

FIRST READING April 10, 2018

ADVERTISED _____

PASSED May 8, 2018

AN ORDINANCE NO. 2018-05-08(2)

AN ORDINANCE TO AMEND SECTION 130.12 OF THE GENERAL OFFENSES CONTAINED WITH THE CITY CODE OF THE CITY OF BLUE RIDGE PERTAINING TO DAMAGING PUBLIC OR CITY PROPERTY TO INCLUDE ILLEGAL PROJECTION OF LIGHT, TO PROVIDE DEFINITIONS AND PENALTIES; AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has previously adopted Section 130.12 addressing damaging public or City property; and;

WHEREAS, City Council of the City of Blue Ridge, Georgia, finds that the certain changes set forth herein will promote the enjoyment, public health, safety and welfare of the citizens and visitors of Blue Ridge, Georgia and;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, desires to preserve and enhance the natural nighttime visual environment of the City;

NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, as follows:

SECTION 1.

Section 130.12 of the entitled “Damaging Public or City Property” is hereby is hereby amended by renaming said section to “Damaging or Illegally Projecting Light to or upon City Property” and the new Section 130.12 shall now read as follows:

“It shall be unlawful for any person, organization of persons, or entity to willfully tamper with, illegally project light upon, mutilate or deface any City personal or real property, including, without limitation, trees, other plants, buildings, drive-in theaters screens, vehicles or other equipment for lighting, firefighting, police protection or water and sewer installation and maintenance. For purposes of this section “illegally project” shall mean, without a permit issued by the City Council, to direct, install, use or intentionally allow a permanent, portable, temporary, spot-light, hand-held device or other light source which emits concentrated light in such a manner that the light is projected more than fifteen (15) feet from the light source onto City real property so as to become an annoyance, a nuisance, or a detriment to the visual performance of any activity occurring on City property and shall specifically also include projecting light from private property or any right of way onto the screen of any outdoor theatre screen located upon City real property. The term “illegally project” shall not include the projection of any

light source which is allowed by the City on City real property, or operated, utilized, installed or maintained by the City, the State of Georgia, the United States or any agencies or representatives thereof.

Violations of this Section shall result in a civil fine for the first offense in an amount not less than \$500. Violations for any subsequent offense of this Section shall result in a fine in an amount not less than \$500 and up to ninety (90) days in jail. Nothing in this Section shall be deemed to prohibit a prosecution by any governmental jurisdiction under State or Federal law for activity which meets the definition of the unlawful activity described herein.

SECTION 2:

REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

SECTION 3.
SEVERABILITY

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4.
EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b).

SO ORDAINED, this ____ day of _____, 2018.

BLUE RIDGE CITY COUNCIL

By: _____
Mayor

Councilperson

Councilperson

Councilperson

Councilperson

Councilperson

Attest:

Kelsey Ledford, City Clerk