

ORDINANCE O-78-08

AN ORDINANCE TO AMEND CHAPTER 34, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO MODIFY SECTION 34-100 TO INCREASE THE MAXIMUM FINE FROM \$500 TO \$1000 AND PROVIDE FOR EACH DAY OF VIOLATION AS A SEPARATE OFFENSE; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A REPEAL OF CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ARTICLE II. BUSINESSES REGULATED

DIVISION 2. BODY ART STUDIOS AND ARTISTS

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Sec. 34-100. Enforcement.

- (a) The board of health shall have the power and authority to deny, suspend or revoke any permit issued under these rules for failure to comply with the provisions thereof. When an application for a permit is denied or the permit previously granted is suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing in accordance with O.C.G.A. Article 1 of Chapter 5 of Title 31 and the count board of health enforcement rules. In lieu of a hearing and upon correction of all violations, the permit holder may request an inspection to reinstate the permit.
- (b) These rules, upon adoption by the city, shall be enforced by the county board of health as a duly adopted ordinance of the city. Any person violating any provision of these rules shall be guilty of violating a duly adopted ordinance of the city, and upon conviction in the municipal court of the city shall be punished by a fine not to exceed \$1,000.00, and/or by incarceration for a total term not to exceed 60 days, or both. ~~Each day the violation continues shall constitute a separate offense.~~
- (c) The court shall have the power and authority to place any person found guilty of a violation of these rules on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.
- (d) The board of health is also empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining a violation of any applicable provision of O.C.G.A. Chapter 40 of Title 31, of the rules and regulations of the department, or the rules of the count board of health.

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- (e) Any person, firm, or corporation operating a body art studio without a valid permit or performing body art outside of a permitted body art studio shall be guilty of a violation of this division.

(Ord. No. O-52-07, § 32-208(30), 3-15-2007)