

Article 19 – Remedies and Enforcement

19.1 Violation. Any firm, person or corporation who shall do anything prohibited by these regulations as the same exist or as they may hereafter be amended or who shall fail to do anything required by these regulations as they now exist or as they may hereafter be amended is hereby declared to be guilty of violation of a County ordinance and shall be punished as provided by law.

In addition to said County Ordinance provision, the County Commissioners, Zoning Administrator, or other appropriate authority of the County, are authorized to institute civil action to penalize violation of any part of the Zoning Resolution and Ordinance of Cherokee County, Georgia. The civil penalty shall not exceed one thousand dollars (\$1,000) per day per violation except as may otherwise be authorized by law and provided by ordinance. In addition to said civil penalties, reimbursement to the County Commissioner for reasonable attorney fees for the enforcement of the order and costs of litigation, including clerk's fees, deposition and related costs, are authorized to be awarded by the said appropriate judicial authority. (Amended April 9, 1996 in Ordinance 96-0-08.)

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.