

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2023– 173

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, AS AMENDED, SPECIFICALLY TO AMEND PART I “RELATED LAWS PERTAINING TO CLAYTON COUNTY,” CHAPTER 1 “GENERAL PROVISIONS,” CHAPTER 6 “ALCOHOLIC BEVERAGES,” AND CHAPTER 22 “BUSINESSES;” TO AMEND THE FINE LIMITS FOR FAILURE TO PAY OCCUPATIONAL TAXES; TO AUTHORIZE THE ABILITY TO SEEK INJUNCTIVE RELIEF; TO REPEAL ANY AND ALL CONFLICTING LAWS, ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED

Section 1. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I “Related Laws Pertaining to Clayton County,” Chapter 1 “General Provisions,” Section 1-14 “Civil fine for failure to pay occupation tax or regulatory fee” in its entirety and substituting instead the following language to read as follows:

***Sec. 1-14. – Civil fine for failure to pay occupation tax or regulatory fee.***

*Any other provision of this Code notwithstanding, the Magistrate Court of Clayton County is authorized to impose a civil fine, not to exceed \$1,000.00, for failure to pay any occupation tax or regulatory fee levied or imposed by Clayton County against any person subject to the tax or fee in accordance with the provisions of section 1-12 of this Code. Furthermore, the Magistrate Court of Clayton County is authorized to enforce such civil fine by the contempt power of the court.*

Section 2. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I “Related Laws Pertaining to Clayton County,” Chapter 6 “Alcoholic Beverages” to add a new Section 6-35 “Authority to seek injunctive or other appropriate relief” to read as follows:

***Sec. 6-35. - Authority to seek injunctive or other appropriate relief.***

*In addition to or in lieu of any other remedy, the county attorney is authorized to seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Chapter. Any such action may also seek civil fines in an amount not to exceed \$1,000.00, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of the County Code. The County shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed. Any such action shall be based on evidence of past infractions such as, but not limited to, the continued operation of a business after revocation of any business license; or the continued dispensing of alcoholic beverages after revocation of the alcohol license; or the operation of a business or the dispensing of alcohol without the proper license and the likelihood of future infractions absent the entry of injunctive, mandamus or other appropriate relief.*

*Secs. 6-36 – 6.55. – Reserved.*

Section 3. The Code of Clayton County, Georgia, as amended, is hereby further amended by deleting Part I “Related Laws Pertaining to Clayton County,” Chapter 22 “Businesses” to add a new Section 22-43 “Authority to seek injunctive or other appropriate relief” to read as follows:

***Sec. 22-43. – Authority to seek injunctive or other appropriate relief.***

*In addition to or in lieu of any other remedy, the county attorney is authorized to seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Chapter. Any such action may also seek civil fines in an amount not to exceed \$1,000.00, and may additionally seek the costs of restitution, and any other costs associated with the action to enjoin or prevent any violation of any provision of the County Code. The County shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court wherein any relief is granted or fine assessed. Any such action shall be based on evidence of past infractions such as, but not limited to, the continuous operation of a business without a business license after April 1 of any given year and the likelihood of future infractions absent the entry of injunctive, mandamus or other appropriate relief.*

Section 4. All Ordinances, Resolutions, Rules and Regulations, or parts thereof which conflict with this Ordinance are hereby repealed.

Section 5. It is declared to be the intention of the Board of Commissioners that all sections and paragraphs of this Ordinance are or were, upon their enactment, believed to be fully valid, enforceable and constitutional. To the greatest extent allowed by law, each and every paragraph herein is severable from the other. In the event that any portion of this Ordinance shall be declared invalid, unconstitutional or otherwise unenforceable by valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that the remaining portions of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.



Section 6. This Ordinance shall be effective following approval by the Board of Commissioners.

SO ORDAINED, this the 15<sup>th</sup> day of August, 2023.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



FELICIA FRANKLIN, VICE-CHAIR



ALIEKA ANDERSON, COMMISSIONER



GAIL HAMBRICK, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:

  
COURTNEY RUSHIN, CLERK