

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **CITATIONS FOR ORDINANCE VIOLATIONS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 1-1-5 entitled “*General penalty; continuing violations; notice of ordinance violation*,” of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

“Sec. 1-1-5. - General penalty; continuing violations; notice of ordinance violation; citation for ordinance violation.

- (a) *General penalty and continuing violations.* Whenever in this Code or in any ordinance of Athens-Clarke County any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or in any ordinance the doing of any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of that provision of this Code or that ordinance shall be punished by a fine not to exceed \$1,000.00 or imprisonment for a term not exceeding six months, or any combination thereof, subject to all limitations contained in the Charter of Athens-Clarke County. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) *Notice of ordinance violation.* Notwithstanding any other provisions of this Code, violations of Athens-Clarke County Code section 9-30-8 F., regarding parking on unimproved surfaces in single family districts, and violations of Athens-Clarke County Code section 5-2-14(a), regarding leaving trash receptacles out on a non-collection day, may be enforced by a notice of ordinance violation issued by any police officer, marshal, deputy marshal or code enforcement officer as provided below:
 - (1) Ordinance violations charged by means of a notice shall not be punishable by imprisonment but shall be punishable by a fine of \$50.00.
 - (2) A notice of ordinance violation may be served by delivery into the hands of the suspected violator or by leaving the notice of ordinance violation at the suspected violator's residence with a person of suitable age and discretion residing therein, or by leaving the notice of ordinance violation at the suspected violator's place of business if the violation occurs at the business location, with a person of suitable age and discretion employed therein.
 - (3) Alternative to the provisions of subsection (2) above, a notice of ordinance violation may be served by substituted service as follows:
 - a. For violations of Athens-Clarke County Code section 9-30-8 F., the notice of ordinance violation may be placed on the front windshield of the illegally-parked vehicle in a fashion reasonably calculated to secure the notice of ordinance violation in place.

Notices served according to this subsection shall be conspicuously marked and placed in a waterproof packet.

- b. For violations of Athens-Clarke County Code section 5-2-14(a), the notice of ordinance violation may be served by securely attaching the notice of ordinance violation to the front door of the primary residential or business structure on the property served by the illegally-placed receptacle or to other door to said structure reasonably appearing to provide the primary point of egress to said residence or business. A notice of ordinance violation served according to this subsection shall be posted on the upper part of the door, shall be conspicuously marked and shall be placed in a waterproof packet.

(4) Violators may respond to a notice of ordinance violation either by signing the notice and returning the notice along with payment of the fine indicated thereon to the Municipal Court of Athens-Clarke County by the date indicated on the notice or by appearing in the Municipal Court to plead not guilty to the charged violation at the date and time provided on the notice. No proceedings for contempt or arrest shall be initiated for failure to appear on the return date on the notice.

(5) Violators who fail to respond to a notice of ordinance violation as provided for in subsection (4) above may thereafter be served personally with an ordinance violation citation or accusation, and criminally prosecuted pursuant to section 1-1-5(a) above.

(c) *Citation for ordinance violation.* Except as provided in subsections (1) and (2) below, no person shall be arrested and detained prior to trial for violating any provision of the Athens-Clarke County Code. A law enforcement officer shall issue a citation in lieu of pretrial detention. The citation shall identify the section of the Code violated, the date of the violation, the date and time of the court hearing on the violation, and the address of the Athens-Clarke County Municipal Court where the hearing will be held. Each citation shall have a unique identifying number.

(1) A person may be detained for a violation of Section 3-5-1(b)-(g), Disorderly Conduct, if the arresting officer has probable cause to believe that the person accused of violating Section 3-5-1(b)-(g) committed an act of violence or threatened an act of violence against another person.

(2) A person may be detained for a violation of Section 3-5-4, Intoxication, if the arresting officer has probable cause to believe that a person accused of violating Section 3-5-4 is intoxicated to the extent that he or she poses a danger to himself or herself or others, or the property of another.

(3) Notwithstanding subsections (1) and (2) above, a person may be detained for any offense in the Athens-Clarke County Code when the person:

- a. fails to identify himself/herself/themselves satisfactorily;
- b. refuses to sign the citation after the law enforcement officer explains that the citation does not constitute an admission of guilt and represents only the accused's promise to appear; or
- c. has previously failed to appear in response to a citation, summons, or other legal process in the Athens-Clarke County Municipal Court.

(d) *Section not exclusive.* The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Charter of the Unified Government of Athens-Clarke County or this Code.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.