

AN ORDINANCE CREATING
THE CODE ENFORCEMENT BOARD OF THE CITY OF BOWMAN, GEORGIA

WHEREAS, pursuant to O.C.G.A. § 36-74-20 et seq., the Council of the City of Bowman, Georgia, is authorized to create a code enforcement board having jurisdiction to enforce certain codes and ordinances in the City of Bowman, Georgia;

WHEREAS, the Council of the City of Bowman, Georgia, finds it necessary and desirable to create a code enforcement board, to be known as the “Code Enforcement Board of the City of Bowman, Georgia,” having jurisdiction to enforce certain codes and ordinances in the City of Bowman, Georgia;

NOW, THEREFORE, the Council of the City of Bowman, Georgia, hereby ordains as follows:

1. Article VIII of Chapter 3 of the Code of the City of Bowman, Georgia, is hereby amended by inserting the following:

Section 3-803 Code Enforcement Board

1. **Created.** There is hereby created a code enforcement board to be known as the “Code Enforcement Board of the City of Bowman, Georgia.”
2. **Jurisdiction.** The code enforcement board shall have jurisdiction to enforce codes and ordinances in the City of Bowman, Georgia.
 - A. As used in this section, the term “codes and ordinances” means zoning ordinances and resolutions, ordinances and resolutions enacting subdivision regulations, environmental ordinances and resolutions, state minimum standard codes provided for in O.C.G.A § 8-2-25, ordinances and resolutions enacted pursuant to O.C.G.A § 8-2-25, other ordinances and resolutions regulating the development of real property, and ordinances and regulations providing for control of litter and debris, control of junked or abandoned vehicles, and control of overgrown vegetation. Notwithstanding the above, “codes and ordinances” does not include:
 - i. Those codes and ordinances requiring a permit, unless the alleged violator has failed to secure all necessary valid permits under said codes and ordinances; or
 - ii. Any local amendments to the state minimum standard codes provided for in O.C.G.A § 8-2-25 that have not been adopted in conformity with the requirements of O.C.G.A § 8-2-25.
3. **Members.** The code enforcement board shall consist of [three (3) / five (5) / seven (7) members] who shall be appointed by the Council of the City of Bowman, Georgia. The Council of the City of Bowman, Georgia, may appoint up to two (2) alternate members to serve on the code enforcement board in the absence of members.
 - A. **Qualifications.** The members and any alternate members shall be residents of the City of Bowman, Georgia. In making appointments to

the code enforcement board, the Council of the City of Bowman, Georgia, shall make good faith efforts to appoint one or more individuals who have experience or expertise relevant to one or more of the codes and ordinances that are within the jurisdiction of the code enforcement board, including individuals with property management and litter control experience, but the authority and jurisdiction of the code enforcement board shall not in any way be limited due to the absence from its membership of one or more individuals with such experience or expertise.

- B. **Terms.** The initial appointments to the code enforcement board shall be [one (1) member appointed for a term of two (2) years and two (2) members appointed for a term of four (4) years each / two (2) members appointed for a term of two (2) years each and three (3) members appointed for a term of four (4) years each / three (3) members appointed for a term of two (2) years each and four (4) members appointed for a term of four (4) years each]. Upon the expiration of the initial terms, all terms shall be for three (3) years. A member may be reappointed upon approval of the Council of the City of Bowman, Georgia.
- C. **Chairperson.** The members of the code enforcement board shall elect a chairperson, who shall be a voting member, from among the members of the code enforcement board.
- D. **Quorum.** The presence of [two (2) / three (3) / four (4)] or more members shall constitute a quorum of the code enforcement board.
- E. **Voting.** All actions of the code enforcement board, including the findings and conclusions contained in its orders, shall be by motion approved by a majority of those members present and voting, except that at least [two (2) / three (3) / four (4)] members of the code enforcement board must vote in order for the action to be official.
- F. **Vacancy.** An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairperson, the code enforcement board shall declare the office of that member vacant, and the Council of the City of Bowman, Georgia, shall promptly fill such vacancy.
- G. **Removal.** The members of the code enforcement board shall serve in accordance with the ordinances of the City of Bowman, Georgia, and may be suspended and removed for cause by the Council of the City of Bowman, Georgia. The Council of the City of Bowman, Georgia, may, with or without cause, refuse to reappoint any member of the code enforcement board at the expiration of his or her term of office.
- H. **Compensation.** The members of the code enforcement board shall serve without compensation but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Council of the City of Bowman, Georgia, or as otherwise provided by law.

4. Officers.

- A. City Clerk.** The City Clerk or any agent of the City Clerk, except the Assistant City Clerk, shall have enforcement authority for health, safety, and welfare requirements and shall be authorized to issue citations and file formal complaints regarding the same. The City Clerk or any agent of the City Clerk, except the Assistant City Clerk, shall be the code enforcement officer for the purposes of this section.
 - B. Assistant City Clerk.** The Assistant City Clerk shall provide clerical and administrative assistance to the code enforcement board in the proper performance of its duties.
 - C. City Attorney.** The City Attorney shall be counsel to the code enforcement board and shall not represent the City of Bowman, Georgia, or the Council of the City of Bowman, Georgia, by presenting cases before the code enforcement board.
- 5. Initiation of Enforcement Proceedings.** It shall be the duty of the code enforcement officer to initiate enforcement proceedings pursuant to the various codes and ordinances. No member of the code enforcement board shall have the power to initiate such enforcement proceedings.
 - A. Time to Correct Violations.** Except as otherwise provided in this section, if a violation of any code or ordinance is found, the code enforcement officer shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer shall proceed with enforcement through the appropriate court or shall proceed with enforcement through the code enforcement board. If the code enforcement officer proceeds through the code enforcement board, the code enforcement officer shall notify the code enforcement board and request a hearing. The code enforcement board shall schedule a hearing, and written notice of such hearing shall be hand delivered or made as provided in this section to said violator. At the option of the code enforcement board, notice may additionally be served by publication as provided in this section. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the code enforcement board even if the violation has been corrected prior to the hearing of the code enforcement board, and the notice shall so state.
 - B. Repeat Violations.** If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board shall schedule a hearing and shall provide written notice pursuant to this section. The case may be presented to the code enforcement board even if the repeat violation has been corrected prior to the hearing of the code enforcement board, and the notice shall so state.

- C. **Serious Threats.** If the code enforcement officer has substantial reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.
6. **Hearings.** Upon request of the code enforcement officer, or at such other times as may be necessary, the chairperson of the code enforcement board may call a hearing of the code enforcement board. [A hearing also may be called by written notice signed by at least [three (3) / two (2)] members of the code enforcement board]. Minutes shall be kept of all hearings by the code enforcement board, and all hearings and proceedings shall be open to the public.
- A. **Presentation.** Each case before the code enforcement board shall be presented by the code enforcement officer. The Council of the City of Boman, Georgia, may appoint legal counsel to present cases before the code enforcement board on behalf of the code enforcement officer.
- B. **Procedure.** The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- C. **Orders.** At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted in this section. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of Elbert County, Georgia, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this section and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.
7. **Powers.** The code enforcement board shall have the power to:
- A. Adopt rules for the conduct of its hearings, which rules shall, at a minimum, ensure that each side has an equal opportunity to present evidence and argument in support of its case;
- B. Take testimony under oath; and
- C. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

8. **Administrative Fines.** The code enforcement board, upon notification by the code enforcement officer that an order of the code enforcement board has not been complied with by the set time, may order the violator to pay an administrative fine in an amount specified in this section.
- A. **Amount.** As used in this section, “violation involving the health or safety of a third party” means a violation that creates a legitimate concern for the health and safety of a third-party occupant of a dwelling place or that creates an immediate and substantial danger to the environment.
- i. An administrative fine imposed pursuant to this section for a violation involving the health or safety of a third party shall not exceed \$1,000.00 per day.
 - ii. An administrative fine imposed pursuant to this section for a violation that is not a violation involving the health or safety of a third party shall not exceed a total of \$1,000.00.
 - iii. In determining the amount of the fine, if any, the enforcement board shall consider the following factors:
 1. The gravity of the violation;
 2. Any actions taken by the violator to correct the violation; and
 3. Any previous violations committed by the violator.
 - iv. The code enforcement board may reduce a fine imposed pursuant to this section.
- B. **Public Record.** A certified copy of an order imposing an administrative fine may be recorded in the public records of Elbert County, Georgia, county and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator. Upon petition to the Superior Court of Elbert County, Georgia, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the code enforcement board may request the City Attorney to foreclose on the lien.
9. **Length of Liens.** No lien imposed under this section shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney’s fee, that it incurs in the foreclosure. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.
10. **Appeals to Superior Court.** An aggrieved party, including the City of Bowman, Georgia, the Council of the City of Bowman, Georgia, and the code enforcement officer, may appeal a final administrative order of the code

enforcement board to the Superior Court of Elbert County, Georgia. Such an appeal shall be a hearing de novo. An appeal shall be filed within 30 days of the execution of the order to be appealed.

11. Notice. All notices required by this section shall be provided to the alleged violator by certified mail or statutory overnight delivery, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code enforcement officer, or other person designated by the Council of the City of Bowman, Georgia; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice.

A. In addition to providing notice by hand delivery, mail, or statutory overnight delivery as required by this section, at the option of the code enforcement board, notice may also be served by publication as follows:

i. Notice may be published once during each week for four consecutive weeks (four publications being sufficient) in the newspaper in which the sheriff's advertisements are printed in Elbert County, Georgia. Proof of publication shall be made by affidavit of a duly authorized representative of the newspaper; or

ii. Notice by publication may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery, mail, or statutory overnight delivery as required by this section. Evidence that an attempt has been made to deliver notice by hand, mail, or statutory overnight delivery as provided in this section, together with proof of publication as provided in this section, shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

12. Other Enforcement Methods. It is the intent of this section to provide an additional or supplemental means of obtaining compliance with codes and ordinances. Nothing contained in this section shall prohibit the City of Bowman, Georgia, the Council of the City of Bowman, Georgia, or the code enforcement officer from enforcing codes and ordinances by any other lawful means including criminal and civil proceedings. However, neither the City of Bowman, Georgia, the Council of the City of Bowman, Georgia, nor the code enforcement officer shall pursue a specific instance of an alleged violation of a code or ordinance against one violator before both the code enforcement board and a magistrate, municipal, or other court authorized to hear code or ordinance violations.

13. Residential Rental Property. Neither the City of Bowman, Georgia, the Council of the City of Bowman, Georgia, nor the code enforcement officer are authorized to perform investigations or inspections of residential rental property unless there is probable cause to believe there is or has been a violation or violations of codes or ordinances, and in no event may the City of Bowman, Georgia, or the Council of the City of Bowman, Georgia, or the code enforcement officer require the registration of residential rental property.

Conditions which appear to be code or ordinance violations which are in plain view may form the basis for probable cause.

2. All resolutions and ordinances and parts of resolutions and ordinances in conflict with this ordinance are hereby repealed.

IN WITNESS WHEREOF, this ordinance, having been introduced by the Council of the City of Bowman, Georgia, on the 25th day of June, 2025, read by the Council of the City of Bowman, Georgia, on the 9th day of July, 2025, and approved by the Council of the City of Bowman, Georgia, on the 16th day of July, 2025, shall become effective on the 21st day of July, 2025.



Scott Harpold, Mayor

Attest:



Tiffany Verdell, City Clerk