

CHAPTER TWENTY-TWO

ENFORCEMENT AND LEGAL STATUS PROVISIONS

ARTICLE I, PREVENTIVE ACTION:

22-1.1 **Injunction.** If any land or building is used in violation of this Code, the director, the Director of Engineering, County Attorney, and the Board of Commissioners of Forsyth County, in addition to other remedies, may institute an action for injunction or other appropriate action to cause cessation of the violation.

22-1.2 **Civil Penalties.** In addition to or instead of utilization of the injunctive relief provided for in Section 22-1.1 of this Article and use of the criminal provisions of Section 21-2.1 of Article II, the Board of Commissioners, the director, the Director of Engineering, and the County Attorney may institute civil action to penalize violation of any part of this Code. The civil penalty shall not exceed one thousand dollars (\$1,000.00) per day per violation. In addition to said civil penalties, reimbursement to the Board of Commissioners for reasonable attorney fees for the enforcement of the order and costs of litigation, including clerk's deposition and related costs, are authorized to be awarded by the said appropriate judicial authority.

ARTICLE II, REMEDIAL ACTIONS:

22-2.1 **Criminal Penalties.** Whoever shall cause any building or structure to be erected, constructed, reconstructed, or repaired, converted or maintained on any structure or land to be used in violation of the terms of this Code, or who shall do any acts prohibited by this Code; or who shall fail to do any acts commanded, directed, or required by this Code, upon a complaint lodged with the Forsyth County Sheriff's Office or the Forsyth County Department of Planning and Community Development regarding any section of this Ordinance, a summons may be issued by the Sheriff's Office or a duly authorized representative of the Planning and Community Development Department requiring the person or persons to appear before the Judge of the Magistrate Court of Forsyth County on a day and time certain to answer for the violation of this Code. If such violation of this Code has not been witnessed by an Officer of the County, a subpoena may be issued to the person making the complaint, requiring such person to appear on the day and time of the hearing set by the Court to testify on behalf of the County. Except as otherwise provided herein, any person violating any provision of this Code shall be subject to a fine not to exceed \$1,000.00, imprisonment not to exceed 60 days, or both, for each violation. In the event Georgia law is modified to provide for greater penalties for county ordinance violations, such increased penalties shall become automatically effective with respect to this Code.

ARTICLE III, CONFLICT WITH OTHER ORDINANCES:

22-3.1 If this Code as amended conflicts with any other Ordinance of Forsyth County, Georgia, then this Code as amended shall be controlling between the conflicting provisions.

ARTICLE IV, REPEAL OF CONFLICTING RESOLUTIONS AND/OR ORDINANCES:

22-4.1 All Resolutions and/or Ordinances or parts thereof in conflict with this Code as may be amended from time to time are hereby repealed.

ARTICLE V, VALIDITY AND SEPARABILITY:

22-5.1 Should any section, paragraph, sentence, clause or phrase of this Code as may be amended from time to time be declared by a court of competent jurisdiction to be unconstitutional or invalid for any reason, the remainder of said Code as may be amended from time to time shall not be affected thereby.

ARTICLE VI, ADOPTION AND EFFECTIVE DATE:

22-6.1 This Code shall be effective upon its adoption by the Board of Commissioners of Forsyth County. Development projects that have approved construction plans, land disturbance permits, and building permits but which are not constructed on the effective date of this Code shall be permitted to proceed with said approved plans or permits, regardless of whether such development or building meets the terms of this Code. In the event a landowner filed and had approved an application for amendment to the official zoning map, the property-specific zoning approval, including any site plan submitted and conditions of zoning, shall govern the use and development of said property, regardless of whether the development approved through the rezoning process meets the terms of this Code. During a period of six (6) months following the effective date of this Code, a property owner may apply for and have issued, grading permits, development permits, or building permits, in accordance with the zoning rules, regulations and ordinances of Forsyth County which were in effect prior to the effective date of this Code for the zoning district in which the property is located. A property owner that fails to within the six (6) month period apply for all required development approvals under zoning regulations now repealed and now no longer in effect shall lose that right and shall thereafter be subject to the requirements of this Code. Except as specifically noted in this section, any application for any building permit, grading permit, development permit, zoning appeal, or request for zoning amendment received after the effective date of this Code shall be subject to all provisions of this Code as amended, and shall be regulated by this Code, as may be amended from time to time.

Done this 1st day of December 2011, the public welfare demanding it.

FORSYTH COUNTY BOARD OF COMMISSIONERS

Brian Tam, Chairman

Patrick B. Bell, Vice Chairman

Ralph J. Amos, Secretary

Jim Boff, Member

Todd Levent, Member

ATTEST:

County Clerk