



## **Fannin County Enforcement Ordinance March 15, 2024**

### **1. Powers of development officer and code enforcement officer**

(a) The development officer and the code enforcement officer or the designee of the same shall have the power to enforce the provisions of the Fannin County Land Development Ordinance. He/she shall have the authority to issue stop work orders and to cite violators of the ordinance to court.

(b) The development officer and the code enforcement officer or the designee of the same shall have the power to conduct investigations as reasonably deemed necessary to carry out his/her duties of enforcing the ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the site.

(c) Jurisdiction over violations of such county ordinances shall be in the magistrate court of the county; and procedure for enforcement of such ordinances shall be as provided in Article 4 of Chapter 10 of Title 15 of the Official Code of Georgia.

### **2. Fines for noncompliance.**

Any person who violates any provision of the Fannin County Land Development Ordinance, or any permit condition or limitation established pursuant to this subpart shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not to exceed \$500.00 per day. Each day during which the violation or failure or refusal to comply continues shall be a separate violation. Other ordinances incorporated herein may specify other penalties, which will govern over this section.

### **3. Administrative appeals.**

(a) Any party aggrieved by any decision of the development officer may within 30 days thereafter appeal therefrom to the board of commissioners. The appellant shall furnish the development officer a written notice of appeal specifying the judgment of decision from which appeal is taken.

(b) A decision by the board of commissioners shall be the final administrative appeal and their decision shall be carried out by the development officer.

#### 4. Conflict with other ordinances; effect of partial invalidity.

(a) In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the county existing on the effective date of the ordinance from which this article is derived, the provision which in the judgment of the board of commissioners establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinances which establishes a lower standard for the promotion and protection of the health and safety of the people are hereby declared to be repealed to the extent that they may be found in conflict with this article. (b) If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect. To this end the provisions of this article are hereby declared to be severable.

#### 5. Legal Appeals

Any party, aggrieved by a decision or order of the board of commissioners, shall have the right to appeal to the superior court of the county.

#### 6. Liability

Neither the approval of a plan under the provisions of this subpart, nor the compliance with the provisions of this subpart shall relieve any person from the responsibility for

damage to any person or property otherwise imposed by law or impose any liability upon the county.

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