

Senate Bill 166

By: Senators Merritt of the 9th, Kemp of the 38th, Halpern of the 39th, Jones II of the 22nd,  
Wicks of the 34th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to counties only, so as to revise provisions relating to  
3 ordinances for governing and policing unincorporated areas of counties; to amend Chapter 60  
4 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to  
5 counties and municipal corporations, so as to authorize enhanced monetary penalties for  
6 repeated violations of certain county and municipal codes or ordinances; to provide for a  
7 definition; to provide limitations on such penalties; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to general  
12 provisions applicable to counties only, is amended by revising Code Section 36-1-20, relating  
13 to ordinances for governing and policing of unincorporated areas of county, as follows:

14 "36-1-20.

15 (a) The governing authority of each county, for the purpose of protecting and preserving  
16 the public health, safety, and welfare, is authorized to adopt ordinances for the governing

17 and policing of the unincorporated areas of the county, violations of which ordinances may  
18 be punished by fine or ~~imprisonment~~ confinement or both. Without limiting the generality  
19 of the foregoing, such ordinances may provide for traffic regulation, including adoption of  
20 the uniform rules of the road under Chapter 6 of Title 40, may provide for the regulation  
21 and control of litter in the same manner as municipal ordinances under Code  
22 Section 16-7-48, and may provide for the implementation and enforcement of any power  
23 or duty vested in the county governing authority.

24 (b) Each such ordinance shall specify the maximum punishment which may be imposed  
25 for a violation of the ordinance; and except as provided for in Code Section 36-60-33, in  
26 no case shall the maximum punishment for the violation of any such ordinance exceed a  
27 fine of \$1,000.00 or ~~imprisonment~~ confinement for 60 days or both; provided, however,  
28 that, for violation of a pretreatment standard or requirement adopted pursuant to the federal  
29 Clean Water Act, the ordinance may specify that the fine may be up to \$1,000.00 per day  
30 for each violation by an industrial user.

31 (c) Jurisdiction over violations of such county ordinances shall be in the magistrate court  
32 of the county; and procedure for enforcement of such ordinances shall be as provided in  
33 Article 4 of Chapter 10 of Title 15; provided, however, that jurisdiction over ordinances  
34 having to do with traffic offenses shall be in the court or courts having jurisdiction over  
35 state traffic offenses.

36 (d) This Code section shall not affect the jurisdiction of or procedure in any other court  
37 which has jurisdiction over violations of county ordinances."

38 **SECTION 2.**

39 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions  
40 applicable to counties and municipal corporations, is amended by adding a new Code section  
41 to read as follows:

42 "36-60-33.

43 (a) As used in this Code section, the term 'county or municipal codes or ordinances' means  
44 zoning ordinances and resolutions, ordinances and resolutions enacting subdivision  
45 regulations, environmental ordinances and resolutions, state minimum standard codes  
46 provided for in Code Section 8-2-25, ordinances and resolutions enacted pursuant to Code  
47 Section 8-2-25, other ordinances and resolutions regulating the development of real  
48 property, and ordinances and regulations providing for control of litter and debris, control  
49 of junked or abandoned vehicles, and control of overgrown vegetation. Notwithstanding  
50 the above, such term shall not include:

51 (1) Those codes and ordinances requiring a permit, unless the alleged violator has failed  
52 to secure all necessary valid permits under said codes and ordinances; or

53 (2) Any local amendments to the state minimum standard codes provided for in Code  
54 Section 8-2-25 not adopted in conformity with the requirements of subsection (c) of such  
55 Code section.

56 (b) Notwithstanding the provision of any local law, including municipal charters, to the  
57 contrary, each county and municipality is authorized to provide for enhanced monetary  
58 penalties for repeat and subsequent violations of any county or municipal codes or  
59 ordinances in cases pertaining to public health and safety. Enhanced monetary penalties  
60 authorized by this Code section shall not exceed:

61 (1) An amount of \$3,000.00 for a second violation of a county or municipal code or  
62 ordinance;

63 (2) An amount of \$5,000.00 for a third violation of a county or municipal code or  
64 ordinance;

65 (3) An amount of \$10,000.00 for a fourth violation of a county or municipal code or  
66 ordinance; and

67 (4) An amount of \$15,000.00 for a fifth or subsequent violation of a county or municipal  
68 code or ordinance.

69 (c) The enhanced monetary penalties authorized by this Code section shall not apply to:  
70 (1) Any property that is subject to a homestead exemption granted pursuant to  
71 Article VII, Section II, Paragraph II of the Constitution; or  
72 (2) Any person owning less than ten single-family or duplex residential properties within  
73 the geographic boundaries of the same county, whether incorporated or unincorporated,  
74 as the property that is the subject of the code or ordinance enforcement action, regardless  
75 of whether or not such additional properties are located within the jurisdiction bringing  
76 the enforcement act."

77 **SECTION 3.**

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