

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, CHAPTER 21, ARTICLE II, SECTION 21-8 PERTAINING TO SIGNS AND FOR OTHER PURPOSES.

The DeKalb County Board of Commissioners makes and adopts the following findings and conclusions in the enactment of this ordinance:

WHEREAS, zoning is a matter within the purview of local governments pursuant to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia; and

WHEREAS, the Official Code of Georgia Annotated § 36-66-1, *et seq.*, provides procedures and regulations for the adoption of zoning ordinances; and

WHEREAS, the DeKalb County Sign Ordinance was previously revised and adopted on June 10, 2003, and the Board of Commissioners now desires to incorporate into the record for the adoption of this Ordinance all of the findings and evidence that was produced during the process of revising and adopting this previous revision; and

WHEREAS, this Ordinance will not impede the existing land uses and zoning classification of nearby property; and

WHEREAS, this zoning ordinance will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, and will in fact aid in eliminating some traffic and pedestrian street and walkway use problems and aid public safety thereby; and

WHEREAS, the County has adopted a land use plan, and the zoning proposal is in conformity with the policy and intent of the land use plan; and

WHEREAS, the Board of Commissioners of DeKalb County has determined that there exists in DeKalb County a need to revise the existing ordinance governing signs to establish public policies for protection of public safety, property values, aesthetics and the general public welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 21, Article II, section 21-8 of the Code of DeKalb County, Georgia, is amended as follows:

PART I. ENACTMENT

Chapter 21, Article II, entitled "Administration and Enforcement" is hereby amended by deleting section 21-8(f) which currently reads as follows:

The director shall be authorized to remove any illegal sign and place a lien for the removal costs against the property upon which the sign was located prior to removal.

If enacted, subsection (f) shall be deleted in its entirety and Section 21-8 shall read in its entirety as follows:

Sec. 21-8. Enforcement and Penalties.

- (a) The director or his/her designee may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this chapter or in violation of any other applicable ordinance, including, but not limited to the building and electrical codes.
- (b) The director and/or his/her designee shall have the same duties, authority, and obligations regarding access to private property, inspections, including the procurement of inspection warrants provided in Article VI of Chapter 27 of the code with regard to the enforcement of this chapter.
- (c) Any person violating any provision of this chapter shall be guilty of an offense and upon conviction, shall be subject to the general penalty provided in section 1-10 of the county code. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation, and each day of a continued violation for each sign shall be considered a separate violation when applying the penalties authorized in section 1-10.
- (d) The county may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this chapter or other county ordinances.
- (e) The director or designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of

said sign or structure by taking it to any landfill. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

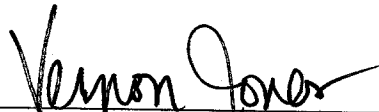
Should any part, portion or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid or unconditional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this 14th day of October, 2003.



BURRELL ELLIS
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

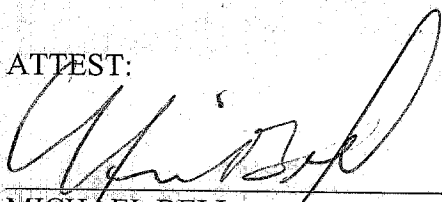
APPROVED by the Chief Executive Officer of DeKalb County, this 14th day of October, 2003.



VERNON JONES
Chief Executive Officer
DeKalb County, Georgia

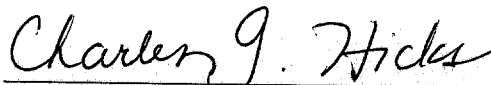
[Signatures continued on following page]

ATTEST:



MICHAEL BELL
Ex-Officio Clerk
Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:



CHARLES G. HICKS
County Attorney *wep rke*
DeKalb County, Georgia