

Senate Bill 310

By: Senators Squires of the 5th, Butler of the 55th, Unterman of the 45th, Henson of the 41st, Balfour of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to
2 abatement of nuisances generally, so as to define certain terms; to provide for other
3 circumstances that would allow property to be declared unfit pursuant to an ordinance
4 adopted by a county or municipality; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of
9 nuisances generally, is amended by inserting a new paragraph to Code Section 41-2-8,
10 relating to definitions for use in Code Sections 41-2-7 through 41-2-17, to read as follows:

11 "(5.1) 'Graffiti' means any inscription, word, figure, painting, or other defacement that
12 is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on, affixed
13 or otherwise leaving a visible mark to or on any surface of private property which was
14 not authorized by the owner or occupant of the property."

15 **SECTION 2.**

16 Said chapter is further amended by striking subsection (a) of Code Section 41-2-10, relating
17 to the determination by a public officer that a dwelling, building, or structure is unfit or
18 vacant, dilapidated, and being used in connection with the commission of drug crimes, and
19 inserting in lieu thereof the following:

20 "(a) An ordinance adopted by a county or municipality under Code Sections 41-2-7
21 through 41-2-9, this Code section, and Code Sections 41-2-11 through 41-2-17 shall
22 provide that the public officer may determine, under existing ordinances, that a dwelling,
23 building, or structure is unfit for human habitation or is unfit for its current commercial,
24 industrial, or business use if he or she finds that conditions exist in such building, dwelling,
25 or structure which are dangerous or injurious to the health, safety, or morals of the

1 occupants of such dwelling, building, or structure; of the occupants of neighborhood
 2 dwellings, buildings, or structures; or of other residents of such county or municipality.
 3 Such conditions may include the following (without limiting the generality of the
 4 foregoing):

5 (1) Defects therein increasing the hazards of fire, accidents, or other calamities;

6 (2) Lack of adequate ventilation, light, or sanitary facilities;

7 (3) Dilapidation;

8 (4) Disrepair;

9 (5) Structural defects; ~~and~~

10 (6) Uncleanliness: ; and

11 (7) The presence of graffiti which is visible from adjoining public or private property.

12 Such ordinance may provide additional standards to guide the public officer, or ~~his~~ the
 13 officer's agents, in determining the fitness of a dwelling, building, or structure for human
 14 habitation or for its current commercial, industrial, or business use. If the condition is
 15 solely the presence of graffiti, the dwelling, building, or structure may be repaired but shall
 16 not be closed or demolished."

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.