

1 **STATE OF GEORGIA**

2 **CITY OF LITHONIA**

3 **ORDINANCE NO. 2021-02-03**

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF LITHONIA,
5 GEORGIA, BY ADDING SECTION 4 (STREAM BUFFER); TO PROVIDE FOR
6 SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE AN ADOPTION AND
7 EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

8 **WHEREAS**, the duly elected governing authority of the City of Lithonia, Georgia (the
9 “City”) is the Mayor and Council thereof; and

10 **WHEREAS**, the City of Lithonia is authorized by O.C.G.A. §36-35-3 to adopt ordinances
11 relating to its property, affairs, and local government; and

12 **WHEREAS**, the City’s Code of Ordinances should be amended and updated in order to
13 provide for the proper regulation of land and water management, in order to comply with current
14 Georgia law, and

15 **WHEREAS**, the Mayor and City Council have determined that it is appropriate to amend
16 said sections of the Code of Ordinances of the City of Lithonia to be consistent with state law and
17 to further protect the public health, safety, and welfare of the citizens of the City.

18 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
19 **AND COUNCIL OF THE CITY OF LITHONIA, GEORGIA** and by the authority thereof:

20 **Section 1.** The City of Lithonia, Georgia’s Code of Ordinances is amended by adding Sec.
21 4 (Stream Buffer), to read as follows:

22

23 **SECTION 4. TITLE**

24 This ordinance shall be known as the “City of Lithonia Stream Buffer Protection
25 Ordinance.”
26

27 **SECTION 4.1 FINDINGS AND PURPOSES**

28 **A. Findings**

29 Whereas, the (name of governing body) of (local jurisdiction) finds that buffers adjacent to
30 streams provide numerous benefits including:
31

- 32 (1) Protecting, restoring and maintaining the chemical, physical and biological integrity
33 of streams and their water resources
- 34 (2) Removing pollutants delivered in urban stormwater
- 35 (3) Reducing erosion and controlling sedimentation
- 36 (4) Protecting and stabilizing stream banks
- 37 (5) Providing for infiltration of stormwater runoff
- 38 (6) Maintaining base flow of streams
- 39 (7) Contributing organic matter that is a source of food and energy for the aquatic
40 ecosystem
- 41 (8) Providing tree canopy to shade streams and promote desirable aquatic habitat
- 42 (9) Providing riparian wildlife habitat
- 43 (10) Furnishing scenic value and recreational opportunity
- 44 (11) Providing opportunities for the protection and restoration of greenspace

45 **B. Purposes**

46 It is the purpose of this Ordinance is to protect the public health, safety, environment and
47 general welfare; to minimize public and private losses due to erosion, siltation and water
48 pollution; and to maintain stream water quality by provisions designed to:
49

- 50 (1) Create buffer zones along the streams of (**local jurisdiction**) for the protection of
51 water resources; and,
- 52 (2) Minimize land development within such buffers by establishing buffer zone
53 requirements and by requiring authorization for any such activities.

54 **Section 4.2 Definitions**

55 “**Buffer**” means, with respect to a stream, a natural or enhanced vegetated area (established by
56 Section 5.1.1 below), lying adjacent to the stream.

57 “**Impervious Cover**” means any manmade paved, hardened or structural surface regardless
58 of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads,
59 decks, swimming pools and any concrete or asphalt.

60 “**Land Development**” means any land change, including but not limited to clearing,
61 grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and
62 filling of land, construction, paving and any other installation of impervious cover.

63 **“Land Development Activity”** means those actions or activities which comprise, facilitate or
64 result in land development.

65 **“Land Disturbance”** means any land or vegetation change, including, but not limited to,
66 clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting
67 and filling of land, that do not involve construction, paving or any other installation of
68 impervious cover.

69 **“Land Disturbance Activity”** means those actions or activities which comprise, facilitate or
70 result in land disturbance.

71 **“Floodplain”** means any land area susceptible to flooding, which would have at least a one
72 percent probability of flooding occurrence in any calendar year based on the basin being fully
73 developed as shown on the current land use plan; i.e., the regulatory flood.

74 **“Parcel”** means any plot, lot or acreage shown as a unit on the latest county tax assessment
75 records.

76 **“Permit”** means the permit issued by the **(local permitting authority)** required for
77 undertaking any land development activity

78 **“Person”** means any individual, partnership, firm, association, joint venture, public or private
79 corporation, trust, estate, commission, board, public or private institution, utility, cooperative,
80 city, county or other political subdivision of the State, any interstate body or any other legal
81 entity.

82 **“Protection Area, or Stream Protection Area”** means, with respect to a stream, the
83 combined areas of all required buffers and setbacks applicable to such stream.

84 **“Riparian”** means belonging or related to the bank of a river, stream, lake, pond or
85 impoundment.

86 **“Setback”** means, with respect to a stream, the area established by Section 5.1.2 extending
87 beyond any buffer applicable to the stream.

88 **“Stream”** means any stream, beginning at:

89 1. The location of a spring, seep, or groundwater outflow that sustains streamflow; or
90 2. A point in the stream channel with a drainage area of 25 acres or more; or
91 3. Where evidence indicates the presence of a stream in a drainage area of other than 25
92 acres, the **(local permitting authority)** may require field studies to verify the
93 existence of a stream.

94 *As a long-term goal, the local jurisdiction can also map its perennial and intermittent*
95 *streams through field work, prioritizing basins and developing information as time, staffing*
96 *and budgets permit.*

97 **“Stream Bank”** means the sloping land that contains the stream channel and the normal flows
98 of the stream.

99 **“Stream Channel”** means the portion of a watercourse that contains the base flow of the stream.

100 **“Watershed”** means the land area that drains into a particular stream.

102 **SECTION 4.3 APPLICABILITY**

103 This ordinance shall apply to all land development activity on property containing a stream
104 protection area as defined in Section 3 of this ordinance. These requirements are in addition
105 to, and do not replace or supersede, any other applicable buffer requirements established
106 under state law and approval or exemption from these requirements do not constitute
107 approval or exemption from buffer requirements established under state law or from other
108 applicable local, state or federal regulations.

109
110 **A. Grandfather Provisions**

111 This ordinance shall not apply to the following activities:

- 112
113 (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned
114 and approved for such use on or before the effective date of this ordinance.
115 (2) Existing development and on-going land disturbance activities including but not
116 limited to existing agriculture, silviculture, landscaping, gardening and lawn
117 maintenance, except that new development or land disturbance activities on such
118 properties will be subject to all applicable buffer requirements.
119 (3) Any land development activity that is under construction, fully approved for
120 development, scheduled for permit approval or has been submitted for approval as of
121 the effective date of this ordinance.
122 (4) Land development activity that has not been submitted for approval, but that is part of a
123 larger master development plan, such as for an office park or other phased
124 development that has been previously approved within two years of the effective date of
125 this ordinance.

126 **B. Exemptions**

127 The following specific activities are exempt from this ordinance. Exemption of these activities
128 does not constitute an exemption for any other activity proposed on a property.

- 129
130 (1) Activities for the purpose of building one of the following:
131 - a stream crossing by a driveway, transportation route or utility line;
132 - public water supply intake or public wastewater outfall structures;
133 - intrusions necessary to provide access to a property;
134 - public access facilities that must be on the water including boat ramps, docks,
135 foot trails leading directly to the river, fishing platforms and overlooks;
136 - unpaved foot trails and paths;
137 - activities to restore and enhance stream bank stability, vegetation, water quality
138 and/or aquatic habitat, so long as native vegetation and bioengineering
139 techniques are used.
140 (2) Public sewer line easements paralleling the creek, except that all easements
141 (permanent and construction) and land disturbance should be at least 25 feet from the
142 top of the bank. This includes such impervious cover as is necessary for the operation
143 and maintenance of the utility, including but not limited to manholes, vents and valve
144 structures. This exemption shall not be construed as allowing the construction of
145 roads, bike paths or other transportation routes in such easements, regardless of paving

- 146 material, except for access for the uses specifically cited in Item 4.2.(1), above.
- 147 (3) Land development activities within a right-of-way existing at the time this ordinance
148 takes effect or approved under the terms of this ordinance.
- 149 (4) Within an easement of any utility existing at the time this ordinance takes effect or
150 approved under the terms of this ordinance, land disturbance activities and such
151 impervious cover as is necessary for the operation and maintenance of the utility,
152 including but not limited to manholes, vents and valve structures.
- 153 (5) Emergency work necessary to preserve life or property. However, when emergency
154 work is performed under this section, the person performing it shall report such work
155 to the (review and permitting authority) on the next business day after commencement
156 of the work. Within 10 days thereafter, the person shall apply for a permit and perform
157 such work within such time period as may be determined by the (review and
158 permitting authority) to be reasonably necessary to correct any impairment such
159 emergency work may have caused to the water conveyance capacity, stability or water
160 quality of the protection area.
- 161 (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or
162 agricultural uses and are not incidental to other land development activity. If such
163 activity results in land disturbance in the buffer that would otherwise be prohibited,
164 then no other land disturbing activity other than normal forest management practices
165 will be allowed on the entire property for three years after the end of the activities that
166 intruded on the buffer.

167

168 *□ Unless specifically provided for in a State law, local governments generally do not have*
169 *permitting or enforcement authority over State and Federal departments, agencies and*
170 *authorities. Local governments need to address these issues in the context of their overall*
171 *permitting and enforcement regulations and provide for reporting observed problems, first to the*
172 *agency performing the activity, then, if no corrective action results, to Georgia EPD.*

173 After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

174

175 Any land development activity within a buffer established hereunder or any impervious cover
176 within a setback established hereunder is prohibited unless a variance is granted pursuant to
177 Section 5.2 below.

178 SECTION 4.4 LAND DEVELOPMENT REQUIREMENTS

179 A. Buffer and Setback Requirements

180 All land development activity subject to this ordinance shall meet the following
181 requirements:

- 182
- 183 (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured
184 horizontally, on both banks (as applicable) of the stream as measured from the top of
185 the stream bank.
- 186 *□ The top of the bank is often a clearer landmark than the edge of the water or the end*
187 *of vegetation, particularly on intermittent streams. The land forming the bank is also*
188 *considered part of the buffer for purposes of this ordinance.*

- 189 (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond
190 the undisturbed natural vegetative buffer, in which all impervious cover shall be
191 prohibited. Grading, filling and earthmoving shall be minimized within the setback.
192 □ *Any buffer and setback widths that may be listed are intended as minimums. Local*
193 *governments are encouraged to adopt wider buffers and setbacks as necessary. A local*
194 *government has many options in developing wider buffers. One method would be to*
195 *increase the width as the stream drainage basin increases in size, as Cobb County*
196 *does. Another method is to offer incentives for voluntary wider buffers. For example,*
197 *Clayton County allows developers to offset proposed land development with deeper*
198 *buffers as an alternative to using other stormwater controls.*
- 199 (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the
200 setback.
201

202 B. VARIANCE PROCEDURES

203 Variances from the above buffer and setback requirements may be granted in accordance
204 with the following provisions:
205

- 206 (1) Where a parcel was platted prior to the effective date of this ordinance, and its shape,
207 topography or other existing physical condition prevents land development consistent
208 with this ordinance, and the **(review and permitting authority)** finds and determines
209 that the requirements of this ordinance prohibit the otherwise lawful use of the property
210 by the owner, the **(appeals board)** of **(local jurisdiction)** may grant a variance from
211 the buffer and setback requirements hereunder, provided such variance require
212 mitigation measures to offset the effects of any proposed land development on the
213 parcel.
- 214 (2) Except as provided above, the **(appeals board)** of **(local jurisdiction)** shall grant no
215 variance from any provision of this ordinance without first conducting a public hearing
216 on the application for variance and authorizing the granting of the variance by an
217 affirmative vote of the **(appeals board)**. The **(local jurisdiction)** shall give public
218 notice of each such public hearing in a newspaper of general circulation within **(local**
219 **jurisdiction)**. The **(local jurisdiction)** shall require that the applicant post a sign
220 giving notice of the proposed variance and the public hearing. The sign shall be of a
221 size and posted in such a location on the property as to be clearly visible from the
222 primary adjacent road right-of-way. Variances will be considered only in the following
223 cases:
- 224 (a) When a property's shape, topography or other physical conditions existing at
225 the time of the adoption of this ordinance prevents land development unless a
226 buffer variance is granted.
- 227 (b) Unusual circumstances when strict adherence to the minimal buffer
228 requirements in the ordinance would create an extreme hardship.
- 229 Variances will not be considered when, following adoption of this ordinance, actions of any
230 property owner of a given property have created conditions of a hardship on that property.
- 231 (3) At a minimum, a variance request shall include the following information:
232 (a) A site map that includes locations of all streams, wetlands, floodplain

- 233 boundaries and other natural features, as determined by field survey;
- 234 (b) A description of the shape, size, topography, slope, soils, vegetation and other
- 235 physical characteristics of the property;
- 236 (c) A detailed site plan that shows the locations of all existing and proposed
- 237 structures and other impervious cover, the limits of all existing and proposed
- 238 land disturbance, both inside and outside the buffer and setback. The exact
- 239 area of the buffer to be affected shall be accurately and clearly indicated;
- 240 (d) Documentation of unusual hardship should the buffer be maintained;
- 241 (e) At least one alternative plan, which does not include a buffer or setback
- 242 intrusion, or an explanation of why such a site plan is not possible;
- 243 (f) A calculation of the total area and length of the proposed intrusion;
- 244 (g) A stormwater management site plan, if applicable; and,
- 245 (h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed,
- 246 the request must include an explanation of why none is being proposed.
- 247 (4) The following factors will be considered in determining whether to issue a variance:
- 248 (a) The shape, size, topography, slope, soils, vegetation and other physical
- 249 characteristics of the property;
- 250 (b) The locations of all streams on the property, including along property
- 251 boundaries;
- 252 (c) The location and extent of the proposed buffer or setback intrusion; and,
- 253 (d) Whether alternative designs are possible which require less intrusion or no
- 254 intrusion;
- 255 (e) The long-term and construction water-quality impacts of the proposed
- 256 variance;
- 257 (f) Whether issuance of the variance is at least as protective of natural resources
- 258 and the environment.

259
 260 **SECTION 4.5 COMPATIBILITY WITH OTHER BUFFER REGULATIONS AND**
 261 **REQUIREMENTS**

262 This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or
 263 regulation, statute or other provision of law. The requirements of this ordinance should be
 264 considered minimum requirements, and where any provision of this ordinance imposes
 265 restrictions different from those imposed by any other ordinance, rule, regulation or other
 266 provision of law, whichever provisions are more restrictive or impose higher protective
 267 standards for human health or the environment shall be considered to take precedence.

268
 269
 270 **DNR Part 5 Criteria for Small (under 100 square miles) Water Supply Watersheds**

271 *Authorized under Part V of the Georgia Planning Act of 1989, these criteria require*
 272 *100-foot undisturbed buffers and 150-foot setbacks on all perennial streams within 7*
 273 *miles upstream of a public water supply reservoir or public water supply intake.*

274 *Beyond 7 miles, the required buffer is 50 feet and the required setback is 75 feet.*
 275 *Equivalent protection measures can be adopted with approval from Georgia DCA*
 276 *and DNR.*

277 **DNR Part 5 Criteria for River Protection**

278 *Authorized under the 1991 Mountains and River Corridors Protection Act of 1991, these*
279 *criteria require a 100-foot buffer along rivers with average annual flows of greater than*
280 *400 cfs (excepting the portion of the Chattahoochee referenced above). The buffer is*
281 *measured from the top of the stream bank.*

282 *These examples are partial descriptions of more extensive regulations as of July, 2002. They*
283 *represent only three of the stricter regulations that already exist.*

284 *While the requirements of this ordinance are intended to apply to all streams in (local*
285 *jurisdiction), special conditions may exist that require greater protection. Nothing in this*
286 *ordinance should be construed as preventing the establishment of wider and/or more*
287 *restrictive buffers and setbacks as required under any other existing or future legislation. In*
288 *addition, nothing in this ordinance should be construed as preventing the establishment of*
289 *wider buffers for purposes of protecting greenspace, preserving habitat or other goals that*
290 *may not be specifically mandated by legislation.*

291

292 **SECTION 4.6 ADDITIONAL INFORMATION REQUIREMENTS FOR**
293 **DEVELOPMENT ON BUFFER ZONE PROPERTIES**

294 Any permit applications for property requiring buffers and setbacks hereunder must include the
295 following:

296

- 297 (1) A site plan showing:
- 298 (a) The location of all streams on the property;
 - 299 (b) Limits of required stream buffers and setbacks on the property;
 - 300 (c) Buffer zone topography with contour lines at no greater than five (5)-foot
301 contour intervals;
 - 302 (d) Delineation of forested and open areas in the buffer zone; and,
 - 303 (e) Detailed plans of all proposed land development in the buffer and of all
304 proposed impervious cover within the setback;
- 305 (2) A description of all proposed land development within the buffer and setback; and,
- 306 (3) Any other documentation that the (review and permitting authority) may reasonably
307 deem necessary for review of the application and to insure that the buffer zone
308 ordinance is addressed in the approval process.

309 All buffer and setback areas must be recorded on the final plat of the property following plan
310 approval.

311 **SECTION 4.7 RESPONSIBILITY**

312 Neither the issuance of a development permit nor compliance with the conditions thereof, nor
313 with the provisions of this ordinance shall relieve any person from any responsibility otherwise
314 imposed by law for damage to persons or property; nor shall the issuance of any permit
315 hereunder serve to impose any liability upon (local jurisdiction), its officers or employees, for

316 injury or damage to persons or property.

317

318 **SECTION 4.8 INSPECTION**

319 The (review and permitting authority) may cause inspections of the work in the buffer or
320 setback to be made periodically during the course thereof and shall make a final inspection
321 following completion of the work. The permittee shall assist the (review and permitting
322 authority) in making such inspections. The (local jurisdiction) shall have the authority to
323 conduct such investigations as it may reasonably deem necessary to carry out its duties as
324 prescribed in this ordinance, and for this purpose to enter at reasonable time upon any
325 property, public or private, for the purpose of investigating and inspecting the sites of any land
326 development activities within the protection area.

327

328 No person shall refuse entry or access to any authorized representative or agent who requests
329 entry for purposes of inspection, and who presents appropriate credentials, nor shall any
330 person obstruct, hamper or interfere with any such representative while in the process of
331 carrying out official duties.

332

333 **SECTION 4.9 VIOLATIONS, ENFORCEMENT AND PENALTIES**

334 Any action or inaction which violates the provisions of this ordinance or the requirements of
335 an approved site plan or permit may be subject to the enforcement actions outlined in this
336 Section. Any such action or inaction which is continuous with respect to time is deemed to be
337 a public nuisance and may be abated by injunctive or other equitable relief. The imposition of
338 any of the penalties described below shall not prevent such equitable relief.

339

340 **A. Notice of Violation**

341 If the (**review and permitting authority**) determines that an applicant or other responsible
342 person has failed to comply with the terms and conditions of a permit, an approved site plan or
343 the provisions of this ordinance, it shall issue a written notice of violation to such applicant or
344 other responsible person. Where a person is engaged in activity covered by this ordinance
345 without having first secured the appropriate permit therefor, the notice of violation shall be
346 served on the owner or the responsible person in charge of the activity being conducted on the
347 site. The notice of violation shall contain:

348

- 349 (1) The name and address of the owner or the applicant or the responsible person;
- 350 (2) The address or other description of the site upon which the violation is occurring;
- 351 (3) A statement specifying the nature of the violation;
- 352 (4) A description of the remedial measures necessary to bring the action or inaction into
353 compliance with the permit, the approved site plan or this ordinance and the date for
354 the completion of such remedial action;
- 355 (5) A statement of the penalty or penalties that may be assessed against the person to
356 whom the notice of violation is directed; and,
- 357 (6) A statement that the determination of violation may be appealed to the (**review and**

358 **permitting authority**) by filing a written notice of appeal within thirty (30) days
359 after the notice of violation (except that in the event the violation constitutes an immediate
360 danger to public health or public safety, 24 hours notice shall be sufficient).

361 **B. Penalties**

362 In the event the remedial measures described in the notice of violation have not been
363 completed by the date set forth for such completion in the notice of violation, any one or more
364 of the following actions or penalties may be taken or assessed against the person to whom the
365 notice of violation was directed. Before taking any of the following actions or imposing any
366 of the following penalties, the **(review and permitting authority)** shall first notify the
367 applicant or other responsible person in writing of its intended action, and shall provide a
368 reasonable opportunity, of not less than ten days (except that in the event the violation
369 constitutes an immediate danger to public health or public safety, 24 hours notice shall be
370 sufficient) to cure such violation. In the event the applicant or other responsible person fails to
371 cure such violation after such notice and cure period, the **(review and permitting authority)**
372 may take any one or more of the following actions or impose any one or more of the following
373 penalties.

374

375 (1) **Stop Work Order** - The **(review and permitting authority)** may issue a stop work
376 order which shall be served on the applicant or other responsible person. The stop
377 work order shall remain in effect until the applicant or other responsible person has
378 taken the remedial measures set forth in the notice of violation or has otherwise cured
379 the violation or violations described therein, provided the stop work order may be
380 withdrawn or modified to enable the applicant or other responsible person to take
381 necessary remedial measures to cure such violation or violations.

382 (2) **Withhold Certificate of Occupancy** - The **(review and permitting authority)** may
383 refuse to issue a certificate of occupancy for the building or other improvements
384 constructed or being constructed on the site until the applicant or other responsible
385 person has taken the remedial measures set forth in the notice of violation or has
386 otherwise cured the violations described therein.

387 (3) **Suspension, Revocation or Modification of Permit** - The **(review and permitting**
388 **authority)** may suspend, revoke or modify the permit authorizing the land
389 development project. A suspended, revoked or modified permit may be reinstated after
390 the applicant or other responsible person has taken the remedial measures set forth in
391 the notice of violation or has otherwise cured the violations described therein, provided
392 such permit may be reinstated (upon such conditions as the **(review and permitting**
393 **authority)** may deem necessary) to enable the applicant or other responsible person to
394 take the necessary remedial measures to cure such violations.

395 (4) **Civil Penalties** - In the event the applicant or other responsible person fails to take the
396 remedial measures set forth in the notice of violation or otherwise fails to cure the
397 violations described therein within ten days (or such greater period as the **(review and**
398 **permitting authority)** shall deem appropriate) (except that in the event the violation
399 constitutes an immediate danger to public health or public safety, 24 hours notice shall
400 be sufficient) after the **(review and permitting authority)** has taken one or more of
401 the actions described above, the **(review and permitting authority)** may impose a
402 penalty not to exceed \$1,000 (depending on the severity of the violation) for each day

403 the violation remains unremedied after receipt of the notice of violation.
404 (5) **Criminal Penalties** - For intentional and flagrant violations of this ordinance, the
405 **(review and permitting authority)** may issue a citation to the applicant or other
406 responsible person, requiring such person to appear in **(appropriate municipal,**
407 **magistrate or recorders)** court to answer charges for such violation. Upon
408 conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment
409 for 60 days or both. Each act of violation and each day upon which any violation shall occur
410 shall constitute a separate offense.
411

412 **SECTION 4.10 ADMINISTRATIVE APPEAL AND JUDICIAL REVIEW**

413 **A. Administrative Appeal**

414 Any person aggrieved by a decision or order of (review and permitting authority), may
415 appeal in writing within ___ days after the issuance of such decision or order to the
416 (designated official) of (local jurisdiction) and shall be entitled to a hearing before the
417 (designated appeals body) of (local jurisdiction) within ___ days of receipt of the written
418 appeal.
419

420 **B. Judicial Review**

421 Any person aggrieved by a decision or order of (review and permitting authority), after
422 exhausting all administrative remedies, shall have the right to appeal de novo to the DeKalb
423 County Superior Court.
424

425

426 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
427 incorporated by reference as if fully set out herein.

428 **Section 3.** (a) It is hereby declared to be the intent of the Mayor and Council that all
429 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
430 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

431 (b) It is hereby declared to be the intent of the Mayor and Council that, to the greatest extent
432 allowed by law, each and every section, paragraph, sentence, clause, or phrase of this Ordinance
433 is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It
434 is hereby further declared to be the intent of the Mayor and Council that, to the greatest extent

435 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
436 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

437 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance
438 shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable
439 by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of
440 the Mayor and Council that such invalidity, unconstitutionality, or unenforceability shall, to the
441 greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable
442 any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance and that,
443 to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
444 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
445 effect.

446 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
447 repealed.

448 **Section 5.** The effective date of this Ordinance shall be the date of adoption unless
449 otherwise specified herein.

450 SO ORDAINED this 15th day of February, 2021.

451
452
453
454 **CITY OF LITHONIA, GEORGIA**

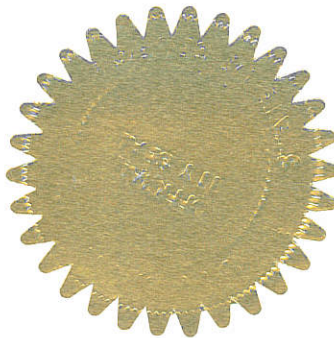
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Shameka Reynolds, Mayor

461
462 **ATTEST:**
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Robinette Blount



466

467 **Robinette Blount**, City Clerk

468

469

470 **APPROVED AS TO FORM BY:**

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473

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Jones

City Attorney