BE IT ORDAINED that the Code of Ordinances of Gwinnett County is hereby amended by adding a new Section 42-27 which shall read as follows:

Section 42-27. MANDATORY ABATEMENT OF GRAFFITI NUISANCES.

It shall be unlawful for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours. For purposes of this Section, the term "Graffiti" shall have the same meaning as set forth in Official Code of Georgia Annotated § 17-15A-2.

In the event that a Court of competent jurisdiction determines that a person has violated the provisions of this Section, the Court may, on its own motion, or at the request of the County, issue an order directing the County to remove the graffiti from the property on such terms as the Court deems appropriate. The Court may also specify that the property owner may be liable for the cost incurred in the removal of the graffiti.

Any and all provisions of the Code of Ordinances of Gwinnett County in conflict with the provisions of this Ordinance are hereby repealed.

THIS ORDINANCE IS ADOPTED this the _____ day of September, 2005.

BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA

ATTEST:                              By: CHARLES E. BANNISTER, Chairman
BRENT DAVID MODDOX                  
County Clerk (SEAL)                  

APPROVED AS TO FORM:

VAN STEPHENS                        
Chief Assistant County Attorney
ORDINANCE ENTITLED:

AN ORDINANCE TO CREATE A NEW SECTION 42-27
OF THE CODE OF ORDINANCES OF GWINNETT COUNTY

READING AND ADOPTION: ______________

At the regular meeting of the Gwinnett County Board of Commissioners held in the Commission Meeting Room, 75 Langley Drive, Lawrenceville, Georgia.

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Present       Vote

Charles E. Bannister, Chairman
Lorraine A. Green, District 1
Bert Nasuti, District 2
Michael A. Beaudreau, District 3
Kevin Kenerly, District 4

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On motion of _________________________, which carried ____,
the following Ordinance was adopted:

AN ORDINANCE TO CREATE A NEW SECTION 42-27
OF THE CODE OF ORDINANCES OF GWINNETT COUNTY

BE IT RESOLVED this _______ day of September, 2005.

BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA

By: ______________________

CHARLES E. BANNISTER
Chairman

ATTEST:

BRENDA MADDOX, County Clerk (SEAL)

APPROVED AS TO FORM:

VAN STEPHENS
Chief Assistant County Attorney
WHEREAS during its 2003 Session, the Georgia General Assembly passed legislation identified as 2003 Georgia Laws Act 38, which became effective on July 1, 2003; and

WHEREAS 2003 Georgia Laws Act 38 has been codified at Official Code of Georgia Annotated Chapter 17-15A, related to criminal procedure, and Title 42, related to penal institutions; and

WHEREAS 2003 Georgia Laws Act 38 provides for the use of inmate labor to remove certain graffiti from private property as a form of compensation to innocent victims of criminal trespass or criminal damage to property; and

WHEREAS on October 7, 2003, the Gwinnett County Board of Commissioners passed a Resolution to establish a policy for clearing graffiti from private property using inmate labor; and

WHEREAS on July 5, 2005 the Gwinnett County Board of Commissioners passed a Resolution which extended the policy of graffiti removal to include incorporated areas of the County pursuant to intergovernmental agreements with affected municipalities; and

WHEREAS the Gwinnett County Board of Commissioners has determined that amendment of its current policy of using inmate labor to clean or remove graffiti from private property is in the best interest of Gwinnett citizens;

NOW THEREFORE, the Gwinnett County Board of Commissioners does hereby extend its current policy of using inmate labor to clean or remove graffiti from private property located within Gwinnett County to include the use of County-supervised inmate labor to perform such graffiti removal. The Board of Commissioners further extends its current policy to authorize the removal of graffiti which is not gang-related as well as gang-related graffiti. The Board of Commissioners finds that graffiti which is not gang-related also impacts innocent victims of criminal trespass or criminal damage to property.

THIS RESOLUTION IS ADOPTED AND SHALL BECOME EFFECTIVE this the _____ day of September, 2005.
ATTEST:

BRENDA MADDOX
County Clerk (SEAL)

By:

CHARLES E. BANNISTER, Chairman

APPROVED AS TO FORM:

VAN STEPHENS
Chief Assistant County Attorney
RESOLUTION ENTITLED:

A RESOLUTION OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS TO AMEND ITS POLICY PROVIDING FOR THE REMOVAL OF GRAFFITI FROM PRIVATE PROPERTY USING INMATE LABOR

READING AND ADOPTION: ____________

At the regular meeting of the Gwinnett County Board of Commissioners held in the Commission Meeting Room, 75 Langley Drive, Lawrenceville, Georgia.

Present       Vote

Charles E. Bannister, Chairman
Lorraine A. Green, District 1
Bert Nasuti, District 2
Michael A. Beaudreau, District 3
Kevin Kenerly, District 4

On motion of _______________________, which carried ____,
the following Ordinance was adopted:

A RESOLUTION OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS TO AMEND ITS POLICY PROVIDING FOR THE REMOVAL OF GRAFFITI FROM PRIVATE PROPERTY USING INMATE LABOR

BE IT RESOLVED this _______ day of September, 2005.

BOARD OF COMMISSIONERS
GWINNETT COUNTY, GEORGIA

By:               CHARLES E. BANNISTER
                 Chairman

ATTEST:

BRENDA MADDOX, County Clerk (SEAL)

APPROVED AS TO FORM:

_______________________________
VAN STEPHENS
Chief Assistant County Attorney