STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2015-117

AN ORDINANCE TO AMEND *CODE OF CLAYTON COUNTY, GEORGIA*, AS AMENDED, SPECIFICALLY CHAPTER 2, "ADMINISTRATION", ARTICLE III, "BOARDS, COMMISSIONS AND AUTHORITIES", DIVISION 5, "CODE ENFORCEMENT BOARD", SO AS TO ADD A NEW SECTION, 2-86.12 THERETO RELATING TO PAYMENT OF ADMINISTRATIVE FINES IN LIEU OF A HEARING; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

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 Chapter 2, "Administration", Article III, "Boards Commissions and Authorities", Division 5, "Code Enforcement Board", by adding a new section, 2-86.12 thereto, which relates to the payment of fines in lieu of a hearing:

"2-86.12. - Payment of administrative fines in lieu of a hearing.

(a) Any alleged violator who receives notice to appear for a hearing of the enforcement board for violation of any code or ordinance pursuant to this section may pay his or her administrative fine in lieu of appearing for a hearing under the following conditions:

(1) Any and all fines and fees previously assessed by the enforcement board must be paid in full; and

(2) To qualify as a payable offense, the schedule of fees described in subsection (b) herein must include the specific code or ordinance that is the subject of or reason for the notice to appear; and

(3) Fines must be paid by the close of business on the day prior to the scheduled hearing date.

(b) Payment shall be made in full to the department of community development, business license office. The office will not accept partial payments.

(c) The director of community development or his or her designee shall establish and publish a schedule of fees for violations of county codes and ordinances. Multiple violations of the same code or ordinance within a five year period may result in higher fines and/or mandatory appearance before the enforcement board. Each payment made in lieu of appearing before the enforcement board shall be deemed a separate violation.

(d) Appearance before the enforcement board shall be required for any alleged violator who receives notice to appear at a hearing for violation of any code or ordinance under the following conditions:

(1) The code or ordinance is not included in the schedule of fees;

(2) More than three violations of the same code or ordinance in a five year period; or

(3) If the code inspector indicates in the notice to appear that appearance before the enforcement board is mandatory due to the gravity of the violation presenting a serious threat to the public health, safety, and welfare, or other extenuating circumstances."

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 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.

SO ORDAINED this 5th day of May, 2015.

CLAYTON COUNTY BOARD OF COMMISSIONERS

JEFFREY E. TURNER, CHAIRMAN

GAIL B. HAMBRICK, VICE CHAIRMAN

MICHAEL EDMONDSON, COMMISSIONER

SONNA GREGORY, COMMISSIONER

SHANA M. ROOKS, COMMISSIONER

ATTEST:

SANDRA T. DAVIS, CLERK