

# ARTICLE XIII

## ADMINISTRATION, ENFORCEMENT, AND APPEALS

### SECTION 1300: PERMITS

No building or land shall hereafter be used or occupied except in conformity with the regulations herein specified for the district in which it is located. There shall be no land disturbing activity, no development of any type, no construction of any type, no building, structure or part thereof, constructed, erected, enlarged, structurally altered, converted, moved or demolished, without first obtaining a development permit and/or any other permits or approvals as may be required by this Ordinance or any other applicable local, state, or federal ordinances. No development permit shall be issued except in conformance with the provisions of said ordinances.

#### 1300.1 Development Permits

The term Development Permits includes local permits or approvals issued for construction or land disturbing activities, rezoning, conditional use, variances, and preliminary and final subdivision plat applications as specified by the Oglethorpe County Zoning Ordinance, the Oglethorpe County Subdivision Regulations, or by any other regulations or ordinances duly adopted by the Oglethorpe County Board of Commissioners and subject to the requirements and procedures as specified in the appropriate sections of the applicable regulations and ordinances.

1. Permits shall be issued only if the activity is in compliance with approved site plans and this Ordinance and other applicable state, federal and local regulations. The Maxeys Town Council or their designated official(s) shall impose conditions on any permit necessary to assure that any adverse impacts are prevented or kept to a minimum.
2. Along with the permit application, the applicant shall pay a filing fee as specified by the Maxeys Town Council. The Maxeys Town Council may establish filing fees sufficient to retain the services of expert consultants, if deemed necessary by the Maxeys Town Council or their designated official(s) for the proper evaluation the application.
3. The Maxeys Town Council or their designated Planning Official(s) may require a bond with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of condition of any such bond, the Maxeys Town Council or their designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.
4. Permits may be revoked for failure to comply with regulatory guidelines, including conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit.

#### 1300.2 Building Permits

An application for a building permit shall include any necessary data required by the Maxeys Town Council or their designated Planning Official(s) to determine that the proposed structure(s) or use conforms to the requirements of this Ordinance along with the required application fee, as established by the Maxeys Town Council. At minimum, all applications for development permits shall be accompanied by two (2) copies of a recorded plat and fully dimensional site plan, drawn to a scale of not less than one-eighth (1/8) inch equal to one (1) foot, and signed by the owner or his authorized agent. Said plan may be drawn by the applicant, however, in cases where a clear determination that the structure or use meets all the requirements of this Ordinance cannot be made from a sketch plan, a site plan drawn by a registered engineer, architect, land surveyor, or landscape architect shall be required. Submission shall include the following items, as applicable:

**1. Individual Single-Family and Two-Family Residential Dwelling:**

- a. Project name.
- b. Project owner and address.
- c. Date, scale, north arrow.
- d. Vicinity map.
- e. Owner(s) and use(s) of adjacent properties.
- f. Property lines and dimensions.
- g. Total project acreage.
- h. Proposed use of the property to be developed
- i. All required setbacks appropriately dimensioned and designated.
- j. Location and use of existing and/or proposed buildings and the square footage in each
- k. Location of adjacent street(s), including names and width of right-of-way and pavement
- l. Location and width of driveway
- m. Location of any rivers, creeks, streams, lakes or ponds, including 100 Year Flood Plain
- n. Location and identification of any easements, including access and utility
- o. Method of water supply and sewage management including Health Department Certification, if required.
- p. Any other data, as requested by the Planning Official(s), necessary to an understanding and evaluation of the project and to determine conformance with this Ordinance.

**2. Non-Residential and Multi-Family Development:**

- a. Project name.
- b. Project owner and address.
- c. Date, scale, north arrow.
- d. Vicinity map.
- e. Owners and uses of adjacent properties.
- f. Property lines and dimensions.
- g. Total project acreage
- h. Topography at five (5') foot contour intervals may be required
- i. Proposed use of property to be developed
- j. Required setbacks appropriately dimensioned.
- k. Location and use of existing and/or proposed buildings and the square footage in each
- l. Location of adjacent street(s), including names and width of right-of-way and pavement
- m. Location of any rivers, creeks, streams, lakes or ponds, including 100 Year Flood Plain
- n. Location and identification of any easements, including access and utility
- o. Method of water supply and sewage management including Health Department Certification, if required.

- p. Location, dimensions, pertinent details of required buffers/screening, including plant material by name, spacing of plant material, and total number of plants by species, where applicable
- q. Location of driveway ingress and egress, including dimensions for curb radius, driveway width, and distance to nearest street intersection.
- r. Location, dimensions, and details of existing and proposed off-street parking/loading areas, including all interior drives, provisions for interior interconnection access, bays and walkways, type of servicing, angle of stalls, dimensions of stalls, width of access aisle, and schedule listing total number of parking stalls by type.
- s. Trash/garbage receptacle (dumpster) location, if applicable.
- t. Location, dimensions, and details of any proposed signage.
- u. Location and details of any proposed exterior lighting.
- v. Any other data, as requested by the Planning Official(s), necessary to an understanding and evaluation of the project and to determine conformance with this Ordinance.

### **1300.3 Review Procedure**

The application shall be reviewed by the Planning Official(s) or their designee within forty-five (45) days of its official submittal. An application shall not be deemed officially submitted unless it contains all required documents and information, and all required fees have been paid. The review period shall include the preparation of findings (approval, approval with conditions, or disapproval) by the Planning Official(s) or their designee. The Planning Official(s) may approve, approve with conditions, or deny the application. If the Planning Official(s) fails to act on the application within forty-five (45) days of its official submission to the Planning Official(s), the application shall be deemed to have been approved. The applicant shall receive written notification of the findings within seven (7) days.

Upon determination that the application as filed, together with the plans and specifications, conforms in all respects with the requirements of this Ordinance, and other applicable local, state, and federal regulations, then the Planning Official(s) shall issue the permit applied for. One copy of such plans shall be returned to the owner or agent when such plans shall have been approved by the Planning Official(s).

If an application is disapproved, the applicant shall be notified in writing with the reason for disapproval.

### **1300.4 Records Maintained**

A record of such applications and plats or site plans shall be kept by the Oglethorpe County Planning Official(s).

### **1300.5 Expiration of Building Permits**

1. Any building permit issued shall expire and become invalid unless the work authorized by the permit shall have been commenced within twelve (12) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of twelve (12) months.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled. Further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.
3. The Maxeys Town Council or their designated Planning Official(s) shall issue to the applicant written notice of said expiration prior to revocation of any permit.

**1300.6 Adherence to Approved Plans, And Permits**

Development Permits issued on the basis of approved uses, site plans, operations, and conditions included in a Rezoning, Conditional Use, Temporary Use, or Variance application, as approved by the Maxeys Town Council or their designated Planning Official(s), authorize only such use, plans, operations, and conditions as set forth and approved, therein. Any deviation from the authorized use, plans, operations, and conditions shall constitute a violation of this Ordinance.

**1300.7 Display Of Permit**

Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction.

**1300.8 Certificate of Occupancy**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Planning Official(s) after a final inspection of said building, structure, or use.

A Certificate of Occupancy shall not be issued unless the final inspection of the property in question determines that the proposed use of the building or land conforms to the provisions of this Ordinance, and/or unless the final construction of the building, structure, or use complies with the approved site plan upon which the Building Permit was issued. The Planning Official(s) shall state in writing the reasons for denying such Certificate of Occupancy.

**1300.9 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 Ordinance, and may adopt schedules of dates, times, and places, as appropriate and necessary to regulate the application, review, and hearing processes required by this Ordinance.

**SECTION 1301: ENFORCEMENT**

**1301.1 Enforcement Authority**

The Oglethorpe County Board of Commissioners or their designated Official(s) shall administer and enforce the provisions of this Ordinance and carry out the duties required. They shall be provided with the assistance of such other persons as the Oglethorpe County Board of Commissioners may direct.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have authority to enforce this Ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

The Oglethorpe County Board of Commissioners or their designated official(s), agents, or officers shall have the authority to enter upon privately owned land, at reasonable times and with due process, for the purpose of performing their duties under this ordinance and may take or cause to be made such inspections, examinations, surveys, or samplings as Oglethorpe County Board of Commissioners or its designated official(s) deem necessary to determine conformance to the requirements of this Ordinance.

The Oglethorpe County Board of Commissioners or their designated official(s) shall have the authority to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction

Law enforcement officials or other officials having police powers shall have authority to assist the Oglethorpe County Board of Commissioners or their designated official(s) in enforcement of this Ordinance.

### **1301.2 Enforcement Action**

If the Oglethorpe County Board of Commissioners or its designated official(s), agents, officers, or employees find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation(s), indicating the nature of the violation(s) and ordering the action necessary to correct it. Such written notice, however, shall not be a necessary condition to enforcement of the Ordinance.

1. The Oglethorpe County Board of Commissioners or its designated official(s) may suspend or revoke a permit for failure to comply with regulatory guidelines, or with conditions or limitations attached to the permit, or if the scope of work exceeds that set forth in the permit. The Board of Commissioners or their designated official(s) shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the local newspaper serving as the legal organ of the county.
2. The Oglethorpe County Board of Commissioners or its designated official(s) shall order discontinuance of illegal use of land, buildings, or structures or of illegal additions, alterations, or structural changes; or discontinuance of any illegal work being done; or shall take any other action, including instituting an injunction, mandamus, or other appropriate action as authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
3. When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
4. When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable at the discretion of the Oglethorpe County Board of Commissioners or their designated official(s).
5. If the Oglethorpe County Board of Commissioners or their designated official(s) discover a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Board of Commissioners shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

### **1301.3 Penalties for Violation**

It is unlawful to violate the provisions of this Ordinance or to fail to comply with any of its requirements, including conditions or limitations established in connection with grants of variances, rezoning, special exceptions, restricted conditional uses, or other permits. Any person who commits, takes part in or assists in any violation of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, be fined, as determined by the court, for each offense, not more than one thousand dollars (\$1,000.00) and in addition shall pay all costs and expenses involved in the case. Each violation shall be deemed a separate offense and, in the case of a continuing violation, each day such violation continues shall be deemed a separate and distinct offense.

## **SECTION 1302: APPEALS**

### **1302.1 Appeal To the Maxeys Town Council**

Any party aggrieved because of the alleged error in any order, requirement, decision, or determination made by the designated Planning Official(s), agents, officers, employees or any other party in enforcement of this Ordinance, may appeal in writing to the Maxeys Town Council for an interpretation of pertinent Ordinance provisions. In exercising this power of interpretation, the Maxeys Town Council may, in conformity with the provisions of this Zoning Ordinance, reverse or affirm any order, requirement, decision, or determination made by the designated Planning Official(s), agents, officers, employees, or any other

party. The Maxeys Town Council shall inform in writing all the parties involved of its decisions and the reasons therefore.

**1302.2 Application of Appeal**

An application of appeal shall be filed, in writing, with the official(s) from whom the appeal is taken and with the Clerk of the Maxeys Town Council, along with any filing fee. Any such appeal must be filed within thirty (30) days of the decision or action being appealed. Incomplete applications will not be placed on the Board's agenda. The application shall include, at minimum, a statement of ownership, the requested interpretive ruling, the specific grounds for the request, including documentation of unique hardship, where appropriate.

The Official(s) from whom the appeal is taken shall forthwith transmit to the Maxeys Town Council copies of all the papers constituting the record upon which the action being appealed was taken.

**1302.3 Public Hearing and Notification**

Before taking any official action on an application for appeal, the Maxeys Town Council shall hold a public hearing thereon. The Maxeys Town Council shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof in a newspaper of general circulation in Oglethorpe County, at least fifteen (15) and no more than forty-five (45) days before the hearing. Upon a hearing, all parties shall appear in person, by agent, or by attorney. Said hearings shall be open to the public and shall be conducted in accordance with the provisions set forth in *Article XIV, Amendments*, in this Ordinance.

**1302.4 Appeal From Decision of the Governing Body**

Any party aggrieved by any decision of the County Maxeys Town Council may petition the Superior Court for certiorari, as provided under Georgia law. Such appeal shall be filed with the Clerk of Court within thirty (30) days of the rendering of said decision by the Maxeys Town Council being appealed.

**1302.5 Stay Of Legal Proceedings**

An appeal to the Court of Record shall stay all proceedings in furtherance of the action appealed from, unless the zoning official(s) from whom the appeal is taken certifies to the Maxeys Town Council and the Town Attorney after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order is granted by a court of law.

**1302.6 Judicial Review - Alternative Actions**

Based on any proceedings and the decision of the Oglethorpe County Superior Court, the Maxeys Town Council may, within the time specified by the court, elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of Oglethorpe County.