

ORDINANCE NO. OR 14-345

AN ORDINANCE AMENDING THE STOCKBRIDGE MUNICIPAL CODE WITH RESPECT TO CERTAIN PENALTIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WITNESSETH:

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. That Section 1.04.090 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.090 Reserved."

SECTION 2. That Section 1.04.100 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.100 Reserved."

SECTION 3. That Section 1.04.110 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.110 Reserved."

SECTION 4. That Section 1.04.120 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.120 Reserved."

SECTION 5. That Section 1.04.130 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.130 Reserved."

SECTION 6. That Section 1.04.160 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"1.04.160 Reserved."

SECTION 7. That Section 10.04.010B of the Stockbridge Municipal Code is hereby amended by deleting said subsection in its entirety and inserting in lieu thereof the following:

"B. Penalties. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of O.C.G.A. Title 40 Chapter 6 shall be punished in municipal court as provided for in Section 1.04.080. Where so authorized by state law, a conviction of a misdemeanor of a high and aggravated nature shall be

punished by a fine not to exceed five thousand dollars (\$5,000.00) or by confinement for a term not to exceed twelve (12) months, or both such fine and confinement, or alternative sentencing as now or hereafter provided by law."

SECTION 8. That Section 11.06.010 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"11.06.010 Administration of state offenses in municipal courts.

The city elects to exercise jurisdiction over any and all of those state offenses for which a grant of jurisdiction has been provided by general state law now or in the future, unless such grant of jurisdiction is waived for certain offenses by the adoption of one or more separate ordinances by the Mayor and Council. The Court Clerk shall keep the Mayor and Council informed of any new grants of jurisdiction by the Georgia General Assembly by notifying the City Manager. In the exercise of that jurisdiction, officers writing tickets returnable to the municipal court, shall delineate the nature of the offense charged by name and Georgia Code number on the citation and summons. All persons convicted of state violations prosecuted under this section shall be punished as provided for by the applicable state law."

SECTION 9. That Section 4.08.130 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"4.08.130 Reserved."

SECTION 10. That Section 5.08.030 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

'5.08.030 Violations.

Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each day the violation continues shall be considered a separate offense."

SECTION 11. That Section 5.12.410 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"5.12.410 Reserved."

SECTION 12. That Section 6.04.130 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"6.04.130 Reserved."

SECTION 13. That Section 6.08.080D of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety.

SECTION 14. That Section 8.18.100B5 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"5. Criminal Penalties. Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each day the violation continues shall be considered a separate offense."

SECTION 15. That Section 8.24.150B5 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"5. Criminal Penalties. Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each day the violation continues shall be considered a separate offense."

SECTION 16. That Section 8.26.100G of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"G. Criminal Penalties. Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each day the violation continues shall be considered a separate offense."

SECTION 17. That 9.12.060 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"9.12.060 Reserved."

SECTION 18. That Section 9.28.030C of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety.

SECTION 19. That Section 9.43.280 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

*"9.43.280 Violations.
Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each violation of this chapter and each day the violation continues shall be considered a separate offense."*

SECTION 20. That Section 9.48.060 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

"9.48.060 Violations.

Any advertising by any means of a business or service described in Section 9.48.020 shall be prima facie evidence of a violation of this chapter."

SECTION 21. That Section 9.50.030 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“9.50.030 Violations.

Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080. Each violation of this chapter and each day the violation continues shall be considered a separate offense.”

SECTION 22. That 9.52.110 of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“9.52.110 Reserved.”

SECTION 23. That 11.16.070A of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“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 twelve (12) months. 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 (1) 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.”

SECTION 24. That 11.20.020B of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“B. Any person found guilty of violating this chapter shall be guilty of a misdemeanor and subject to a fine of not more than three hundred dollars (\$300) for each offense, or confinement for a period not to exceed twelve (12) months for each offense, or any combination of both.”

SECTION 25. That 11.24.020B of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“11.24.020 Violation—Penalty.

Any person found guilty of violating this chapter shall be guilty of a misdemeanor and subject to a fine of not more than three hundred dollars (\$300) for each offense, or confinement for a period not to exceed twelve (12) months for each offense, or any combination of both. Each day of any violation of this chapter shall constitute a separate offense.”

SECTION 26. That 11.26.090a of the Stockbridge Municipal Code is hereby amended by deleting said section in its entirety and inserting in lieu thereof the following:

“a. Any person violating the terms of this ordinance shall be punished in municipal court as provided for in Section 1.04.080.”

SECTION 27. 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 the City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 28. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 29. 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 30. 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 31. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 32. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and City Council of the City of Stockbridge as provided in the City Charter.

SO ORDAINED this 12th day of May, 2014.

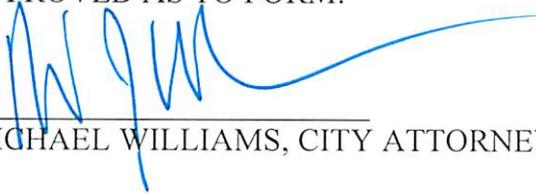

TIM THOMPSON, Mayor

ATTEST:



(SEAL)
STEPHANIE TIGNER, INTERIM CITY CLERK

APPROVED AS TO FORM:



MICHAEL WILLIAMS, CITY ATTORNEY

