

Article 12. Administration and Enforcement

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Article 12. Administration and Enforcement

Article 12 sets out the structure, procedures and responsibilities of the various administrative officers and appointed officials for administering, amending and enforcing this Development Code, and sets out penalties for violations.

Sec. 1201. Administrative Roles.

The following summarizes the roles of those involved in the administration and enforcement of this Development Code, as more specifically detailed in the appropriate Articles of this Development Code.

1201.01 Community Development Director.

- (a) The provisions of this Development Code shall be administered and enforced by the Community Development Director, unless specified otherwise.
- (b) This official and his/her designees shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this ordinance.
- (c) The Community Development Director or designee shall have the authority to approve the following minor alterations of zoning conditions provided such alterations would not change the purpose intended for such zoning condition(s) and would not adversely affect county services or other property.
 - (1) Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
 - (2) Parking design; and
 - (3) Utility relocation.
- (d) Amendments of Zoning Conditions.

An owner of property or authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Board of Commissioners if such changes requested cannot be effected under the provisions of Section 1201.01(a). Such application shall be made to the Community Development Director and shall be processed in accordance with the same procedures as those required for applications for proposed rezonings as provided in Article 11 of this Development Code.
- (e) Platting Authority for Minor Subdivisions.

The Community Development Director shall be the official platting authority for minor subdivisions. No minor subdivision plat shall be entitled to record in the office of the Clerk of Superior Court of Harris County unless it shall have the approval of the Community Development Director inscribed thereon.
- (f) Other Administrative Approval Authority.
 - (1) Field changes, as described in Section 1133 of Article 11 (Procedures and Permits) of this Development Code.

1201.02 Code Enforcement Officer

- (a) It shall be the duty of the Code Enforcement Director, and they are hereby given the authority, to enforce the provisions of this Development Code.

1201.03 Public Works Director.

- (a) The Public Works Director is responsible for the review of all applications related to the construction of development projects, the construction of roads and related facilities, and recommendations to the Community Development Director relating to the issuance of land disturbance permits.
- (b) The Public Works Director is responsible for technical advice and assistance to the Community Development Department in the review and enforcement of all requirements and restrictions of this Development Code relating to the design of subdivision improvements and development projects, the construction of roads, their continued maintenance and operation, and coordination of the installation of public and private utilities by others.

1201.04 Water Works Director.

- (a) The Water Works Director provides review and provides technical advice to the Community Development Department for all inspections during installation, of all water and sanitary sewer lines and appurtenances during the land development process.
- (b) The Water Works Director administers and enforces all codes and ordinances relating to potable water supply and distribution, and wastewater collection and treatment.

Sec. 1202. Planning Commission.

1202.01 Planning Commission creation.

A Planning Commission is hereby created for the county, as provided by the Board of Commissioners.

1202.02 Planning Commission Powers.

- (a) The Planning Commission shall have all the powers, duties and responsibilities set forth in the former statute known as the General Planning and Zoning Enabling Act of 1957, (Act No. 358), as amended.
- (b) The Planning Commission shall hear and make recommendations on applications for zoning changes (rezonings, special use approval), text amendments of this Development Code, master plans, and shall carry out such other duties as delegated by this Development Code and by the Board of Commissioners.

1202.03 Platting Authority for Major Subdivisions.

From and after the passage of this resolution, the Planning Commission shall be the official platting authority for major subdivisions, and no plat of land subdivision, except for minor subdivisions, shall be entitled to record in the office of the Clerk of Superior Court of Harris County unless it shall have the approval of the Planning Commission inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the Planning Commission as required by this resolution is declared to be a misdemeanor. For the platting authority for minor subdivisions, see Section 1201.01(c).

Sec. 1203. Board of Zoning Adjustment.

A Board of Zoning Adjustment is hereby established.

1203.01 Appointment.

- (a) The Board of Zoning Adjustment shall consist of 5 members each to be appointed by the Board of Commissioners for a term of 3 years, with staggered terms.
- (b) Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment and members are removable by cause by the appointing authority upon written charges and after a public hearing. A new chairman shall be elected annually by the membership of the board.

1203.02 Powers.

- (a) The Board of Zoning Adjustment shall have the following powers:
 - (1) To hear and decide appeals where it is alleged there is an error in order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto.
 - (2) In the case of manufactured housing units in place at the time of adoption of this ordinance, to hear and decide variances for the alteration or enlargement of nonconforming structures. This power shall not be exercised in conflict of provisions for damage to manufactured housing in the nonconforming uses section of Article 1 of this Development Code.
 - (3) To hear and decide variances from the district regulations where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or where by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the district regulations would result in practical difficulties to, or undue hardship upon, the owner of the property, provided that this relief may be granted without substantially impairing the intent and purpose of the Development Code. In granting a variance, the Board may attach such conditions regarding the location, character and other features of a proposed building or structure as it may deem advisable to the purpose of the Development Code will be served and the public health, safety and welfare secured.
 - (4) The Board shall not have authority to grant a variance of the use or density requirements of the zoning district relating to the property for which a variance is requested.
 - (5) The Board of Zoning Adjustment does not have the power to rezone. Rezoning is purely a function of the Board of Commissioners.
 - (6) The owner of the property or his designated agent may apply for a permit based upon the granting of a variance, subject to all conditions imposed, for a period of 6 months from the date of the decision of the Board of Zoning Adjustment. If no permit is obtained before the expiration of the 6 months, the decision of the board shall be of no force and effect. Resubmission of the appeal shall be made in accordance with Article 11 of this Development Code.
- (b) In exercising the above-mentioned powers, the Board of Zoning Adjustment may reverse or affirm, wholly or partly, the decision or determination as ought to be made, and to that end shall have the powers of the officer from whom the appeal is taken. The concurring vote of 3 members of the Board shall be necessary to uphold or overturn the decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance

to the requirement of this ordinance. The Board of Zoning Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

1203.03 Appeals.

Appeals of a decision made by the Board of Zoning Adjustments shall be in accordance with provisions of Section 1141 and other applicable regulations in the "Appeals" Division of Article 11 (Procedures and Permits) of this Development Code.

Sec. 1204. Development Authority.

- (a) There is hereby determined and declared to be a pressing, existing and future need for a development authority (as more fully described and defined in the Development Authorities Law, O.C.G.A. § 36-62-1 et seq.), to function in the county for the purpose of developing and promoting, for the public good and general welfare, trade, commerce, industry and employment opportunities in the county, thereby promoting the general welfare of the citizenry.
- (b) There is hereby activated in the county the public body corporate and politic known as the Development Authority of Harris County, which was created upon the adoption and approval of the Development Authorities Law and particularly section 2 thereof (O.C.G.A. § 36-62-4).
- (c) There shall be appointed 7 members of the Board of Directors of the Development Authority, each of whom is a resident and taxpayer of the county and none of whom is an officer or employee of the county. They shall serve for staggered terms of 4 years.
- (d) The eighth member shall be a County Commissioner, only so long as serving as a duly elected member of the Board of Commissioners, and shall cease to be a member upon vacating, for any reason, the office of Commissioner.
- (e) If at the end of any term of office of any board member a successor has not been elected, then the board member whose term of office shall have expired shall continue to hold office until his successor shall be so elected.
- (f) The Board of Directors (board members) shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law as it now exists and as it may be amended.

Sec. 1205. Standards for Administrative Approvals.

An administrative approval may be granted by the Community Development Director upon findings that:

- (a) The relief, if granted, would not cause substantial detriment to the public good; and,
- (b) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and,
- (c) Would not diminish and impair property values within the surrounding neighborhood; and,
- (d) Would not impair the purpose and intent of the Development Code.

Sec. 1206. Amendment of Zoning Conditions.

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Board of Commissioners if such changes requested cannot be effected under the provisions of Section 1201.01(d). Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning maps as provided in Article 11 of this Development Code.

Sec. 1207. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the Community Development Director or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

Sec. 1208. Violation and Penalties.

Penalties for violation of Development Code are as follows:

- (a) Any person, firm, or corporation who violates any provision of this Development Code, shall be guilty of a misdemeanor, and upon conviction in the magistrate court of this county, shall be fined an amount not to exceed \$1,000.00 or imprisoned up to 60 days or both for each violation. Each day such violation continues shall constitute a separate offense and shall subject such person, firm, or corporation to a fine or incarceration specified by this section for each such offense.
- (b) Ordinance violations may be tried in the Magistrate Court in Harris County, Georgia, upon citation issued by the Community Development Director or designated agent.
- (c) Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the Community Development Director or designated agent who shall complete and serve the citation.
- (d) Prosecutions for violations of this ordinance in accordance with this section shall be commenced by the completion, signing and service of the citation by the Community Development Director or designated agent either of whom is authorized by this ordinance to issue citations. The original of the citation shall be personally served upon the accused, and a copy shall be promptly filed with the Magistrate Court.
- (e) No person shall be arrested prior to the time of trial for violations under this section, but any person who fails to appear at trial shall be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

Sec. 1209. Legal Status

1209.01 Interpretation:

- (a) In the interpretation and application of this Development Code, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the citizens of Harris County.
- (b) Where the provisions of this Development Code require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provisions of any other ordinance or law require more restrictive standards than are required by this Development Code, the provisions of such other ordinance or law shall control.

1209.02 Saving Clause:

- (a) If any section, clause, provision, or portion of this Development Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Development Code which is not in and of itself invalid or unconstitutional.
- (b) Repeal of Conflicting Ordinances: All ordinances or parts of any code or ordinance in conflict with any of the provisions of the Development Code of Harris County, Georgia are hereby repealed.

Sec. 1210. Liability

- (a) Neither the approval of a plan under the provisions of this Development Code, nor the issuance of a permit, nor the compliance with provisions of this Development Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Harris County for damage to any person or property.
- (b) 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 Development Code or the terms of the development permit.
- (c) No provision of this Development 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.