



**ENFORCEMENT OFFICER OF FANNIN COUNTY, A POLITICAL SUBDIVISION OF THE
STATE OF GEORGIA DULY ADOPTED COUNTY ORDINANCE**

Approved April 9, 2024

Article I

Purposes

Fannin County, a political Subdivision of the State of Georgia, has, from time to time, and shall in the future, from time to time, adopted, various ordinances designated to preserve safeguard, shield, or enhance the quality of life of the citizens of Fannin County, Georgia. Fannin County is authorized under the applicable sections of the Constitution of the State of Georgia, the Official Code of Georgia, and such Laws made and provided, to enforce the terms and provisions of the various ordinances of Fannin County, a political Subdivision of the State of Georgia. Said various ordinances provide for the enforcement, in some manner, for the provisions of said ordinances.

The Board of Commissioners of Fannin County, Georgia, has determined that there is a requirement to enhance and augment the enforcement provisions of the various county ordinances and to provide uniformity in both existing and future ordinances.

Article II

Enactment Clause

This regulation shall be cited as the “ Enforcement Officer, Fannin County, a political Subdivision of the State of Georgia, duly adopted County Ordinance.”

Article III

Code Enforcement Officer

1. The Fannin County Board of Commissioners does hereby establish the position of "Code Enforcement Officer."
2. Said position may be held by one person or several persons as may from time to time be promulgated by the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia.
3. The individuals so designated by the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, may hold the position of "Code Enforcement Officer" in conjunction with any other compensated county position.
4. Any Peace Officer of the State of Georgia or Fannin County, Georgia shall be designated as a "Supplemental Code Enforcement Officer".

Article IV

Code Enforcement Officer Duties/ Procedures

1. **Authorization:** The Fannin County Code Enforcement Officer(s) and /or any Supplemental Code Enforcement Officer shall be authorized to issue citations and /or to a violator or violators of any of the provisions of the various County Ordinances duly adopted by Fannin County, a political subdivision of the State of Georgia. The Fannin County Enforcement Officer(s) shall be authorized to issue citations and /or summons to any person who may own or may be in possession of any property upon which any conditions exist which constitutes a violation of any provision of the various Ordinances of Fannin County, a political subdivision of the State of Georgia.
2. **Format:** Said citations shall be on a "Uniform Traffic Citation, Summons, Accusation & Warning" form or such other form as may be approved by the Board of Commissioners.
3. **Identification -Cited Party:** The Code Enforcement Officer shall list the name of the accused, as it is made known to him; together with the address of the accused and the phone number of the accused if available, and the current e-mail address of the accused if available. The Code Enforcement Officer shall request the cited party to provide his or her driver's license as a means of verifying said party's identification. In the event the said party is not in possession of a driver's license, the Enforcement Officer shall utilize the name and address supplied by the party to be cited.

4. Identification-Offense/Violation: The citation and /or summons, shall identify the offense with which the accused is charged by briefly describing the prohibited act.

(For example, it shall be deemed sufficient to state that the accused did" deposit household garbage on the right of way of XYZ road.")

The citation and /or summons, shall further identify the date and time that said violation is alleged to have occurred, as well as the location of the violation. The Code Enforcement Officer need not state the name of the Ordinance, or the specific section violated, but merely describe the offense in sufficient detail to place the accused on notice as to what prohibited act, he or she is accused of having committed.

5. Notification as to Trial: The citation and /or summons, shall indicate that the accused is to appear before the Magistrate Judge of Fannin County, Georgia, on the third Wednesday of the month following the issuance of the citation, at 2:00 P.M. There shall be a number on each citation, which shall appear on all subsequent Court proceedings.

6. Service on Accused/ Personal Service: A copy of the citation and /or summons, shall be served on the accused by the Code Enforcement Officer. Said service shall be accomplished by providing the accused with a copy of the citation and /or summons, at the time that it is issued.

If, the accused is not present at the time that the citation and /or summons, is issued, service can be perfected on the accused by serving a copy of the citation and /or summons, on the accused at such location as the accused may be found within the State of Georgia.

Non-Personal Services: In the event that as accused cannot be located within the boundaries of Fannin County, Georgia, or the State of Georgia service shall be perfected in the manner set forth in the Georgia Civil Procedures Act to service on out of state parties. In addition, a copy of the citation and /or summons, shall be forwarded to the accused via certified mail, return receipt requested to such address or addresses as may be found by the Code Enforcement Officer.

7. Signature: The citation and /or summons, shall be signed by the Code Enforcement Officer issuing said citation.

Article V

Offense

Each violation of a county ordinance shall constitute a separate offense.

Article VI

Court Procedures

1. **Court:** Violations of any of the various Ordinances of Fannin County shall be tried, upon citation and /or summons, in the Magistrate Court for Fannin County, Georgia. Said citations or accusations shall be tried in accordance with the Official Code of Georgia, Title 15, Chapter 10, Article 1-12. Said hearing shall be held on the third Wednesday of the month following the issuance of the citation, at 2:00 P.M. Any modification to this hearing date must be submitted in writing to the Magistrate Judge.
2. **Prosecuting Attorney:** Violations of any of the various Ordinances of Fannin County may be tried with or without a prosecuting attorney. Said violations may be tried on accusations of citations with accompanying testimony from the Code Enforcement Officer. If a prosecuting attorney is deemed needed, on a case-by-case bases, the County Attorney, or such other attorney as designated by the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia, shall serve as the prosecuting attorney. In the absence of a prosecuting attorney, the Code Enforcement Officer shall be authorized to serve as the prosecutor.
3. **Other Actions:** Nothing in the Resolution shall prevent the Board of Commissioners from bringing any civil action for injunction, mandamus, or such other proceedings as may be deemed appropriate to present, correct, or abate any violation of the various Ordinances of Fannin County, a political subdivision of the State of Georgia.

Article VII

Penalty

Any person violating a provision of the various Ordinances of Fannin County, upon conviction shall be subject to the following punishment:

1. Shall be subject to a fine not less than \$ 50.00 or more than \$500.00 for the first offense.
2. Shall be subject to a fine of not less than \$500.00 or more than \$1,000.00 for the second offense.
3. Shall be subject to a fine of not less than \$ 1000.00 or more than \$1,500.00 for the third offense. In addition, anyone convicted of a third violation of any of the various Ordinances of Fannin County, a political subdivision of the State of Georgia, shall be confined in the Fannin County jail for a period of not less than 24 hours or more than sixty (60) days, which is in accordance with the Official Code of Georgia Annotated Section 15-10-62.

4. In the sound discretion of the Judge of a Court in which conviction is obtained, the individual may be directed to pick up and remove from any public street or highway or public right of way any litter deposited thereon. Said punishment shall not exceed five (5) miles, on both sides of a given public street or highway or public right-of-way.

5. In the sound discretion of the Judge of the Court where conviction is obtained, the person may be directed to pick up and remove any litter deposited thereon from any Recreation Park or parks, or any public owned property, including County Roads.

6. In the sound discretion of the Judge of the Court where conviction is obtained, the person may be directed, with the permission of the owner and the tenant in possession, if any, to pick up litter on any private property upon which it can be established by competent evidence that he has deposited litter.

7. Punishments No. 4, No. 5 and No.6 can be administered in conjunction with Punishments No. 1, No. 2, or No. 3.

No person accused of violating this Ordinance shall be arrested prior to a trail, but any Defendant who fails to appear for trail shall be arrested thereafter on the warrant of the Magistrate Judge and required to post a bond for his or her future appearance.

Article VIII

Legal Status Provisions

1. **Severability:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared invalid for any reason, the remainder of said Ordinance shall not be affected.
2. **Compatibility:** It is the intention of the Board of Commissioners of Fannin County, a political subdivision of the State of Georgia that this Ordinance is to be construed to augment any of the provisions of existing Fannin County, a political subdivision of the State of Georgia, Ordinances.
3. **Repealer Clause:** All ordinances or parts of ordinances in conflict with this Ordinance are expressly repealed.

This ordinance was approved by the Fannin County Board of Commissioners, after required notice, public hearings, publication of agenda and a majority vote in favor of adoption on April 9, 2024. Each ordinance is effective upon adoption.

James V. Hensley, Chairman

Attest:
Sherie L. Walker, County Clerk



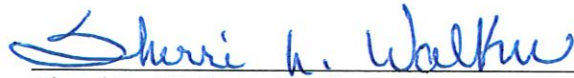
CERTIFICATION

STATE OF GEORGIA

COUNTY OF FANNIN

I, Sherri L. Walker, the duly appointed County Clerk for the Board of Commissioners of Fannin County, Georgia, and keeper of the minutes in and for the said Board of Commissioners, do hereby certify that the attached constitutes a full, complete and correct copy of the original approved by the Fannin County Board of Commissioners at a regular meeting held on April 9th, 2024.

Given under my official signature and seal of office, on this the 9th day of April, 2024.



Sherri L. Walker, Certified County Clerk
Fannin County Board of Commissioners

(SEAL OF OFFICE)

