

AGENDA

PUBLIC HEARING OF THE GOVERNING AUTHORITY OF WALKER COUNTY, GEORGIA

Walker County Courthouse Annex III, 201 S Main Street
LaFayette, Georgia 30728

Date: Thursday, July 12, 2018

Time: Public Hearing 6:00 PM
The Regular Scheduled Meeting will immediately follow the Public Hearing

Invocation: Given by Commissioner Shannon Whitfield

Call to Order: Commissioner Whitfield will call the meeting to order

Pledge: United States Flag

Pledge: Georgia Flag

Open of Public Hearing:

- I. Ordinance No. O-02-18 Amending Part II, Chapter 1 Of The Code of Walker County Georgia to Comply with O.C.G.A. § 36-1-20 9 (c) Placing Jurisdiction For The Enforcement Of County Ordinances In The Magistrate Court Of Walker County Georgia And Correcting Language Regarding Appellate Review
- II. Ordinance No. O-03-18 Amendment To The Walker County Soil Erosion, Sedimentation And Pollution Control Ordinance

Adjournment: The Public Hearing will be adjourned

NOTICE OF PUBLIC HEARING

The Governing Authority of Walker County, Georgia proposes to amend the county code of ordinances. O-02-18 places jurisdiction for the enforcement of county ordinances in Magistrate Court and corrects language regarding appellate review. O-03-18 updates language required by the State of Georgia in the Soil Erosion, Sedimentation & Pollution Control Ordinance. Public hearings on the proposed ordinances will be held on Thursday, July 12, 2018 and Thursday, July 26, 2018 at 6 p.m. at the Walker County Courthouse Annex III, 201 S Main Street in LaFayette, GA. Copies of the proposed ordinances are available for review at the Commissioner's Office (101 S Duke St, LaFayette) and online at walkercountyga.gov.

**COUNTY OF WALKER
STATE OF GEORGIA**

ORDINANCE NO. O-02-18

AN ORDINANCE AMENDING PART II, CHAPTER 1 OF THE CODE OF WALKER COUNTY, GEORGIA TO COMPLY WITH O.C.G.A. § 36-1-20 (c) PLACING JURISDICTION FOR THE ENFORCEMENT OF COUNTY ORDINANCES IN THE MAGISTRATE COURT OF WALKER COUNTY, GEORGIA AND CORRECTING LANGUAGE REGARDING APPELLATE REVIEW

WHEREAS, O.C.G.A. § 36-1-20 (c) states, “jurisdiction over violations for enforcement of such ordinances shall be as provided in Article 4 of Chapter 10 of Title 15; provided, however, jurisdiction over ordinances having to do with traffic offenses shall be in the court or courts having jurisdiction over state traffic offenses;” and

WHEREAS, an ordinance passed on 18th day of October 2007 and recorded at Minute Book 54, Page 43 of the Meeting of the Walker County Sole Commissioner added sections 1-13 and 1-14 to Part II, Chapter 1 of the Code of Ordinances to add regarding Jurisdiction and Venue and Appeals, respectively; and

WHEREAS, section 1-13, subsections (a) and (b) of the Code of Ordinances places jurisdiction and venue for ordinance violations in “either the Magistrate Court of Walker County or the State Court of Walker County;” and

WHEREAS, section 1-14, subsection (a) places appellate jurisdiction of magistrate court cases in the State Court of Walker County and subsection (b) places appellate jurisdiction of state court cases in the Superior Court of Walker County; and

WHEREAS, jurisdiction for appeals of cases regarding violations of county ordinances are allowable only in the Superior Court of Walker County.

BE IT HEREBY ORDAINED by the Walker County Sole Commissioner that the Code of Walker County Georgia is amended as follows, to wit:

Sec. 1-13. Jurisdiction and Venue.

- (a) Jurisdiction for any and all citations for ordinance violations, civil actions to abate nuisances, or any other legal action or enforcement measures arising under this Code or under any other county ordinance or regulation shall be in the Magistrate Court of Walker County.
- (b) Venue for all citations for ordinance violations and any other legal proceedings initiated by the County arising under this Code or under any other county ordinance or regulation shall be in the Magistrate Court of Walker County.
- (c) Any defendant who is charged with one or more ordinance violations may, at any time before trial, demand that the case be removed for a jury trial to the State Court of Walker County. Such a demand shall be written. Upon such a demand the court shall grant the demand. Failure to demand removal of the case shall constitute a waiver of any right to trial by jury which the defendant may otherwise have.
- (d) Prosecutions for violations of county ordinances shall be upon citation or upon accusation by the county attorney or such other attorney as the county governing authority may designate. Such attorney shall be the prosecuting attorney in cases tried upon accusation.
- (e) Ordinance violations may be tried upon accusations or citations with or without a prosecuting attorney as provided in O.C.G.A. § 15-10-63 (a).

Sec. 1-14. Appeals.

- (a) Unless otherwise specified by state law, any party wishing to appeal any decision of the Magistrate Court concerning an ordinance or any other provision of this Code shall do so by certiorari to the Superior Court of Walker County, and such application shall specify any alleged errors of law or fact by the Magistrate Court.
- (b) If the Superior Court of Walker County accepts the discretionary appeal, the Superior Court may set the case on the docket of the next available non-jury trial calendar or motions day.
- (c) If the appellant has been levied a fine by the Magistrate Court, he or she must post a cash bond equal to the fine with the clerk of appellate court.

All ordinances and parts of ordinances in conflict herewith shall be the same and are hereby repealed.

The Walker County Commissioner took public comments at the Commissioner's public hearing on July 12, 2018 and July 26, 2018.

PASSED AND ADOPTED THIS 26th DAY OF JULY, 2018.

Shannon K. Whitfield
Sole Commissioner
Walker County, Georgia

ATTEST:

Rebecca Wooden
Clerk of Walker County

COUNTY OF WALKER
STATE OF GEORGIA

ORDINANCE NO. O-03-18

AMENDMENT TO THE WALKER COUNTY SOIL EROSION,
SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

- WHEREAS,** Walker County previously adopted the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance on December 3, 2009;
- WHEREAS,** the State of Georgia has recognized Walker County as a Local Issuing Authority pursuant to the Georgia Erosion and Sedimentation Act of 1975 (O.C.G.A. § 12-7-1, *et seq.*);
- WHEREAS,** Local Issuing Authorities are required pursuant to O.C.G.A. § 12-7-8(a)(2) to amend their county ordinances with 12 months of amendments to the Georgia Erosion and Sedimentation Act;
- WHEREAS,** the State of Georgia has amended the Georgia Erosion and Sedimentation Act; and
- WHEREAS,** the Sole Commissioner of Walker County deems the amendments to the Georgia Erosion and Sedimentation Act to be well taken and desires that the said Walker County ordinance be amended to reflect the amendments in the state statute.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance is hereby amended by repealing Section II (6) "CPESC" and Section II (18) "Final Stabilization" in their entirety and in their stead adopting the following:

SECTION II
DEFINITIONS

6. CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

...

18. Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation)

and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

All provisions of the Walker County Soil Erosion, Sedimentation and Pollution Control Ordinance, as amended, not directly repealed by this amendment shall remain in full force and effect. This amendment shall take effect immediately upon its passage.

The Walker County Commissioner took public comments at the Commissioner's public hearing on July 12, 2018 and July 26, 2018.

PASSED AND ADOPTED THIS 26th DAY OF JULY, 2018.

Shannon K. Whitfield
Sole Commissioner
Walker County, Georgia

ATTEST:

Rebecca Wooden
Clerk of Walker County