

STATE LAW TOOLS FOR CODE ENFORCEMENT

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The following state minimum standard codes have state-wide application and any city or county is authorized to enforce the following codes even without specific adoption:

1. International Building Code (ICC)
2. National Electrical Code (NFPA)
3. International Fuel Gas Code (ICC)
4. International Mechanical Code (ICC)

5. International Plumbing Code (ICC)
6. International Residential Code for One- and Two-family Dwelling (ICC)
7. International Energy Conservation Code (ICC)
8. International Fire Code (ICC)

O.C.G.A. § 8-2-25 & § 8-2-20

The following codes are enforceable by a city or county if specifically adopted by the local government:

1. International Existing Building Code (ICC)
2. International Property Maintenance Code (ICC)
3. Any other code approved by DCA

O.C.G.A. § 8-2-25 & § 8-2-20

Violation of county ordinances may be adjudicated in the magistrate courts.

O.C.G.A. § 15-10-60 et seq.

- Punishment for ordinance violation shall not exceed \$1,000 or 60 days imprisonment, or both, or otherwise the maximum punishment specified by ordinance.
- Prosecution of ordinance violations may be made by citation or accusation. O.C.G.A. § 15-10-62
- Citations may be commenced by completion, signing, and service by authorized county agent.

MUNICIPAL COURTS

- Authority to try offenses against municipal laws
- Violation of municipal law is misdemeanor
O.C.G.A. §36-32-5

MUNICIPAL COURTS: POWER TO PUNISH

- Impose fines
- Other punishment if fine not paid
- Sentence to community service work
O.C.G.A. §36-32-5

MUNICIPAL COURTS: TRIALS

- Jurisdiction over misdemeanor offense or ordinance violations
- Violation may be tried upon summons, citation, or an accusation
O.C.G.A. §36-32-10.2

LOCAL GOVERNMENT CODE ENFORCEMENT BOARD

O.C.G.A. Chapt. 36-74

- A local government may appoint one or more code enforcement boards. Members are residents of the municipality or county.

POWERS OF THE ENFORCEMENT BOARDS

O.C.G.A. § 36-74-8

1. Adopt rules for the conduct of hearings.
2. Subpoena alleged violators and witnesses to its hearings.
3. Subpoena evidence to its hearings.
4. Take testimony under oath.
5. Issue orders to command whatever steps necessary to remedy a violation.

ABATEMENT OF PUBLIC NUISANCES

O.C.G.A §41-2-1 et seq.

WHAT IS A NUISANCE?

- Anything that causes hurt, inconvenience, or damage to another
- May be nuisance even though otherwise lawful activity
- Must affect ordinary, reasonable person
O.C.G.A. §41-1-1

LAWSUIT TO ABATE PUBLIC NUISANCE

- May be filed by district attorney, solicitor-general, city attorney, or county attorney
O.C.G.A. §41-2-2

ENJOINING NUISANCE TO BE ERECTED OR COMMENCED

- If cause irreparable damage and is to reasonable degree certain, injunction may issue to restrain nuisance before completed
O.C.G.A. §41-2-4

POWER OF COUNTIES AND CITIES TO REPAIR, CLOSE OR DEMOLITION UNFIT BUILDINGS OR STRUCTURES

- A county or city may take action against such 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.” O.C.G.A §41-2-7

PROCEDURE FOR REPAIR, CLOSE OR
DEMOLISH MAY BE APPLIED TO PRIVATE
PROPERTY WHERE THERE EXISTS
ENDANGERMENT TO PUBLIC HEALTH
OR SAFETY TO THOSE PERSONS RESIDING
OR WORKING IN THE VICINITY

- Finding by the health department, or building inspector that property's health or safety standard is prima facia evidence that property in violation of this code. O.C.G.A. §41-2-7

ADOPTION OF ORDINANCES RELATING TO UNFIT BUILDINGS

- City or county may adopt ordinances finding that a dwelling, building or structure unfit for human habitation or commercial, industrial or business, or which are vacant or being used for commission of drug crime, or which constitute endangerment to the public health or safety as a result of unsanitary or unsafe condition O.C.G.A. §41-2-9
- A public officer may be identified to exercise the powers prescribed by ordinance

- A public officer may issue complaint against the building or structure in city or magistrate court, whichever is appropriate
- After notice and hearing, if a dwelling or building is found unfit for human habitation or as otherwise provided by code, the court shall state its findings of fact in writing and issue upon the owner an order, as follows:
 - If repair can be made at reasonable cost an order may require repair within a specified time to bring within full compliance of the applicable code.

–If repair or improvement cannot be made at reasonable cost, the owner may be ordered to demolish or remove the dwelling, building or structure and all debris from the property

–If the owner fails to comply with the order to repair or demolish the building, the public officer may cause such dwelling or building to be repaired or demolished O.C.G.A. §41-2-9

- If the city or county demolishes or repairs the building, the cost shall be a lien against the property O.C.G.A. §41-2-9

DETERMINATION BY PUBLIC OFFICER THAT DWELLING OR BUILDING UNFIT FOR USE

- Determination that building unfit by public officer may rest upon, though not necessarily, the following conditions:
 - Defects increasing hazards of fire or accidents
 - Lack of adequate ventilation and light or sanitary facilities
 - Dilapidation
 - Disrepair
 - Structural defects
 - Uncleanliness

O.C.G.A. §41-2-10