

LAMAR COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 2-11 OF THE LAMAR COUNTY, GEORGIA, CODE OF ORDINANCES ENTITLED "HEALTH AND HUMAN SERVICES"; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
LAMAR COUNTY, GEORGIA

SECTION 1. Code Section Amended. Chapter 2-11 of the Lamar County, Georgia, Code of Ordinances entitled "Health and Human Services" is hereby amended by deleting Section 2-11-2 entitled "Adoption of health regulations; enforcement; penalties" in its entirety and substituting in lieu thereon a new Section 2-11-2 to read as follows:

Sec. 2-11-2. Adoption of health regulations; enforcement; penalties.

(a) The following rules and regulations, as amended, approved and adopted by the Lamar County Board of Health are, by reference, incorporated herein as if they fully appeared hereon:

- (1) *Sanitation Health Rules for Lamar County Governing Water Supply* adopted by the Lamar County Board of Health on May 11, 2000, as hereafter may be amended.
- (2) Rules and Regulations governing On-Site Sewage Management Systems contained in Chapter 511-3-1 of the Rules of the Department of Public Health as hereafter may be amended.
- (3) Rules and Regulations governing Food Service contained in Chapter 511-6-1 of the Rules of the Department of Public Health as hereafter may be amended.
- (4) Rules and Regulations governing Tourist Accommodations contained in Chapter 511-6-2 of the Rules of the Department of Public Health as hereafter may be amended.
- (5) Rules and Regulations governing Public Swimming Pools, Spas and Recreational Water Parks contained in Chapter 511-3-5 of the Rules of the Department of Public Health

as hereafter may be amended.

- (6) Rules and Regulations governing Portable Sanitation Contractors contained in Chapter 511-3-6 of the Rules of the Department of Public Health as hereafter may be amended.
- (7) The *Rules and Regulations for Body Art Studios and Body Artists* adopted by the Lamar County Board of Health, as amended, are incorporated herein by reference and made a part of this ordinance as if fully rewritten herein.

(b) Notwithstanding anything contained in this Section or the Code of Lamar County to the contrary, and in addition to any enactment, statute or ordinance providing that certain violations of the above-mentioned rules and regulations may also constitute misdemeanors, punishable upon conviction thereof, as prescribed by the laws of Georgia, any person who shall do anything prohibited by this Section as it now exists, or as it may hereafter be amended, or who shall fail to do anything required by this Section as it now exists or as may hereafter be amended, is hereby declared to be in violation of this Section and the regulations or ordinances herein set forth.

(c) All alleged violations of this Section and the incorporated ordinances shall be tried in the Lamar County Magistrate Court, or other court of competent jurisdiction, upon a citation issued by the Lamar County Code Enforcement Department, the Lamar County Sheriff's Office, or the designated representative of the Lamar County Health Department.

(d) Any person who violates any provision of this Section may be punished by a fine up to one thousand dollars (\$1,000.00) or imprisonment for sixty (60) days, or both. Each day any violation of this Section continues constitutes a new and separate offense.

(e) In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any provision of this Section shall be deemed a public nuisance and may be abated by the County or its designee as provided by law or ordinance, either summarily by a restraining order or by a court of competent jurisdiction.

(f) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter, and, in the absence of any such completion time being fixed by the court, within a reasonable time.

(g) The application of any fine or imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.

(h) The remedies herein set out for the purpose of enforcing the provisions of this Section shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia, or by the ordinances of Lamar County.

SECTION 2. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree

of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Lamar County, Georgia.

SO ORDAINED, this _____ day of _____, 2014.

CHARLES GLASS, Chairman

VAN BAKER

ROBERT HEINEY

BENNIE HORTON

NANCY THRASH

ATTEST:

Bob Zellner, County Administrator

(SEAL)

First Reading: _____

Second Reading/
Adoption: _____