



FANNIN COUNTY ORDINANCE ON DESTRUCTION OF COUNTY SIGNS

December 14, 2023

THIS ORDINANCE PROVIDES FOR THE PROSECUTION OF INDIVIDUALS WHO VACATE, REMOVE, STEAL, DAMAGE, OR DEMOLISH ANY SIGNS, CHARACTERS, MARKERS OR INDICATORS LOCATED ON OR ADJACENT TO THE RIGHT-OF-WAY OF ANY COUNTY MAINTAINED ROAD IN FANNIN COUNTY, GEORGIA, WHICH HAVE BEEN INSTALLED, PLACED, POSITIONED, OR REQUISITIONED BY THE GOVERING AUTHORITY OF FANNIN COUNTY, GEORGIA OR ITS DESIGNATED REPRESENTATIVE; AND FOR THE ASSESMENT OF THE COST OF REPLACEMENT OR RESTORATION OF THE SAME; TOGETHER WITH THE PROSECUTION OF INDIVIDUALS COMMITTING SAID ACTS.

WHEREAS, in Fannin County, a political subdivision of the State of Georgia, there are signs, characters, markers or indicators for naming directional or informational purposes adjacent to or on the right-of-way of streets, roads avenues, and lanes which are a part of the Fannin County Road System; and

WHEREAS, Fannin County, a political subdivision of the State of Georgia, does expend county funds for the erection, placement, location, and positioning of the aforesaid signs, characters, markers, or indicators for directional or informational purposes adjacent to or on the right-of-way of streets, roads avenues, and lanes which are part of the Fannin County Road System; and

WHEREAS, from time-to-time individuals have vacated, removed, stolen, damaged or demolished the signs, characters, markers, or indicators for naming directional or informational purposes adjacent to or on the right-of-way of streets, roads avenues, and lanes which are a part of the Fannin County Road System; and

WHEREAS it can be detrimental to providing for the safety, and well being of the citizens of Fannin County, Georgia, for said signs, characters, markers, or indicators to be removed, stolen, vacated, or demolished.

BE IT THEREFORE ORDAINED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF FANNIN COUNTY, a political subdivision of the State of Georgia:

Article I.

REMOVAL OF SIGNS NOT AUTHORIZED

It shall be illegal for any person to remove, vacate. Alter, destroy demolish, steal, or borrow without authorization any signs, characters, marker, or indicators adjacent to or on the right-of-way of streets, roads avenues, and lanes which are a part of the Fannin County, Georgia.

Article II.

POSSESSION OF SIGNS

It shall be illegal for any person to have in his or her possession any signs, characters, marker, or indicators adjacent to or on the right-of-way of streets, roads avenues, and lanes which can be reasonable assumed to have been a part of Fannin County, Georgia.

Article III

LAW ENFORCEMENT AND LEGAL PROCEDURES

Section 3.0 Enforcing Officers

(1). Any Peace Officer of the State of Georgia or Fannin County or Board of Commissioners may name, by appropriate resolution, an employee of Fannin County to serve as its designee and to oversee all matters concerning the enforcement of this Ordinance.

(2). The Board of Commissioners may name, by appropriate resolution, such person as it may feel necessary, if any, in addition to the Fannin County Sheriff's Office, to be a Road Sign Monitor. Such monitors shall be under the supervision of the Designee described in

Section 3.0(1) of this Ordinance and shall patrol, inspect, and monitor road sign sites to ensure compliance with this Ordinance, and shall monitor all areas of Fannin County for violations of this Ordinance.

(3) The Designee of the Board of Commissioners, as the Road Sign Monitor, shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exist which constitutes a violation of any provision of this Ordinance. Such citations and or summons shall be on a form approved by the Board of Commissioners and shall state the time and place at which the accused is to appear for trial and shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the Court, shall have the identity of the accused and the date of service, and shall be signed by the representative of Fannin County who completes and serves it .

Section 3.1 Penalty

- (1) Any person violating this Ordinance, or any provision of hereof, upon conviction, shall be punished as follows:

Be fined of not less than \$ 250.00 and not more than \$500.00, and /or by imprisonment in the Fannin County Jail for a period not to exceed sixty (60) days, which is in accordance with O.C.G.A, Section 15-10-62.

- (2) No person accused of violating this Ordinance shall be arrested prior to trial, but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the Magistrate Judge of Fannin County and required to post bond for his/her future appearance.

Section 3.2 Court Proceedings

- (1) Violations of this Ordinance shall be tried upon citation or accusation as described in Article 3, Section 3.1 of this Ordinance and may be tried with or without a prosecuting attorney as well as upon accusations. The County Attorney or another attorney designated by the Board of Commissioners shall serve as a Prosecuting Attorney.
- (2) Violations of this Ordinance shall be tried in the Fannin County Magistrate Court and shall be tried in accordance with O.C.G.A Chapter 15-10.
- (3) Nothing in the Article shall prevent the Board of Commissioners from bringing any civil action for the injunction, mandamus, or other proceedings to present, correct, or abate any violation of this Ordinance. No sanction, penalty or remedy prescribed herein shall be considered exclusive of any other remedy by law.
- (4) Each violation of the Ordinance shall constitute a separate offense.

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