

## <sup>1</sup>ARTICLE XVI

### LEGAL STATUS PROVISIONS

#### Section 16.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance 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. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### Section 16.2 ENFORCEMENT

This Ordinance shall be enforced by the Director of the Department of Planning & Zoning, by the Director's duly authorized representative, or by the City of Lawrenceville Police Department.

#### <sup>2</sup> Section 16.3 UNLAWFUL ACTS

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this Ordinance, including violations of conditions and safeguards established in connection with grants of variances.

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.

#### Section 16.4 VIOLATION

Enforcement shall begin with a written notice of violation provided to the owner and occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline of three (3) days for compliance.

If the violation continues past the deadline, the City shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this article. In all cases in which the City institutes a Complaint pursuant to this Ordinance, a copy of the Complaint and Summons shall be conspicuously posted at the subject property within three (3) business days of filing the complaint and at least ten (10) days prior to the date of the hearing. Furthermore, a copy of the Complaint and Summons shall be served in the following manner:

- 16.4.1 If each owner and party in interest is a resident of the county, service shall be either personal or by statutory overnight delivery, return receipt requested, shall be perfected at least fourteen (14) days prior to the date

of the hearing, and a return of service, filed with the Clerk of Court, shall be deemed sufficient proof that service was perfected;

- 16.4.2 If any owner or party in interest is a resident of this state but resided outside of the county, service shall be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in county tax filings and mailed at least fourteen (14) days prior to the date of the hearing;
- 16.4.3 Nonresidents of this state, whose mailing address is known, shall be served by certified mail or statutory overnight delivery, return receipt requested, mailed at least fourteen (14) days prior to the date of the hearing. For nonresidents whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

## Section 16.5 PENALTIES

### 16.5.1 Fine and/or Sentence

Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the City and shall be punished either by a fine not less than \$250 per day and not to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed sixty (60) days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### 16.5.2 Powers of the Court

The court shall have the power and authority to order the violation corrected in compliance with this Ordinance and the court may require payment of restitution or impose other punishment allowed by law.

### 16.5.3 Lien Imposition

If, after thirty (30) days from the date of the Municipal Court imposed fine, any person or entity has not paid said fine in full, the City of Lawrenceville 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 Gwinnett County Clerk's Office.

### 16.5.4 Other Legal Remedies

In any case in which a violation of this article 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.

Where a determination is made that the property is in violation of the 2005 Lawrenceville Zoning Ordinance, and any other codes and laws enforced by the City of Lawrenceville, and all reasonable efforts and means to obtain compliance having been exhausted, the City of Lawrenceville is authorized to effect 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 of Lawrenceville with the Gwinnett County Clerk's Office.

Section 16.6 SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 16.7 REPEAL OF CONFLICTING ORDINANCES

All Ordinances and parts of Ordinances in conflict herewith are repealed.

Section 16.8 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

That certain Zoning Map adopted and certified by the Planning Commission of the City of Lawrenceville, Georgia, is incorporated herein by reference and shall be considered to be the Official Zoning Map to become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Adopted and approved by the City Council of Lawrenceville after a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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<sup>1</sup> *Ordinance to Amend Article XVI of the City of Lawrenceville's 2005 Lawrenceville Zoning Ordinance was adopted on February 16, 2006.*

<sup>2</sup> *Ordinance to Amend Articles V, VI, VII, XI, and XVI of the City of Lawrenceville Zoning Ordinance was adopted on October 6, 2008.*