

BOARD OF COMMISSIONERS SPALDING COUNTY, GEORGIA

ORDINANCE COVER PAGE

Ordinance No.

2020-ORD-04 SERVICE OF PROCESS-HOUSING VIOLATIONS –
TO AMEND PART IX –PUBLIC HEALTH, CHAPTER 3A, SECTION
9-3112 – JUDICIAL PROCEEDINGS; REPEALING CONFLICTING
ORDINANCES AND PARTS THEREOF; RESTATING THE CODE,
AS MODIFIED BY THIS ORDINANCE; AND FOR OTHER
PURPOSES..

First Reading

June 20, 2020

Second Reading (adopted and approved):

August 3, 2020

**SPALDING COUNTY, GEORGIA
PUBLIC HEALTH ORDINANCE
ORDINANCE NO. 2020-ORD-04**

A RESOLUTION AMENDING THE CODE OF ORDINANCES OF SPALDING COUNTY, GEORGIA, AT PART IX – PUBLIC HEALTH, CHAPTER 3A. – SPALDING COUNTY MINIMUM HOUSING CODE AND ENFORCEMENT, TO AMEND SEC. 9-3112 – JUDICIAL PROCEEDINGS; REPEALING CONFLICTING ORDINANCES AND PARTS THEREOF; RESTATING THE CODE, AS MODIFIED BY THIS ORDINANCE; AND FOR OTHER PURPOSES.

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR
SPALDING COUNTY, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:**

Section 1. The Code of Ordinances of Spalding County, Georgia is hereby amended at PART IX – PUBLIC HEALTH, CHAPTER 3. – SPALDING COUNTY MINIMUM HOUSING CODE AND ENFORCEMENT, TO AMEND SEC. 9-3112 – JUDICIAL PROCEEDINGS, by amending Sec. 9-3112(a) as follows:

Sec. 9-3112. – Judicial Proceedings.

- (a) *Charge and summons:* If any owner, tenant or other person violates the provisions of this chapter, the zoning administrator shall be authorized to issue thereto a copy of charges and summons which direct their appearance before the ***Magistrate Court of Spalding County OR*** the State Court of Spalding County, at a specified time to answer such charge. Service of process of the charge and summons shall be accomplished as provided by state law, including O.C.G.A. § 41-2-12 ***and O.C.G.A. § 15-10-62.***

Section 2. The Code of Ordinances of Spalding County, Georgia is hereby amended at PART IX – PUBLIC HEALTH, CHAPTER 3. – SPALDING COUNTY MINIMUM HOUSING CODE AND ENFORCEMENT, TO AMEND SEC. 9-3112 – JUDICIAL PROCEEDINGS, by adding a new Sec. 9-3112(a.1) as follows:

Sec. 9-3112. – Judicial Proceedings.

(a.1) Service of process: As provided in O.C.G.A. § 15-10-62(c), after at least one failed attempt to personally serve any accused residing in the State of Georgia at the address of record of the accused as maintained by the Spalding County Tax Commissioner, or the accused's registered agent as maintained by the Georgia Secretary of State, any citation for or accusation of a violation of this Spalding County Minimum Housing Code may be served by:

- (1) Posting a copy of the charge and summons on the door of the premises where the alleged violation occurred;
- (2) Mailing a copy of the charge and summons by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the Spalding County Tax Commissioner. The

certificate of mailing to the accused shall constitute prima-facie evidence of compliance with this section; and

(3) Filing a copy of the charge and summons with the clerk of the Spalding County Magistrate Court or of the clerk of the State Court of Spalding County.

When service is perfected pursuant to this subsection (a.1) and the accused fails to appear for trial, an in-rem judgment and lien against the real property shall be the exclusive penalty.

Approved on first reading this 20th day of July, 2020

Approved on second reading this 3rd day of August, 2020.


Gwen Flowers-Taylor, Chairperson


William P. Wilson, County Clerk