

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2020 – 177

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 18 “BUILDINGS AND BUILDING CODE REGULATIONS,” ARTICLE III “POWERS AND DUTIES OF THE COUNTY OFFICIALS” BY AMENDING SECTION 18-31 “GENERAL”; TO AMEND PART II, CHAPTER 62 “OFFENSES AND MISCELLANEOUS PROVISIONS,” ARTICLE I, “GENERAL”, SECTION 62-30.4 “ENFORCEMENT,” AND SUBSECTION “E” OF SECTION 62-35 “PUBLIC NUISANCE IN RELATION TO DWELLING, BUILDING, STRUCTURE OR PROPERTY”; TO AMEND PART II, CHAPTER 62 “OFFENSES AND MISCELLANEOUS PROVISIONS,” PART II “QUALITY OF LIFE CODE,” BY AMENDING SUBSECTION (B) OF SECTION 62-20, “PURPOSE AND DEFINITIONS,” AND SUBSECTION (G) OF SECTION 62-207 “BASKETBALL GOALS AND COURTS”; AND SUBSECTION (B) OF SECTION 62-307 “ENFORCEMENT AND PENALTIES,” TO AMEND PART II, CHAPTER 94, “TRAFFIC AND VEHICLES,” ARTICLE III, “PARKING, STOPPING AND STANDING,” BY AMENDING SUBSECTION (C) OF SECTION 94-60 “PROHIBITED PARKING OF A VEHICLE WITHIN THE FRONT YARD”; TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; 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 amending Part II, Chapter 18, "Buildings and Building Code Regulations," Article III, "Powers and Duties of the County Officials," by repealing the current Section 18-31, "General" and substituting in lieu thereof a new Section 18-31, "General," to read as follows:

*Sec. 18-31. - General.*

*The building official and his/her designee, the chief of police and his/her designee, the warden or his/her designee, the fire marshal and his/her designee and the county board of health are hereby authorized and directed to enforce the provisions of the construction codes. They are hereinafter known as the county officials. They are further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.*

**Section 2.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62, "Offenses and miscellaneous provisions," Article I, "General," by repealing the current Section 62-30.4, "Enforcement" and substituting in lieu thereof a new Section 62-30.4, "Enforcement," to read as follows:

*Sec. 62-30.4. - Enforcement.*

*Any county peace officer, code enforcement officer, and any employee of community development, transportation and development, or refuse control who has been adequately trained and designated by his or her director, are authorized to enforce the provisions of this litter control code and may issue a summons to any*

*violator to appear before the county magistrate court when there is probable cause to believe that a violation of the litter control code has occurred.*

**Section 3.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62, "Offenses and miscellaneous provisions," Article I, "General," by repealing subsection (e) of Section 62-35, "Public nuisance in relation to dwelling, building, structure or property," and substituting in lieu thereof a new subsection (e) of Section 62-35, "Public nuisance in relation to dwelling, building, structure or property," to read as follows:

*(e) The Director, Clayton County Department of Health, the Director of Clayton County Community Development, the chief of police, the warden, and any agent of such directors, warden, or the chief of police are designated to exercise the powers prescribed by this section, and, as such, come within the definition of "public officer" in O.C.G.A. § 41-2-8-10.*

**Section 4.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62, "Offences and miscellaneous provisions," Article II, "Quality of Life Code," by repealing subsection (b) of Section 62-201, "Purpose and definitions," and substituting in lieu thereof a new subsection (b) of Section 62-201, "Purpose and definitions," to read as follows:

*(b) Definitions. As used in this quality of life code the following definitions shall apply:*

*(1) Code official shall mean any county law enforcement officer, code enforcement officer, and any employee designated by the director of the department of community development.*

*(2) Notice shall mean a notice of violation of these regulations by personal service or service by certified mail or first class mail to the last known address of the party responsible for the violation. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the structure or property affected by such notice.*

*(3) Regulations shall mean the requirements set out in this quality of life code.*

*(4) Residential zoning districts shall mean all residential, multiple family, mobile home, or neighborhood mixed use zoning districts and agricultural zoned districts.*

**Section 5.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62, "Offences and miscellaneous provisions," Article II, "Quality of Life Code," by repealing subsection (g) of Section 62-207, "Basketball goals and courts," and substituting in lieu thereof a new subsection (g) of Section 62-207, "Basketball goals and courts", to read as follows:

*(g) When a county law enforcement officer or code enforcement officer or any employee designated by the director of the department of transportation and development or the director of the department of community development finds a violation of this code section has occurred, a summons may be issued by such officer or designated employee to the owner or person in possession of the real property where the violation has occurred, and said owner or person in possession may be punished as provided in section 1-12 of this Code.*

**Section 6.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 62, "Offences and miscellaneous provisions," Article II, "Quality of Life Code," by repealing subsection (b) of Section 62-307, "Enforcement and Penalties," and substituting in lieu thereof a new subsection (b) of Section 62-307, "Enforcement and Penalties," to read as follows:

*(b) Any county police officer, sheriff or deputy sheriff, code enforcement officer or any inspector or other employee designated by the director of the department of community development to enforce this article, who has probable cause to believe a violation of this article has occurred, may issue a summons to the suspected violator or to the business licensee where the violation occurred, or both, to appear in the Magistrate Court of Clayton County to answer and upon conviction may be punished as provided in section 1-12 of this Code.*

**Section 7.** The Code of Clayton County, Georgia, as amended, is hereby further amended by amending Part II, Chapter 94, "Traffic and Vehicles," Article III, "Parking, Stopping and Standing," by repealing subsection (c) of Section 94-60, "Prohibited parking of a vehicle within the front yard," and substituting in lieu thereof a new subsection (c) of Section 94-60, "Prohibited parking of a vehicle within the front yard," to read as follows:

*(c) Inspectors of the community development department, law enforcement officers and code enforcement officers are authorized to issue a summons returnable to the magistrate court to the owner or possessor of the real property, or to the owner of possessor of the illegally parked vehicle, or to both, for a violation of this section.*

**Section 8.** All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

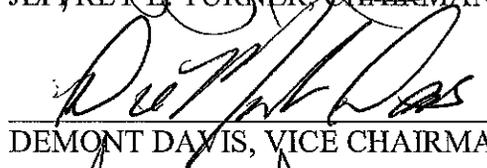
**Section 9.** If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

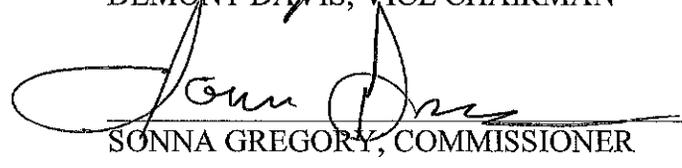
**Section 10.** This Ordinance shall become effective upon its approval by the Board of Commissioners.

SO ORDAINED, this the 15 day of September, 2020.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
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JEFFREY B. TURNER, CHAIRMAN

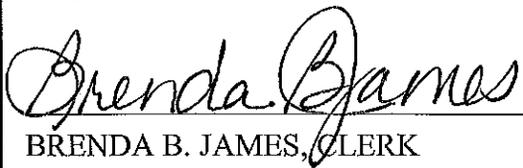
  
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DEMONT DAVIS, VICE CHAIRMAN

  
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SONNA GREGORY, COMMISSIONER

  
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GAIL B. HAMBRICK, COMMISSIONER

  
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FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

  
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BRENDA B. JAMES, CLERK