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Chapter 12 - Administration and Enforcement

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ARTICLE 1. - PURPOSE OF CHAPTER 12

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[Section 12.1.1. - Purpose of Chapter 12]

This Article sets out the structure for administering and enforcing this UDO, including the responsibilities and procedures of the Director of Planning, the Director of Engineering, the City Arborist, and the Director of Inspections and Codes in carrying out enforcement activities.

(Ord. No. 05-32, § 1, 4-5-05; Ord. No. 09-4, § 1, 1-27-09)

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ARTICLE 2. - SCHEDULES AND FEES

[\[Section 12.2.1. - Schedules and Fees.\]](#)

[Section 12.2.1. - Schedules and Fees.]

From time to time, the City Council may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

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ARTICLE 3. - ADMINISTRATIVE ROLES

[Section 12.3.1. - Director of Planning.](#)

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Section 12.3.1. - Director of Planning.

- A. *Responsibilities.* The Director of Planning, or the Director's designee, is responsible for the receipt, review and processing of all applications for zoning, special exception use approval, text amendments to these this UDO, and appeals from this Code filed with the City. The Director, or the Director's designee, serves as the Secretary to the Planning Advisory Commission.
- B. *Subdivisions and Development Rights.* The Director, or the Director's designee, shall be responsible for the receipt, review and processing of all applications for the design layout of subdivisions and development projects.
- C. *Enforcement.* As the agent for all authorizations related to the use land and buildings, the Director, or the Director's designee, shall be responsible for enforcement of all requirements and restrictions of this UDO related to the design layout of subdivisions and development projects.

(Ord. No. 05-32, § 1, 4-5-05)

Section 12.3.2. - Engineering Director.

- A. *Responsibilities.* The Engineering Director, or the Director's designee, is responsible for the receipt, review and processing of all applications for permits related to land disturbing activity, including the clearing and grading of property and protection from soil erosion and sedimentation, and the construction of streets and stormwater drainage facilities.
- B. *Enforcement.* As the issuing agent for all permits related to land development, the Engineering Director, or the Director's designee, is responsible for enforcement of all requirements and restrictions of these this UDO related to the clearing and grading of subdivisions and development projects, and the construction of streets and stormwater drainage facilities and their continued maintenance and operation.

(Ord. No. 09-4, § 1, 1-27-09)

Section 12.3.3. - City Arborist.

See Chapter 4.

Section 12.3.4. - Director of Inspections and Code.

- A. *Responsibilities.* The Director or the Director's designee, shall be responsible for the receipt, review and processing of all applications for the construction of buildings and structures, and the use and occupancy of buildings, structures and lands within the Columbus Consolidated Government jurisdiction.
- B. *Enforcement.* As the issuing agent for all permits and authorizations related to buildings and structures, the Director or the Director's designee, shall be responsible for enforcement of all requirements and restrictions of this UDO related to the construction of buildings and structures and the use or occupancy of land and buildings.

(Ord. No. 05-32, § 1, 4-5-05)

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ARTICLE 4. - INSPECTION AND ENFORCEMENT

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Section 12.4.1. - Enforcement Officers.

- A. Authority.**
1. *Investigations.* The Director of Planning, the Director of Engineering, the Director of Inspections and Code Enforcement and the City Arborist, independently and separately, shall have the power to conduct such investigations as may be reasonably deemed necessary to assure or compel compliance with the requirements and provisions of these this UDO under their respective administrative roles.
 2. *Entry onto Property.* Each Enforcement Officer and their designees shall have the authority to enter at reasonable times upon any property for the purpose of investigation and inspection.
- B. Entry for Purposes of Inspection.** The entry or access to any property by an authorized representative or agent of the City, the Georgia Soil and Water Conservation Commission, the Soil and Water Conservation District, or the Georgia Environmental Protection Division shall not be refused by any person for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his or her official duties.

(Ord. No. 05-32, § 1, 4-5-05)

Section 12.4.2. - Land Development Activities.

- A. Periodic Inspections.**
1. The Department of Engineering shall periodically inspect the sites of land disturbing activities to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.
 2. The Department of Engineering shall have the power to conduct such investigation as it may reasonably deem necessary to carry out its duties as prescribed in this UDO, and for this purpose to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities.
 3. No person shall refuse entry or access to any authorized representative or agent of the Department of Engineering, the State Soil and Water Conservation Commission, the Soil and Water Conservation District or the EPD, who requests entry for purpose of inspection, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
 4. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- B. Notice of Noncompliance.** When, through inspection, it is determined that a person engaged in land-disturbing activity, as defined herein, has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of this UDO, one or more of the following actions may be taken.
1. A written notice to comply shall be served upon that person not in compliance. The notice shall state the nature of the noncompliance, the measure to be taken or the results required and the time allowed for compliance.
 2. If the person engaged in the land disturbing activity fails to comply within the time specified, they may be deemed in violation.
- C. Conformance with Erosion and Sedimentation Act of 1975.** The Columbus Consolidated Government will amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- D. Certification Requirements.**
1. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
 2. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one

person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

3. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

(Ord. No. 10-35, § 1, 7-13-10)

Section 12.4.3. - Land Use and Other Provisions.

- A. *Inspection.* If the Director of Planning, the Director of Inspections and Codes, the Director of Engineering, or the City Arborist finds that a provision of this UDO is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, tree preservation and replacement, parking, signage or any other standard or provision, other than land disturbing activities as may be authorized by a development permit, or relating to a condition of approval established in connection with a grant of variance or zoning change, the appropriate Enforcement Officer shall notify the person responsible for such violation in writing.
- B. *Stop Work Order.* A notice of violation may consist of an order to cease and desist the violation.
- C. *Contents of Notice.* The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Enforcement Officer shall have authority to prosecute violations in court.
- D. *Cease and Desist Orders.* The Enforcement Officer shall order discontinuance of the illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of these this UDO.

(Ord. No. 05-32, § 1, 4-5-05; Ord. No. 09-4, § 1, 1-27-09)

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ARTICLE 5. - VIOLATION AND PENALTIES

[Section 12.5.1. - Violation a Misdemeanor.](#)

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[Section 12.5.4. - Violation of Other Provisions.](#)

[Section 12.5.5. - Additional Remedies.](#)

Section 12.5.1. - Violation a Misdemeanor.

If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this UDO without first obtaining said permit, the person shall be subject to revocation of his business license, work permit and other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of Columbus-Muscogee County.

- A. *Stop-Work Orders.*
 1. *First and Second Violations.* For the first and second violation of the provisions of a development permit, the Engineering Director shall issue a written warning to the violator.
 - (A) *Correction of Violation.* The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Engineering Director or the local issuing authority shall issue a stop work order.

- (B) *Contents of Order.* The order shall require that land disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land disturbing activities are conducted without obtaining a development permit, the Engineering Director or the local issuing authority shall issue an immediate stop work order in lieu of a warning.
2. *Third and Subsequent Violations.* For a third and each subsequent violation, the Engineering Director or the local issuing authority shall issue an immediate stop work order.
 3. *Effective Date of Stop Work Order.* All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 4. *Issuance of Stop Work Order.* When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or signification amounts of sediment, as determined by the local issuing authority or by the EPD Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the EPD Director or his or her designee. All such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- B. *Bond Forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of the Required Performance Surety Section of Chapter 10 of this UDO. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- C. *Administrative Remedies.* The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is:
1. Not in compliance with the approved erosion and sediment control plan;
 2. Is in violation of permit conditions; or
 3. Is in violation of any ordinance, resolution, rule or regulations adopted or promulgated pursuant to this chapter; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Zoning Appeals within 30 days after receipt by the Department of Engineering of written notice of intent to appeal. Such appeal, however, shall not relieve that person from the obligation to provide all necessary measures to prevent soil erosion and other damage during the interval for the appeal.
- D. *Judicial Review.* Any person, aggrieved by a decision or order of the Department of Engineering, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Muscogee County.

Section 12.5.2. - Failure to Obtain a Development Permit.

If any person commences any land-disturbing activity requiring a development permit as prescribed in these this UDO without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the City.

Section 12.5.3. - Violation of Soil Erosion or Sedimentation Provisions.

Any violation of the provisions of these development regulations adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, shall be subject to the penalties or fines listed below.

- A. *Civil Monetary Penalties.* Soil erosion or sedimentation violations shall be subject to a civil penalty assessed and collected by the City.
1. *Maximum Penalty.*
 - (A) Any person who violates any provisions of this UDO adopted pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, or permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Engineering Director issued as provided in this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.
 - (B) For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty

not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.

2. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

Section 12.5.4. - Violation of Other Provisions.

A. *Maximum Civil Penalty.*

1. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director of Planning, the Director of Inspections and Codes, the Director of Engineering, or the City Arborist issued as provided in these this UDO shall be liable for a civil penalty not to exceed \$1,000.00 per day.
2. For the purpose of enforcing the provisions of this UDO, notwithstanding any provisions in any City charter to the contrary, municipal courts or recorder's court shall be authorized to impose a penalty not to exceed \$1,000.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate's court, recorder's court or any other court of competent jurisdiction trying cases brought as violations under this Section shall be authorized to impose penalties for such violations not to exceed \$1,000.00 for each violation.

B. *Separate Offense.* Each day the violation continues shall constitute a separate offense.

(Ord. No. 05-32, § 1, 4-5-05; Ord. No. 09-4, § 1, 1-27-09)

Section 12.5.5. - Additional Remedies.

Nothing contained in this Section shall prevent the City from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

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ARTICLE 6. - LIABILITY

[Section 12.6.1. - Relief Not Granted.](#)

[Section 12.6.2. - Injuries Resulting from Development Permits.](#)

[Section 12.6.3. - Violations Prohibited.](#)

[Section 12.6.4. - Regulations, Inspections and Permits Declared Remedial.](#)

Section 12.6.1. - Relief Not Granted.

Neither the approval of a plan under the provisions of these this UDO, nor the issuance of a permit, nor the compliance with provisions of these this UDO, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City for damage to any person or property.

Section 12.6.2. - Injuries Resulting from Development Permits.

The fact that a land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Code or the terms of the development permit.

Section 12.6.3. - Violations Prohibited.

No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved thereunder or pollute any waters of the state as defined by said Acts.

Section 12.6.4. - Regulations, Inspections and Permits Declared Remedial.

These regulations and all inspections conducted and permits issued there under are hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

- A. *Quality Control Not Included in Regulations.* Quality control of materials and workmanship is not within the purview of these regulations except as it relates to the purposes stated herein.
- B. *Warranty not Created.* The inspection or permitting of any building, system or plan, under the requirements of these regulations shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy.
- C. *Liability for Damages Not Created.* Neither the City Council, any City Official, nor any City employee shall be liable for damages to any entity for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such which may occur subsequent to such inspection or permitting.

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ARTICLE 7. - RIGHT TO IMPOSE DEVELOPMENT STANDARDS

Section 12.7.1. - Authority.

Section 12.7.1. - Authority.

If a development standard was inadvertently omitted from the UDO or these amendments thereto, the Department of Planning and the Columbus Council reserve the right to impose such development standards as it existed prior to the effective date of the UDO.

(Ord. No. 05-32, § 1, 4-5-05)