ARTICLE XII. DEVELOPMENT IMPACT FEE [9]

Sec. 104-486. Short title, authority and applicability.

(a) This article shall be known and may be cited as the "Development Impact Fee Ordinance of Fayette County, Georgia."

(b) This article has been prepared and adopted by the board of commissioners of the county in accordance with the authority provided by article IX, section II, paragraph IV of the constitution of the state and the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et seq.).

(c) The provisions of this article shall not be construed to limit the power of the county to adopt such an ordinance pursuant to any other source of local authority or to use any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.

(d) This article shall apply to all unincorporated areas of the county.

(Code 1992, § 8-351; Ord. No. 2001-03, art. I, §§ 1—4, 5-4-2001)

ARTICLE XII. DEVELOPMENT IMPACT FEE

Sec. 104-487. Intent and purpose.

(a) This article is intended to implement and be consistent with the county comprehensive growth management plan (hereinafter the comprehensive plan) and specifically the capital improvements element included therein.

(b) The purpose of this article is to regulate the use and development of real property so that new growth and development bears a proportionate share of the cost of new public facilities needed to serve new growth and development through the imposition of impact fees.

(Code 1992, § 8-352; Ord. No. 2001-03, art. II, §§ 1, 2, 5-4-2001)

Sec. 104-488. Findings.

The board of commissioners of the county finds and declares that:

(1) Land development shall not be allowed unless adequate public facilities are available or are assured;

(2) New land development in identified service areas shall bear a proportionate share of the cost of new public facilities to serve new growth and development;

(3) The imposition of impact fees is the preferred method of regulating land development in order to assure that it bears a proportionate share of the cost of the new public facilities necessary to accommodate the new growth and development, and to promote and protect the public health, safety, and general welfare of the citizens of the county; and

(4) The county must expand its public facilities in order to maintain current levels of service if new development and growth is to be accommodated without decreasing the level of service.

(Code 1992, § 8-353; Ord. No. 2001-03, art. III, 5-4-2001)

Sec. 104-489. Intent.

The intent of this article in granting credits and/or refunds is to make such grants to persons or entities who actually paid or will pay fees.

(Code 1992, § 8-354; Ord. No. 2001-03, art. IV, §§ 1, 2, 5-4-2001)

Sec. 104-490. Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building permit means the permit required for new construction pursuant to the county building code. The term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase the number of units resulting therefrom.

Capital improvement means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of public facility.

Capital improvements element means that portion of the comprehensive plan which sets out projected needs for system improvements during a planning horizon established in the comprehensive plan, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement.

Commencement of construction or *commenced construction* means expenditure of any funds, whether they be development impact fee funds or not, for a public facilities project, marshaling of forces to undertake a public facilities project, or advertising of bids to undertake a public facilities project, or any action normally found to proceed subsequent to these actions in a typical flow of project construction activities.

Developer means any person or legal entity undertaking development.

Development means any construction of a building or structure.

Development approval means any written authorization from the county which allows the commencement of construction.

Development exaction means a requirement attached to a development approval compelling the payment, dedication, or contribution of goods, services, land, or money as a condition of approval.

Development impact fee means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

Encumber means to legally obligate by contract, or otherwise commit to use by appropriation, or other official act of the county.

Excess capacity means capacity of a public facility or system of public facilities which is beyond that necessary to provide service at a specified level of service.

Feepayor means that person who pays a development impact fee, or his successor in interest, where the right or entitlement to any refund of previously paid development impact fees has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any fund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Individual assessment study means the engineering and/or economic documentation prepared by a feepayor to allow determination of a development impact fee other than by use of an applicable fee schedule, as required by O.C.G.A. § 36-71-4(g).

Level of service means a measure of the relationship between service capacity and service demand for public facilities in terms of demand to capacity ratios or the comfort and convenience of use or service of public facilities or both.

Present value means the current value of past, present, or future payments, contributions or dedication of goods, services, materials, construction, or money.

Project means a particular development on an identified parcel of land.

Project improvements means site improvements and facilities that are planned and designed to provide service for a particular development project, and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement, and the physical location of the improvement on site or off site shall not be considered determinative. If an improvement or facility provides, or will provide, more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities approved by the governing body of the county shall be considered a project improvement.

Proportionate share means that portion of the cost of system improvements which is reasonably related to the service demands and needs of the project within the defined service area.

Public facilities means:

(1) Water supply production, treatment, and distribution facilities;

(2) Wastewater collection, treatment, and disposal facilities;

(3) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;

(4) Stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

(5) Parks, open space, and recreation areas and related facilities;

(6) Public safety facilities, including police, fire, emergency medical, rescue, and jail facilities; and

(7) Libraries and other related facilities.

Service area means a geographic area determined by the county in which a defined set of public facilities provides service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles, or both.

System improvement costs means costs incurred to provide additional public facilities capacity needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions, including but not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed three percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payments of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the county to finance the capital improvements element, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements means capital improvements that are public facilities and are designed to provide service to the community at large, in contrast to project improvements.

Unused or *excess impact fee* means any individual impact fee payment paid to the county from which no amount of money has been encumbered or expended according to the requirements of section 104-495(d) within the time specified in section 104-496(a).

(Code 1992, § 8-355; Ord. No. 2001-03, art. V, 5-4-2001)

State law reference— Similar provisions, O.C.G.A. § 36-71-2.

Sec. 104-491. Imposition of development impact fees.

(a) Any person who engages in development shall pay a development impact fee in the manner and amount set forth in this article.

(b) Notwithstanding any other provision of this article contained herein, that portion of a project for which a valid building permit has been issued prior to the effective date of the ordinance from which this article is derived shall not be subject to development impact fees, so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.

(c) Except as otherwise provided herein, the development impact fee shall be collected at the time of issuance of a building permit.

(d) Development impact fees for stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements, shall be collected at the time of issuance of a land disturbance permit.

(Code 1992, § 8-356; Ord. No. 2001-03, art. VI, §§ 1—4, 5-4-2001)

State law reference— Authority to impose development impact fee, O.C.G.A. § 36-71-3.

Sec. 104-492. Calculation of development impact fees.

(a) Any development impact fee imposed pursuant to this article shall not exceed a proportionate share of the cost of system improvements.

(b) Development impact fees shall be calculated on the basis of service areas as provided in the comprehensive plan.

(c) Development impact fees shall be calculated on the basis of levels of service for public facilities adopted in the comprehensive plan.

(d) To determine the development impact fee for a residential dwelling unit or for a single nonresidential building or structure with a known use, see the impact fee schedule in attachment A. For a single nonresidential building or structure with an unknown use, or for a nonresidential building or structure with multiple units, the zoning of the parcel will determine the development impact fee by establishment type (see attachment A to Ord. No. 2001-03). The following types of development are not subject to the imposition of a development impact fee:

  (1) Rebuilding of a residential dwelling unit on the same parcel.

  (2) Rebuilding of a nonresidential building or structure so long as the number of nonresidential buildings or structures is not increased.

  (3) The construction of an accessory structure which is allowed pursuant to chapter 110, zoning.

  (4) The expansion of a residential dwelling which does not increase the number of dwelling units.

  (5) The expansion of a nonresidential building or structure.

(e) Individual assessments of development impact fees are permitted at the option of applicants for development approval under guidelines established in this article. (See section 104-493.)

(f) A developer may receive certification of the development impact fee schedule or individual assessment for a particular project which shall establish the development impact fee for a period of 180 days from the date of certification.

(g) The developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs.

(h) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

(Code 1992, § 8-357; Ord. No. 2001-03, art. VII, §§ 1—8, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-4.

Sec. 104-493. Individual assessment determination.

Individual assessments of development impact fees may be established as follows:

(1) In the event that a developer elects an individual assessment, the developer shall submit an individual assessment study. Any such study is to be presented to the county administrator. If the county administrator finds that the data, information, and assumptions used in such an individual assessment study satisfy the requirements of this article, then that study shall be used to calculate the individual assessment for that project.

(2) Each individual assessment study must:

a. Be based on relevant and credible information from an accepted standard source, or engineering or planning data; or be based on actual, relevant and credible studies or surveys of facility demand conducted in the Atlanta Metropolitan Statistical Area carried out by qualified engineers or planners pursuant to accepted methodology; and

b. Be based on any other specifications required in this article.

(3) Any fee calculated in accordance with this provision shall have standing for 180 days following the date of a formal response from the county administrator to the applicant. Following such a period, a new application must be made.

(4) A determination by the county administrator that any individual assessment study does not satisfy the requirements of this article may be appealed by the applicant to the board of commissioners subject to the procedures, rules, and regulations set forth in section 104-497.

(Code 1992, § 8-358; Ord. No. 2001-03, art. VIII, §§ 1—4, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-4.

Sec. 104-494. Credits.

(a) In the calculation of development impact fees for a particular project, credits shall be given for the present value of any construction of improvements, or contribution, or dedication of land, or money required or accepted by the county from a developer, or his predecessor in title or interest, for system improvements of the category for which the development impact fee is being collected. Credits shall not be given for project improvements.

(b) Credits under subsection (a) of this section shall be valued using the following guidelines:

(1) For the present value of the construction of any system improvements required or accepted, in conjunction with the project for which approval is being sought, by the county from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the developer must present evidence of the cost and age of the improvement from which present value may be calculated using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) as estimates of inflation and depreciation.

(2) For the present value of any contribution or dedication of land required or accepted for system improvements, in conjunction with the project for which approval is being sought by the county from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the value for contributed land shall be the same as that attributed to the property by the current validated the county tax appraisal at the time of dedication; present value shall be calculated from the time of dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

(3) For the present value of any contribution or dedication of money required or accepted, in conjunction with the project for which approval is being sought, by the county from the developer or predecessor in title or interest for the system improvements in the service area for which the development impact fee is being collected, the value of contributed money shall be the same as that at the time of contribution or dedication; present value shall be calculated from time of contribution or dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).

(c) Upon submission of adequate evidence that a development impact fee was previously paid and that the building permit has expired, credit for the present value of the development impact fee shall be in the amount of the development impact fee paid, inflated from the date of payments using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) and shall be applied against that parcel of land. Should the development impact fee be less than the amount credited, under the circumstances previously mentioned herein, the excess credit shall remain with the county. Should the development impact fee be greater than the amount credited, under the circumstances previously mentioned herein, the developer shall pay the difference to the county.

(d) In the event that a developer enters into an agreement with the county to construct, fund, or contribute system improvements such that the amount of credit created by such construction, funding, or contribution exceeds the development impact fee calculated for the project, the developer shall be compensated for such excess contribution by the county or, at the county's option, from development impact fees paid by other developments located in the service area benefitted by such improvements. The present value of any such construction or contribution shall be established by:

(1) Use of documented prices actually paid by the developer for the system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent); or

(2) Use of documented prices which would have been paid by the county for such system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent), whichever is less.

The county is under no obligation to make immediate compensation, but will make compensation if funds are available.

(e) Except as provided in subsection (f) of this section, no credits shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this article, nor shall credit be given for system improvements or funds for system improvements constructed, contributed, or dedicated after the effective date of the ordinance from which this article is derived if an agreement to do so was entered into before the effective date of the ordinance from which this article is derived for projects which have already received a building permit.

(f) In the event that a feepayor has, under previously established conditions of zoning, constructed, contributed, or dedicated system improvements or funds when receiving permits to proceed with only a portion or phase of a project as defined by a particular zoning case, where the construction, contribution, or dedication is in excess of that required by the portion or phase permitted, the excess construction, contribution, or dedication shall be credited against future development impact fees which shall be required as additional portions or phases of the zoned projects seek building permits.

(g) The developer must present adequate evidence of the cost and age of the improvement from which present value may be calculated using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent), estimates of inflation and depreciation.

(h) Credits required under subsection (b) of this section, shall be automatically given at the time of fee imposition. Any other credits shall be given only upon request by the developer to the county administrator. To receive consideration for such other credits, a developer must present adequate

evidence or proposals for creditable activities and adequate evidence of value to the county administrator at or before the time of application for a building permit.

(i) The county administrator shall review all claims for allowance and valuation of credits and make determinations regarding:

(1) Allowance of any claimed credit.

(2) Value of any allowed credit.

(j) Any credits shall be acknowledged in writing and calculated at the time of imposition of the development impact fee. A developer may appeal any such determination by following the guidelines established in section 104-497.

(Code 1992, § 8-359; Ord. No. 2001-03, art. IX, §§ 1—10, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-7.

Sec. 104-495. Deposit and expenditure of fees.

(a) All development impact fee funds shall be maintained in one or more interest-bearing accounts. Restrictions on the investment of such funds shall be the same that apply to investment of all county funds generally.

(b) Accounting records shall be maintained for each category of system improvements in the service area in which the fees are collected.

(c) Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this article.

(d) Expenditures of development impact fees shall be made only for the category of system improvements and in the service area for which the development impact fee was imposed as shown by the capital improvements element and as authorized by this article.

(e) Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional service available to serve new growth and development.

(f) The county administrator shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the preceding year by category of public facility and service area.

(Code 1992, § 8-360; Ord. No. 2001-03, art. X, §§ 1—6, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-6.

Sec. 104-496. Refunds.

(a) Upon the request for a refund by a feepayor, development impact fees are eligible to be refunded under the following circumstances:

(1) If capacity is available and service is denied; or

(2) The county has failed to timely encumber the development impact fee or has failed to commence construction within six years after the date the fee was collected.

(b) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first in, first out (FIFO) basis.

(c) When the right to a refund exists due to a failure to encumber development impact fees, the county shall provide written notice of entitlement to a refund to the feepayor who has provided a mailing address. Such notice shall also be published in the legal organ of the county within 30 days after the expiration of the six year period after the date that the development impact fees were collected and shall contain the heading: "Notice of Entitlement to Development Impact Fee Refund."

(d) All requests for refunds shall be made in writing to the county administrator within one year of the time such refund becomes payable under subsections (a) through (c) of this section, or within one year of publication of the notice of entitlement to a refund, whichever is later.

(e) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess development impact fee collected.

(f) All refunds shall be made to the feepayor within 60 days after it is determined that a sufficient proof of claim for a refund has been made.

(g) The feepayor shall have standing to sue for a refund if there has been a timely and complete application (including, but not necessarily limited to, proof that a development impact fee has been paid, proof that the applicant for the refund is the feepayor entitled to the refund, and that the conditions specified in subsection (a) of this section have been met) for a refund and the refund has been denied or has not been made within one year of submission of the application for refund to the county.

(Code 1992, § 8-361; Ord. No. 2001-03, art. XI, §§ 1—7, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-9.

Sec. 104-497. Appeals.

(a) Any person aggrieved by any administrative determination made under this article, or by the application of any provision of this article, may appeal such determination or provision under this section.

(b) A notice of appeal must be filed with the board of commissioners within 30 days following the receipt of a written determination of the amount of the development impact fee to be paid or entitlement to a refund, credit, or exemption.

(c) All appeals shall be made to the board of commissioners following the county administrator's decision on the applicability or amount of the development impact fee, or eligibility for or amount of a refund, credit, or exemption. Upon filing of an appeal, the county administrator shall forthwith transmit to the board of commissioners all papers constituting the record upon which the appeal is taken. The board of commissioners shall thereafter establish a reasonable date and time for the hearing on the appeal, give notice thereof to the parties in interest, and decide the same within a reasonable time following the hearing. Any party taking an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel. Any person aggrieved by a decision of the board of commissioners may take an appeal to the superior court of the county within 30 days after the decision by the board of commissioners is rendered.

(d) A developer may pay a development impact fee under protest in order to obtain a development approval or building permit, as the case may be. A developer making such payment shall not be estopped from exercising his right of appeal, nor shall such developer be estopped from receiving a refund of any amount deemed to have been illegally collected.

(e) The filing of an appeal shall not stay the collection of a development impact fee as a condition to issuance of development approval or a building permit.

(Code 1992, § 8-362; Ord. No. 2001-03, art. XII, §§ 1—5, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-10.

Sec. 104-498. Intergovernmental agreements.

For the provision of fire services, the county has entered into intergovernmental agreements with the Town of Brooks, the Town of Tyrone and the Town of Woolsey (see attachment B to Ord. No. 2001-03).

(Code 1992, § 8-363; Ord. No. 2001-03, art. XIII, 5-4-2001)

Sec. 104-499. Private agreements.

(a) The county may require a developer to construct reasonable project improvements in conjunction with a development project.

(b) Private agreements may exist between property owners or developers and the county with regard to the construction or installation of system improvements in providing for credits or reimbursements for system improvement costs incurred by a developer including inter-project transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.

(c) A private agreement may include, but shall not be limited to, provisions which:

(1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of development impact fees, provided that any such agreement allows the county to assess additional development impact fees after completion of construction according to the schedule set forth in this article.

(2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which a development impact fee would be imposed in lieu of, or with a credit against, applicable development impact fees.

(3) Permit a schedule and method of payment of development impact fees in a manner appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this article, provided that security acceptable to the county is posted ensuring payment of the development impact fees. Forms of security which may be acceptable to the county include a cash bond, a surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on land to be covered by the building permit.

(d) Any private agreement proposed by an applicant pursuant to this subsection shall be submitted to the county administrator for review, negotiation, and submission to the board of commissioners. Any such agreement must be presented to and approved by the board of commissioners prior to the issuance of a building permit. Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the land owner, and shall require the applicant to submit such agreement to the clerk of the superior court of the county for recording. The board of commissioners shall approve such agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities proportionately, consistent with the principles set forth in title 36, chapter 71, Official Code of Georgia Annotated (O.C.G.A. title 36, ch. 71), and this article.

(Code 1992, § 8-364; Ord. No. 2001-03, art. XIV, §§ 1—4, 5-4-2001)

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Sec. 104-500. Exemptions.

Pursuant to the provisions of O.C.G.A. § 36-71-4(l), the public policies expressed in the comprehensive plan, and in accordance with the policies of the board of commissioners, exemptions from development impact fees may be available if:

(1) Such projects are determined to create extraordinary economic development and employment growth or affordable housing;

(2) The public policy which supports the exemption is contained in the comprehensive plan; and

(3) The exempt development's proportionate share of the system improvement is funded through a revenue source other than development impact fees.

(Code 1992, § 8-365; Ord. No. 2001-03, art. XV, 5-4-2001)

State law reference— Mandatory provisions, O.C.G.A. § 36-71-7.

Sec. 104-501. Review.

(a) As part of its annual capital improvement program process, or as part of any other planning process which causes the county to evaluate development potential in any area, the county may review the development potential of any area within the county, whether it be a previously designated service area or not, or the county as a whole. Based on such review of development potential, the county may adjust boundaries of service areas or create new service areas.

(b) As part of its annual review process, or as part of any other planning process which causes the county to evaluate development potential in any area, the county may review capital facilities plans in service areas and modify such plans as a result of development occurring in the previous year and/or requests for permission to develop, e.g., applications for rezoning, applications for land disturbance permits, and applications for building permits. Plans may also be modified as a result of:

(1) Capital facilities actually constructed.

(2) Changes in capital facility needs and/or standards.

(3) Revised cost estimates for capital facilities.

(4) Changes in availability of other funds applicable to public facility projects.

(5) Other relevant factors.

(c) As a result of modifications to service area boundaries and/or capital facilities plans, the county may modify development impact fee schedules as appropriate and adopt such revised schedules through official action of the board of commissioners.

(d) As part of its annual comprehensive plan review process, the county may revise the provisions specified in section 104-500.

(e) Failure by the county to undertake such a review shall result in the continued use and application of the existing fee schedule and other data. The failure to review such structure shall not invalidate this article.

(Code 1992, § 8-366; Ord. No. 2001-03, art. XVI, §§ 1—5, 5-4-2001)

Sec. 104-502. Penalty provision.

(a) A violation of this article shall be a misdemeanor punishable according to law. However, in addition to or in lieu of, any criminal prosecution, the county shall have the power to sue in law or equity for relief in civil court to enforce this article. Recourse to such civil and criminal remedies in law and equity as may be necessary are available to ensure compliance with the provisions of this article, including injunctive relief to enjoin and restrain any person from violating the provisions of the article and to recover such damages as may be incurred by the implementation of specific corrective actions.

(b) Knowingly furnishing false information to the county on any matter relating to the administration of this article shall constitute a violation thereof.

(c) The county administrator may withhold the issuance of any building permit or other development permits if the provisions of this article have been violated by the feepayor or his assigns, on any property within the unincorporated county until the provisions of this article, including the conditions on any permit issued thereunder, have been fully met.

(d) The county administrator shall have the right to inspect the lands affected by this article and shall have the right to issue cease and desist orders and citations for violations. Refusal of written notice of violation under this article shall constitute legal notice of service.

(e) For any violation, the county administrator shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 working days unless otherwise extended at the discretion of the county administrator. If the required corrective action is not taken within the time allowed, the county administrator may use any available civil or criminal remedies to secure compliance, including revoking a permit.

(Code 1992, § 8-367; Ord. No. 2001-03, art. XVII, §§ 1—5, 5-4-2001)

Sec. 104-503. Enforcement provision.

The enforcement of this article will be the responsibility of the county administrator and such county personnel as the county administrator may designate from time to time.

(Code 1992, § 8-368; Ord. No. 2001-03, art. XVIII, 5-4-2001)

Sec. 104-504. Effect on other regulations.

This article shall not affect in any manner the permissible use of property, density of development, design, improvements, or any other requirements or aspect of the development of land, or provision of capital improvements subject to zoning and subdivision regulations, or other regulations of the county. All such regulations and requirements shall be operative and shall remain in full force and effect without limitation with respect to all development. Application and imposition of development impact fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the county on the development of land or the issuance of building permits.

(Code 1992, § 8-369; Ord. No. 2001-03, art. XIX, 5-4-2001)

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Secs. 104-505—104-531. Reserved.

FOOTNOTE(S):

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State Law reference— Georgia Development Impact Fee Act, O.C.G.A. § 36-71-1 et seq. (Back)