

ORDINANCE NUMBER 6456-2020

AN ORDINANCE AMENDING CHAPTER 1, GENERAL PROVISIONS, SECTION 1-7, GENERAL PENALTY; CONTINUING VIOLATIONS, SUBSECTION (C) (1) OF THE CITY OF WOODSTOCK, GEORGIA CODE OF ORDINANCES.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the “City”) is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia, has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

That Chapter 1, General Provisions of the General Code of Woodstock, Georgia, Section 1-7, General Penalty, Subsection (c) (1) shall be amended as follows:

Sec. 1-7 General Penalty.

(c) Except as otherwise provided:

- (1) A person convicted of a violation of this Code, shall be punished by a fine not exceeding \$1,000.00 (excluding surcharges) or imprisonment for a term not exceeding ~~60 days~~ **6 months, or both**, and as an alternative to fine or imprisonment, to sentence any offender upon the conviction to labor in a city work gang or on the streets, sidewalks, squares or other public works for a period not exceeding 30 days.

¹Ga. Const., 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows:

“The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly. “

²O.C.G.A. § 36-35-3 (a) provides as follows:

“(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6.”

Effective Date. This Ordinance shall take effect immediately upon the second reading by City Council.

AS ORDAINED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 11th DAY OF JULY, 2020.

1st Reading: June 8, 2020

2nd Reading: July 13, 2020



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK



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