

## Chapter 1 - GENERAL PROVISIONS

### Sec. 1-1. - How Code designated and cited.

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the City of Lawrenceville, Georgia," and may be so cited.

(Code 2005, § 1-101)

### Sec. 1-2. - Rules of construction.

In the construction of this Code and of all ordinances, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Council:

(1) *General rule.* All words and phrases shall be construed and understood to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(2) *Gender; singular and plural.* Every word in any Code provision or ordinance importing the masculine gender shall extend to and be applied to females as well as males; and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things.

(3) *Tenses.* The use of any verb in the present tense shall include the future when applicable.

(4) *Joint authority.* All words purporting to give a joint authority to three or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise declared in the law giving the authority.

(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.

(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.

(7) *Overlapping provision.* Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.

(Code 2005, § 1-102)

### **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 12:0001 a.m. midnight July 1 and ending at 11:5912 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.

*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 the County of Gwinnett, 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 or his or her designee.

*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 curblineline and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curblineline 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.

(Code 2005, § 1-103)

#### **Sec. 1-4. - Section headings.**

The headings of the several sections and subsections of this Code are intended as mere captions to indicate the contents of the section or subsection and shall not be deemed or taken to be titles of such sections, nor as any part of the section or subsection, nor, unless expressly so provided, shall they be so deemed when any of such sections or subsections, including the headings, is amended or reenacted.

(Code 2005, § 1-104)

#### **Sec. 1-5. - Effect of repeal or expiration of Code section.**

(a) The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

(b) When any ordinance repealing a former Code section, ordinance, clause, or provision, shall be itself repealed, such repeal shall not be construed to revive such former Code section, ordinance, clause, or provision, unless it shall be expressly so provided.

(Code 2005, § 1-105)

#### **Sec. 1-6. - Amending Code.**

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections, and subsections, or any part thereof, by subsequent ordinances, such repealed portions

may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent ordinances omitted are readopted as a new Code by the City Council.

(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.

(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.

(d) All sections, chapters, or provisions sought to be repealed must be specifically repealed by section, chapter, or provision number, as the case may be.

(Code 2005, § 1-106)

#### **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.

(Code 2005, § 1-107)

#### **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.

(b) The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the City's Charter or Code.

(Code 2005, § 1-108)

#### **Sec. 1-9. - Severability.**

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase,

clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining clauses, sentences, paragraphs and sections of this Code.

**Sec. 1-10. - Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Council. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement. Charter amendments may be included in like manner.

(b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code, provided that such changes are approved by the City Clerk. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ through \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other non substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-11. - Certain ordinances not affected by Code.**

Nothing in this Code, as of its date of adoption, or the ordinance adopting this Code, shall be construed to repeal or otherwise affect the validity of any of the following ordinances otherwise in effect upon the date of adoption of the Code:

- (1) Any rates, fees or charges consistent with this Code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (3) Any ordinance consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones;
- (4) Any ordinance consistent with this Code fixing salaries of officials, officers or employees of the city;
- (5) Any budget ordinance or appropriation ordinance; any ordinance levying any tax;
- (6) Any right or franchise granted by any ordinance or resolution to any person;
- (7) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;
- (8) Any ordinance establishing and prescribing the street grades of any street in the city;
- (9) Any ordinance providing for local improvements or assessing taxes therefor;
- (10) Any ordinance dedicating or accepting any plat or subdivision in the city or providing regulations for platting or subdividing of property;
- (11) Any ordinance establishing or changing the boundary of the city;
- (12) Any ordinance regulating zoning or land use in the City, including, but not limited to, the Planning and Zoning Code of Ordinances, the Development Regulations and the Landscape Ordinance.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

**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.

(Code 2005, § 49-101)

**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.

(Code 2005, § 49-102)

**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, by the duly authorized representative of the City of Lawrenceville Police Chief.

(Code 2005, § 49-103)

**Sec. 1-15. - Unlawful acts.**

(a) It shall be unlawful for a person, firm, or corporation to be in conflict with, or in violation of, any provision contained in this Code.

(b) The owner and tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(Code 2005, § 49-104)

**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.