

CHAPTER 9: ENFORCEMENT AND REMEDIES

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CHAPTER 9: ENFORCEMENT AND REMEDIES

17-900 PURPOSE

For the purpose of protecting and preserving the public health, safety, and welfare, this chapter establishes procedures through which the County seeks to ensure compliance with the provisions of this Code and obtain corrections for violations of this Code, and sets forth the remedies and penalties that apply to violations of this Code, as provided by the Code of Georgia, Section 36-1-20, and other applicable laws.

17-901 COMPLIANCE REQUIRED

Compliance with all provisions of this Code is required. It shall be unlawful for any person to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure in the County in violation of this Code.

17-902 VIOLATIONS**(A) Violations Generally**

- (1) Any failure to comply with a requirement, standard, prohibition, or limitation imposed by this Code, or the terms or conditions of any permit or other development approval or authorization granted pursuant to this Code, shall constitute a violation of this Code.
- (2) Permits issued on the basis of plans and applications approved by the BOCC, Planning Commission, Planning Director, County Engineer, or other officials or agencies where additional approval is or was required, authorize only the use, arrangement, location, and construction set forth in such permits and development approvals, and no other use, arrangement, location, or construction.
- (3) Development, use, arrangement, location, or construction at variance with that authorized shall be deemed violations of this Code, punishable as provided in this chapter.

(B) Specific Violations

It shall be a violation of this Code to do any of the following:

- (1) Construct, reconstruct, alter, demolish, change the use of or occupy any building, structure, or sign, or to engage in development or subdivision of any land in contravention of this Code, including the conditions and terms of all required permits and development approvals.
- (2) Excavate, grade, cut, clear, or undertake any other land disturbing activity contrary to the requirements of this Code or without first obtaining all requisite approvals required by this Code or other applicable regulations.
- (3) Create, expand, replace, or change any nonconformity except in compliance with this Code.
- (4) Reduce or diminish the lot area, setbacks, buffers, screening, or open space below the minimum required by this Code.

- (5) Increase the intensity or density of use of any land or structure except in accordance with the requirements of this Code.
- (6) Construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval, or without complying with the terms and conditions of the permit or approval required to engage in such activity.
- (7) Fail to comply with any terms, conditions, or limitations placed by the BOCC, Planning Commission, Planning Director, County Engineer, or other official or agency upon any development approval, including approval of an amendment to the Official Zoning District Map (Rezoning), Preliminary PD Plan and Planned Development (PD) zone district classification, Site Plan, Major Conditional Use Permit, Minor Conditional Use Permit, Variance Permit, Administrative Adjustment, Minor Subdivision, Preliminary Plat for Subdivision, Final Plat for Subdivision, Temporary Use Permit, Special Event Permit, Home Office/Home Occupation Permit, Fence Permit, Sign Permit, Soil Erosion and Sedimentation Control Permit, Building Permit, Change, Continuation, or Enlargement of Nonconformity, or other form of authorization.
- (8) Fail to remove any sign installed, created, erected, or maintained in violation of this Code.
- (9) Fail to maintain improvements, including paving, paving markings, drainage structures, landscaping, or other improvements designated on approved plans or in accord with the provisions of any development approval.

17-903 RESPONSIBLE PERSONS

Any person who violates this Code shall be subject to the remedies and penalties set forth in this chapter. Persons subject to the remedies and penalties set forth herein may include: an architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Code; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

17-904 ENFORCEMENT GENERALLY**(A) Responsibility for Enforcement of Code**

- (1) Except as otherwise provided, the Enforcement Division shall have primary responsibility for enforcing the provisions of this Code, pursuant to the policies and procedures set forth in this chapter. The Planning Director shall be responsible for interpretations of the Code and shall assist the Enforcement Division in enforcing the provisions of this Code.
- (2) Except as otherwise provided, the Building Inspections Department shall have primary responsibility for enforcing the provisions of this Code relating to building permits and building construction, Soil Erosion and Sedimentation Control permits, standards, and procedures. The County Engineer shall assist the Building Inspections Department in enforcing such provisions of this Code.
- (3) Except as otherwise provided, the County Engineer shall have primary responsibility for enforcing the provisions of this Code relating to the construction of subdivision and other infrastructure improvements. The Enforcement Division and Planning Director shall assist the County Engineer in enforcing such provisions of this Code.

(B) Notice of Violations

When the Enforcement Division or Planning Director finds that any building, structure, or land is in violation of this Ordinance, the Enforcement Division, Building Inspections Department, County Engineer or Planning Director shall notify, in writing, the person violating this Ordinance. Such notification shall indicate the nature of the violation, order the necessary action to abate the violation, and give a deadline for correcting the violation. If a violation is not corrected within a reasonable period of time, as provided in the notification, the Enforcement Division, Building Inspections Department, County Engineer or Planning Director shall take appropriate action, as provided in Section 17-907, Remedies and Penalties, to correct and abate the violation and to ensure compliance with this Code.

(C) Complaints Regarding Violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written or oral complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Enforcement Division, which shall record the complaint. The complaint shall be investigated promptly by the Enforcement Division, Building Inspections Department, County Engineer or Planning Director, and action taken to abate or correct any violation.

(D) Inspections to Ensure Compliance

Upon presentation of proper credentials, the Enforcement Division, County Engineer or Planning Director may enter any building, structure, land, or premises to ensure compliance with the provisions of this Code. These inspections shall be carried out during normal business hours unless the Enforcement Division, Building Inspections Department, County Engineer or Planning Director determines there is an emergency necessitating inspections at another time or times.

17-905 CRIMINAL VIOLATIONS

A violation of this Code shall be a misdemeanor, and each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be considered a separate offense, amenable to the process of the magistrate court of the County.

17-906 CIVIL VIOLATIONS

In addition to all other remedies and penalties outlined in this chapter, the BOCC, the Enforcement Division, Planning Director, County Engineer, County Attorney, County Manager, and/or any owner of property affected by any violation may institute an action at law or in equity for injunction or mandamus, or other appropriate action or proceeding, to prevent, restrain, abate, or correct a violation of this Code, to prevent the occupancy of the building, structure or land, or to recover damages for violations.

17-907 REMEDIES AND PENALTIES**(A) Penalties Upon Conviction**

Violations of this Code are punishable upon conviction as provided in Section 1.50.020 of the Official Code of Hall County.

(B) Utilities and Service Departments

Where a violation of these regulations exists, the Enforcement Division, Building Official or Planning Director may, in addition to other remedies, notify all public utilities and county service departments of the violation and request that service be withheld until the violation has been corrected or abated.

(C) Stop Work Order

In addition to any other remedies available to enforce this Code, the Planning Director, Building Official or County Engineer may issue a stop work order halting all work on the site except work necessary to achieve compliance with this Code. A stop work order may be issued in the case of imminent hazard to life or property, or when work has continued to proceed without rectifying violations of this Code. In general, a reasonable attempt will be made to notify an owner, developer or contractor of such violations prior to the issuance of any Stop Work Order.

A stop work order shall be in writing and shall be given to the owner, developer or contractor. Upon issuance of the Stop Work Order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(D) Revocation of Certificate of Occupancy

In addition to any other remedies available to enforce this Code, the Planning Director or Building Official may revoke any certificate of occupancy previously issued for a structure. No certificate of occupancy shall be revoked until the owner of the property has first been notified of the violation and the possibility that the certificate of occupancy may be revoked, and has had a reasonable opportunity to respond to such notice.

(E) Remedies and Penalties Cumulative

The remedies and penalties provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order and in any combination.