

**ARTICLE 16**  
**ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT**

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**Division I. Administration.**

**Sec. 16-1. Community Development Director.**

- (a) **Responsible official.** This development code shall be administered, interpreted, and enforced by the community development director, who shall have the duties and authority with respect to this development code as provided in the various articles and sections of this development code and those necessarily implied by said provisions.
- (b) **Administration.** The community development director is authorized to prepare administrative procedures, guidelines, application forms, to tend to other administrative details not inconsistent with the provisions of this development code, and to implement the provisions of this development code.
- (c) **Delegation.** The community development director may delegate administrative functions, powers and duties assigned by this development code to other staff as may be

appropriate, without the need to reflect such delegation by formal action, including zoning administration and code enforcement.

**Sec. 16-2. Fee Schedule.**

The community development director shall be responsible for periodically proposing and updating fee schedules for various applications and permits required by this development code. Said fee schedule proposed by the community development director shall not become binding until adopted by the Powder Springs Mayor and City Council by resolution.

**Sec. 16-3. Application Requirements and Processing.**

The community development director shall be responsible for administering and processing applications required by this development code. To this end, the community development director may adopt schedules of dates, times and places as appropriate and necessary for the processing of applications established by this development code. The community development director shall also consult with the public works director, who also has specific responsibilities in the administration and processing of certain applications and activities under the terms of this development code.

**Sec. 16-4. Official Letter of Zoning Confirmation.**

Upon application, and for a fee as may be established by fee schedule, the community development director or designee may issue official letters of zoning confirmation. A boundary survey and/or legal description of the property for which the applicant seeks zoning confirmation shall be submitted with the application and shall be attached to the official letter of zoning confirmation issued by the community development director.

**Sec. 16-5. Certificate of Zoning Compliance.**

Upon application, and for a fee as may be established by fee schedule, the community development director or designee may issue official certificates of zoning compliance. An as-built survey of the property and improvements on the land in question may be required by the community development director if the applicant requests that the letter address compliance with building setbacks, buffers, and other dimensional requirements of this development code.

**Sec. 16-6. Administrative Relief.**

It is the intent of this development code that the community development director shall have authority necessary to provide minor relief from the provisions of this development code, and to that end the community development director is authorized and expected to find solutions within the spirit of this development code to exercise administrative variance authority specifically granted in this development code, where warranted.

**Sec. 16-7. Building Permit.**

- (a) The building inspector is hereby authorized to issue building permits in accordance with all provisions of the applicable building code and this development code, but only after the community development director has issued a development permit, or if no development permit is required, after a review of said building permit for compliance with the provisions of this development code.
- (b) No building or other structure shall be erected, moved, extended, occupied, or enlarged, or structurally altered, nor shall a building or structure's use be changed, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the building inspector has issued a building permit for such work in conformity with the provisions of this development code and all applicable building and related codes.
- (c) A building permit issued by the building inspector is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance the provisions of the building code. No building permit shall be issued and no building shall be erected on any lot in the city unless access has been established in accordance with this development code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this development code, whether or not a building permit is required.
- (d) Approval of a building permit shall require an application to the Building Inspector as specified in the building and related codes governing building in the city and as may be administratively required by the building inspector.
- (e) If the building permit is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the building inspector.
- (f) A building permit may be suspended, revoked or modified as to all or any portion of the structure, upon finding that the holder is not in compliance with the approved plans, stipulations or this development code.
- (g) Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within 180 days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six months.

**Sec. 16-8. Certificate of Occupancy.**

- (a) A certificate of occupancy issued by the building inspector is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure.

- (b) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this development code.
- (c) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the Building Inspector.
- (d) A certificate of occupancy, either for the whole or part of a building or use, shall be issued within 72 hours after the erection or structural alterations of such building, or part, or use established, is completed. Work shall be completed in conformity with the provisions of this development code. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this development code.
- (e) If the certificate of occupancy is denied, the building inspector shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the building inspector.
- (f) The building inspector is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions of such building, structure or premises may be occupied safely. The building inspector shall set a reasonable time period during which and the conditions under which the temporary certificate of occupancy is valid.

**[Secs. 16-9 and 16-10 Reserved].**

**Division II. Interpretation.**

**Sec. 16-11. Responsibility for Interpretation.**

Except for decisions about constructions and standard drawings as provided in Article 21, the responsibility for interpretation of which is assigned to the public works director, all questions of interpretation shall be resolved and decided by the community development director. Persons aggrieved by an official interpretation by the community development director, if the interpretation results in denial of a permit or other permission specifically required by this development code, the aggrieved person may appeal that interpretation as an administrative decision, in accordance with procedures specified in article 14 of this development code.

**Sec. 16-12. Meaning of Words and Phrases.**

- (a) The community development director shall be responsible for interpreting the meaning of words and phrases, in accordance with specific provisions of this development code, when the meaning of a given word or phrase is unclear or contradictory.

- (b) Words and phrases not defined in this development code shall be construed to have the meaning given by common and ordinary use.
- (c) In the case where two definitions conflict, the community development director shall determine which definition applies, depending on the specific context.

**Sec. 16-13. Use of Figures for Illustration.**

Figures associated with defined terms or regulatory paragraphs in this development code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

**Sec. 16-14. Relationship to Other Regulations.**

The requirements of this development code are in addition to the requirements of other ordinances, rules, regulations and other provisions of law, and where any provision of this development code imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**[Secs. 16-15 to 16-20 Reserved].**

**Division III. Enforcement.**

**Sec. 16-21. Enforcement Generally.**

- (a) Any action or inaction that violates the provisions of this development code or the requirements of an approved plan or permit may be subject to the enforcement actions outlined in this division.
- (b) Any such action or inaction that is continuous with respect to time is deemed a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

**Sec. 16-22. Violations.**

- (a) In the event the City of Powder Springs determines that an applicant or other responsible party has failed to comply with the terms and conditions of a permit, an approved plan or the provisions of this development code, the community development director or authorized designee (including code enforcement officer) shall issue a written notice of violation to such applicant or other responsible party.
- (b) Where an activity covered by this development code is being conducted on a property without the owner or other responsible party having first secured a permit therefore, a notice of violation shall be served on the owner or the responsible party in charge of the activity being conducted on the site.

**Sec. 16-23. Notice of Violation.**

Any notice of violation shall contain the following information:

- (a) Name and address of the owner, applicant or responsible party;
- (b) Address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation (i.e., reference to specific code sections);
- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved plan or this development 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, or reference to section of this development code containing such penalties; and
- (f) A statement that the determination of violation may be appealed in accordance with the appeal provisions of article 14 of this development code.

**Sec. 16-24. Penalties Generally.**

- (a) In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the actions or penalties described in this division may be taken or assessed against the person to whom the notice of violation was directed.
- (b) Prior to taking any of the enforcement actions or imposing any penalties, the community development director shall first notify the applicant or other responsible party in writing of the intended action, and shall provide a reasonable opportunity of not less than ten business days to cure such violation; provided, however, that violations that constitute an immediate danger to public health or public safety shall be cured within 24 hours of receipt of such written notice.
- (c) In the event the applicant or other responsible party fails to cure such violation after written notice and expiration of the stated period to cure the violation, the city may take any one or more of the actions or impose any one or more of the penalties established in this division.

**Sec. 16-25. Stop Work Order.**

The community development director or authorized designee may issue a stop work order that shall be served on the applicant or other responsible party. The stop work order shall remain in

effect until the applicant or other responsible party 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 applicant or other responsible party to take the necessary remedial measures to cure such violation or violations.

**Sec. 16-26. Withhold Certificate of Occupancy.**

The community development director, building inspector, or designee of either may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible party has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

**Sec. 16-27. Utility Connection.**

The community development director or other responsible official may request and/or arrange to suspend electric or other utility connection. Such suspension of utility service may be reinstated once the applicant or other responsible party has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein

**Sec. 16-28. Suspension or Revocation of Permit.**

The community development director or other responsible official may suspend, revoke or modify any permit authorizing a development project, building, or authorization of use. A suspended, revoked or modified permit may be reinstated once the applicant or other responsible party has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community development director may deem necessary) to enable the applicant or other responsible party to take the necessary remedial measures to cure such violations.

**Sec. 16-29. Penalties.**

- (a) In the event the applicant or other responsible party fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 business days, or such greater period as the community development director shall deem appropriate after the City of Powder Springs has taken one or more of the actions described in this division, the City of Powder Springs may issue a citation to the applicant or other responsible party, requiring such person to appear in Powder Springs Municipal Court to answer charges for such violation.
- (b) Upon conviction, such violation shall be punishable by a fine not to exceed \$1,000.00. Each act of violation and each day upon which any violation continues shall constitute a separate offense.
- (c) Other penalties may be assessed if associated with violations that constitute an immediate danger to public health or public safety.

**[Secs. 16-30 to 16-40 Reserved].**