Article 12.0 Violations, Penalties and Enforcement

Sec. 12.1 Generally
This Article establishes provisions which are intended to ensure compliance with the requirements of this Ordinance, and any conditions of certificates, entitlements, permits, licenses or other approvals granted relative to this Ordinance, in order to promote the zoning efforts of the City of Savannah, and for the protection of the public health, safety and welfare. This Article applies to all provisions of this Ordinance.

Sec. 12.2 Responsibility for Enforcement
The City Manager or his or her designee is responsible for enforcing this Ordinance.

Sec. 12.3 Certificates, Entitlements, Permits, Licenses and Other Authorizations

a. Compliance with this Ordinance
All persons empowered by the City Code to grant certificates, entitlements, permits, licenses or other authorizations shall comply with the provisions of this Ordinance.

b. Inspections
i. Pre-approval Inspections
The property owner seeking a permit, certificate or any other action in compliance with this Ordinance shall allow the City officials processing the application reasonable access to any premises or property which is the subject of the application.

ii. Post-approval Inspections
If the permit, certificate or other action in compliance with this Ordinance is approved, the property owner shall allow appropriate City officials reasonable access to the premises in order to determine continued compliance with the approved permit or certificate or other authorization and any conditions of approval imposed on the permit or certificate or other authorization.

c. Conflict with this Ordinance
Any certificate, entitlement, permit, license or other authorization that would be in violation of the requirements of this Ordinance shall not be granted or issued.

d. Certificates, Entitlements, Permits, Licenses and Other Approvals Authorizations Deemed Revocable
Any certificate, entitlement, permit, license or other authorization granted or issued in violation of the requirements of this Ordinance, may be revoked in accordance with the provisions of this Article. A certificate or permit should not be revoked on the strength of a mere appeal of a decision without a reversal of the decision by the board or person authorized to reverse the grant of a certificate or permit.
Sec. 12.4 Responsibility for Correcting Violations

The following persons or entities shall be responsible for correcting violations of this Ordinance and shall each, jointly and severally, be subject to enforcement actions pursuant to this Ordinance:

a. Any owner of property on which a violation of this Ordinance occurs, since owners are ultimately responsible for the condition of their property and for ensuring that their property and all uses and activities occurring on such property are conducted in compliance with this Ordinance;

b. Any tenant, invitee or occupant who has control over the property on which a violation occurs, or who has responsibility for its use, maintenance or development;

c. Any owner, leaseholder or person in possession of any structure or vehicle which is located on the property on which a violation occurs; and

d. Any contractor or agent who is performing or has performed work on the property, or has constructed, modified or removed any structure on the property in violation of this Ordinance;

e. Corporations and companies responsible for the work may be cited in lieu of or in addition to citations issued to the actual individuals on-site committing violations.

Sec. 12.5 Violations

a. Unless lawfully exempted, uses or actions listed below are violations of this Ordinance or any approval, authorization or order issued pursuant to this Ordinance:

   i. use of land, buildings, or structures in violation of any of the requirements of this Ordinance;
   
   ii. alteration, construction, conversion, enlargement, erection, establishment, installation, movement, operation or set up a building or structure in violation of any of the requirements of this Ordinance;
   
   iii. development of land in violation of any of the standards of this Ordinance;
   
   iv. alteration, construction, erection, installation, movement or use of a sign in violation of the requirements of this Ordinance;
   
   v. use of land or of a building or structure, use or installation of a sign, development of land, or any other conduct of any other activity requiring one or more permits or approvals under this Ordinance without obtaining all such required permits or approvals;
   
   vi. use of a building, structure or land, use or installation of a sign, development of land or any other activity requiring one or more permits under this Ordinance in any way that violates such permit or approval, or any conditions imposed thereon;
   
   vii. violation of the terms of any permit or approval granted under this Ordinance or any condition imposed on such permit or approval;
   
   viii. obscuring, obstructing or destroying any notice required to be posted or otherwise given under this Ordinance;
   
   ix. violation of any lawful order issued under this Ordinance; or
   
   x. continuation of any violation of this ordinance.

b. For purposes of this Section, approvals and authorizations include, but are not limited to building permits, certificates of appropriateness, sign permits, site development plans, special use permits, special exceptions, temporary use permits, variances, business location approvals, home occupation permits, and conditions of such certificates, permits, plans and variances.
Sec. 12.6 Enforcement Powers and Procedures

These procedures shall be used to initiate enforcement action in cases where property is being used, maintained or allowed to exist in violation of the provisions of this Ordinance and/or any conditions required by a permit, certificate, approval or other authorization.

a. Investigation

When a potential violation is discovered, or a complaint received by the City Manager, his or her designee, an investigation shall be conducted by a code or enforcement official designated by the City Manager to determine whether a violation exists. A determination as to whether a violation exists shall be made following the investigation.

b. Inspection

i. Whenever necessary to make an inspection to enforce any of the provisions of this Code, the code enforcement official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the code or zoning official by these minimum codes, provided that if such building or premises is occupied, they shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, they shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the code or zoning official shall have recourse to the appropriate remedy provided by law to secure entry.

ii. When the code or zoning official has obtained a proper warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as provided in this subsection, to promptly permit entry therein by the code or zoning official for the purpose of inspection and examination pursuant to this Code.

c. Notice to Correct Conditions

When a violation is verified, a Notice to Correct Conditions shall be issued to the responsible parties, including the property owner. The Notice to Correct Conditions shall describe the following:

i. A description of the violation(s) and citations of applicable provisions of this Ordinance being violated;

ii. A time limit for correcting the violation(s) in compliance with Sec. 12.6.e below;

iii. A statement that the City intends to charge the property owner for all administrative costs associated with abatement of the violation(s) and/or initiate any of the remedies or a combination of the remedies as described in Sec. 12.8 below; and,

iv. A statement that the property owner may request and be provided a meeting with the code or enforcement official designated by the City Manager to discuss methods and time limits for the correction of the violation(s). Such meeting must be held within five (5) business days of receipt of the Notice to Correct Conditions.

d. Stop Work Order

A stop work order may be issued for any violation of this Ordinance or violation of any condition(s) imposed upon a certificate, permit or other authorization shall be subject to the issuance of a stop work order [Cross reference City Code Section 8-1037].

e. Time Limit for Correction

i. The Notice to Correct Conditions shall state that the violation(s) shall be corrected within five (5) business days from the date of the notice to avoid further enforcement action by
the City. If a violation is not corrected within five (5) business days and no extension for correction of a violation is granted (see ii. below), the code enforcement official designated by the City Manager may prosecute such violations as provided for in this Article.

ii. The Notice to Correct Conditions shall also state that the five (5) business day time limit may be extended by the code enforcement official designated by the City Manager upon determining that an extension is appropriate to allow a reasonable time to correct a violation. If an extension is granted, the code enforcement official designated by the City Manager shall set a date certain upon which the violation shall be corrected after which enforcement of the violation under this Ordinance may proceed.

iii. The code enforcement official designated by the City Manager may also require through the Notice to Correct Conditions that the correction occur within less than five (5) business days if the code enforcement official designated by the City Manager determines that the violation(s) constitutes a hazard to public health, safety or welfare.

f. Enforcement Action after Time Limit to Correct Violation

If the violation has not been abated as directed by the code enforcement official designated by the City Manager in the time frame established, the City may proceed to prosecute the violator(s) in the Recorder’s Court of Chatham County, or any other court having jurisdiction over the matter as provided by this Article or to enforce any remedy or a combination of remedies described in Sec. 12.8 below.

g. Enforcement without Notice

If delay in abating a violation would pose a danger to the public health, safety or welfare, the immediate abatement may be required as set forth in this Article.

Sec. 12.7 Remedies are Cumulative

a. New and Separate Offense

Each day a violation of this Ordinance or of any conditions of any certificate, permit or other authorization continues shall be a new and separate offense.

b. Cumulative, Not Exclusive

All remedies contained in this Ordinance for the correction of violations or enforcement of the provisions of this Ordinance shall be cumulative and not be exclusive of any other applicable provisions of county, city, state and federal law.

c. Other Remedies

Should a person be found guilty and convicted of violating any provision of this Ordinance, and any conditions of a certificate, permit or other authorization, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

Sec. 12.8 Enforcement, Penalties and Remedies

The City may utilize any, or a combination of the below penalties or remedies to prevent, correct or abate a violation of this Ordinance. These remedies and penalties are not mutually exclusive.

a. Denial of a Certificate, Permit or Other Authorization

Any certificate, permit or other authorization provided for in this Ordinance may be denied or approval withheld for the property on which the violation exists. Any certificate, permit or other authorization provided for in other ordinances may be denied or withheld if a violation of this Ordinance has not been corrected.

b. Circumstances which May Cause a Certificate, Permit or Other Authorization to be Revoked
i. Any certificate, permit or other authorization granted under this Ordinance may be revoked for any of the following:

1. For failure to comply with the provisions of this Ordinance or one or more of the terms or conditions of the certificate, permit or authorization;
2. For false statements or misrepresentations made in securing the certificate, permit or authorization;
3. For mistake in granting the certificate, permit or authorization in violation of any applicable county, city, state or federal regulation or law;
4. For failure by the holder of the certificate, permit or other authorization to comply with one or more of the requirements contained in the original certificate, permit or authorization;
5. For abandonment, by the holder in the event he or she fails to exercise the rights granted by the certificate, permit or other authorization for a continuous period of at least 12 months; or
6. For operation of a public nuisance, in the event any improvement and/or use allowed by the certificate, permit or other authorization constitutes a public nuisance because the operation or use has become detrimental to public health, safety or welfare.

c. Circumstances which May Cause a Variance to be Revoked

A variance may be revoked if any one of the following findings of fact can be made:

i. Circumstances under which the variance was granted have been changed by the applicant to a degree that one or more of the requirements contained in the original variance can no longer be met, or

ii. One or more of the conditions of the variance have not been met or have been violated.

d. Process for Revoking a Certificate, Permit, Other Authorization or Variance

i. Before revoking a certificate, permit other authorization or variance, the holder shall be given written notice of the City’s intent to revoke the certificate, permit or authorization. The notice shall state the reasons for the intended revocation. The notice shall also give the holder notice of a Show Cause Hearing, at which the holder will have the opportunity to show cause why the certificate, permit, or other authorization or variance should not be revoked, and shall state the time and place of the hearing, which shall be at least 14 days after the date of the notice. The hearing officer shall be a person appointed by the City Manager, other than code enforcement official. At the hearing, both the code enforcement official and the holder shall have the opportunity to be represented by counsel, and to testify, present evidence, and cross examine witnesses. After hearing the evidence, the hearing officer shall issue written findings of fact and conclusions of law, and if he or she finds that any of the circumstances for revocation listed above exist and have not been corrected, he or she may revoke the certificate, permit, variance or other authorization, The effective date of a decision to revoke shall be the date the decision is rendered.

ii. The owner or holder of the certificate, permit or other authorization shall have 14 days from the date of notification to correct a violation of a certificate, permit or other authorization as provided under this section or to request an extension of time to make such correction which shall be granted to a date certain if additional time is reasonable under the circumstances.
iii. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the certificate, permit or authorization may be reinstated.

e. **Penalties for Violations**

Violations of this Ordinance may be prosecuted in the Recorder’s Court of Chatham County, or any other court having jurisdiction over the matter, and shall be punishable as a misdemeanor. Any person, firm, partnership, corporation or other legal entity who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended, or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be subject to an enforcement action.

f. **Injunction and Abatement Order**

The City may institute a civil action for mandatory and prohibitory injunctions and order of abatement commanding the violator to correct or cease a violation of this Ordinance.

g. **Forfeiture and Confiscation of Signs**

Any illegal sign installed or placed on public property shall be subject to forfeiture and confiscation. In addition to other remedies and penalties of this Section, the City shall have the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

h. **Other Equitable Relief**

In addition to the above remedies and penalties, the City may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to abate, correct, prohibit, prevent or restrain any violation of this Ordinance.

**Sec. 12.9 Termination of Permit or Certificate by Passage of Time.**

In the event the Ordinance provides that a certificate, permit, or other authorization expires by its terms because of passage of time, the certificate, permit or other authorization shall automatically expire with the passage of the stated time period, and the provisions of this article concerning revocation procedures shall not apply.

**Sec. 12.10 Certificate of Occupancy or Completion**

No Certificate of Occupancy or Certificate of Completion may be issued until applicable standards of this Ordinance have been met.