

STATE OF GEORGIA
COUNTY OF GWINNETT

ORDINANCE O-79-08

AN ORDINANCE TO AMEND CHAPTER 42, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF BERKELEY LAKE TO MODIFY SECTION 42-66 TO INCREASE THE MAXIMUM FINE FROM \$500 TO \$1000; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A REPEAL OF CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ARTICLE III. CHATTAHOOCHEE RIVER TRIBUTARY PROTECTION

Sec. 42-66. Penalties.

- (a) *Failure to obtain a permit for land disturbing activity.* If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this article without first obtaining said permit, that person shall be subject to revocation of the business license, work permit, building permit or other authorization for the conduct of business and associated work activities within the jurisdictional boundaries of the city.
- (b) *Stop work orders.* Upon notice from the OEO work on any project that is being done contrary to the provisions of this article shall be immediately stopped. Such notices shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed or the site restored to its original condition or its equivalent. Where an emergency exists, no written notice shall be required.
- (c) *Performance bond forfeiture.* If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the terms and conditions of the permit, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the permit and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, his performance bond shall be subject to forfeiture.
- (d) *Suspension, revocation or modification of permit.* The permit may be suspended, revoked or modified by the OEO upon finding that the holder is in violation of the permit or any portion of this article.
- (e) *Civil penalties.* Any person violating any provision of this article, permitting conditions of the land on which the violation occurs shall be liable for a civil penalty of not less than \$100.00 a day or not to exceed \$1,000.00 per day. Each

Comment [LGT1]: This code section provides for a range of penalties. Not sure if you all want to increase the minimum here as well.

Deleted: 500

day the violation continues shall constitute a separate offense.

(Code 2004, § 34-111(6); Ord. of 10-7-2004, § 34-111(6))