

Chapter 22

LAND USE*

Article 19. Legal Status Provisions

Sec. 22-19-1. Conflict with other Laws.

When the provisions of this article specify more restrictive standards than required by any other statute, the requirements of this article shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.
(Ord. No. 2050, §1(Art. XVI(16.1), 9-13-99)

Sec. 22-19-2. Separability.

Should any section or part of a section or any provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
(Ord. No. 2050, §1(Art. XVI(16.2), 9-13-99)

Sec. 22-19-3. Repeal of Conflict in Ordinances.

All ordinances or parts of ordinances in conflict herewith are repealed.
(Ord. No. 2050, §1(Art. XVI(16.3), 9-13-99)

Sec. 22-19-4. Incorporation by Reference of Maps.

The comprehensive zoning map of Elberton, Georgia, is by reference incorporated herein and made a part hereof.
(Ord. No. 2050, §1(Art. XVI(16.4), 9-13-99)

Sec. 22-19-5. Copies.

The 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) *Elberton Planning Commission (EPC) Copy.* Delivered to the EPC 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 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.

(Ord. No. 2050, §1(Art. SVI(16.5), 9-13-99)

Sec. 22-19-6. Enforcement.

If the building inspector or his/her assistant determines that any person is in violation of this article, the building inspector shall issue an order requiring the owner to comply with this article 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 article by the city shall be fined a civil penalty of not less than \$100.00 per day of violation and not more than \$1,000.00 per day of violation.

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

(Ord. No. 2050, §1(Art. XVI(16.6), 9-13-99)

Sec. 22-19-7. Appeals.

See Section 22-208 et seq. of this article. (Ord. No. 2050, §1(Art. XVI(16-7), 9-13-99)

Sec. 22-19-8. Effective Date.

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