

## CHAPTER 22. LAND USE

### ARTICLE II. ZONING

#### DIVISION 17. LEGAL STATUS PROVISIONS

##### **Sec. 22-240. Conflict With Other Laws**

When the provisions of this Ordinance specify more restrictive standards than required by any other statute, the requirements of this Ordinance shall govern. Whenever, the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

##### **Sec. 22-241. Separability**

- 1) Should any article, section, paragraph, sentence, clause or word of this Ordinance be declared invalid or unconstitutional by any Court of Competent Jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.
- 2) It is hereby decreed to be the intention of the Mayor and Council of Elberton, GA that the articles, sections, paragraphs, sentences, clauses and words of this Zoning Ordinance are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, article or articles of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs, Sections and Articles of this Ordinance as the same would have been enacted by the Mayor and Council of Elberton, GA without the incorporation in this Ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, article or articles.

##### **Sec. 22-242. Repeal of Conflict in Ordinances**

All Ordinances and parts of ordinances in conflict herewith are repealed.

##### **Sec. 22-243. Incorporation by Reference of Maps**

The comprehensive zoning map of Elberton, Georgia, is by reference incorporated herein and made a part hereof.

##### **Sec. 22-244. Copies**

This zoning ordinance of Elberton, Georgia shall be and is hereby executed in triplicate, each signed copy being an original to be marked and distributed as follows:

- 1) **Planning Commission Copy.** Delivered to the Elberton Planning Commission chair and maintained in that office.
- 2) **City Work Copy.** Shall be maintained in the Building Inspector's office for day to day use in zoning and planning.

- 3) **Minute Book Original.** Shall be incorporated into the minutes of the meeting of the Mayor and Council of Elberton and maintained by the City Clerk. The Minute Book original shall hereafter be deemed the original or official copy. Any subsequent amendment shall be made only by official action as prescribed herein. The original shall not be altered but amendments shall be identified on separate sheets each separately numbered and supported by the date and official action ordinance amendment in which the change was approved. In the case of a comprehensive amendment to the zoning ordinance, a copy of all proposed changes may be incorporated into one (1) document. Since a comprehensive amendment may incorporate substantial material changes as well as insignificant technical changes, all substantial material changes must be made available to the public separate from the complete zoning ordinance and clearly identifiable. Substantial changes must be approved individually by the Mayor and Council.

#### **Sec. 22-245. Enforcement**

If the Building Inspector or his/her assistant determines that any person is in violation of this ordinance, the Building Inspector shall issue an order requiring the owner to comply with this ordinance including orders requiring restoration of pre-existing conditions and orders requiring restitution to the city by means that are deemed appropriate by the city. In addition, the City may bring a civil action for enforcement and may seek equitable and injunctive relief under this ordinance.

Any person who is determined to be in violation of any provision of this ordinance by the city shall be fined a civil penalty of not less than one hundred dollars (\$100.00) per day of violation and not more than one thousand dollars (\$1,000.00) per day of violation.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction shall be punished by imprisonment of not more than six (6) months or by a fine of not more than five hundred dollars (\$500.00), or both, for the first offense and by imprisonment of not more than one (1) year or by a fine of not more than one thousand dollars (\$1,000.00), or both for each subsequent offense. Additionally, any violation of any provision of this ordinance of failure to comply with any of its requirement shall be grounds for immediate suspension or revocation of any and all permits.

#### **Sec. 22-246. Appeals**

See Article XVI of this ordinance.

#### **Sec. 22.247. Effective Date**

This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

#### **Secs. 22-248. – 22-255. Reserved.**