COUNTY AGENDA REQUEST

Department:	Legal / Administration	Presenter(s):	Interim Attorney Dennis Davenport
Meeting Date:	Thursday, June 27, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2013-04 amending the Code of Ordinances for Fayette County, Georgia by establishing provisions pertaining to enforcement of County Ordinances, providing an effective date, repealing conflicting ordinances, providing for severability, and by promoting the public health, safety and welfare.

Background/History/Details:

The Fayette County Board of Commissioners is empowered to enact ordinances for governing and policing of the unincorporated areas of the county.

Ordinance 2013-04 creates the position of Code Enforcement Officer. Each Code Enforcement Officer will be responsible for enforcing all county ordinances, including zoning ordinances, environmental ordinances, and occupation tax certificate ordinances, through the citation of violators. Each officer will further perform other administrative and enforcement duties as assigned by the County Administrator or his or her designee.

Code Enforcement Officers shall have the authority to enforce all county ordinances, including those ordinances that expressly give enforcement power to the County Marshal's department.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-04 amending the Code of Ordinances for Fayette County, Georgia by establishing provisions pertaining to enforcement of County Ordinances, providing an effective date, repealing conflicting ordinances, providing for severability, and by promoting the public health, safety and welfare.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?		If so, when?	
Is Audio-Visual Equipment Required for this Request?*		Backup Provided with Request?	

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2013-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ESTABLISH PROVISIONS PERTAINING TO ENFORCEMENT OF COUNTY ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY, GEORGIA AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO ADMINISTRATION (CHAPTER 2), BE AMENDED AS FOLLOWS:

Section 1. By designating Sections 2-10 through 2-20 of Article VIII of Chapter 2 as "Reserved", and by creating a new Article IX, pertaining to Code Enforcement, in Chapter 2, to be numbered and read as follows:

ARTICLE IX. CODE ENFORCEMENT

Sec. 2-21. Established.

There is hereby created the position of code enforcement officer, pursuant to O.C.G.A. §

36-1-20, pertaining to the power of the governing authority of Fayette County to enact ordinances for governing and policing of the unincorporated areas of the county.

Sec. 2-22. Responsibility.

The duties of the position of code enforcement officer shall be as follows:

(a) The enforcement of all ordinances contained within the Code of Ordinances for Fayette County.

(b) The issuance of citations for violations of said Code of Ordinances, in order to ensure compliance with said Code. Any such citations issued by a code enforcement officer shall contain a summons and shall be prosecuted as set forth in said Code through the Fayette County State Court.

(c) Each code enforcement officer shall further perform such other administrative and enforcement duties as may be assigned by the City Administrator or his or her designee.

Sec. 2-23. Enforcement of ordinances.

(a) The position of Code Enforcement Officer shall have the authority to enforce all county ordinances, including those ordinances that expressly give enforcement power to the County Marshal's department. Any reference to the County Marshal or the County Marshal's department with respect to the enforcement of county ordinances in this Code of Ordinances shall also be read to include the position of Code Enforcement Officer.

(b) Each and every officer or official of the County authorized to issue citations by Section 2-1 of this Code or by any other applicable portion of this Code shall retain their individual

authority to cite persons for violations of the Code of Ordinances for Fayette County, and nothing contained herein shall in any manner delete or remove any authority given to any other officer or official pursuant to the Code of Ordinances for Fayette County. Further, the position of code enforcement officer and the authority to cite person for violations of this Code is created in order to provide an additional source by which persons found to be in violation of any part or parts of the Code shall be compelled to comply with the same.

Section 2. By adding a new Paragraph 11 in Section 2-1, pertaining to "Power to cite for violations", of Article I of Chapter 2, to be numbered and read as follows:

11. Code enforcement officers.

Section 3. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County, Georgia.

Section 4. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section,

subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
Interim County Attorney

DRAFT