

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2019-143

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART I, CHAPTER 62 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE II "QUALITY OF LIFE CODE", SUBSECTION 62-204 TO MODIFY THE LOCATIONS WHERE RECREATIONAL AND COMMERCIAL VEHICLES MAY BE PARKED; 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 CLAYTON COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I, Chapter 62 "Offenses and Miscellaneous Provisions," Article II "Quality of Life Code," subsection 62-204(c) in its entirety and replacing it with a new subsection 62-204(c) to read as follows:

(c) (1) In residential zoning districts with a lot size greater than one half (1/2) acre, the resident may park one unoccupied travel trailer, motor coach or pleasure boat owned or used by the resident exclusively for recreational purposes, provided that such vehicle or trailer has a current license plate. Such recreational vehicle or trailer shall be parked in the rear yard. Where the rear yard is not accessible by means of a driveway or alley or has insufficient clearance to meet the zoning requirements it may be parked on the front yard. In those instances where a recreational vehicle is to be parked in the front yard, only the paved driveway portion of such yard shall be utilized, and in no instance shall the recreational vehicle be parked closer than ten feet to the front property line. A recreational vehicle or trailer that is parked within a fully enclosed garage and without protruding therefrom shall not be in violation of this section.

(2) In residential zoning districts with a lot size of less than one half (1/2) acre, the resident may park one unoccupied travel trailer, motor coach or pleasure boat owned or used by the resident exclusively for recreational purposes in the rear yard provided that such vehicle or trailer has a current license plate. Where the rear yard is not accessible by means of a driveway or alley or has insufficient clearance to meet the zoning requirements, the recreational vehicle, trailer or boat may be parked within a fully enclosed garage so long as there is no protrusion therefrom. No recreational vehicle, trailer or boat shall be parked in a front yard of a residential property in a zoning district with a lot size of less than one half (1/2) acre.

Section 2. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I, Chapter 62 "Offenses and Miscellaneous Provisions," Article II "Quality of Life Code," subsection 62-204(e) in its entirety and replacing it with a new subsection 62-204(e) to read as follows:

(e)(1) Except as otherwise permitted in Appendix A of this Code, in all commercial or office-institutional zoning districts, it is unlawful for any person to permit or cause any commercial vehicle to be parked or stored in a commercial or office-institutional zoning district unless:

- (a) The vehicle is engaged in loading or unloading activity where the driver is present and in charge thereof;*
- (b) The vehicle is owned or is being used by a business located on the property; or*
- (c) A business on the property is conducting operations and the vehicle is being used in connection with such activity.*

Where a commercial vehicle is parked in a parking lot located in a commercial or office-institutional zoning district pursuant to subsections (e)(1)(a) through

(e)(1)(c) of this section, such vehicle shall park only in areas designated and posted as loading zones and/or loading docks.

(2) The use of loading zones or loading docks by operators of commercial vehicles for sleeping or parking overnight is strictly prohibited.

(3) The provisions of subsection (e) of this section shall not apply to truck rental, leasing, or sale facilities operating and conducting business within the GB or LI zoning districts.

(4) Parking in Hotel or Motel Lots.

(a) Commercial vehicles may be parked in the parking lots of hotels and motels provided that the operators of said vehicles are registered guests of the hotel or motel, staying overnight and provided that said vehicles are parked within the lines of a designated parking space clearly marked for trucks.

(b) Where said commercial vehicle is a tractor trailer, only the cab of the tractor trailer may be parked in a hotel or motel parking lot in accordance with this subsection.

(c) Any hotel or motel providing designated parking spaces for the parking of commercial vehicles pursuant to this subsection is prohibited from acting as a routing agent for said vehicles.

(5) Commercial vehicles may be parked overnight or for storage purposes only in warehouse and industrial zoning districts within the unincorporated jurisdiction of the County and within the GB or LI zoning district as provided by subsection (e)(3) of this section. Parking on vacant commercial property is prohibited unless authorized pursuant to a permit issued by Community Development.

Section 3. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I, Chapter 62 "Offenses and Miscellaneous Provisions," Article II "Quality of Life

Code,” subsection 62-204(f) in its entirety and replacing it with a new subsection 62-204(f) to read as follows:

(f) The owner or person in possession of any real property or the vehicle operator, or both may be punished as provided in section 1-12 of this Code for a violation of this section.

Section 4. The Code of Clayton County, Georgia, as amended, is hereby further amended by adding a new subsection 62-204(g) to Part I, Chapter 62 “Offenses and Miscellaneous Provisions,” Article II “Quality of Life Code,” to read as follows:

(g) After giving proper notice of a violation and five business days thereafter to correct the deficiencies, the county shall have the authority to enter the property and bring it into compliance with these regulations by impounding any vehicle found parked on the property in violation of this section. The expense of such county action shall be charged against the property owner, become a lien on the property, and be collected by the same means, process and manner by which taxes are collected by the county. The impounded vehicle may be reclaimed by the vehicle's owner who shall be responsible for payment of the towing and storage fees, otherwise the vehicle shall be disposed of in accordance with state law.

Section 5. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

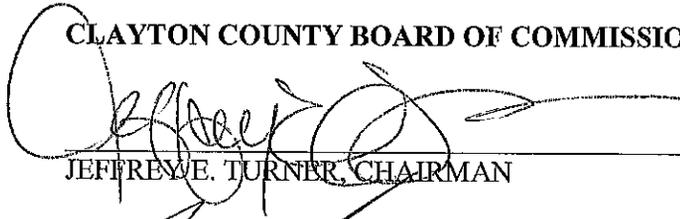
Section 6. If this Ordinance in whole or in part is determined to be unconstitutional by any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

Section 7. This Ordinance shall become effective immediately upon its approval by the Board of Commissioners.

[signatures on following page]

SO ORDAINED, this the _____ day of November, 2019.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


FELICIA FRANKLIN WARNER, VICE CHAIRMAN


SONNA GREGORY, COMMISSIONER


GAIL HAMBRICK, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK