

**FORSYTH COUNTY, GEORGIA
ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND CHAPTER 18,
BUILDINGS AND BUILDING REGULATIONS, TO
PROVIDE FOR ENFORCEMENT OF CERTAIN
APPLICABLE CODES RELATIVE TO THE SAFE USE
OF REAL PROPERTY IN ACCORDANCE WITH
GEORGIA LAW; TO REPEAL ANY CONFLICTING
PROVISIONS; AND FOR OTHER PURPOSES.**

BE IT ORDAINED by Forsyth County, Georgia while in a regularly called Board of Commissioners meeting on _____ at _____ p.m. as follows:

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. § 36-61-11 authorizes any county, by ordinance, to require the repair, closing, or demolition of dwellings or other structures intended for human habitation which are, as defined in the ordinance, unfit for human habitation or which may imperil the health, safety, or morals of the occupants thereof or of surrounding areas; and

WHEREAS, Chapter 2 of Title 41 provides that certain provisions should be included in a County's ordinance to enforce provisions related to abatement of nuisances; and

WHEREAS, the County wishes to exercise its authority in adopting this Ordinance consistent with such requirements to assist in the Code Enforcement process.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains that:

Section 1. The language attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein is hereby adopted and approved, and shall be codified as Article VIII in Chapter 18 (Buildings and Building Regulations) of the Code of Ordinances.

Section 2. The following language shall be added to Ordinance Number 64, adopted February 12, 2001, as codified as Section 18-33 of the Code of Ordinances:

“Further, a nuisance may be abated as authorized and using the procedures established in Article VIII of this Chapter.”

Section 3. The following language shall be added to Ordinance Number 32-B, adopted November 5, 2015, as codified as Section 18-71 of the Code of Ordinances:

“Further, a nuisance may be abated as authorized and using the procedures established in Article VIII of this Chapter.”

Section 4. The following language shall be added to Section 6 of Ordinance Number 69, adopted March 25, 1991 and amended December 1, 2011, and shall be codified as Section 18-106(c):

“(c) Notwithstanding any of the foregoing, abatement of any nuisance shall be handled as authorized and using the procedures established in Article VIII of this Chapter.”

Section 5. The following language shall be added to Section 1 of Ordinance Number 88-A, adopted March 6, 2008, and shall be codified as Section 18-185(i):

“(i) Notwithstanding and in addition to the foregoing, abatement of any nuisance occurring under this Article may be handled as authorized and using the procedures established in Article VIII of this Chapter.”

Section 6. The following language shall be added to Section 1 of Ordinance Number 88-B, adopted November 3, 2011, and shall be added to the last sentence of Section 18-187(c) as codified:

“, including, but not limited to, Article VIII of this Chapter.”

Section 7. Section 1 of Ordinance Number 124, adopted November 5, 2015, as codified in Section 22-233 of the Code of Ordinances, shall be amended to read as follows:

“(a) Any premises, building, dwelling, or other structure in which a massage establishment or spa establishment is operated or maintained in violation of this article is declared to be a public nuisance, harmful to the public health, safety, and welfare. The county's legal counsel may bring an action in the Superior Court of Forsyth County, or any other court of competent jurisdiction, to restrain, prohibit, and/or enjoin the use of such premises as a massage establishment or spa establishment ~~in the Superior Court of Forsyth County~~.

(b) The operation of a massage establishment or spa establishment by a partnership, limited liability company, corporation, or other legal entity in violation of this article is declared to be a public nuisance, harmful to the public health, safety, and welfare. The county's legal counsel may bring an action in the Superior Court of Forsyth County, or any other court of competent jurisdiction, to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.

- (c) The operation of a massage establishment or spa establishment by a person in violation of this article is declared to be a public nuisance, harmful to the public health, safety, and welfare. The county's legal counsel may bring an action in the Superior Court of Forsyth County, or any other court of competent jurisdiction, to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.
- (d) It shall not be necessary, in order to obtain an injunction under this section, to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.
- (e) If the court declares a massage establishment or spa establishment to be a nuisance, or if the court issues an injunction against a massage establishment or spa establishment pursuant to this article, or any other applicable law, the County shall be entitled, on motion, to recover its reasonable attorneys' fees and costs incurred in bringing the action.”

Section 8. The following language shall be added to Article IV, Part 3 of Ordinance Number 84, adopted June 28, 1999 and Amendment A thereto, adopted November 12, 2002, and shall be codified as Section 70-103(d) of the Code of Ordinances:

- “(d) Notwithstanding and in addition to the foregoing, abatement of any nuisance occurring under this Article may be handled as authorized and using the procedures established in Article VIII of Chapter 18.”

Section 9. All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 10. It is the express intent of the Board of Commissioners of Forsyth County, Georgia that this Ordinance be consistent with both federal and State law concerning the County’s abatement of nuisances. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are declared severable.

Section 11. That this Ordinance shall become effective upon its adoption.

BE IT ORDAINED this ____ day of _____, 2016, by the Board of Commissioners of Forsyth County, Georgia.

[SIGNATURES ON FOLLOWING PAGE]

FORSYTH COUNTY BOARD OF COMMISSIONERS

Ralph J. Amos, Chairman

Cindy Jones Mills, Vice Chairman

Brian R. Tam, Secretary

Todd Levent, Member

Jim Boff, Member

Attest:

County Clerk

(County Seal)

Exhibit A

Section 1. Incorporation of State Law

Forsyth County hereby incorporates the Abatement of Nuisances in Cities and Counties, O.C.G.A. § 41-2-5 through 41-2-17, into this adoption of law.

Section 2. Purpose and Findings

The purpose of this Ordinance is to establish uniform regulations and procedures for the determination and remedy of a nuisance as defined in O.C.G.A. § 41-1-1.

It is found and declared that in Forsyth County, Georgia there is the existence or occupancy of dwellings or other buildings, structures, or properties which are unfit for human habitation or for residential, commercial, industrial, or business occupancy or use and not in compliance with the 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 Forsyth County; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of Forsyth County; and that a public necessity exists for the repair, maintenance, closing, or demolition of such dwellings, buildings, structures, or properties.

It is found and declared that in Forsyth County, Georgia, 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 Forsyth County 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.

Whenever there exists in Forsyth County dwellings, buildings, structures, or properties 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, structures, or properties unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of Forsyth County, or vacant, dilapidated dwellings, buildings, structures, or properties in which drug crimes are being committed, Forsyth County may exercise its police power to repair, maintain, close, or demolish the aforesaid dwellings, buildings, structures, or properties in the manner provided in this Ordinance, and as authorized by O.C.G.A. §§ 41-2-8 to 41-2-17.

This Ordinance may be applied to private property where there exists 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. A finding by any governmental health department, health officer, building inspector, or code enforcement officer that such property is a health or safety hazard shall constitute prima-facie evidence that said property is in violation of this section.

The County's exercise of the powers described in this ordinance shall be limited to properties located in the unincorporated areas of the County.

Section 3. Definitions

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense; the singular shall include the plural, and the plural the singular; and the use of masculine or feminine gender is for convenience only, and the use of each shall include the other.

As used in this Ordinance, the term:

- (a) **“Applicable codes”** means (i) any optional housing or abatement standard provided in Chapter 2 of Title 8, Official Code of Georgia, 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; (ii) any fire or life safety code as provided for in Chapter 2 of Title 25, Official Code of Georgia; and (iii) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in Chapter 2 of Title 8, Official Code of Georgia, after October 1, 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.
- (b) **“Closing”** means causing a dwelling, building, structure, or property to be vacated and secured against unauthorized entry.
- (c) **“County”** means Forsyth County.
- (d) **“Drug crime”** means an act which is a violation of Article 2 of Chapter 13 of Title 16, Official Code of Georgia, known as the “Georgia Controlled Substances Act.”
- (e) **“Dwellings, buildings, structures, or properties”** 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 and any associated property. However, as used in this Ordinance, the term “dwellings, buildings, structures, or properties” shall not mean or include any farm, any building, structure, or property 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.
- (f) **“Governing authority”** means the Board of Commissioners of Forsyth County, Georgia.
- (g) **“Interested parties”** means:
 - (i) Owner;

- (ii) 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;
 - (iii) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
 - (iv) 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
 - (v) Persons in possession of said property and premises.
- (h) **“Owner”** means the holder of the title in fee simple and every mortgagee of record.
 - (i) **“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 Forsyth County or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, structures, or properties in the county.
 - (j) **“Public Officer”** means the officer or officers who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers.
 - (k) **“Repair”** means altering or improving a dwelling, building, structure, or property so as to bring the structure or property into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of tall grass, weeds, debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, structure, or property.
 - (l) **“Resident”** means any person residing in Forsyth County on or after the date on which the alleged nuisance arose.

Section 4. Public Nuisance; Duty of Owner of Dwelling, Building, Structure or Property

Every owner of every dwelling, building, structure, or property within Forsyth County, Georgia, has the duty to construct and maintain such dwelling, building, structure, or property in conformance with the applicable Forsyth County Ordinances or other applicable codes 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.

Section 5. Designation and Authority of Public Officers

- (a) **Designation of Public Officers.** The County Manager, the Supervisor for the County’s Code Enforcement Department, the Director of the County’s Department of

Planning and Community Development, and the County Attorney and their designees are all (individually and collectively) designated and appointed to exercise the powers presented by this Ordinance and are referred to herein as the Public Officer.

(b) **Powers of Enforcement Authorized.** The Public Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A. §§ 41-2-7 through 41-2-17, including the following additional powers:

- (i) To investigate the dwelling conditions in unincorporated Forsyth County in order to determine which dwellings, buildings, structures, or properties 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;
- (ii) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (iii) 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 and shall follow applicable due process of law;
- (iv) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this Ordinance;
- (v) To delegate any of his functions and powers under this Ordinance to such officers and agents as he may designate; and
- (vi) To consult with any engineers or other qualified professionals in carrying out the functions and powers of this Ordinance.

(c) **Standards for Determining Violation.** The Public Officer may determine, under existing ordinances, that a dwelling, building, structure, or property is unfit for human habitation or is unfit for its current residential, commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, structure, or property which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, structure, or property; of the occupants of neighborhood dwellings, buildings, structures, or properties; or of other residents of Forsyth County. Such conditions may include the following (without limiting the generality of the foregoing):

- (i) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (ii) Lack of adequate ventilation, light, or sanitary facilities;
- (iii) Dilapidation;
- (iv) Disrepair;
- (v) Structural defects; and

- (vi) Uncleanliness constituting an unsanitary condition.

The Public Officer may determine that a dwelling, building, structure, or property is vacant, dilapidated, and being used in connection with the commission of drug crimes upon, among other things, personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Section 6. Enforcement Procedures

- (a) **Filing of Request; Investigation.** Whenever a request is filed with the Public Officer by a public authority or by at least five residents of unincorporated Forsyth 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 Public Officer shall make an investigation or inspection of the specific dwelling, building, structure or property.
- (b) **Issuance of Notice or Filing of Complaint.** 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 shall notify the Board of Commissioners of such finding and shall either issue a 30-day notice to comply or file a complaint in rem as indicated below.
- (c) **Issuance of Thirty-Day Notice.** The Public Officer may issue and cause to be served via certified and regular mail upon the owner and any interested parties notice that the 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 notice shall instruct the owner to repair, alter, improve, vacate and close or demolish said dwelling, building, structure, or property within 30 days of the date the notice is mailed via regular delivery.
- (d) **Filing a Complaint.** If the dwelling, building, structure or property is not repaired, altered, improved, vacated and closed or demolished within 30 days, or, if the Public Official determines that it is in the best interest of the County to proceed without first issuing a 30-day notice, the Public Official 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, structure, or property.

- (e) **Contents of Complaint.** The complaint shall
- (i) Identify the subject real property by appropriate street address and official tax map reference;
 - (ii) Identify the owner and other interested parties;
 - (iii) State with particularity the factual basis for the action; and
 - (iv) Contain a statement of the action sought by the Public Officer to abate the alleged nuisance. Unless specifically authorized by the Board of Commissioners, demolition shall not be sought for any dwelling, building, structure or property that is occupied or has exceptional historical, architectural or social uniqueness or significance.
- (f) **Service of Complaint.** Complaints issued by a Public Officer shall be served in the following manner:
- (i) 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.
 - (ii) 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.
 - (iii) At the time of filing the complaint in the Forsyth County Magistrate Court, a notice of lis pendens shall be filed in the office of the Forsyth County Clerk of Superior Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
 - (iv) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner described above 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.
- (g) **Issuance of Summons; Hearing.** The summons shall notify the owner and other interested parties that a hearing will be held before the Forsyth County Magistrate Court, at the date and time certain and at a place within Forsyth County. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the

proper court. The owner and other 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.

- (h) **Issuance of Order by Court.** If, after such notice and hearing, the court determines that the dwelling, building, structure, or property 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 requiring any building, dwelling, structure, or property to be repaired, altered, improved, vacated, closed and/or demolished in accordance with the following:

- (i) If the repair, alteration, or improvement of the said dwelling, building, structure, or property can be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or property 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
- (ii) If the repair, alteration, or improvement of the said dwelling, building, structure, or property 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, structure, or property, requiring the owner, within the time specified in the order, to vacate and close or demolish and remove such dwelling, building, structure, or property and all debris from the property.

For the purposes of this section, the court shall make its determination of “reasonable cost in relation to the present value of the dwelling, building, structure, or property” without consideration of the value of the land on which a structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure or property to bring it into compliance 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 the Georgia appraiser classification as provided in Chapter 39A of Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure or property shall be the cost necessary to bring the structure or property into compliance with the applicable codes relevant to the cited violations in force in Forsyth County.

- (i) **Noncompliance with the Order.** If the owner fails to comply with an order to repair, vacate and close, or demolish and remove the dwelling, building, structure, or property, the Public Officer or his designee may cause such dwelling, building, structure, or property 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, or his designee, shall cause to be posted on the main entrance of the building, dwelling, structure, or property 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.”

- (j) **Demolition Procedure.** 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 Forsyth County Board of Commissioners 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.
- (k) **Recovery of Costs of Abatement.** The amount of the cost of repair, closure or demolition, including all court costs, appraisal fees, administrative costs incurred by the county 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.

Said lien 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 Forsyth County Clerk of Superior Court and shall relate back to the date of the filing of the lis pendens notice required under O.C.G.A. § 41-2-12(c). The Forsyth County 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 in 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.

After filing a certified copy of the order with the Forsyth County Clerk of Superior Court and final determination of costs, fees, and expenses incurred in accordance with this section, the Public Officer shall transmit to the county 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 Public Officer shall be transmitted within 90 days of completion of the repairs, demolition, or closure.

It shall be the duty of the county tax commissioner, who is responsible or whose duties include the collection of county taxes, to collect the amount of the lien in conjunction with the collection of ad valorem taxes on the property and to collect the amount of the lien as if it were a real property ad valorem tax, using all methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48, Official Code of Georgia; 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 remit the amount collected to the Board of Commissioners for Forsyth County.

Enforcement of liens pursuant to this section may be initiated at any time following receipt by the county tax commissioner of the final determination of costs in accordance with this section. 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 section.

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 and county 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.

If legally possible and the property is still in existence, the Board of Commissioners 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, structure, or property on the property and demonstrating the financial means to accomplish such rehabilitation.

- (1) **Appeal; Injunction.** Review of a court order requiring the repair, alteration, improvement, closure or demolition of a dwelling, building, structure, or property shall be by direct appeal to the superior court under Code Section 5-3-29.

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

Section 7. Posting of Notices on Dwellings and Other Structures Intended for Human Habitation

- (a) The Public Officer may post a notice of non-compliance and of actions taken by code enforcement officials or the court with respect thereto, and the fixing of penalties for the defacing, destruction, or removal of such notices; provided that no such notices shall be posted on any property then designated by proper governmental authority for acquisition by eminent domain.