

AN ORDINANCE

BY

Mary Norwood
Amos, C. T. Martin

[Signature]
A. L. Wiley, Jim M. [unclear]
Carla Smith
Debi [unclear]

AN ORDINANCE TO AMEND SECTION 8-2094(c) OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (THE ATLANTA COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL BUILDING MAINTENANCE CODE, HEREINAFTER, "THE CODE") SO AS IMPOSE MINIMUM PENALTIES FOR THE VIOLATION THEREOF; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 8-2094(c) of the Code of Ordinances of the City of Atlanta, Georgia (The Atlanta Commercial, Institutional, and Industrial Building Maintenance Code, hereinafter "The Code") which currently provides as follows:

"(c) Penalty. All violations of the provisions of this Code shall be punished as provided in Section 1-8 of the Atlanta City Code."

is hereby amended by deleting said subsection (c) in its entirety and substituting the following in lieu thereof:

"(c) Penalties. Failure to comply with any provision of this Code shall constitute an offense and shall be punishable as follows:

- (1) Upon first conviction, each separate violation of this Code shall be punishable by a fine of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.

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- (2) A second conviction for violation of this Code shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than sixty (60) days or both.
- (3) The penalties imposed pursuant to subsections (1) and (2) hereinabove, are mandatory and once imposed, shall not be subject to suspension or dismissal.
- (4) Where a person shall be convicted of more than one (1) offense and sentenced to imprisonment, said sentences shall be served concurrently; provided, however, the judge may, in his/her discretion, direct that these sentences run severally if said sentence would not exceed one hundred and eighty days.
- (5) Any or all of the penalties prescribed in this Subsection may be imposed upon the appropriate officers or partners of a corporation, partnership or other legal entity for the failure to comply with any provision of this Code.

(d) *Separate Offenses.* Any person failing to comply with any provision of this Code shall be guilty of an offense. Each and every day the condition is maintained or the activity is conducted after the expiration of all reasonable time given to comply with any provision of this Code shall constitute a separate offense as to each violation of the Code and shall be punishable as provided in Subsection (c) hereinabove.

(e) Any person who knowingly and willingly aids another in violating the provisions of this Code shall be a party to the offense and shall be subject to the penalties provided herein.

(f) *Reports of Disposition of Cases.* The Clerk of Municipal Court shall prepare weekly reports of the disposition of cases brought pursuant to this Code and shall forward said reports to the Director."

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 21, 2002
OCT 28, 2002

10/21/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1368
2. 02-O-1710
3. 02-O-1674
4. 02-O-1645
5. 02-O-1646
6. 02-O-1647
7. 02-O-1648
8. 02-O-1672
9. 02-O-1726
10. 02-O-1728
11. 02-O-1776
12. 02-O-1779
13. 02-O-1781
14. 02-O-1783
15. 02-O-1790
16. 02-O-1791
17. 02-O-1661
18. 02-O-1793
19. 02-O-1584
20. 02-O-1636
21. 02-O-1788
22. 02-R-1176
23. 02-R-1736
24. 02-R-1737
25. 02-R-1745
26. 02-R-1769
27. 02-R-1716
28. 02-R-1740
29. 02-R-1735
30. 02-R-1797
31. 02-R-1800
32. 02-R-1663
33. 02-R-1780
34. 02-R-1802
35. 02-R-1588
36. 02-R-1773
37. 02-R-1787
38. 02-R-1799
39. 02-R-1760
40. 02-R-1761
41. 02-R-1762
42. 02-R-1763
43. 02-R-1764
44. 02-R-1765

45. 02-R-1766
46. 02-R-1767
47. 02-R-1768

**ITEMS ADVERSED
ON CONSENT AGENDA**

48. 02-R-1746
49. 02-R-1747
50. 02-R-1748
51. 02-R-1749
52. 02-R-1750
53. 02-R-1751
54. 02-R-1752
55. 02-R-1753
56. 02-R-1754
57. 02-R-1755
58. 02-R-1756
59. 02-R-1757
60. 02-R-1758
61. 02-R-1759
62. 02-R-1366

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)

Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729

02-0-1584

(Do Not Write Above This Line)

BY *John Stowers* *Hand Sent Martin*
AN ORDINANCE *C. T. Martin*
8-2094(c) OF THE CODE OF
 AN ORDINANCE TO AMEND SECTION
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ADOPTED BY

- CONSENT REFER OCT 21 2002
- REGULAR REPORT REFER
- ADVERTISE & REFER COUNCIL
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 9/3/02
 Referred To: CD/HR
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee <u>CD/HR</u> Date <u>9/3/02</u> Chair <u>John Stowers</u> Action Fav, Adv, Hold (see rev. side) Other Members _____ Refer To _____	Committee _____ Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other Members _____ Refer To _____
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FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Consent V Vote R/C Vote

CERTIFIED

OCT 21 2002

OCT 21 2002

MAYOR'S ACTION

OCT 28 2002

MAYOR