

Senate Bill 248

By: Senators Merritt of the 9th, Jones of the 10th, Butler of the 55th, McLaurin of the 14th,
Parent of the 42nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding counties, so as to revise provisions relating to ordinances for
3 governing and policing unincorporated areas of counties; to amend Chapter 60 of Title 36
4 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and
5 municipal corporations, so as to authorize enhanced monetary penalties for repeated
6 violations of certain county and municipal codes or ordinances; to provide for a definition;
7 to provide limitations on such penalties; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding counties, is amended by revising Code Section 36-1-20, relating to
13 ordinances for governing and policing of unincorporated areas of county, as follows:

14 "36-1-20.

15 (a) The governing authority of each county, for the purpose of protecting and preserving
16 the public health, safety, and welfare, is authorized to adopt ordinances for the governing

17 and policing of the unincorporated areas of the county, violations of which ordinances may
18 be punished by fine or imprisonment or both. Without limiting the generality of the
19 foregoing, such ordinances may provide for traffic regulation, including adoption of the
20 uniform rules of the road under Chapter 6 of Title 40, may provide for the regulation and
21 control of litter in the same manner as municipal ordinances under Code Section 16-7-48,
22 and may provide for the implementation and enforcement of any power or duty vested in
23 the county governing authority.

24 (b) Each such ordinance shall specify the maximum punishment which may be imposed
25 for a violation of the ordinance; and except as provided for in Code Section 36-60-30, in
26 no case shall the maximum punishment for the violation of any such ordinance exceed a
27 fine of \$1,000.00 or imprisonment for 60 days or both; provided, however, that for
28 violation of a pretreatment standard or requirement adopted pursuant to the federal Clean
29 Water Act, the ordinance may specify that the fine may be up to \$1,000.00 per day for each
30 violation by an industrial user.

31 (c) Jurisdiction over violations of such county ordinances shall be in the magistrate court
32 of the county; and procedure for enforcement of such ordinances shall be as provided in
33 Article 4 of Chapter 10 of Title 15; provided, however, jurisdiction over ordinances having
34 to do with traffic offenses shall be in the court or courts having jurisdiction over state
35 traffic offenses.

36 (d) This Code section shall not affect the jurisdiction of or procedure in any other court
37 which has jurisdiction over violations of county ordinances."

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SECTION 2.

39 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions
40 applicable to counties and municipal corporations, is amended by adding a new Code section
41 to read as follows:

42 "36-60-30.

43 (a) As used in this Code section, 'county or municipal codes and ordinances' means zoning
44 ordinances and resolutions; ordinances and resolutions enacting subdivision regulations;
45 environmental ordinances and resolutions; state minimum standard codes provided for in
46 Code Section 8-2-25; ordinances and resolutions enacted pursuant to Code Section 8-2-25;
47 other ordinances and resolutions regulating the development of real property; and
48 ordinances and regulations providing for control of litter and debris, control of junked or
49 abandoned vehicles, and control of overgrown vegetation. Notwithstanding the above, the
50 term 'county or municipal codes and ordinances' shall not include:

51 (1) Those codes and ordinances requiring a permit, unless the alleged violator has failed
52 to secure all necessary valid permits under said codes and ordinances; or

53 (2) Any local amendments to the state minimum standard codes provided for in Code
54 Section 8-2-25 that have not been adopted in conformity with the requirements of
55 subsection (c) of such Code section.

56 (b) Notwithstanding the provision of any local law, including municipal charters, to the
57 contrary, each county and municipality is authorized to provide for enhanced monetary
58 penalties for repeat and subsequent violations of any county or municipal codes or
59 ordinances in cases pertaining to public health and safety. Enhanced monetary penalties
60 authorized by this Code section shall not exceed:

61 (1) Three thousand dollars for a second violation of a county or municipal code or
62 ordinance;

63 (2) Five thousand dollars for a third violation of a county or municipal code or
64 ordinance;

65 (3) Ten thousand dollars for a fourth violation of a county or municipal code or
66 ordinance; and

67 (4) Fifteen thousand dollars for a fifth or subsequent violation of a county or municipal
68 code or ordinance.

69 (c) The enhanced monetary penalties authorized by this Code section shall not apply to any
70 property that is subject to a homestead exemption granted pursuant to Article VII,
71 Section II, Paragraph II of the Constitution."

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SECTION 3.

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