

# Article 14. Administration and Enforcement

Effective January 1, 2009, as Amended through February 7, 2017

<b>Table of Contents</b>		<b>page</b>
<b>DIVISION 1.</b>	<b>ADMINISTRATION.....</b>	<b>14-1</b>
<b>Sec. 1401.</b>	<b>Administrative roles. ....</b>	<b>14-1</b>
	(a) Director of Planning .....	14-1
	(b) Director of Public Works.....	14-1
	(c) Building Official. ....	14-1
<b>Sec. 1402.</b>	<b>Required action; time period.....</b>	<b>14-1</b>
<b>Sec. 1403.</b>	<b>Schedules and fees.....</b>	<b>14-2</b>
<b>DIVISION 2.</b>	<b>TEXT AMENDMENTS. ....</b>	<b>14-2</b>
<b>Sec. 1404.</b>	<b>Amendments authorized.....</b>	<b>14-2</b>
<b>Sec. 1405.</b>	<b>Initiation of text amendments.....</b>	<b>14-2</b>
<b>Sec. 1406.</b>	<b>Text amendment process. ....</b>	<b>14-2</b>
	(a) Public notice.....	14-2
	(b) Public hearings; procedures.....	14-2
	(c) Decision on a text amendment.....	14-3
<b>Sec. 1407.</b>	<b>Standards for text amendments. ....</b>	<b>14-3</b>
<b>Sec. 1408.</b>	<b>Effect of text amendment approval. ....</b>	<b>14-3</b>
<b>DIVISION 3.</b>	<b>ESTABLISHMENT OF THE PLANNING COMMISSION.....</b>	<b>14-4</b>
<b>Sec. 1409.</b>	<b>Membership; officers; procedure. ....</b>	<b>14-4</b>
	(a) How appointed. ....	14-4
	(b) Terms. ....	14-4
	(c) Vacancy.....	14-4
	(d) Officers.....	14-4
<b>Sec. 1410.</b>	<b>Meetings. ....</b>	<b>14-5</b>
<b>DIVISION 4.</b>	<b>ENFORCEMENT AND PENALTIES.....</b>	<b>14-6</b>
<b>Sec. 1411.</b>	<b>Inspection and enforcement. ....</b>	<b>14-6</b>
	(a) Enforcement; general. ....	14-6
	(b) Enforcement; land development, use and other provisions.....	14-6
	(c) Enforcement; building construction codes.....	14-7
	(d) Enforcement; removal of illegal signs. ....	14-7
<b>Sec. 1412.</b>	<b>Violation and penalties. ....</b>	<b>14-8</b>
	(a) Violations; action. ....	14-8

(b) Citations. ....14-9  
(c) Penalties; land development activities.....14-9  
(d) Penalties; building construction codes. ....14-9  
(e) Penalties; land use and other provisions.....14-10  
**Sec. 1413. Liability. ....14-10**

-- END PAGE --

## **Article 14. Administration and Enforcement**

**Effective January 1, 2009, as Amended through February 7, 2017.**

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 1. ADMINISTRATION.**

#### **Sec. 1401. Administrative roles.**

The following provides a general overview of the key officials involved in the administration and enforcement of this Development Code. For more specific information on the roles of these and other officials, see the Procedures and Permits Article of this Development Code.

(a) **Director of Planning**

The Planning Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of subdivisions and site plans, text amendments, and appeals filed with the County. The Planning Director is responsible for all administrative and enforcement activities related to the use or occupancy of land and buildings, the control of erosion and sedimentation, and continuing conformance to the provisions of this Development Code. The Planning Director serves as the secretary to the Planning Commission.

(b) **Director of Public Works.**

- (1) The Director of Public Works is responsible for the review of submittals related to land disturbance and the development of projects; the construction of streets, drainage facilities and other public facilities; and any other activities within public rights-of-way.
- (2) The Director of Public Works 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 and stormwater management systems, their continued maintenance and operation, and coordination of the installation of public utilities.

(c) **Building Official.**

As the issuing agent for all building and sign permits, acting under authority of the Planning Director, the Building Official is responsible for the proper construction of buildings and structures, and continuing compliance with permit requirements after construction is complete.

#### **Sec. 1402. Required action; time period.**

In each case in this Development Code where the issuance of a permit or other action by any official of Camden County, Georgia, is required and a time period for such action is specified, then the failure of the official responsible for same to take such action or issue such permit shall be deemed an approval of the matter or the issuance of the permit, as the case may be. If at any place in the Development Code an action is required by any such official and no time frame is provided herein, then such timeframe shall be deemed to be 45 calendar days and the failure to act to either approve or deny same shall be deemed an approval of the matter or the issuance of the permit, as the case may be.

**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 2. TEXT AMENDMENTS.****Sec. 1404. Amendments authorized.**

This Development Code may be amended from time to time in whole or in part by the Board of Commissioners. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is not subject to the Georgia Zoning Procedures Law (O.C.G.A. 36-66-1 *et seq.*) shall be considered and acted upon by the Board of Commissioners following applicable requirements and procedures for the adoption of acts, resolutions or ordinances, as applicable under the County's Charter. Any amendment to or insertion of a new Article, Section, Subsection or Paragraph that is subject to the Georgia Zoning Procedures Law shall be considered and acted upon by the Board of Commissioners under the provisions of this Division.

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

The Board of Commissioners may propose a change to the text of this Development Code when public necessity, general welfare or good zoning practice justifies such action.

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

No amendment to the text of the Unified Development Code shall become effective unless it shall have been submitted to the Planning Commission for review and recommendations.

**(a) Public notice.**

Before enacting a text amendment to this Development Code, the county shall hold public hearings thereon. At least 15 days but not more than 45 days prior to each 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.

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

The public hearing held by the Planning Commission 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 will call for each proposed text amendment to be presented.
- (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 Commission 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.

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

- (1) The Planning Commission shall make a recommendation for approval, denial or such other action it deems appropriate, no later than their next regularly scheduled meeting following their public hearing, or the proposed amendment shall go forward with no recommendation. The report of the Planning Commission shall be forwarded in writing to the Camden County Board of Commissioners for final approval or denial.
- (2) The Camden County Board of Commissioners shall take action on each proposed amendment at a regularly scheduled meeting for which adequate notice can be published, but not more than 30 days following receipt of the Planning Commission report.
- (3) The Planning Director shall maintain a written record (or a tape recording) and date of such amendments as approved or denied by the County Commission.

**Sec. 1407. Standards for text amendments.**

The Planning Commission and the Board of Commissioners shall consider the following standards in reviewing 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 3. ESTABLISHMENT OF THE PLANNING COMMISSION.**

**Sec. 1409. Membership; officers; procedure.**

(a) **How appointed.**

A five-member Planning Commission shall be appointed by the Board of Commissioners. Each member shall be a resident of Camden County and be at least twenty-one (21) years of age. Each County Commissioner shall nominate a member of the Planning Commission according to the district allocation as hereinafter detailed. Any nominee shall be approved by a majority vote of the Board of Commissioners.

(b) **Terms.**

- (1) The term of office of each member shall be for a four-year term. The appointed member's term shall coincide with that of the member of the Board of Commissioners whose district that Planning Commission member represents.
- (2) The four-year term for each Planning Commission member shall begin on the day after the following initial expiration dates, and on such date each four years thereafter:

<b>BOC District</b>	<b>Initial Expiration</b>
District 1	12-31-2008
District 2	12-31-2006
District 3	12-31-2008
District 4	12-31-2006
District 5	12-31-2008

(c) **Vacancy.**

As to any vacancy that should occur during the term of a member, the County Commissioner for the district of the vacancy shall nominate an appointee to fill the unexpired term, the said nominee to be approved by a majority vote of the Board of Commissioners. Said appointment shall take effect immediately and said appointee shall serve until the term of appointment expires, or until a successor is appointed. If no appointment is forthcoming, then said member shall continue to serve until a successor is chosen.

(d) **Officers**

- (1) The Planning Commission shall elect a chairman and vice-chairman (who shall be acting chairman in the absence of the chairman) annually in the month of January.
- (2) The chairman (or in his absence the vice-chairman or, in the absence of both the chairman and vice-chairman, such other member of the Planning Commission appointed temporarily by the members to preside as chairman at a particular meeting) shall preside at all meetings and hearings of the commission and decide all points of order or procedure. The chairman shall appoint any committees which may be found necessary.
- (3) The Planning Director shall serve as the secretary to the Planning Commission. The secretary shall conduct all correspondence of the commission; keep a minutes book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; and records of examination and hearing and other official action; and shall carry such other official duties as may be assigned by the commission.

**Sec. 1410. Meetings.**

The following shall be the rules as to how and where the meetings shall be held and the public informed of such meetings:

- (1) The regular meeting of the Planning Commission shall be held the last Wednesday of each month, unless there is no cause for holding such meeting. If there is to be a regular meeting, the secretary shall inform the members of the commission at least 15 days in advance.
- (2) Special meetings may be called by the chairman, provided that at least 24 hours' notice of such meeting is given each member.
- (3) The date, time and place of every meeting of the Planning Commission shall be posted or published by the secretary in compliance with the Georgia Open Meetings Law.
- (4) A quorum shall consist of three members for the transaction of all business except reversal of decisions of the Planning Director or the Building Official, which will require a quorum of four.
- (5) Neither the secretary, the Planning Director, the Building Official, nor any member of the Planning Commission shall appear for or represent any person other than themselves as private parties in any matter pending before the commission. No member of the commission shall hear or vote upon any matter in which he or she is directly or indirectly interested in a personal or financial way. All members present may otherwise vote on any matter brought before the commission, including the chairman or other member presiding over the meeting.
- (6) The affirmative vote of no fewer than three members shall be required in order to approve any motion. Failure to recommend approval or denial of a rezoning, special use or variance request shall go forward as a "no recommendation."
- (7) All meetings shall be open to the public. The chairman, or in his absence the vice-chairman or the appointed temporary chairman, may administer oaths or compel the attendance of witnesses. Business at the meeting may include but is not limited to the following items properly brought before the Planning Commission for action or recommendation:
  - a. Roll call and establishment of quorum.
  - b. Approval of the meeting agenda.
  - c. Consideration and approval of minutes of previous meeting.
  - d. Hearing of new zoning requests and associated special use requests.
  - e. Hearing of new individual special use requests.
  - f. Hearing of new variance requests.
  - g. Tabled applications and other unfinished business.
  - h. Report of committees.
  - i. New business.
- (8) The Planning Commission may adjourn a regular meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary, if the time and place of the meeting's resumption is stated at the time of adjournment and is not changed after adjournment.
- (9) Failure to attend three consecutive meetings or more, of any seven consecutive meetings, shall be considered automatic resignation from the commission, and upon such resignation, resignation by other means, or other vacancies occurring in office, the chairman shall inform the County Commission of such occurrence as promptly as possible, so that the County Commission may appoint a replacement to fill the unexpired term.

## **DIVISION 4. ENFORCEMENT AND PENALTIES.**

### **Sec. 1411. Inspection and enforcement.**

#### **(a) Enforcement; general.**

Camden County or its designated agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Development Code and may take or cause to be made such examination, surveys or sampling as Camden County or its designated agents, officers and employees deem necessary.

- (1) The Planning Director is hereby responsible for enforcement of this Code, except as otherwise specified within this Code. The Planning Director may designate a Code Enforcement Officer for this Development Code. The Planning Director shall be assisted by the Building Official and such other designees of the Planning Director as appropriate to the nature of the enforcement action.
- (2) The Code Enforcement Officer shall have authority to enforce this Development Code; and address violations or threatened violations thereof 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.
- (3) Law enforcement officials or other officials having police powers shall have authority to assist the Camden County Code Enforcement Officer in enforcement.

#### **(b) Enforcement; land development, use and other provisions.**

##### **(1) Inspection.**

- a. 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, parking, signage, street construction or any other standard or provision (other than land development activities enforced under the Erosion Control and Stormwater Management Article of this Development Code), or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she 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.
- b. See also the Erosion Control and Stormwater Management Article of this Development Code for provisions relating to inspection and enforcement activities relating to soil sedimentation and erosion control and storm drainage and stormwater management enforcement.

##### **(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 Commissioners by filing a written notice of appeal within 10 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).

(c) **Enforcement; building construction codes.**

(1) Compliance.

It shall be unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential, outside the incorporated areas of the county unless such construction is accomplished in strict compliance with the various construction codes adopted under the Procedures and Permits Article of this Development Code.

(2) Enforcement officer.

When reference is made to the duties of certain officials named in the various construction codes adopted by this Development Code, the designated county official shall be deemed to be the responsible official for the enforcement of such codes.

(d) **Enforcement; 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 calendar 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 calendar days from the date that the notice was mailed. Such appeal shall be made to the Board of Commissioners. 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 re-

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. 1412. Violation and penalties.**

Any person violating any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction, shall be punished for each offense according to law. Each day such violation continues shall constitute a separate offense.

### **(a) Violations; action.**

In the case of any violation or attempted violation of the provisions of this Development Code, the county may institute any appropriate action or proceeding to prevent such violation or attempted violation.

#### **(1) Illegal subdivision.**

- a. Any owner or proprietor of any tract of land who subdivided that tract of land and who violates the provisions of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.
- b. Any subdivision hereafter established shall be designed, developed, and recorded in accordance with the provisions of this Development Code. Failure to comply with the regulations herein shall result in the following:
  1. The County shall not accept the subdivision, nor shall it improve, maintain, grade or pave any street within such subdivision unless such street shall have met the specifications described herein.
  2. No public agency shall authorize the extension of water service, sewer service or other publicly operated services into such subdivisions.

#### **(2) Removal of illegal structures.**

When a building or other structure has been constructed in violation of this Development Code, the violator shall be required to remove the structure or bring said structure into compliance with this Development Code, at the discretion of the Code Enforcement Officer.

#### **(3) Restoration of vegetative cover.**

When removal of vegetative cover, excavation or fill has taken place in violation of this Development Code, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practical, at the discretion of the Code Enforcement Officer.

#### **(4) Clean Water Act notifications.**

If the Code Enforcement Officer discovers a violation of this Development Code that also constitutes a violation of provisions of the Clean Water Act as amended, the Code Enforcement Officer may issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

- (5) Suspension, revocation or modification of permit.

The Code Enforcement Officer may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

- (6) Cease and desist order.

The Code Enforcement Officer shall have the authority to issue cease and desist orders in the event of any violation of this Development Code.

- (7) 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.

Violation of a stop-work order shall subject the owner/applicant or other responsible person to the penalties in 1412(d). *[Amended February 7, 2017]*

(b) **Citations.**

Any violation of this Development Code may be tried upon a citation issued by the Code Enforcement Officer or any other authorized representative of the County pursuant to the provisions of this Development Code and State law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Development Code. Jurisdiction shall be in the magistrate court of Camden County, and procedure for enforcement of such shall be as provided in article 4 of chapter 10 of title 15, Georgia Laws O.C.G.A. § 15-10-60 *et seq.*

(c) **Penalties; land development activities.**

For provisions relating to penalties resulting from soil sedimentation and erosion control enforcement and storm drainage and stormwater management enforcement, see the Erosion Control and Stormwater Management Article of this Development Code.

(d) **Penalties; building construction codes.**

- (1) Any person violating any provision of the various building construction codes adopted by this Development Code shall be punished as provided in section 1-19 of the Official Code of Camden County.
- (2) A conviction of any provision of the various building construction codes adopted by this Development Code shall automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the board of commissioners upon a showing of good cause.
- (3) Any person found to be building without obtaining a necessary permit in accordance with this Development Code will be given 10 business days to submit all materials required to obtain a permit including the application and fee. If a complete application is not submitted after the 10 business days the applicant will be required to pay two-times the permit fee prior to any inspections taking place or a Certificate of Occupancy being issued. *[Amended February 7, 2017]*
- (4) Any person who continues to build after the Suspension or revocation of a permit, the issuance of a Cease and Desist Order, or the issuance of a Stop Work Order will be required to pay a re-inspection fee for each day that work continues in addition to the penalties found in Section 1-19 of the Official Code of Camden County. *[Amended February 7, 2017]*

**(e) Penalties; land use and other provisions.**

(1) Any person who commits, takes part in, or assists in any violation of any provision of this Development Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

(2) Injunction of activities.

Any violation of any provision or requirement of this Development Code shall constitute a nuisance. Camden 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.

(3) Additional remedies.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure or land is used in violation of this Development Code, the Board of Commissioners of Camden County, the Code Enforcement Officer, or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

(4) Remedies not exclusive.

- a. The remedies listed in this Development Code are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.
- b. The County may recover all attorneys' fees, court costs and other expenses associated with enforcement of this Development Code.

**Sec. 1413. 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.

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