

House Bill 1501

By: Representatives Lindsey of the 54th and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to change provisions relating to the maximum fines which may be imposed for
3 violations of county ordinances and which may be imposed by municipal courts; to change
4 provisions relating to the maximum fines which may be specified by municipalities
5 exercising home rule powers; to specifically authorize counties and municipalities to adopt
6 ordinances relating to alcoholic beverages specifying fines up to a certain maximum amount;
7 to provide for such provisions to control over conflicting provisions of local laws; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
12 in Code Section 36-1-20, relating to county ordinances, by striking subsection (b) and
13 inserting in its place a new subsection to read as follows:

14 "(b) Each such ordinance shall specify the maximum punishment which may be imposed
15 for a violation of the ordinance; and in no case shall the maximum punishment for the
16 violation of any such ordinance exceed a fine of \$1,000.00 or imprisonment for 60 days or
17 both; provided, however, that ~~for~~:

18 (1) For violation of a pretreatment standard or requirement adopted pursuant to the
19 federal Clean Water Act the ordinance may specify that the fine may be up to \$1,000.00
20 per day for each violation by an industrial user; and

21 (2) For violation of an ordinance regulating or relating to alcoholic beverages the
22 ordinance may specify that the fine shall be up to \$2,500.00."

SECTION 2.

Said Title 36 is further amended in Code Section 36-32-1, relating to establishment, operation, and jurisdiction of municipal courts, by striking subsection (c) and inserting in its place a new subsection to read as follows:

"(c) Each municipal court of this state, ~~unless otherwise provided~~ notwithstanding any contrary provision in the local law relating to a particular municipal court, shall be authorized to impose any punishment up to the maximums specified by general law, including the maximums specified in subparagraphs (a)(2)(B) and (a)(2)(C) of Code Section 36-35-6."

SECTION 3.

Said Title 36 is further amended in Code Section 36-35-6, relating to limitations on home rule powers of municipalities, by striking subparagraph (a)(2)(C) and inserting in its place a new subparagraph to read as follows:

"(C) Action providing for fines and forfeitures in excess of \$1,000.00; provided, however, that for violation of an ordinance regulating or relating to alcoholic beverages the ordinance may specify that the fine shall be up to \$2,500.00;".

SECTION 4.

Said Title 36 is further amended in said Code Section 36-35-6 by adding at its end a new subsection (d) to read as follows:

"(d) Notwithstanding any lower limit in the local law relating to a particular municipal corporation, each municipal corporation is authorized to adopt ordinances regulating or relating to alcoholic beverages punishable by fines of up to \$2,500.00, with the maximum fine to be expressed in each particular ordinance not to exceed \$2,500.00."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.