

MORATORIUM IN EFFECT FROM 08/01/2025 UNTIL 01/28/2026

AN ORDINANCE PROVIDING FOR THE REPAIRING, CLOSING, OR DEMOLISHING OF PUBLIC NUISANCE DWELLINGS, BUILDINGS, OR STRUCTURES

WHEREAS, the Board of Commissioners of Putnam County, Georgia, finds that there exist in the county 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 the county, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed;

WHEREAS, pursuant to O.C.G.A. § 41-2-7 et seq., the Board of Commissioners of Putnam County, Georgia, is authorized to declare the aforesaid dwellings, buildings, or structures a public nuisance and to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures in the manner provided therein;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Putnam County, Georgia, as follows:

1. Article III of Chapter 18 of the Putnam County Code of Ordinances is hereby amended to add Secs. 18-96 through 18-119 following Sec. 18-95. These additional sections are hereby reserved for future use.
2. Chapter 18 of the Putnam County Code of Ordinances is hereby amended to add Article IV, which is hereby titled "PUBLIC NUISANCE DWELLINGS, BUILDINGS, OR STRUCTURES," following Article III and to add the following sections thereunder:

Sec. 18-120. - Definitions.

As used in this article, the term:

Applicable codes means:

- (1) Any optional housing or abatement standard provided in Chapter 2 of Title 8 of the Official Code of Georgia Annotated 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;
- (2) Any fire or life safety code as provided for in Chapter 2 of Title 25 of the Official Code of Georgia Annotated; and
- (3) Any building codes adopted by ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8 of the Official Code of Georgia Annotated 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.

Board means the board of commissioners of the county.

Clerk means the clerk of the superior court of the county.

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

County means the unincorporated area of Putnam County, Georgia.

Magistrate court means the magistrate court of the county.

Director means the director of the planning and development department of the county.

Drug crime means an act which is a violation of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, 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 outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. As used in this article, *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.

Interested parties means:

- (1) An owner;
- (2) 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;
- (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (4) 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 courthouse of the county or by the clerk. *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

(5) Persons in possession of said property and premises.

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

Public authority means any member of the board and any housing authority officer or any other officer who is in charge of any department or branch of the government of the county or of the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county.

Repair means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the county 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 county on or after the date on which the alleged nuisance arose.

Superior court means the superior court of the county.

Tax commissioner means the tax commissioner of the county.

Sec. 18.121. - Declaration of public nuisance.

The board finds and declares that there exist in the county 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 the county, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed. The board finds and declares it to be a public nuisance to construct or maintain any dwelling, building, structure, or property as described in this section.

Sec. 18.122. - Duty of owners.

It is the duty of the owner of every dwelling, building, structure, or property within the county to construct and maintain such dwelling, building, structure, or property in conformance with the applicable codes in force within the county, 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. A finding by any governmental health department, health officer, or building inspector that a dwelling, building, structure, or property is a health or safety hazard shall constitute prima-facie evidence that said dwelling, building, structure, or property is in violation of this section and this article.

Sec. 18.123. - Powers of the director.

The director is appointed and authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including, in addition to those other powers granted in this article, the following powers:

- (1) To investigate the dwelling conditions in the county 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 or she deems necessary to carry out the purposes of the ordinances; and
- (5) To delegate any of his or her functions and powers under this article to such officers and agents as he or she may designate.

Sec. 18.124. - Determination by the director.

(a) The director 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 the director 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 the county. 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.

- (b) The director 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.

Sec. 18.125. - Procedures.

- (a) Whenever a request is filed with the director by a public authority or by at least five residents 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 director shall make an investigation or inspection of the specific dwelling, building, structure, or property.
- (b) If the investigation or inspection of the director 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 director 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.
 - (1) 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 director to abate the alleged nuisance.
 - (2) The summons shall notify the interested parties that a hearing will be held before the magistrate court at a date and time certain and at a place within the county. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the magistrate court.
- (c) 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.
- (d) If, after such notice and hearing, the magistrate 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 magistrate 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:

- (1) 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
- (2) 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 section, the magistrate 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 determination of the court. 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 county.

- (e) Review of an order of the magistrate court requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be a de novo proceeding in the superior court under O.C.G.A. §§ 5-3-4 and 5-3-5.

Sec. 18.126. - Service of complaints, orders, and other filings.

- (a) Complaints issued by the director pursuant to this article shall be served at least 14 days prior to the date of the hearing. The director 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 advertisements of the sheriff appear in the 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, at the time of filing the complaint in the magistrate 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 article 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.

Sec. 18.127. - Failure of owners to comply.

- (a) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the director 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 Sec. 18.128 of this article 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 director 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.”
- (b) If the director 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 director and board 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.
- (c) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the tax commissioner, 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.

Sec. 18.128. - Injunctions against order to repair, close, or demolish unfit buildings or structures.

Any person affected by an order issued by the director may petition to the superior court for an injunction restraining the director from carrying out the provisions of the order and the superior court may, upon such petition, issue a temporary injunction restraining the director pending the final disposition of the cause; provided, however, that such person shall present such petition to the superior court within 15 days of the posting and service of the order of the director. De novo hearings shall be had by the superior court on petitions within 20 days. The superior 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 section.

Sec. 18.129. - Lien.

- (a) The lien provided for in subsection (c) of Sec. 18.127 of this article 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 and shall relate back to the date of the filing of the lis pendens notice required under subsection (c) of Sec. 18.126 of this article. The clerk 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.
- (b) Upon final determination of costs, fees, and expenses incurred in accordance with this article, the director shall transmit to the tax commissioner 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 director shall be transmitted within 90 days of completion of the repairs, demolition, or closure. It shall be the duty of the tax commissioner 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 of the Official Code of Georgia Annotated; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The tax commissioner shall remit the amount collected to the board.
- (c) Enforcement of liens pursuant to this section may be initiated at any time following receipt by the tax commissioner of the final determination of costs in accordance with this article. 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 O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this article.

- (d) The redemption amount in any enforcement proceeding pursuant to this section shall be the full amount of the costs as finally determined in accordance with this section together with interest, penalties, and costs incurred by the board or tax commissioner in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (e) The board may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the county 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.

Sec. 18.130. - 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 of eminent domain under the laws of the state of Georgia nor as permitting any property to be condemned or destroyed except in accordance with the police power of the state of Georgia.

Sec. 18.131. - Authority to use revenues, grants, and donations.

The board 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 this article.

Sec. 18.132. - Construction of article.

- (a) Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the county to enforce any provisions of its local enabling act or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law.
- (b) In addition to the procedures and remedies in this article, the director 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 article.
- (c) Nothing in this article shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 18.133. - Prior ordinances.

Ordinances relating to the subject matter of this article adopted prior to the date of the enactment of this article shall remain in force and effect.

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

IN WITNESS WHEREOF, this ordinance, having been introduced by the Board of Commissioners of Putnam County, Georgia, on the 20th day of May, 2025, and having been heard upon prior notice by the Board of Commissioners of Putnam County, Georgia, on the 24th day of April, 2025, is approved and adopted by the Board of Commissioners of Putnam County, Georgia, on this 20th day of May, 2025



Bill Sharp, Chairman

Attest:



Lynn Butterworth, County Clerk