

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. ZOA 19-04

AN ORDINANCE TO AMEND THE ADMINISTRATION AND ENFORCEMENT ARTICLE AND THE PROPERTY MAINTENANCE ARTICLE OF THE ZONING ORDINANCE AND CODE OF THE CITY OF SNELLVILLE, GEORGIA; TO CLARIFY ENFORCEMENT FOR THESE ARTICLES; TO PROVIDE SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Snellville, Georgia (the “City”) is the Mayor and the Council;

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the Mayor and Council have determined that the health, safety, and welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. That Article XIII of the City Zoning Ordinance is hereby amended by amending Section 13.1, which shall read as follows:

“Section 13.1 – Administration of ordinance.

(a) A code enforcement officer designated by the city council shall administer and enforce this ordinance and carry out the duties required. He or she may be provided with the assistance of such other persons as the city council may direct. If the code enforcement officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the ordinance. He shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

(b) The city council hereby designates the Director of Planning and Development of the City of Snellville, and all subordinates of the Director of Planning and Development of the City of Snellville, to act as the Code Enforcement Officer and to carry out the duties prescribed in Sec. 13.1(a).”

Section 2. That Article XVIII of the City Zoning Ordinance is hereby amended by adding a definition to Section 17.1, which shall read as follows:

“Code Enforcement Officer: The Director of Planning and Development, and all subordinates of the Director of Planning and Development.”

Section 3. That Article XVII of the City Zoning Ordinance is hereby amended by amending Section 17.4, which shall read as follows:

A. *Enforcement.* This ordinance shall be enforced by the Code Enforcement Officer. The Code Enforcement Officer is defined in Section 13.1 of the Snellville Zoning Ordinance.

B. *Unlawful Acts.* It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this ordinance.

C. *Notice of Violation.* Enforcement shall begin when a complaint is received and documented by the Code Enforcement Officer. Written notice of violation shall be provided to the owner and/or occupant. The notice may be delivered personally or sent by first class mail. The notice shall contain a deadline for compliance which may be extended by the Code Enforcement Officer or his/her designee. If the violation continues past the deadline, the Code Enforcement Officer shall institute legal proceedings charging the person or persons, firm, corporation or agent with a violation of this ordinance.”

Section 4.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted October 28, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

ORDAINED this 28th day of October, 2019.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member