

ORDINANCE _____

**ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA
CONCERNING GENERAL PROVISIONS TO UPDATE PROVISIONS RELATED TO DEFINITIONS,
AMDENDING CODE, ALTERING CODE, PENALTY WHERE NO PENALTY PROVIDED,
APPLICABILITY, COMPLAINTS REGARDING VIOLATIONS, ENFORCEMENT, PENALTIES AND FOR
OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That subsection (5) related to Delegation of authority of Sec. 1-2. related to Rules of construction is hereby amended by deleting subsection (5) in its entirety and replacing the language to read as follows:

Sec 1-2. Rules of construction.

(5) *Delegation of authority.* Whenever a provision requires the head of a department or other officer of the City to do some act or perform some duty, it shall be construed to authorize the delegation of said act or performance to subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

Section 2:

That subsection (6) related to Computation of time of Sec. 1-2. related to Rules of construction is hereby amended by deleting subsection (6) in its entirety and replacing the language to read as follows:

Sec 1-2. Rules of construction.

(6) *Computation of time.* The time within which an act is to be done as provided in any Code provision or ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be a Saturday, a Sunday, or a holiday it shall be excluded; and when any such time is expressed in hours the whole of Saturday and Sunday, from 12:00 midnight to 11:59 p.m., shall be excluded.

That Sec. 1-3. related to Definitions is hereby amended by deleting Sec. 1-3. in its entirety and replacing the language to read as follows:

Sec 1-3. Definitions.

The following words, terms, and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advice and consent. Whenever the term "advice and consent" of the City Council is used in this Code, it shall be construed to mean an affirmative vote of the majority of the entire City Council.

Budget Year. The term "Budget Year" or "Fiscal Year" means a 12-month period starting at 12:00 midnight July 1 and ending at 11:59 p.m. June 30.

City. The term "the City" or "this City" means the City of Lawrenceville, Georgia.

City council, mayor and city council, or council. The terms "city council," "mayor and city council," or "council" means the governing authority of the City, consisting of the duly elected and qualified mayor and the four (4) duly elected and qualified councilmembers.

City Hall. The term "City Hall" means the building which houses the Municipal Court of the City, the offices of the Mayor and Council, the Council Chambers and serves as the primary administrative offices of the City.

City Official, City Officer. The term "City Official" or "City Officer" shall mean the City Manager, Assistant City Manager(s), City Attorney, Chief Financial Officer, and such other Officials or Officers as may be specifically designated from time to time by the city council.

Clerk. The term "Clerk" means the City Clerk of the City.

Code. The term "Code" ("the Code" or "this Code") shall mean the Code of Ordinances of the City of Lawrenceville, Georgia.

County. The term "the County" or "this County" means Gwinnett County, Georgia.

Court or Municipal Court. The term "Court" or "Municipal Court" means the Municipal Court of the City of Lawrenceville, Georgia.

Court Administrator. The term "Court Administrator" means the Court Administrator or Clerk of Court of the Municipal Court.

Electronic Signature. The term "Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Electronic Record. The term "Electronic Record" means a record created, generated, sent, communicated, received, or stored by electronic means.

Governing authority, governing body. The "governing authority" or "governing body" means the City Council of the City.

Judge or Recorder. The term "Judge" or "Recorder" means the Judge of the Municipal Court. The terms "Recorder's Court" and "Municipal Court," as used in this Code, mean the Municipal Court.

Manager. The term "Manager" means the City Manager of the City.

May. The term "may" is to be construed as being permissive.

Mayor. The term "Mayor" means the Mayor of the City.

Mayor and Council. The term "Mayor and Council" means the City Council of the City.

Misdemeanor. The term "misdemeanor" means a violation of the State criminal law, punishable by a fine not in excess of \$1,000.00 not including added surcharges or fines authorized by state law or confinement in a County or other jail for a term not exceeding 12 months, or by both such fine and imprisonment.

Municipality. The term "Municipality" is synonymous with the term "City," "Town," or "Municipal Corporation."

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "affirm" and "affirmed" shall be equivalent to the terms "swear" and "sworn."

O.C.G.A. The abbreviation "O.C.G.A." or "OCGA" refers to the Official Code of Georgia Annotated, as amended.

Ordinance. The term "ordinance" means a legislative act of the City of a general and permanent nature.

Owner. The term "owner," when applied to a building or to land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every piece of property except real property, as defined in this section.

Police Chief or Chief of Police. The term "Police Chief" or "Chief of Police" means the head or chief law enforcement official in charge of the City of Lawrenceville Police Department.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real, personal, and mixed estates and interests.

Real property. The term "real property" includes lands, tenements, and hereditaments.

Reasonable time or notice. The term "reasonable time or notice" means only such time as may be necessary for the prompt performance of the act required.

Resolution. The term "resolution" means a legislative act of the City of a special or temporary character.

Shall. The term "shall" is to be construed as being mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curblin and improved walkways.

Signature, subscription. The term "signature" or "subscription" includes a mark intended as such when the person cannot write.

State. The term "State" or "this State" means the State of Georgia.

Street. The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approaches thereto, within the City.

Tenant or occupant. The term "tenant" or "occupant," when applied to a building or to land, includes any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.

Town. See *Municipality*.

Week. The term "week" means seven days.

Writing or written. The term "writing" or "written" includes printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

Section 4:

That Sec. 1-4. related to Section headings the word "underlined" appearing in the first line of said section shall be deleted. Thereafter the beginning of Sec. 1-4 shall read as follows: The headings of the several sections and subsections

Section 5:

That subsection (b) Sec. 1-6. related to Amending code is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

Sec. 1-6. Amending Code

(b) Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: "That section of the Code of the City of Lawrenceville, Georgia, is hereby amended to read as follows: :...." The new provisions may then be set out in full as desired.

Section 6:

That subsection (c) Sec. 1-6. related to Amending code is hereby amended by deleting subsection (c) in its entirety and replacing the language to read as follows:

Sec 1-6. Amending Code

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "The Code of the City of Lawrenceville, Georgia, is hereby amended by adding a section (or subsection or chapter) to be numbered _____, which section reads as follows:...." The new provision shall then be set out in full as desired.

Section 7:

That Sec. 1-7. related to Altering code is hereby amended by deleting Sec. 1-7. in its entirety and replacing the language to read as follows:

Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the City Council.

Section 8:

That subsection (a) Sec. 1-8. related to Penalty where no penalty provided is hereby amended by deleting subsection (a) in its entirety and replacing the language to read as follows:

Sec. 1-8. Penalty where no penalty provided.

(a) Whenever in this Code or in any ordinance of the City any act is prohibited or is declared to be unlawful, or whenever in such Code or ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of such provision of this Code or any ordinance shall subject the person committing the violation to a fine not exceeding \$1,000.00 not including added surcharges or fines authorized by state law and costs or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, any or all of such penalties to be imposed at the discretion of the Judge of the Municipal Court.

Section 9:

That Sec. 1-12. related to Applicability is hereby amended by deleting Sec. 1-12. in its entirety and replacing the language to read as follows:

Sec. 1-12. Applicability.

Notwithstanding any provision contained herein to the contrary, the enforcement of the provisions contained in this Code shall be enforced via the methods enumerated in this chapter.

Section 10:

That Sec. 1-13. related to Complaints regarding violations is hereby amended by deleting Sec. 1-13. in its entirety and replacing the language to read as follows:

Sec. 1-13. Complaints regarding violations.

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative official or City Clerk. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

Section 11:

That Sec. 1-14. related to Enforcement is hereby amended by deleting Sec. 1-14. in its entirety and replacing the language to read as follows:

Sec. 1-14. Enforcement.

This Code shall be enforced by the Director of Planning and Development, by the Director's duly authorized representative, by the City Manager, by the City Manager's duly authorized representative, by the City Clerk, by the City Clerk's duly authorized representative, by the City of Lawrenceville Code Enforcement Department, by the Public Works Director, by the City Engineer, or by the City of Lawrenceville Police Department.

Section 12:

That Sec. 1-16. related to Penalties is hereby amended by deleting Sec.1-16. in its entirety and replacing the language to read as follows:

Sec. 1-16. Penalties.

(a) *Fines and/or sentence.* Unless otherwise specifically stated herein, any person convicted by a court of competent jurisdiction of violating any provision of this Code shall be guilty of violating a duly adopted ordinance of the City and shall be punished either by a fine not to exceed \$1,000.00 per day not including added surcharges or fines authorized by state law, or by a sentence of imprisonment not to exceed six months in jail, or both a fine and jail or work alternate. Each day that violation continues after due notice has been served shall be deemed a separate offense.

(b) *Powers of the Court.* The Court shall have the power and authority to order the violation corrected in compliance with this Code and the Court may require payment of restitution or impose other punishment allowed by law.

(c) *Lien imposition.* If, after 30 days from the date of the Municipal Court-imposed fine, any person or entity has not paid said fine in full, the City shall have the authority to file a lien on the property in violation for the amount of the imposed fine and shall record it with the Office of the Gwinnett County Clerk of Superior Court.

(d) *Other legal remedies.*

(1) In any case in which a violation of this Code has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

(2) Where a determination is made that the property is in violation of this Code and any other codes and laws enforced by the City, and all reasonable efforts and means to obtain compliance having been exhausted, the City is authorized to affect such compliance at public expense. The cost of effectuating compliance shall constitute a lien upon the property and said lien shall be recorded by the City with the Gwinnett County Clerk of Superior Court.

Section 13:

Except as specifically amended as set forth above, all other subsections of Sections 1-2, 1-3, 1-4, 1-6, 1-7, 1-8, 1-12, 1-13, 1-14, and 1-16 shall remain in full force and affect. Further, all other sections of Chapter 1 shall remain materially unchanged and in full force and affect.

Section 14:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 15:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 16:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this _____ day of April, 2024.

David R. Still, Mayor

Attest:

Karen Pierce, City Clerk