

STATE OF GEORGIA

COUNTY OF GWINNETT

ORDINANCE O-80-08

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF THE CITY OF BERKELEY LAKE, GEORGIA, ENTITLED "NATURAL RESOURCES;" TO AMEND SECTION 42-349 TO INCREASE THE MAXIMUM FINE FOR VIOLATION FROM \$500 TO \$1,000; 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 42 of the Code of the City of Berkeley Lake, Georgia is hereby amended by deleting Section 42-349, entitled "Violation and penalty," in its entirety and substituting in lieu thereof a new Section 42-349 as follows:

Sec. 42-349. Violation and penalty.

Any person charged with a violation of any provision of this article may, upon conviction in the Municipal Court of Berkeley Lake, be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed 60 days or both. Each day a violation occurs shall be considered a separate and distinct violation. Each tree removed or killed in violation of this article shall be considered a separate offense. The court shall have the power and authority to suspend or modify any fine or sentence, and as a condition of said suspension, the court may require payment or restitution or impose other punishment allowable by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property where any violation exists, and any builder, contractor or agent who may have assisted in the commission of such violation, may be charged with a separate offense.

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.

Repeal of Conflicting Provisions

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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