

STATE OF GEORGIA

COUNTY OF GWINNETT

ORDINANCE 0-73-08

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE CITY OF BERKELEY LAKE, GEORGIA, ENTITLED "ENVIRONMENT;" TO AMEND ARTICLE III OF CHAPTER 26 WHICH PROVIDES FOR NOISE CONTROL; TO AMEND SECTION 26-61 TO CORRECT A CLERICAL ERROR; TO AMEND SECTION 26-61 TO PROVIDE THAT EACH DAY CONSTITUTES A SEPARATE VIOLATION; TO AMEND SECTION 26-62 TO INCREASE THE MAXIMUM FINE FOR VIOLATION 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.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BERKELEY LAKE that Chapter 26, Article III of the Code of the City of Berkeley Lake, Georgia is hereby amended as follows:

Section 1: Chapter 26, Article III of the Code of the City of Berkeley Lake, Georgia is hereby amended by deleting Section 26-61, entitled "Each incident deemed separate violation," in its entirety and substituting in lieu thereof a new Section 26-61 as follows:

Sec. 26-61. Each incident deemed separate violation.

Each incident constituting a violation of section 26-55 or 26-56 shall constitute a separate offense. Upon citation for violation of section 26-55 or 26-56, the failure of the person to abate the noise shall result in the issuance of further citations.

Section 2: Chapter 26, Article III of the Code of the City of Berkeley Lake, Georgia is hereby amended by deleting Section 26-62, entitled "Violation; penalty," in its entirety and substituting in lieu thereof a new Section 26-62 as follows:

Sec. 26-62 Violation; penalty.

Any person who is convicted of a violation of this article shall be fined not more than \$1,000.00 for each violation. Each day a violation occurs shall be considered a separate and distinct violation.

Section 3: Severability. If any article, section, subsection, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Section 4: Repeal of Conflicting Provisions. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Effective Date. This ordinance shall be effective upon its adoption by the Council of the City of Berkeley Lake.

SO ORDAINED, this 15th day of May, 2008.

LOIS SALTER, MAYOR
CITY OF BERKELEY LAKE

ATTEST:

TOM ROZIER
City Administrator

First Read: April 17, 2008
Second Read and Adoption: May 15, 2008