

10-0-0628

(Do Not Write Above This Line)

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AMEND SECTION 18 OF THE ATLANTA HOUSING CODE OF 1987 AND SECTION 8-2094 OF THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO PROVIDE A NEW MINIMUM PENALTY SCHEDULE FOR CODE VIOLATIONS; SO AS TO PROVIDE A NEW FEE SCHEDULE FOR INITIAL AND SUBSEQUENT INSPECTIONS TO DETERMINE IF SUCH VIOLATIONS EXIST AND/OR HAVE BEEN CORRECTED; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 07 2010

SUBSTITUTE

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 05/03/10

Referred To: CD/HR

Date Referred

1947 Referred To:

Date Referred

Referred To:

First Reading

Committee Chair Referred To: *CD/HR*

Committee Date Chair

Action Fav, Adv, Hold (see rev. side) Other

Members

Refer To

Committee Date

Action Fav, Adv, Hold (see rev. side) Other

Members

Refer To

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side) Other

Members

Refer To

Committee

Date

Chair

Action Fav, Adv, Hold (see rev. side) Other

Members

Refer To

FINAL COUNCIL ACTION  
 2nd  1st & 2nd  3rd  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED  
JUN 07 2010  
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
JUN 07 2010  
Ruth Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 16 2010

WITHOUT SIGNATURE  
BY OPERATION OF LAW

10-O-0628

**A SUBSTITUTE ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 18 OF THE ATLANTA HOUSING CODE OF 1987 AND SECTION 8-2094 OF THE ATLANTA COMMERCIAL, INSTITUTIONAL, & INDUSTRIAL BUILDING MAINTENANCE CODE SO AS TO PROVIDE A NEW MINIMUM PENALTY SCHEDULE FOR CODE VIOLATIONS; SO AS TO PROVIDE A NEW FEE SCHEDULE FOR INITIAL AND SUBSEQUENT INSPECTIONS TO DETERMINE IF SUCH VIOLATIONS EXIST AND/OR HAVE BEEN CORRECTED; AND FOR OTHER PURPOSES.**

**WHEREAS**, the enforcement of various codes including the Atlanta Housing Code and the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code resides within the Bureau of Code Compliance and is an integral part of providing for the health, safety, and general welfare of the city's residents; and

**WHEREAS**, the Atlanta Housing Code and the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code currently imposes minimum fines in the event of conviction in the Atlanta Municipal Court; and

**WHEREAS**, the City finds that the amount of the fine should be determined in part by whether or not compliance has been achieved at the time of sentencing by the Court; and

**WHEREAS**, the City finds it in the interests of the public health, safety and welfare that a new fine structure and schedule be implemented.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:**

**Section 1:** That paragraph (d) of Section 18 of the Atlanta Housing Code entitled "Penalties" is hereby amended and renumbered so as to read hereafter as follows (with deletions "struck-through" and additions "underlined"):

*(d) Penalties.* Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:

- (1) A first conviction for violation of this Code shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A first conviction for violation of this Code shall be punishable by a fine not less than ~~three hundred fifty~~ five hundred dollars (~~\$350~~500.00) nor more than one thousand



dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.

- (2) A second conviction for violation of this Code shall be punishable by a fine of not less than ~~three hundred and fifty~~ five hundred dollars (~~\$3500.00~~) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A second conviction for violation of this code shall be punishable by a fine of ~~not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00)~~ or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.
- (3) A third conviction for violation of this Code shall be punishable by a fine of ~~five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00)~~ or imprisonment for not more than sixty (60) days or both, ~~if the violation has been brought into compliance at the time of sentencing. A third conviction for violation of this Code shall be punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.~~
- (4) A fourth or subsequent conviction for violation of this Code shall be punishable by imprisonment for no less than (30) days and no more than one hundred eighty (180) days, ~~a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.~~
- (5) The Municipal Court shall levy a fee of fifty dollars (\$50.00) for the inspection of the property by a Code Enforcement Officer for which the citation was issued. In each instance where the Municipal Court resets the case to afford the defendant an opportunity to come into compliance, the Municipal Court shall levy a fee of one hundred ~~one hundred~~ fifty dollars (~~\$100~~50.00) for each re-inspection by a Code Enforcement Officer ~~of properties found in violation of this Code where, after the re-inspection, the property continues to be in non-compliance.~~
- (6) Where a person shall be convicted of more than one (1) offense and sentenced to imprisonment, such sentences shall be served concurrently; provided, however, that the judge may, at his or her discretion, direct that these sentences run severally if said sentence would not exceed one hundred eighty (180) days.
- (7) Any or all of the penalties prescribed in this subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity that acts unlawfully pursuant to Section 17(a).



**Section 2:** That paragraph (h) of Section 18 of the Atlanta Housing Code entitled “Penalties” is hereby amended so as to read hereafter as follows (with deletions “struck-through” and additions “underlined”):

- (h) Notwithstanding paragraph (d), failure to comply with any provision of Section 19 of this Code shall constitute an offense and shall be punishable as follows:
- (1) A first conviction for violation of Section 19 of this Code shall be punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has been brought into compliance at the time of sentencing. A first conviction for violation of Section 19 of this Code shall be punishable by a fine of not less than seven hundred fifty dollars (\$750.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both if the violation has not been brought into compliance at the time of sentencing.
  - (2) A second or ~~subsequent~~ third conviction for violation of Section 19 of this Code shall be punishable by a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.
  - (3) A fourth or subsequent conviction for violation of this Code shall be punishable by imprisonment for no less than thirty (30) days and no more than one hundred eighty (180) days.

**Section 3:** That paragraph (c) of Section 8-2094 of the Atlanta Commercial, Institutional, & Industrial Building Maintenance Code, entitled “Penalties” is hereby amended so as to read hereafter as follows (with deletions “struck-through” and additions “underlined”):

- (c) *Penalties.* Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:
- (1) Upon first conviction, each separate violation of this Code shall be punishable by a fine of not less than \$500.00 nor more than \$1,000.00 or imprisonment for not more than 60 days or both.
  - (2) A second or third conviction for violation of this code shall be punishable by a fine of ~~not less than \$750.00 per separate offense nor more than \$1,000.00~~ or imprisonment for not more than 60 days or both.
  - (3) A ~~third~~ fourth conviction and any conviction thereafter of this code shall be punishable by imprisonment for no less than thirty (30) days and no more than one hundred eighty (180) days. ~~a fine of \$1,000.00 per separate offense nor more than 60 days or both.~~
  - (4) Where a person shall be convicted of more than one offense and sentenced to imprisonment, said sentences shall be served concurrently; provided however, the



judge may in his/her discretion, direct that these sentences run severally if said sentence would not exceed 180 days.

- (5) Any or all penalties prescribed in this subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity for the failure to comply with any provision of this Code.
- (6) The Municipal Court shall levy a fee of fifty dollars (\$50.00) for the inspection of the property by a Code Enforcement Officer for which the citation was issued. In each instance where the Municipal Court resets the case to afford the defendant an opportunity to come into compliance, the Municipal Court shall levy a fee of fifty dollars (\$50.00) for each re-inspection by a Code Enforcement Officer.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

JUN 07, 2010

JUN 16, 2010

RCS# 282  
6/07/10  
3:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I                    EXCEPT 10-O-0877,10-O-0923,10-R-1000

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 1  
ABSENT 0

|           |             |           |             |
|-----------|-------------|-----------|-------------|
| Y Smith   | E Archibong | Y Moore   | Y Bond      |
| Y Hall    | Y Wan       | Y Martin  | NV Watson   |
| Y Young   | Y Shook     | Y Bottoms | Y Willis    |
| Y Winslow | Y Adrean    | Y Sheperd | NV Mitchell |

CONSENT I

| <b>ITEMS ADOPTED ON<br/>CONSENT</b>   | <b>ITEMS ADOPTED ON<br/>CONSENT</b>  | <b>06-07-10<br/>ITEMS ADVERSED<br/>ON CONSENT</b>   |
|---|--|---|
| 1. 10-O-0628<br>2. 10-O-0629<br>3. 10-O-0631<br>4. 10-O-0634<br>5. 10-O-0635<br>6. 10-O-0734<br>7. 10-O-0864<br>8. 10-O-0865<br>9. 10-O-0866<br>10. 10-O-0867<br>11. 10-O-0807<br>12. 10-O-0879<br>13. 10-O-0901<br>14. 10-O-0902<br>15. 10-O-0927<br>16. 10-R-0935<br>17. 10-R-1038<br>18. 10-R-1039<br>19. 10-R-1040<br>20. 10-R-0643<br>21. 10-R-0645<br>22. 10-R-0954<br>23. 10-R-0955<br>24. 10-R-0956<br>25. 10-R-1037<br>26. 10-R-0951<br>27. 10-R-1048<br>28. 10-R-0937<br>29. 10-R-0943<br>30. 10-R-0941<br>31. 10-R-0942<br>32. 10-R-1042<br>33. 10-R-1043<br>34. 10-R-1044<br>35. 10-R-1045<br>36. 10-R-1049<br>37. 10-R-0963<br>38. 10-R-0964<br>39. 10-R-0965<br>40. 10-R-0966<br>41. 10-R-0967<br>42. 10-R-0968 | 43. 10-R-0969<br>44. 10-R-0970<br>45. 10-R-0971<br>46. 10-R-0972<br>47. 10-R-0973<br>48. 10-R-0974<br>49. 10-R-0975<br>50. 10-R-0976<br>51. 10-R-0977<br>52. 10-R-0978<br>53. 10-R-0979<br>54. 10-R-0980<br>55. 10-R-0981<br>56. 10-R-0982<br>57. 10-R-0983<br>58. 10-R-0984<br>59. 10-R-0985<br>60. 10-R-0986<br>61. 10-R-0987<br>62. 10-R-0988<br>63. 10-R-0989<br>64. 10-R-0990<br>65. 10-R-0991<br>66. 10-R-0992<br>67. 10-R-0993<br>68. 10-R-0994 | 69. 10-R-0995<br>70. 10-R-0996<br>71. 10-R-0997<br>72. 10-R-0998<br>73. 10-R-0999<br>74. 10-R-1001<br>75. 10-R-1002<br>76. 10-R-1003<br>77. 10-R-1004<br>78. 10-R-1005<br>79. 10-R-1006<br>80. 10-R-1007<br>81. 10-R-1008<br>82. 10-R-1009<br>83. 10-R-1010<br>84. 10-R-1011<br>85. 10-R-1013<br>86. 10-R-1014<br>87. 10-R-1015<br>88. 10-R-1016<br>89. 10-R-1017<br>90. 10-R-1018<br>91. 10-R-1019<br>92. 10-R-1020<br>93. 10-R-1021<br>94. 10-R-1022<br>95. 10-R-1023<br>96. 10-R-1024<br>97. 10-R-1025<br>98. 10-R-1026<br>99. 10-R-1027<br>100. 10-R-1028<br>101. 10-R-1029<br>102. 10-R-1031<br>103. 10-R-1032<br>104. 10-R-1033<br>105. 10-R-1034<br>106. 10-R-1035<br>107. 10-R-1036 |