

STATE OF GEORGIA

COUNTY OF GWINNETT

**ORDINANCE 0-81-08**

AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF THE CITY OF BERKELEY LAKE, GEORGIA, ENTITLED "NATURAL RESOURCES;" TO AMEND ARTICLE VIII OF CHAPTER 42 WHICH REGULATES STREAM BUFFER PROTECTION; TO AMEND SUBSECTIONS (2)(d) AND (2)(e) OF SECTION 42-910 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, Article VIII of the Code of the City of Berkeley Lake, Georgia is hereby amended as follows:

**Section 1:** Chapter 42, Article VIII of the Code of the City of Berkeley Lake, Georgia is hereby amended by deleting subsection (2)(d) of Section 42-910, entitled "Violations, enforcement and penalties," in its entirety and substituting in lieu thereof a new subsection (d) as follows:

**Section 42-910. Violations, enforcement and penalties.**

(2) Penalties.

d. Civil penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the city building inspector shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the city building inspector has taken one or more of the actions described above, the city building inspector may impose a penalty not to

exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

**Section 2:** Chapter 42, Article VIII of the Code of the City of Berkeley Lake, Georgia is hereby amended by deleting subsection (2)(e) of Section 42-910, entitled “Violations, enforcement and penalties,” in its entirety and substituting in lieu thereof a new subsection (e) as follows:

**Section 42-910. Violations, enforcement and penalties.**

(2) Penalties.

- e. Criminal penalties. For intentional and flagrant violations of this article, the city building inspector may issue a citation to the applicant or other responsible person, requiring such person to appear in the Berkeley Lake Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
LOIS SALTER, MAYOR  
CITY OF BERKELEY LAKE

ATTEST:

\_\_\_\_\_  
TOM ROZIER  
City Administrator

First Read:  
Second Read and Adoption:

