

## Article 14. - Administration and Enforcement

### Sec. 1401 - Purpose of Article 14.

This Article sets out the structure for administering, amending and enforcing this Development Code, including the responsibilities of the various administrative officers in carrying out enforcement activities, and penalties for violations.

### DIVISION I. - ADMINISTRATION.

#### Sec. 1402 - Administrative roles.

##### **1402 (a) Development services director.**

The Development Services Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, subdivision approval and recording, site plan approval, text amendments, and appeals filed with the County. Building inspection and code enforcement responsibilities also fall under the Department of Development Services.

##### **1402 (b) County engineer.**

- (1) The County Engineer is responsible for the review and processing of all applications related to land-disturbing activity, the construction of development projects, and the construction of streets and related facilities.
- (2) The County Engineer is responsible for enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets related to land development projects, and coordination of the installation of public and private utilities by others.

##### **1402 (c) Transportation director.**

The Department of Transportation Director is responsible for the operation, maintenance, expansion and future development of the County Transportation System and all related facilities. This responsibility includes but is not limited to, planning, access management, design review/approval, utility permit approval and jurisdictional coordination of transportation plans with other state and local agencies.

##### **1402 (d) Water and sewer authority.**

The Douglasville-Douglas County Water and Sewer Authority is responsible for the review and approval of all engineering and construction plans for erosion and soil sedimentation control, stormwater management, floodplain management and for public water and sewerage systems, for their inspection during construction, and for enforcement regarding their continued maintenance and operation.

##### **1402 (e) Environmental services division.**

The Environmental services division of the Douglas County Health Department is responsible for the review and approval of individual on-site sewage disposal systems (septic tanks) and community water and sewerage systems (subject to agreement by the Water and Sewerage Authority), inspection during installation, and enforcement of its rules and regulations.

##### **1402 (f) Chief building official.**

Acting under authority of the Development Services Director, the Chief Building Official is responsible for the proper construction of buildings and structures, the issuance of Certificates of Occupancy, and continuing conformance to the provisions of the Building Code.

**1402 (g) Code enforcement officer.**

Acting under authority of the Development Services Director, the Code Enforcement Officers provide support through investigations and issuance of warnings, citations and summonses related to the use and occupancy of land and buildings.

**1402 (h) Plans review coordinator.**

Acting under authority of the Development Services Director, the Plans Review Coordinator receives all plans, construction drawings, subdivision plats and site plans related to project approval, the issuance of development permits, the filing of final subdivision plats and the review of Developments of Regional Impact (DRIs). The Plans Review Coordinator distributes all such plans and plats to other County departments and other agencies as appropriate for review, comment and approval, and coordinates the review process between the County and the applicant.

Sec. 1403 - Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

**DIVISION II. - APPOINTED BOARDS.**

Sec. 1404 - Planning & Zoning Board.(Amended 06/2005)

**1404 (a) Establishment.** *(Amended 02/07/2017 - TXT-2017-01, § 3; Amended 02/03/2015 - TXT-2015-01, § 4)*

- (1) A Planning & Zoning Board is hereby created. The Planning & Zoning Board shall consist of seven (7) members, who shall be residents of the County.
- (2) The County Commission shall appoint a chairman and six (6) members to the Planning & Zoning Board. Each district commissioner shall appoint one member to the Planning & Zoning Board from their respective commission district. The Chairman of the Planning & Zoning Board and the At-Large member may be appointed from any commission district. Each member shall be appointed to a four-year term, beginning on June 1. The terms of the Chairman and three (3) members shall terminate in odd-numbered years beginning in 2007, and the terms of the other three (3) members shall terminate in even-numbered years beginning in 2006.
- (3) A member of the Planning & Zoning Board may be appointed to successive terms, and shall continue to serve if their term expires until a successor is appointed.
- (4) A member may be removed from the Planning & Zoning Board by a majority vote of the County Commission for cause, for absenteeism at three (3) successive called or regular meetings or absenteeism at six (6) such meetings in a calendar year, or for other reasons the County Commission may deem appropriate.
- (5) When a position becomes vacant before the end of a term, the County Commission shall appoint a new member for the duration of the term remaining.

**1404 (b) Qualifications of Members.**

- (1) The County Commission shall make the sole determination as to the qualifications of any person in meeting the requirements for membership on the Planning & Zoning Board.
- (2) The Chairman shall have demonstrated the ability to conduct meetings, organize debate and to act in the public interest of the County as a whole.

(3) One (1) member of the Planning & Zoning Board, other than the Chairman, shall be a member of the Douglas County Board of Education or designee.

**1404 (c) Proceedings of the Planning & Zoning Board.** (Amended 02/07/2012 - TXT-2012-01, § 2; Amended 11/01/2011 - TXT-2011-02, § 5)

- (1) The Planning & Zoning Board shall elect a Vice-Chairman from among its members, who shall serve for one (1) year or until re-elected or until their successor is elected. The Vice-Chairman shall preside at meetings in the absence of the Chairman.
- (2) The Planning & Zoning Board may adopt such by-laws, rules or procedures as appropriate and not in conflict with the Zoning Ordinance or policies adopted by the County Commission. These rules shall be a public record.
- (3) The Planning & Zoning Board shall meet each month in accordance with the schedule of meeting dates and times approved by the County Commission. Other meetings of the Planning & Zoning Board shall be held at the call of the Board of Commissioners Chairman if there is business to be brought before it, or at such times as the Planning & Zoning Board may determine. All meetings of the Planning & Zoning Board shall be open to the public.
- (4) The Planning & Zoning Board shall conduct all meetings adhering to Robert's Rules of Order Newly Revised 10<sup>th</sup> Edition.
- (5) All Planning & Zoning Board members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.
- (6) A majority of the entire Planning & Zoning Board shall constitute a quorum. A quorum shall be necessary to conduct any public hearing and render any decision or recommendation. An affirmative vote of at least a majority of the members present is required to make any approval or recommendation.
- (7) The Director of Development Services or his designee shall serve as secretary to the Planning & Zoning Board. The secretary shall cause minutes of its proceedings to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of its examinations and other official actions to be kept in the form of written minutes, all of which shall be of public record.
- (8) The Planning & Zoning Board shall not have the power to sue, nor shall it be a legal entity for the purpose of being sued.

**1404 (d) Powers and Duties of the Planning & Zoning Board.**

- (1) The Planning & Zoning Board shall have the duty and responsibility to conduct a public hearing on each application for rezoning or special use approval, to review the application in accordance with the standards and procedures set forth in this Unified Development Code, and to make such recommendations to the County Commission as it deems appropriate on each application.
- (2) The Planning & Zoning Board shall also have the duty and responsibility to conduct a public hearing on any proposed amendment to the text of this Unified Development Code, to review such proposed amendment in accordance with the standards and procedures set forth in this Code, and to make such recommendations to the County Commission as it deems appropriate.
- (3) The Planning & Zoning Board shall also have the authority to initiate on its own motion a zoning change or an amendment to the text of this Code when, in its determination, such changes are appropriate for consideration.
- (4) The Planning & Zoning Board shall also have the authority and responsibility to review the provisions of the County's Comprehensive Plan from time to time, and to make such recommendations to the County Commission as it deems appropriate.

- (5) The Planning & Zoning Board shall also have the authority and responsibility to conduct a public hearing on appeals from an administrative decision, for a special exception, and for unique hardships restricting reasonable use of a property, to review the application in accordance with the standards and procedures set forth in this Development Code and shall make a decision. *(Amended 03/2006)*
- (6) The Planning & Zoning Board shall also have such other powers, duties or responsibilities as assigned to it by the County Commission.

**1404 (e) Additional Powers and Duties.**

- (1) All public officials shall, upon request, furnish to the Planning & Zoning Board, within a reasonable time, such available information as it may require for its work. The Planning & Zoning Board, its members and employees, in the performance of its or their functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Planning & Zoning Board shall have such powers as may be necessary to enable it to perform its functions and promote the planning of its political jurisdiction.
- (2) The County Commission may authorize or direct the Planning & Zoning Board to hold hearings and perform other services.

**1404 (f) Comprehensive Plan and Future Land Use Map.**

It shall be the duty of the Planning & Zoning Board, subject to the approval of the Board of Commissioners, to make a comprehensive plan of its political jurisdiction and to perfect it from time to time. The comprehensive plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems and other useful data. Such plan may be adopted, added to and changed from time to time, upon the recommendation of the Planning & Zoning Board and with the approval of the Board of Commissioners. In addition, the Planning & Zoning Board, subject to the approval of the Board of Commissioners, shall be authorized to make a future land use map of the political jurisdiction which shall show the use of land in the political jurisdiction in the future. This plan may be changed from time to time upon recommendation of the Planning & Zoning Board with the approval of the Board of Commissioners. Its purpose and effect shall be solely to aid the Planning & Zoning Board and the Board of Commissioners in the performance of its duties related to Development Services in Douglas County. The future land use map will be a part of the comprehensive plan and together will represent the future land use policy for Douglas County.

**DIVISION III. - TEXT AMENDMENTS.**

This Development Code may be amended from time to time in whole or in part by the Board of Commissioners under the provisions of this Division.

**Sec. 1405 - Initiation of text amendments.**

The Board of Commissioners, Planning & Zoning Board or the Development Services Director may propose a change to the text of this Development Code when public necessity, general welfare or good zoning practice justifies such action. *(Amended 05/03/2007 - TXT2007-04)*

**Sec. 1406 - Text amendment process.**

Before the Board of Commissioners may take final action on a proposed text amendment, the Planning & Zoning Board and the Board of Commissioners shall hold a public hearing on the proposal. For the purposes of this article, the term "amendment" or "amendments" shall mean any text change(s) to the UDC. The Planning & Zoning Board may consider proposed text change(s) individually or collectively during a scheduled and advertised public hearing notwithstanding anything herein to the contrary. The Board of Commissioners may consider any proposed text change(s) individually or collectively after the public hearing requirements have been met as described in this article. *(Amended 06/05/2007 - TXT2007-05)*

**1406 (a) Public notice.**

At least 15 days but not more 45 days prior to the public hearing, notice is to be published in a newspaper of general circulation within the county. The notice is to state the time, place and purpose of the hearing.

**1406 (b) Public hearings; procedures.**

The public hearing held by the Planning & Zoning Board and the Board of Commissioners for a text amendment shall be conducted in the following manner:

- (1) The public hearing is to be convened at the scheduled time and place by the Chair or an appointed designee, who will act as the Presiding Official.
- (2) The Presiding Official shall call for the proposed text amendment to be presented. *(Amended 06/05/2007 - TXT2007-05)*
- (3) No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state their name and home address.
  - a. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.
  - b. No less than 10 minutes shall be provided for all of those speaking in support of a text amendment and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
  - c. If reasonable time limitations permit, any member of the general public may speak at a hearing.

During the public hearing, the Planning & Zoning Board and the Board of Commissioners members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

**1406 (c) Decision on a text amendment.**

- (1) The Planning & Zoning Board, following its public hearing, shall make its recommendation to the Board of Commissioners. Failure to make a recommendation shall go forward to the Board of Commissioners as "no comment." *(Amended 02/2005)*
- (2) Following its public hearing and after receipt of the Planning & Zoning Board recommendation, the Board of Commissioners shall consider the text amendment and take final action. *(Amended 02/2005)*
- (3) In considering a text amendment, action shall be considered by vote of the members present.
  - a. A motion to approve or deny an amendment must be approved by an affirmative vote of at least a majority of the members present in order for the motion to be approved. *(Amended 11/01/2011 - TXT-2011-02, § 6)*
  - b. If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
  - c. A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
  - d. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.
- (4) In taking final action on an amendment, the Board of Commissioners may:
  - a. Approve, approve with changes, or deny the proposal; or,

- b. Table the proposal for consideration at its next scheduled meeting; or
- c. Return the proposed amendment to the Planning & Zoning Board for further consideration.

Sec. 1407 - Standards for text amendments.

The Planning & Zoning Board and the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (1) Is the proposed amendment consistent with the purpose and intent of this Development Code as stated under Article 1?
- (2) Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
- (3) Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (4) Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

Sec. 1408 - Effect of text amendment approval.

- (1) Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
- (2) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.
- (3) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconformities under Article 1 of this Development Code, as applicable.

DIVISION IV. - ENFORCEMENT.

Sec. 1409 - Permit required.

It shall be unlawful to commence the excavation or filling of any lot for any construction of any building, or to commence construction of any building, or to commence the moving or alteration of any building, or to commence the development of any land for a use not requiring a building permit, until the necessary permit for the construction, land disturbance or development of the property has been issued under the Procedures and Permits Article of this Development Code.

Sec. 1410 - Inspection and enforcement.

**1410 (a) Enforcement officer.** *(Amended 08/04/2015 - TXT-2015-03, § 2)*

- (1) With the exception of those activities included under the Erosion Control and Stormwater Management Article, the provisions of this Development Code shall be administered and enforced by the zoning administrator, code enforcement officers and other designated employees of the Development Services Department, who shall have authority to make inspections of buildings and lands necessary to carry out duties in the enforcement of this Development Code.

- (2) Officials of the Douglasville-Douglas County Water & Sewer Authority shall be responsible for the administration and enforcement of those activities included under the Erosion Control and Stormwater Management Article of this Development Code.
- (3) Officials of the animal control department shall have the authority to assist the code enforcement officer in the enforcement of those provisions of this Development Code dealing with the regulation of animals and fowl.
- (4) The Code Enforcement Officer will receive complaints, investigate violations, issue a notice of violation and proceed with enforcement activities to ensure correction of violations. If in the opinion of the Development Services Director a violation constitutes a threat to public health or welfare, emergency abatement actions may be permitted with assistance from other county departments and the sheriff.

**1410 (b) Inspection; warrants.** (Amended 08/04/2015 - TXT-2015-03, § 3)

In addition to those other procedures provided by this Code, those enforcement officers defined in Section 1410(a) above are authorized to obtain an inspection warrant under the conditions specified below. Such warrant shall authorize the requesting person to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this Section.

- (1) Inspection warrants may be issued by a court of competent jurisdiction when the issuing judge is satisfied that the following conditions have been met:
  - a. The person seeking the warrant must establish under oath or affirmation either (1) that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property; or (2) that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property; and
  - b. The issuing judge determines that the issuance of the warrant is otherwise authorized by this Section.
- (2) The inspection warrant shall be valid only if it meets the following requirements:
  - a. The warrant is attached to the affidavit required to be made in order to obtain the warrant;
  - b. The warrant describes, either directly or by reference to the affidavit, the property to be inspected and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which an inspection is authorized;
  - c. The warrant indicates the conditions, objects, activities, or circumstances for which the inspection is intended to check or reveal; and
  - d. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

**1410 (c) Land development activities.**

Inspection and enforcement activities, including the resolution or prosecution of violations, of land-disturbing activities related to soil erosion and sedimentation control, stormwater management or floodplain management, are found under the Erosion Control and Stormwater Management Article of this Development Code.

**1410 (d) Land use and other provisions.**

- (1) Inspection.

If the Code Enforcement Officer finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, tree conservation, parking, signage, street construction or any other standard or

provision (other than land development activities as may be enforced by the WSA), or relating to a condition of approval established in connection with a grant of variance or zoning change, he shall notify the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Code Enforcement Officer shall have authority to prosecute violations in court.

(2) Notice of Violation.

If the Code Enforcement Officer determines that a property owner, occupant or other responsible person has failed to comply with the requirements and provisions of this Development Code, he or she shall issue a written notice of violation to such owner, occupant or other responsible person. Where a person is engaged in activity covered by this Code without having first secured a permit therefor, the notice of violation shall be served on the owner, occupant or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner, occupant or the responsible person;
- b. The address or other description of the site upon which the violation is occurring;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with this Code and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the Board of Appeals by filing a written notice of appeal within 30 days after the notice of violation (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

**1410 (e) Removal of illegal signs.**

The Code Enforcement Officer may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

(1) Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Appeals. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Code Enforcement Officer is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) Removal without notice.

- a. The Code Enforcement Officer or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:
  1. Said sign is upon the public right-of-way or upon other public property; or

2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- b. Following such removal, the County may collect the costs as provided in the following section.

(3) Costs of removal.

- a. Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.
- b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Code Enforcement Officer shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.
- c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

Sec. 1411 - Violation and penalties.

Every violation of the terms of this Code by any person, firm or corporation shall be termed a nuisance and a continuing nuisance so long as such violation may be continued and such violation may be subject to abatement as a nuisance as provided by the laws of this state. This Code may be enforced by the Development Services Director, County Engineer, Water & Sewer Authority Executive Director, code enforcement officer, sheriffs department, fire department, health department, chief building official, and building inspector.

**1411 (a) Violation a misdemeanor.**

Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended, upon conviction of a violation shall be subject to punishment as provided by law. The owner of any buildings or premises or parts thereof where anything in violation of this ordinance shall be placed or shall exist and any architect, builder, contractor or agent of the owner who may have assisted in the commission of such violation shall be punished as for a misdemeanor.

**1411 (b) Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Code Enforcement Officer shall first notify the owner, occupant or other responsible person in writing of his or her intended action, and shall provide a reasonable opportunity, of not less than 10 days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Code Enforcement Officer may take any one or more of the following actions or impose any one or more of the following penalties:

- (1) Cease and desist order.

The Code Enforcement Officer shall order discontinuance of the illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this Development Code.

(2) Stop-work order.

The Code Enforcement Officer may issue a stop-work order, which shall be served on the owner, occupant or other responsible person. The stop-work order shall remain in effect until the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(3) Suspension, revocation, or modification of permit.

The Code Enforcement Officer may suspend, revoke, or modify any permit authorizing a project. A suspended, revoked, or modified permit may be reinstated after the owner, occupant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Code Enforcement Officer may deem necessary) to enable the owner, occupant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil penalties.

In the event the owner, occupant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the Code Enforcement Officer shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Code Enforcement Officer has taken one or more of the actions described above, the Director of Development Services may impose a penalty not to exceed \$1,000 (depending upon the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) Criminal penalties.

For intentional and flagrant violations of this Code, the Code Enforcement Officer may issue a citation to the owner, occupant or other responsible person, requiring such person to appear in the magistrate or other court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. The guilty party shall pay all court costs as determined by the court.

**1411 (c) Additional remedies.**

(1) Injunction of activities.

Any violation of any provision or requirement of this Development Code shall constitute a nuisance. Douglas County may institute an action or proceeding as provided by law or ordinance to restrain, correct or abate the violation; to prevent occupancy of a building, structure or land or to prevent any illegal act, conduct or use on property in violation.

(2) Other remedies.

Nothing herein shall prevent Douglas County from taking other such lawful action, including stop work orders and restricting inspections or issuance of permits to prevent a recurrence or remedy any violation.

Sec. 1412 - Liability.

- (1) Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Code or the terms of the development permit.
- (3) No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.