

Chapter 24

NUISANCES*

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*State law reference—Nuisances, O.C.G.A. § 41-1-1 et seq.

ARTICLE I. IN GENERAL**Sec. 24-1. Declaration of nuisance.**

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises;
 - (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
 - (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the city;
 - (4) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;
 - (5) Maintaining a dangerous or diseased animal or fowl;
 - (6) Obstruction of a public street, highway or sidewalk without a permit;
 - (7) Loud or unusual noises which are detrimental or annoying to the public, including, without limitation, unusual loud disturbances in or around churches or multiple-family complexes such as loud music and other activities in swimming pool and clubhouse areas;
 - (8) All walls, trees and buildings that may endanger persons or property;
 - (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent those activities;
 - (10) Unused iceboxes, refrigerators and the like unless the doors, latches or locks thereof are removed;
 - (11) Any trees, shrubbery or other plants or parts thereof which obstruct clear, safe vision on roadways and intersections in the city;
 - (12) Littering resulting from discard of waste materials and/or scraps upon city property or rights-of-way or upon the property of citizens within the city;
 - (13) Any unfit or dilapidated building or structure (see article III of this chapter);
 - (14) Any other condition constituting a nuisance under state law.
- (Code 2002, § 9-2-1)

Sec. 24-2. Jurisdiction to try and abate.

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in case of conviction, to punish persons failing to abate nuisances.

(Code 2002, § 9-2-2)

Sec. 24-3. Complaint of nuisance; hearing.

(a) Any official or inhabitant of the city may direct a complaint of nuisance to the city police department, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court, after a ten-day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within a designated period as the recorder shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.

(b) Animal control officers, code enforcement officers, building inspectors and the director of public works shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.

(Code 2002, § 9-2-3)

Sec. 24-4. Abatement by city.

(a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the judge that it must be immediately abated, the judge may issue an order to the chief of police directing the nuisance to be abated. The chief of police in such case shall keep record of the expense and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection in the same manner as for city property taxes.

(b) Other city departments shall assist the chief of police as is necessary in abating nuisances hereunder.

(Code 2002, § 9-2-4)

Sec. 24-5. Nuisance per se, exception; summary abatement.

Nothing contained in this chapter shall prevent the mayor 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.

(Code 2002, § 9-2-5)

Sec. 24-6. Offense; penalty.

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.
(Code 2002, § 9-2-6)

Secs. 24-7—24-30. Reserved.

ARTICLE II. TRASH REGULATION**Sec. 24-31. Title.**

This article shall be known and referred to as the "City of Wrens Trash Regulation Ordinance."
(Code 2002, § 9-3-1)

Sec. 24-32. Purpose.

(a) In the city, an accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions exist which create a health hazard or a general nuisance to those persons residing in the vicinity. Such conditions tend to interfere with the enjoyment of and reduce the value of private property; create safety and health hazards to children as well as adults; and interfere with the comfort and welfare of the public.

(b) This article is adopted for the physical and economic growth of the city as will best promote the public health, morals, convenience and general welfare of the citizens of the city, and for the purpose of protecting the public. Adequate protection of the public health, safety and welfare requires that such conditions be regulated, removed, abated or prohibited.
(Code 2002, § 9-3-2)

Sec. 24-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Governing body means the mayor and city council of the city.

Parties in interest means the 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 officer means the officer or officers who are authorized by the governing body of the city.
(Code 2002, § 9-3-3)

Sec. 24-34. Unlawful accumulation of weeds, trash, junk, filth, and other unsanitary or unsafe conditions.

No owner of any vacant lot or parcel of land in the city, whether for business, industrial, or residential use, shall allow an accumulation of weeds, trash, junk, filth, or other unsanitary or unsafe conditions creating a public health hazard or a general nuisance to those persons residing within the vicinity; nor shall any lot owner permit or allow grass, weeds, vines, underbrush, or other growth to grow or accumulate thereon, or on the area between the lot or parcel of land and the street curb, so as to constitute an unclean, unhealthy, unsanitary, unsightly, filthy, dangerous, objectionable, or offensive condition.

(Code 2002, § 9-3-4)

Sec. 24-35. Unlawful dumping of debris.

No owner of any vacant lot or parcel of land in the city, whether for business, industrial, or commercial use, shall permit or allow debris to be dumped or allow old lumber and building material to be piled thereon.

(Code 2002, § 9-3-5)

Sec. 24-36. Abatement.

Whenever the public officer discovers that the provisions of section 24-34 or 24-35 are being violated, he shall give the owner, his agent or other representative, and any other parties in interest, written notice by mail, directed to the last known address as maintained on the city property records, that the condition shall be remedied within 30 days; and if, after the expiration of the 30 days the condition is not remedied, the public officer shall cause the work to be done and tax the cost of the work against the owner and the property. The cost shall constitute a lien against the property, and the city clerk shall issue a fi. fa. in the name of the city, acting by and through the mayor and council, for the cost, and levy the fi. fa. upon, and expose for sale, the property in a manner consistent with the laws of the state.

(Code 2002, § 9-3-6)

Sec. 24-37. Penalties.

Each day such violation is committed or permitted shall constitute a separate offense and shall be punishable as such.

(Code 2002, § 9-3-7)

Secs. 24-38—24-62. Reserved.**ARTICLE III. UNFIT BUILDINGS AND STRUCTURES****Sec. 24-63. Findings.**

(a) The governing authority of the city find and declare that within the city limits 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 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 city; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the city and the state; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

(b) It is further found and declared that in the city 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 the city 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. The governing authority of the city finds that there exist in the city dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are 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 other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the city, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed, and private property exists constituting 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 of the property.

(c) It is the intention of the governing authority that this article shall comply with and does comply with O.C.G.A. § 41-2-9(a) as a finding that conditions as set out in O.C.G.A. § 41-2-7 exist within the city.
(Code 2002, § 3-7-1)

Sec. 24-64. Title.

This article shall be known and referred to as the "City of Wrens Unfit Buildings or Structures Regulation/Nuisance Abatement Procedure Ordinance."
(Code 2002, § 3-8-1)

Sec. 24-65. Continued use; definitions.

(a) *Continued use of other laws and ordinances.* It is the intent of the mayor and council that nothing in this article 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 article 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 article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Applicable code means:

- (1) Any optional housing or abatement standard provided in O.C.G.A. title 8, ch. 2 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 O.C.G.A. title 25, ch. 2; and
- (3) Any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. title 8, ch. 2 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. § 16-13-20 et seq., known as the Georgia Controlled Substances Act.

Dwelling, building, or structure 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. The term "dwelling, building, or structure" 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.

Interested parties.

- (1) The term "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 O.C.G.A. § 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 governing authority or records maintained in the county courthouse or by the clerk of the county superior court; and
 - e. Persons in possession of said property and premises.
- (2) The term "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.

Municipality means any incorporated city within this state.

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

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 city.

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

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.

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

(Code 2002, § 3-8-2; Ord. No. 002-002-2011, §§ I, II, 2-8-2011)

Sec. 24-66. Duties of owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful; hearing; liens.

(a) It is the duty of the owner of every dwelling, building, structure, or property within the city to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city, 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.

(b) The governing authority appoints and designates the building inspector of the city and his designees as public officer(s) to exercise the powers prescribed by this article.

(c) 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, 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.

(d) If the public 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.

(e) 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 O.C.G.A. § 41-2-5, at a date and time certain and at a place within the city 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 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.

(f) 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:

- (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.

(g) For purposes of this article, 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 a 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 state appraiser classification as provided in O.C.G.A. title 43, ch. 39a, 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.

(h) 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 O.C.G.A. § 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."

(i) 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.

(j) 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.

(k) The lien provided for in subsection (j) of this 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 the county superior court and shall relate back to the date of the filing of the lis pendens notice required under section 24-69(c). The clerk of the county 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. Upon final determination of costs, fees, and expenses incurred in accordance with this article, the public officer responsible for enforcement actions in accordance with this article 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 O.C.G.A. title 48, ch. 4; 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 county tax commissioner shall collect and enforce municipal liens imposed pursuant to this article in accordance with O.C.G.A. § 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 whose lien is being collected.

(l) Enforcement of liens pursuant to this article 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 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.

(m) 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 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 O.C.G.A. §§ 48-4-80 and 48-4-81.

(n) 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 city 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.

(o) Where the abatement action does not commence in the superior court of the county, 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 O.C.G.A. § 5-3-29.

(p) In addition to the procedures and remedies provided herein, the governing authority may designate public officers to 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.

(q) Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Code 2002, § 3-8-3; Ord. No. 002-002-2011, § III, 2-8-2011)

Sec. 24-67. Determination by public officer that dwellings, buildings, or structures are vacant and/or unfit.

(a) The public officer may determine 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 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 by the governing authority.

(b) The public officer may determine 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 report of a law enforcement agency and evidence of drug crimes being committed.

(Code 2002, § 3-8-4)

Sec. 24-68. Powers of public officers.

The public officers designated in this article shall have the following powers:

- (1) To investigate the dwelling conditions in the city 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 this article;
- (5) To delegate any of his functions and powers under this article to such officers and agents as he may designate; and
- (6) To perform those acts as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article.

(Code 2002, § 3-8-5; Ord. No. 002-002-2011, § IV, 2-8-2011)

Sec. 24-69. Service of complaints.

(a) Complaints issued by the public officer pursuant to this article 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 the county superior court 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 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.

(Code 2002, § 3-8-6; Ord. No. 002-002-2011, § V, 2-8-2011)