

# City of Valdosta Land Development Regulations

## Chapter 110 Enforcement and Penalties

### Section 110-1 Violations of the LDR

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use of any land in the City, or cause the same to be done, contrary to or in violation of the provisions of the LDR.

### Section 110-2 Inspections and Right of Entry

Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Director may enter during all reasonable hours, or outside reasonable hours in the event of an emergency threatening life or property, any property for the purpose of making inspections to determine compliance with the provisions of the LDR.

### Section 110-3 Inspection Warrants

The Director, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this Section. The warrant shall authorize such City representatives to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, as follows:

- (A) Inspection warrants may be issued by the Municipal Court or other court having jurisdictional authority, when the issuing judge is satisfied that all of the following conditions are met:
  - (1) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance related to specific requirements of the LDR or the Standards and Specifications which legally justifies such an inspection of that property.
  - (2) The issuing judge determines that the issuance of the warrant is authorized by this Section.
- (B) The inspection warrant shall be issued validly only if it meets all of the following requirements:
  - (1) The warrant is attached to the affidavit required to be made in order to obtain the warrant.
  - (2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
  - (3) The warrant indicates the conditions, objects, activities, or circumstances related to requirements of the LDR or the Standards and Specifications which the inspection is intended to check or reveal.

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- (4) The warrant refers, in general terms, to the LDR and the Standards and Specifications provisions sought to be enforced.

### Section 110-4 Correction Notices

- (A) Whenever the Director determines that a violation of any provision of the LDR or the Standards and Specifications is taking place, or that a condition of rezoning, conditional use permit, variance, or other permit or administrative approval are not complied with, said Director may present to the owner, owner's agent, or the owner, occupier or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- (B) The notice of violation shall:
  - (1) Be in writing.
  - (2) Include a brief description of the property sufficient to identify where the violation has occurred.
  - (3) List the provisions of the LDR, the Standards and Specifications, or other ordinance of The City of Valdosta that has been violated.
  - (4) State the deadline for correction.
- (C) If the violation has not been corrected within a reasonable length of time as determined by the Director, the owner of the property on which such violation has occurred or the agent, occupier or other party responsible for the violation shall be subject to the penalties set forth in Section 110-7, provided that the Director may, at his/her discretion, extend the time for compliance with any such notice.
- (D) The Director also shall have the authority to issue a warning notice prior to issuance of a notice of violation for any violation set forth in Section 110-4(A) of this LDR. A warning notice shall be discretionary when circumstances warrant such action in the opinion of said Director and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in Section 110-4(B) of this LDR. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by said Director, said Director may proceed with a notice of violation or other authorized enforcement action.

### Section 110-5 Stop Work Orders and Revocations

Whenever any building, structure, or premises is being developed, demolished, expanded, renovated, constructed, used, or occupied contrary to the provisions of the LDR or the Standards and Specifications, or the public interest is otherwise threatened in a manner requiring immediate action, the Director may order the work stopped and said stop work order shall be posted on the property and delivered or mailed to the owner or person performing said unlawful work. The Director also may revoke any permit or certificate of occupancy for any land, building or structure that is being constructed, used or occupied in violation of any provision of the LDR or the Standards and Specifications in order to protect the health, safety and general welfare of the residents of the City.

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## Section 110-6 Other Enforcement and Penalties

Enforcement and penalty provisions set forth elsewhere in any Chapter of the LDR or any code adopted by reference shall be applicable as therein provided and such enforcement and penalties may be applied in addition to those enforcement and penalty provisions available in this Chapter 110.

## Section 110-7 Penalties for Violations

- (A) In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any provision of the LDR or the Standards and Specifications, the City may, after due notice to the owner of the violation, issue a citation requiring the violator to appear in the Municipal Court of The City of Valdosta.
- (B) The owner of any buildings or premises or parts thereof, where anything in violation of this title exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense.
- (C) Penalties for such violations shall be in accordance with The City of Valdosta Code of Ordinances, Chapter I, Section 1-1013 entitled "General penalty, continuing violations".
- (D) Each day any violation of any provision of the LDR or the Standards and Specifications shall continue shall constitute a separate offense.

## Section 110-8 Other Remedies and Penalties

In addition to all other actions and penalties authorized in this Section and elsewhere in the LDR, the City may also:

- (A) Institute injunctive abatement or other appropriate judicial action or administrative proceedings to prevent, enjoin, abate, or remove any violations of the LDR or the Standards and Specifications.
- (B) Where a violation exists with respect to a structure or land, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of the LDR or the Standards and Specifications.
- (C) Revoke the business license of any entity found guilty of violating the LDR or the Standards and Specifications for a period of time not to exceed five (5) years, except to the extent prohibited by law.