions as are in conflict with this Code of Ordinances and subject to all modifications thereof contained in the Code of Ordinances. The code shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

ORDINANCE NO. 2014 - 001
OF THE CITY COUNCIL OF THE CITY OF BOWMAN

REVISING NUISANCE ORDINANCE.

WHEREAS, It is found and declared that in the City of Bowman, there is the existence or occupancy of dwelling or other buildings or structures which are unfit for human habitation or for commercial, industrial or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the people of the City of Bowman and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

WHEREAS, It is further found and declared that in the City of Bowman 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 and people of the City of Bowman and is 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.

WHEREAS, it is the desire of the Council of the City of Bowman to revise the city's nuisance regulations to deal with these conditions.

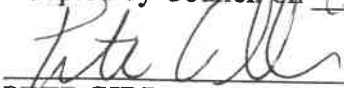
NOW, THEREFORE, be it resolved, that the Council of the City of Bowman establishes the following nuisance ordinance, as follows:

See Revised Nuisance Ordinance, attached as Exhibit "A".

AUTHENTICATION:

Read first time on September 23, 2014.

Adopted by Council on October 27, 2014.



PETE GIBBONS, MAYOR



DEBBY WALKER, CITY CLERK

CHAPTER 33: NUISANCES

Section

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Section 33-101 Definitions

For the purposes of this chapter, the following words shall have the meanings respectively ascribed below:

1. **Nuisance.** Anything which causes hurt, inconvenience, or damage to another, provided that the hurt, inconvenience, or damage complained of shall not be fanciful, or such as would affect only one of fastidious taste, but rather such as would affect an ordinary reasonable man; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.
2. **Nuisance per se.** An act, occupation, or structure which is a nuisance at all times and under any circumstances, regardless of location or surroundings.
3. **Nuisance, Private.** A nuisance limited in its injurious effects to one or a few individuals.
4. **Nuisance, Public.** A nuisance which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.

Section 33-102 Proceedings to Abate Generally

Any nuisance existing within the corporate limits of this city, except for a nuisance hereinafter excepted, shall be abated in the manner set forth in this chapter.

1. **Initiation.** Proceedings to abate a nuisance, whether public or private, shall be initiated by the filing of a complaint with the City Clerk/Treasurer, which complaint shall state the nature and location of the nuisance and the name and address of the complainant or complainants. In the case of a private nuisance, the complaint shall be filed by the person or persons injured by the nuisance; in the case of a public nuisance, the complaint shall be filed on behalf of the public by a the district attorney, city attorney, or county attorney on behalf of the public or by a citizen specifically injured by the nuisance.
2. **Notice of Hearing.** Upon the filing of a complaint as hereinabove provided, the City Clerk/Treasurer shall issue a notice directed to the owner of the premises upon which the nuisance complained of is located and, if the person maintaining the same be a different person from the owner, then also to the person maintaining the nuisance, calling on such person to show cause, either personally or by attorney, at the time and place directed by the City Clerk/Treasurer, why such activity alleged to be a nuisance should not be ordered abated and removed by the Judge of the Municipal Court. Such notice shall be served at least ten (10) days and not more than thirty (30) days prior to the date set for the hearing by any authorized officer of the city, and shall be made either personally or by leaving a copy at the party's most well-known place of abode.

A copy of such notice shall also be mailed to the complainant or complainants.

Nonresidents of the State of Georgia shall be served by posting a copy of such complaint or orders in a conspicuous place on premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of such complaint or orders shall be mailed to them by registered or certified mail.

3. **Order of Abatement.** If, after hearing all the evidence, the Judge of the Municipal Court should decide that the activity complained of is a nuisance, the Judge shall issue an order. The order shall specify within what time it is to be abated by the defendant. If not abated within the specified time, the Judge shall issue a writ directed to the Police Chief or any member of the police force, commanding that the nuisance be abated. A copy of such order of abatement shall be served on the party or parties maintaining the nuisance. If the city removes the nuisance the expenses incurred in the removal shall be paid by the owner.
4. **Effect of Non-compliance.** In the event of a refusal to comply with the order of abatement issued by the Judge of the Municipal Court, the person or persons maintaining the nuisance shall be subject to arrest for violation of state law.
5. **Penalty.** Any person who shall erect or continue after notice to abate a nuisance which tends to annoy the community, injure the health of the citizens in general or corrupt the public morals shall be guilty of a misdemeanor.

Section 33-103 Summary Abatement

Nothing contained in the foregoing section shall prevent the Mayor and City Council from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Section 33-104 Unfit Buildings or Structures

If there exists in a municipality of this state dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are inimical to the welfare and are dangerous and injurious to the health, safety, and welfare of the people of this city; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures, power is conferred upon such municipality to exercise its police power to repair, close, or demolish the dwellings, buildings, or structures. (See *O.C.G.A.* § 41-2-7)

NOTE: The municipality must comply with the regulations found in *O.C.G.A.* §§ 41-2-9 through 41-2-17 relating to unfit buildings or structures.

Section 33-105 Public Health Hazard or General Nuisance on Private Property

All provisions of this section shall be applied to private property where an accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing 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 section and *O.C.G.A.* §§ 41-2-8 through 41-2-17.

Section 33-106 Reserved

ORDINANCE

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BOWMAN, GEORGIA ADOPTING A CODE OF THE ORDINANCES FOR THE CITY ENTITLED "THE CODE OF THE CITY OF BOWMAN PROVIDING FOR THE REPEAL OF ORDINANCES NOT INCLUDED THEREIN AND FOR OTHER PURPOSES:

Be it ordained by the Mayor and City Council of the City of Bowman, Georgia, and it is hereby ordained by the authority of the same as follows:

Section 1: There is hereby adopted by the City Council a code entitled, "The Code of the City of Bowman, Georgia, 1990," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed, of which code not less than two (2) copies have been and are now filed in the Office of the City Clerk, authenticated by the signatures of the Mayor, City Clerk and City Attorney, and signed by the members of the City Council of the City of Bowman, said code being hereto attached and made a part hereof.

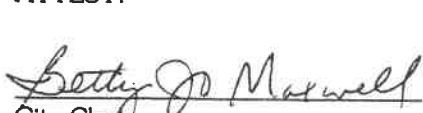
Section 2: The provisions of this Code shall be in force and effect on December 31, 20 01 and all ordinances of a general and permanent nature in force on such date and not contained in the Code are repealed by this ordinance from and after such date, except as may be provided hereinafter.

Section 3: The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before December 31, 20 01; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issue of any bonds, including revenue certificates, of the City of Bowman or any evidence of the city's indebtedness or any contract or obligation assumed by the city; nor shall such repeal affect the administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of the Code; nor shall it affect any right or franchise conferred by any ordinance or resolution of the city or any person or corporation; nor shall it affect any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to December 31, 20 01.

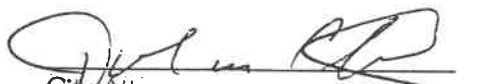
Section 4: It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or of the Code hereby adopted shall be declared unconstitutional or otherwise invalid by Valid Judgment or Decree of a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or of the Code hereby adopted.

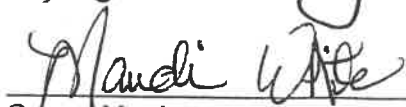
Read and adopted in the regular meeting of the City Council held on this 31st day of December 20 01.

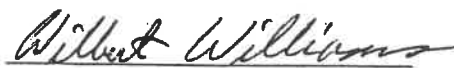
ATTEST:


City Clerk


Mayor

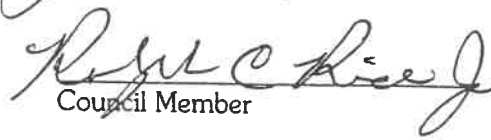

City Attorney


Council Member


Council Member



Council Member



Council Member