

ORDINANCE NO. OR 13-306

**ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO LITTERING SO AS TO CLARIFY THE PENALTIES FOR VIOLATION OF THE CITY'S LITTERING ORDINANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:**

**SECTION 1. Ordinance.** That Title 11, Chapter 11.16, Section 11.16.070 of the current Stockbridge Code be deleted, and a new Title 11, Chapter 11.16, Section 11.16.070 be added to the Code of Ordinances, City of Stockbridge, Georgia, so as to read as follows:

**SECTION 11.16.070 – Violations - Penalty.**

- A. Any person violating the provisions of Code Section 11.16.040 of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine to be set by the presiding judge of not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) per violation, and/or in the sound discretion of the court, imprisonment of up to 60 days per violation. In the sound discretion of the court, any such person may, in addition to fines imposed, be directed by the judge of said court to pick up and remove from any public street, alley, highway, or public right of way, for a distance not to exceed one mile, any litter deposited thereon by any person prior to the date of the execution of the sentence. Alternatively, in the sound discretion of the court, any such person may, in addition to fines imposed, be directed to pick up and remove from any public park or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of the sentence.
- B. The court may publish the names of persons convicted of violating the provisions of this chapter.
- C. Each individual day that a property remains out of compliance with this section shall constitute a separate offense warranting a separate penalty provided that a City employee shall on each day so cited as an offense, provide the owner or lawful tenant on the property, or both, with a citation or accusation on each such day, together with a notice warning said persons that the failure to bring the property into compliance will result in additional daily violations. No such notice need be provided prior to the initial occasion on which the City cites a landowner or other person violating Section 11.16.040, and it is only when the City intends to impose a separate penalty on subsequent days for noncompliance following the initial date that notice hereunder need be provided.
- D. Pursuant to O.C.G.A. § 36-60-4, the City shall have the authority to remove and dispose of any discarded, dismantled, wrecked, scrapped, ruined, or junked motor vehicles or parts thereof when requested by the owner or when such motor vehicles are in such a condition that they constitute a health hazard or unsightly nuisance, notwithstanding the fact that such motor vehicles may be located upon

private property. The City shall also have the power and authority to contract with private individuals and firms to remove discarded, dismantled, wrecked, scrapped, ruined, or junked motor vehicles or parts thereof. When removing any such motor vehicles or parts, the City shall use its best efforts to notify the landowner and/or the owner of the vehicles or parts at least 24 hours prior to the removal of those items. This subsection shall not apply to any motor vehicle or part thereof which is located within the premises of any junkyard complying with the laws of the State of Georgia relating to the licensing and regulating of junk vehicles.

- E. Violations of Section 11.16.040 rising to the level of a nuisance may be abated, when appropriate under the law, with costs cast upon the landowner, tenant, or other appropriate person pursuant to the procedures found in Title 11, Chapter 08 of this Code and State law. Alternatively, the City may pursue injunctive relief in Superior Court for any violation of Section 11.16.040.

....

**SECTION 2. Repeal.** That the existing Title 11, Chapter 16, Section 11.16.070 be repealed from the Code of Ordinances, City of Stockbridge, Georgia.

**SECTION 3. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 4. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 5. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 6. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

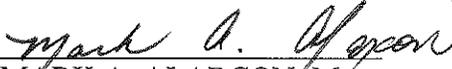
(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the

greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 7. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8. Effective Date.** This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

SO ORDAINED this 8th day of April, 2013.

  
MARK A. ALARCON, Mayor

ATTEST:

 (SEAL)  
RHONDA A. BLACKMON, City Clerk

APPROVED AS TO FORM:

  
WILLIAM J. LINKOUS, III, City Attorney  
6898.00001/713698v1