

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 157

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 94 "TRAFFIC AND VEHICLES", ARTICLE I "IN GENERAL", BY ADDING A NEW SECTION 94-7 "VEHICLE IMMOBILIZATION DEVICES; DEFINITIONS"; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY AND IT IS HEREBY ORDAINED:

Section 1. The CODE OF CLAYTON COUNTY, GEORGIA, as amended, is hereby further amended by amending, CODE OF CLAYTON COUNTY, GEORGIA, Part II, Chapter 94 "Traffic and Vehicles", Article I "In General", by adding a new Section 94-7 "Vehicle immobilization devices; definitions", which shall read as follows:

"Sec. 94-7 Vehicle immobilization devices; definitions

- (a) The Board of Commissioners finds that the immobilization (booting) of vehicles by private companies leads to unnecessary anger, conflict, a drain on public safety resources better spent elsewhere, and does not resolve the issue of the improper use of a parking space. The county has determined vehicle immobilization services to be unnecessary and not in the best interests of the county.
- (b) 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:
 - (1) Vehicle immobilization device, device, or boot shall mean any mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of a parked motor vehicle so as to prohibit the motor vehicle's usual manner of movement or operation.

- (2) Operator shall mean any person, including a sole proprietor, independent contractor, partnership or similar business entity, operating vehicle immobilization devices for a vehicle immobilization service.
- (3) Vehicle immobilization service shall mean a person, including a sole proprietor, independent contractor, partnership or similar business entity, offering services anywhere in the unincorporated portions of Clayton County whereby vehicles are immobilized by the installation of a vehicle immobilization device.
- (c) Immobilization of the vehicle of another by use of a boot or other similar device is prohibited in Clayton County.
- (d) The, operator or vehicle immobilization service found to have violated this provision may punished as provided for in Section 1-12 of this Code.
- (e) It shall be a violation of this ordinance for the owner of real property or a person or other entity that rents, leases or is otherwise in control of real property to authorize, allow, or cause an operator or vehicle immobilization service to boot any vehicle located on the real property. Any such violation may be punished as provided for in Section 1-12 of this Code. ”

Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

Section 3 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon its approval by the Board of Commissioners.

[Signatures on the next page]

SO ORDAINED, this the 3rd day of August, 2010.

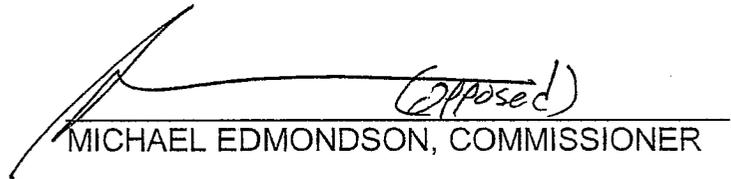
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

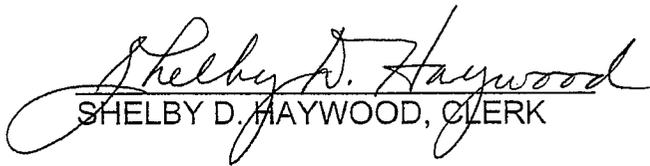

WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


(Opposed)
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK