

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2010 - 53

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF CLAYTON COUNTY, GEORGIA, PART II, CHAPTER 62 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE I "GENERAL", BY DELETING SECTION 62-10 "GRAFFITI ABATEMENT", AND SECTIONS 62-10.1 "DEFINITIONS", 62-10.2 "PROHIBITED ACTS", 62-10.3 "GRAFFITI PLACEMENT PENALTY", 62-10.4 "NOTICE TO REMOVE GRAFFITI", 62-10.5 "PENALTIES", 62-10.6 "ENFORCEMENT", AND 62-10.7 "SIGN PERMITS", AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 62-10 "GRAFFITI ABATEMENT", AND NEW SECTIONS 62-10.1 "SHORT TITLE", 62-10.2 "DEFINITION", 62-10.3 "PROHIBITED ACTS", 62-10.4 "ENFORCEMENT", AND 62-10.5 "PUNISHMENT FOR VIOLATION"; 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 62 "Offenses and Miscellaneous Provisions", Article I "General", by deleting Section 62-10 "Graffiti Abatement", and Sections 62-10.1 "Definitions", 62-10.2 "Prohibited Acts", 62-10.3 "Graffiti Placement Penalty", 62-10.4 "Notice To Remove Graffiti", 62-10.5 "Penalties", 62-10.6 "Enforcement", and 62-10.7 "Sign Permits", and substituting in lieu thereof a new Section 62-10 "Graffiti Abatement", and new sections 62-10.1 "Short Title", 62-10.2 "Definition", 62-10.3 "Prohibited

Acts", 62-10.4 "Enforcement", and 62-10.5 "Punishment For Violation", which shall read as follows:

"Sec. 62-10. GRAFFITI ABATEMENT

Sec. 62-10.1 Short Title

Section 62-10 through Section 62-10.5 shall be known as and may be cited at the Graffiti Abatement Code.

Sec. 62-10.2. Definition.

"*Graffiti*" is defined according to O.C.G.A. 17-15A-2 as "any inscriptions, words, figures, paintings, or other defacements that are written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of real property or improvements thereon without prior authorization of the owner or occupant of the property by means of any aerosol paint container, broad-tipped marker, gum label, paint stick, graffiti stick, etching equipment, brush, or other device capable of scarring or leaving a visible mark on any surface."

Sec. 62-10.3. Prohibited acts.

(a) It shall be unlawful for any person(s), without prior authorization of the owner or occupant of the property, to deface, alter, modify, change, draw, damage or destroy by spraying or use of paint, or marking of ink, dye or any other similar substance on public and/or private buildings, structures and places, an inscription, slogan, drawing or modification, or otherwise damage private or public property in contradiction of other ordinances or law, by or through the application of "graffiti" as defined herein.

(b) In order to provide a form of compensation to innocent victims of unlawful acts in violation of section (a), and pursuant to O.C.G.A. 17-15A-4(a), the Board of Commissioners hereby authorizes the use of labor by inmates from the Clayton County Prison to remove or obliterate such unlawfully placed graffiti when such graffiti is visible from any public road or other public property. The rules and regulations governing such use of labor by inmates shall be directed by the Warden and subject to the rules and regulations of the Georgia Department of Corrections.

(c) No property owner or operator shall be subject to a fine or punishment for the presence of graffiti on such property or for the removal of graffiti from such property.

Sec. 62-10.4. Enforcement.

(a) Inspectors of the department of community development, code enforcement officers and county peace officers are authorized to enforce the Graffiti Abatement Code.

Sec. 62-10.5. Punishment for violation

Any person who is found guilty of violating the Graffiti Abatement Code shall be punished as provided in section 1-12 of the Code of Clayton County."

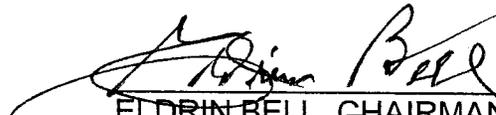
Section 2. All laws, ordinances and resolutions, or parts thereof, which conflict with the provisions of this Ordinance are hereby repealed.

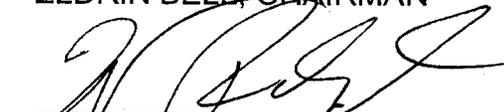
Section 3 If any part of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remainder of this enactment, and such remainder shall remain in full force and effect.

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

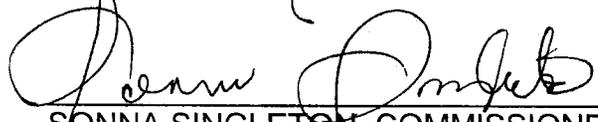
SO ORDAINED, this the 16th day of February, 2010.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK