

Article 19 – Remedies and Enforcement

19.1 Violation.

- (a) Any person, firm or corporation, whether as principal, agent employee, or otherwise, who violates or causes the violation of any of the provisions of this Chapter has committed an infraction, and upon conviction or plea of guilty thereof is punishable as prescribed in Section 1-12 of the Code of Ordinance of Cherokee County, Georgia, which shall be in accordance with the provisions of O.C.G.A. § 36-1-20 by a fine not exceeding one thousand dollars (\$1,000.00) or sixty (60) days imprisonment, or both, except as otherwise provided for by general law. The fines imposed therefor may be collected by execution. However, in no event shall the maximum penalties and punishment exceed a fine of one thousand dollars (\$1,000.00) and imprisonment in the county jail for sixty (60) days for any single offense.
- (b) Any violation of a pretreatment standard or requirement adopted pursuant to the Federal Clean Water Act may be fined up to one thousand dollars (\$1,000.00) per day for each violation by an industrial user.
- (c) Each day any violation of any provision of this Code or any ordinance, rule, regulation, or order of the county shall continue shall constitute a separate offense.
- (d) The impositions of a fine or penalty does not prevent revocation or suspension of a license, permit, or franchise.
- (e) Violations of this Code or any ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.
- (f) In addition to said County Ordinance Section 1-12, the County Commissioners, and the penalties provided above, the County Commissioners, Zoning Administrator, or other appropriate authority of the County , are authorized to institute civil action to seek relief for violation of any part of the Zoning Resolution and Ordinance of Cherokee County, Georgia as may otherwise authorized by law.

(Ord. No. 2017-O-008, 11-07-17)

19.2 Remedies. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this Resolution, the Zoning Administrator, County Attorney or other appropriate authority of the County or any adjacent or neighboring property owner who would be especially damaged by such violation may, in addition to other remedy, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

The Administrator of Cherokee County Planning and Zoning and Building Department is hereby authorized to issue written “stop work” and “cease and desist” orders on any project when the applicant, applicant’s business or agent fails to comply with the Cherokee County Planning and Zoning Resolution and Ordinance. Such “stop work” and “cease and desist” orders may be lifted at such time as the Administrator is satisfied that a good faith effort to comply is being made. Nothing shall prevent the Zoning Administrator from reissuing “stop work” and “cease and desist” orders.

The Administrator of Cherokee County Planning and Zoning and Building Department, or his agent, is hereby authorized and directed to deny and withhold permits on any new project or application pursuant to the Zoning Resolution and Ordinance where the applicant, applicant’s business or agent has failed or refused to comply with county requirements or regulations under the Cherokee County Zoning Resolution and Ordinance, provided that there is no pending civil litigation against or by the applicant, applicant’s business or agent pertaining to the subject matter.

Any permit issued pursuant to the Cherokee County Planning and Zoning Resolution and Ordinance may be suspended, revoked, or modified by the Administrator of the Cherokee County Planning and Zoning Building Department as to the project for which it was issued, upon the Administrator’s finding that the holder is in violation of the said Cherokee County Ordinance, or the specific terms set out in the permit. Review of such suspension shall be appealable before the Zoning Board of Appeals.

In any case where the Zoning Administrator or his agent is unable to safely carry out inspections pursuant to the requirements of this Ordinance, an inspection warrant or other order as may be provided by law or Ordinance may be obtained for such purpose.

19.3 Cumulative Remedy. The remedies herein provided shall not be deemed to be exclusive but shall be cumulative of all other remedies provided by law.