

# Article 12 – Administration and Enforcement

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## DIVISION I – ADMINISTRATIVE AND DECISION-MAKING BODIES

### Sec. 12-1. - Purpose and Intent.

It is the purpose and intent of this Article to identify the organization, functions, and other relevant information regarding the boards, commissions, and administrative officials as related to planning, zoning, and development activities in the City of Newnan.

### Sec. 12-2. - Definitions Referenced.

The definitions of certain terms referenced in this Article are set forth in the Interpretation and Definitions Article.

**Sec. 12-3. - Applicability.**

The provisions of this Division shall apply to the administrative and decision-making bodies listed below. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance as amended or any other ordinance, code, or regulation of the City of Newnan, the more strict shall apply.

**Sec. 12-4. - City Council.**

(a) Powers and Duties.

In the administration, enforcement, and fulfillment of this Ordinance, the City Council of the City of Newnan shall:

- (1) Adopt and amend the Comprehensive Plan and all of its components pursuant to the Georgia Growth Strategies Act 634 (Georgia Law 1989, pp. 1317-1391), also known as the Georgia Planning Act of 1989.
- (2) Consider, amend, adopt, repeal, or reject zoning and other development regulations including this Ordinance.
- (3) Consider, amend, adopt, repeal, or reject proposed amendments to the City's Official Zoning Map.
- (4) Establish fees, charges, and expenses applicable to land use and development activities.
- (5) Consider and make decisions regarding special exception requests as required herein.
- (6) Enforce or cause to be enforced zoning and other development regulations through initiation of appropriate administrative and legal action.
- (7) Appoint and confirm members of the Planning Commission, Board of Zoning Appeals, or any other board, committee, or task force recommended by the Comprehensive Plan, or required by zoning and other development regulations, including this Ordinance.
- (8) Direct Planning and Zoning staff to perform or contract for studies or plans related to planning issues, problems, challenges, or opportunities.
- (9) Designate historic resources as such, and apply and enforce the rules and regulations related to historic preservation according to the provisions of this Ordinance as well as other pertinent development regulations of the City of Newnan and, as applicable, the State of Georgia, concerning the historic and archaeological resources within the City.
- (10) Authorize, when appropriate, grant applications for assistance available from federal, state, or other sources for planning and other community development-related projects.

- (11) Exercise all powers and duties consistent with the grant of power specified under Georgia Laws.

**Sec. 12-5. - Planning Commission.**

- (a) Purpose; Creation.

In order to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare as well as efficiency and economy in the process of development, the City of Newnan Planning Commission, hereinafter referred to as "the Planning Commission," is hereby created and established as authorized by the provisions of Article IX Sec. II Paragraph IV of the Constitution of the State of Georgia.

- (b) Membership; Appointment Terms, Compensation, and Removal.

The Planning Commission shall consist of seven members who shall be residents of the city and appointed by the City Council. The terms of the members shall be for 3 years. All terms shall expire on the 31<sup>st</sup> day of December of the expiration year. City Council shall have the authority to remove any member for cause, or upon the recommendation of the Chairman of the Planning Commission, which shall be heard at a public hearing should the member in question so request such a hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

- (c) Vacancies.

Any vacancy in membership shall be filled by appointment of City Council for the unexpired portion of the term of the member affected and shall follow the procedures for this purpose as established by Council. It shall be the duty of the Chairman of the Planning Commission to notify the City Council within 10 days after any vacancy does occur among members.

- (d) Qualifications of Members.

Persons shall be qualified for membership in the Planning Commission provided that:

- (1) Such persons currently reside in the City of Newnan and have so resided for a period of not less than one year;
- (2) Such persons are registered to vote in the City of Newnan; and
- (3) Such persons are chosen based on a perceived ability to represent the public interest.

- (e) Officers and Organization.

The Planning Commission shall elect a chairman, vice-chairman, and any other officers as the Commission sees fit to create, from its members during the first meeting of the

new year. The term of the officers shall be one year from the date of election and shall be effective immediately upon such vote.

(f) Staff.

The secretary of the Planning Commission shall be the Planning and Zoning Director for the City of Newnan or his/her designee. The Planning Commission may request the Planning and Zoning Director to seek information from such employees and staff as necessary to complete its work and may, with approval of the City Manager, contract with the Regional Commission or other relevant agency and with city planners and other consultants for such services as it may require.

(g) Meetings and Rules.

(1) Generally.

The Planning Commission shall make its own rules of procedure in the form of officially adopted bylaws. Such bylaws, necessary to its governance and the conduct of its affairs, shall be in keeping with the applicable provisions of Georgia law and this Ordinance. Such bylaws shall be made available in written form to persons appearing before the commission and to the public. The commission shall also determine the time, date, and place of meetings. Meetings shall be held on the second Tuesday of each month. Other meetings may be held at the call of the Chairman or at other such times as the Planning Commission may determine. Meetings that are not regularly scheduled shall be held with at least 24 hours' notice to each member and to the public. Four members of the Planning Commission shall constitute a quorum for the transaction of business.

(2) Order of Business.

The order of business at meetings shall be as follows unless so modified by the Commission by a show of hands:

- a. Convene.
- b. Roll call.
- c. Review and approval of minutes.
- d. Public hearings.
- e. New business.
- f. Old business.
- g. Committee reports.
- h. Other business and comments by members or staff.
- i. Public comments.
- j. Adjourn.

(h) Other Procedural Requirements.

(1) Minutes and Other Records.

The Planning Commission shall direct its secretary to keep records of its proceedings, showing the vote of each member (including the Chairman and Vice-chairman) or if absent or failing to vote, indicating such fact and to record the attendance of members. The secretary shall keep records of the Planning Commission's examinations and other official actions, all of which shall be a public record and be filed in the offices of the Planning and Zoning Department, upon official approval of said minutes and signature of the Chairman.

(2) Representation.

Applicants and/or their representatives shall be present at the meeting to discuss their application. Failure to appear may result in the application being tabled. However, the Planning Commission may take action at any time regardless of whether the applicant or representative is present.

(3) Voting.

All regular members of the Planning Commission shall be entitled to vote on matters before the Commission. On all items before the Commission, a majority vote of those present and constituting a quorum shall prevail.

(4) Open Meeting Requirement.

All meetings of the Planning Commission shall be open to the public and shall meet all of the requirements of the "Open and Public Meetings Act", O.C.G.A. §50-14-1 through §50-14-6.

(5) Finances.

The expenditures of the Planning Commission and its members carrying out their official duties shall be within the amount appropriated for that purpose by the City Council.

(i) Functions, Powers, and Duties.

The Planning Commission shall have all the powers, duties and responsibilities as provided by this Sec. 12-5(i). Additional powers, duties, and responsibilities deemed necessary by the City Council shall be as follows:

(1) General Duties.

The Planning Commission may request the Planning and Zoning Director to furnish or cause to be furnished available records or information as may be required in its work. The Planning Commission or its designees may, in the performance of official duties, enter upon lands and make recommendations or surveys in the same manner as other authorized City agents and employees, and shall have other powers as are required for the successful and unhindered performance of official functions in carrying out the purposes of the Planning Commission. Generally the Planning Commission shall:

- a. Make requests to the City Council for special studies on the location, adequacy, and conditions of specific facilities in the city. These may include but are not limited to, studies on housing, commercial and industrial conditions and facilities, recreation facilities, public and private utilities, roads and other transportation facilities, and the like.
- b. Seek to acquire and cause to be maintained such information and materials necessary for an understanding of past trends, present conditions, and the forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of natural and man-made features of the city, statistics on past trends and near-present conditions with respect to populations, property values, economic base, land use, and other such information as is important or likely to be important in determining the amount, direction, and kind of development to be expected or sought in the City.
- c. Make requests to the City Council for studies and project plans for the improvement of the City, with a view toward its future development and extension, and to recommend to the City Council all matters for the development and advancement of the City's facilities, layout and appearance.
- d. Make requests to the City Council for plans and maps of the whole or any portion of the City.
- e. Conduct such public hearings as may be required to obtain the information necessary for the drafting of codes, ordinances, and other regulations as requested by the City Council.
- f. Assist all other municipal and governmental agencies upon request, and especially the City Council, in formulating and executing proper plans of municipal development.
- g. Select and recommend to the City Council routes of streets, avenues, and boulevards, and particularly to investigate and recommend the opening, widening, or abandonment of streets, avenues, boulevards, and alleys or the changing thereof to conform with the City's system, present and future, of boulevards, streets, avenues, alleyways, parks and parkways.
- h. Review petitions for abandonment made to the City and make recommendations to the City Council to abandon or vacate public rights-of-way or easements. In addition, the Planning Commission shall make a recommendation regarding the zoning district in which the former right-of-way or easement shall be brought into.
- i. Recommend to the City Council for adoption and promulgation rules and regulations governing plats and subdivision of land within the corporate limits of the City to promote the health, safety, morals, and general welfare

of the community, and the safe, orderly, and healthful development of such community.

- j. Recommend plans to the City Council for improving, developing, expanding and beautifying the parks, parkways, and streams and to cooperate with the City Council and other agencies and commissions of the City in devising, establishing, locating, improving, selecting, expanding, and maintaining the public parks, parkways, playgrounds, and places for public recreation.
- k. Suggest plans for clearing the city of deteriorated and blighted areas.
- l. Perform any other duties as directed by the City Council.

(2) Comprehensive Plan Duties.

In addition to the general duties as described above, the Planning Commission may perform the following functions related to the comprehensive plan:

- a. Prepare or cause to be prepared the comprehensive plan for the City of Newnan, Georgia.
- b. Coordinate or oversee the preparation of said comprehensive plan, or elements or portions thereof.
- c. Review all proposed amendments to the comprehensive plan to ensure that they are consistent with the overall goals and objectives of the City and shall make recommendations regarding such amendments to City Council.
- d. Review the comprehensive plan and prepare or cause to be prepared periodic evaluative reports for City Council. Such reports shall be prepared at the request of Council.
- e. Establish procedures for providing effective public participation, in a manner consistent with the planning process, to obtain citizen and public input into all phases of the comprehensive planning process.
- f. Prepare, or cause to be prepared, recommendations to the City Council regarding such ordinances, regulations, or other proposals required for the implementation of the action statements set forth in the Comprehensive Plan, as amended.

(3) Zoning and Special Exception Duties.

In addition to the above referenced duties, the Planning Commission shall perform the following functions related to rezoning applications:

- a. Review and make recommendations to the City Council on amendments to the Official Zoning Map, consistent with zoning procedures for rezoning applications as provided by this Ordinance.
- b. Review and make recommendations to the City Council for any change in the zoning classification of a lot or parcel of land, at the request of or with the concurrence of the owner, with such restrictions imposed upon the property,

provided that such restrictions conferred upon the applicant or subject property involve no privilege otherwise denied by this Ordinance to other lands, structures, and buildings in the same district.

- c. Review and decide upon variances for planned developments and mixed use developments, except such requests that relate to regional impact decisions. The City Council shall have sole authority to hear and approve or deny all variance requests concerning regional impact decisions.

**Sec. 12-6. - Board of Zoning Appeals.**

- (a) Purpose; Creation.

A Board of Zoning Appeals (BZA) is hereby created for the purpose of hearing and deciding on administrative appeals where it is alleged that there is an error, conflict, misinterpretation, or ambiguity in any order, decision, or determination by staff in the administration, interpretation, or enforcement of this Ordinance. It is also created for the purpose of hearing and deciding on variances from the terms of this Ordinance except for variances in the PD and Mixed Use districts, requests that relate to regional impact decisions, and determinations regarding Special Exception uses.

- (b) Membership; Appointment Terms; Compensation; and Removal.

The BZA shall consist of seven members who shall be residents of the city and appointed by the City Council. Members shall serve overlapping terms of three years. All terms shall expire on the 31<sup>st</sup> day of August of the expiration year. City Council shall have the authority to remove any member for cause, or upon the recommendation of the Chairman of the BZA, which shall be heard at a public hearing should the member in question so request such a hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

- (c) Vacancies.

Any vacancy in membership shall be filled by appointment of City Council for the unexpired portion of the term of the member affected and shall follow the procedures for this purpose as established by Council. It shall be the duty of the Chairman of the BZA to notify the City Council within 10 days after any vacancy does occur among members.

- (d) Qualifications of Members.

Persons shall be qualified for membership on the BZA provided that:

- (1) Such persons currently reside in the City of Newnan and have so resided for a period not less than 1 year;
- (2) Are registered to vote in the City of Newnan; and
- (3) Are chosen based on a perceived ability to represent the public interest.

(e) Officers and Organization.

The BZA shall elect a chairman, vice-chairman, and any other officers as the BZA sees fit to create, from its members during the first meeting of the new year. The term of the officers shall be 1 year from the date of election and shall be effective immediately upon such vote.

(f) Staff.

The secretary of the Board shall be the Planning and Zoning Director for the City of Newnan or his/her designee.

(g) Meetings and Rules.

The BZA shall make its own rules of procedure in the form of officially adopted bylaws. Such bylaws, necessary to its governance and the conduct of its affairs, shall be in keeping with the applicable provisions of Georgia law and this Ordinance. Such bylaws shall be made available in written form to persons appearing before the commission and to the public. The Board shall also determine the time, date, and place of regular meetings. Meetings shall be held on the first Tuesday of each month. Other meetings may be held at the call of the Chairman or at other such times as the board may determine. Meetings that are not regularly scheduled shall be held with at least 24 hours' notice to each member and to the public. All meetings of the board at which official action is taken shall be open to the public. Four members of the BZA shall constitute a quorum for the transaction of business.

(h) Other Procedural Requirements.

(1) Minutes and Other Records.

The BZA shall direct the secretary for the Board to keep records of its proceedings, showing the vote of each member (including the Chairman and Vice-chairman), or if absent or failing to vote, indicating such fact. The secretary shall keep records of the Board's examinations and other official actions, all of which shall be a public record and be filed in the offices of the Planning and Zoning Director, upon official approval of said minutes and signature of the Chairman.

(2) Representation.

Applicants and/or their representatives shall be present at the meeting to discuss their application. Failure to appear may result in the application being tabled. However, the BZA may take action at any time regardless of whether the applicant or representative is present.

(3) Voting.

All regular members of the BZA shall be entitled to vote on matters before the Board. On all items before the BZA, a majority vote of those present and constituting a quorum shall prevail.

(4) Open Meeting Requirement.

All meetings of the BZA shall be open to the public and shall meet all of the requirements of the "Open and Public Meetings Act", O.C.G.A. §50-14-1 through §50-14-6.

(5) Finances.

The expenditures of the Board and its members carrying out their official duties, exclusive of gifts, shall be within the amount appropriated for that purpose by the City Council.

(i) Powers and Duties.

(1) Administrative Appeals.

a. Authority.

The BZA shall have the power to hear and decide administrative appeals where it is alleged there is error, conflict, misinterpretation, or ambiguity in any order, requirement, decision, or determination of any staff member or appointed official in the enforcement of this Ordinance.

b. Appeals; How Taken.

Appeals to the BZA may be taken by any person aggrieved or by any officer, department, Board, or Bureau of the City of Newnan, Georgia affected by any administrative decision of any staff member making such order, requirement, decision, or determination. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Planning and Zoning Director and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Planning and Zoning Director shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. A fee payable to the City set forth in the City's schedule of fees shall accompany the appeal to cover the approximate cost of the procedure.

(2) Variances.

a. The BZA shall have the power to authorize, upon appeal in specific cases, variances from the provisions of this Ordinance except such requests that relate to regional impact decisions. (The City Council shall have sole authority to hear and approve or deny all variance requests concerning regional impact decisions.) The BZA may grant such variances in accordance with the procedures described in the Appeals Article of this Ordinance.

b. No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.

(3) Special Exceptions.

The BZA shall have the power to hear and make a final decision to approve or deny all "special exception" requests, except of said requests that relate to

regional impact decisions. The City Council shall have sole authority to hear and approve or deny all "special exception" requests concerning regional impact decisions. All "special exception" decisions shall be made in accordance with the procedures and requirements set forth in the Restrictions on Particular Uses Article of this Ordinance.

(4) Authority.

In exercising the above powers, the BZA may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination of any staff member or appointed official in the enforcement of this Ordinance, and to that end shall have all powers of the officer from whom the appeal is taken may direct the issuance of a permit.

(5) Recourse.

Any person or persons, jointly or severally aggrieved by any decision of the BZA may appeal such decision within 30 days to the Coweta County Superior Court, as specified by law.

(6) Stay of Proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Planning and Zoning Director certifies to the BZA after the notice of appeal shall have been filed with the Director, that by reason of facts stated in the certificate a stay would, in the Director's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a competent court on application, or notice, to the officer from whom the appeal is taken and on due cause shown.

**Sec. 12-7. - Historic Resource Commission.**

(a) Creation.

There is hereby created a commission whose title shall be "Newnan Historic Resource Commission" (hereinafter referred to as the "Historic Resource Commission").

(b) Position within the City of Newnan.

The Historic Resource Commission shall be part of the planning functions of the City of Newnan.

(c) Members: Number, Appointment, Terms and Compensation.

(1) The Historic Resource Commission shall consist of 7 members appointed by the City Council. Members shall be residents of the City of Newnan who have demonstrated special interest, experience, or education in history, architecture and the preservation of historic resources.

(2) Persons seeking appointment to the Historic Resource Commission may complete an application form addressed to the City Council or submit a resume in lieu of the

application. City Council, however, shall not be limited to making appointments from the pool of applications.

- (3) Members shall serve three-year terms. In order to achieve staggered terms, initial appointments shall be: three members for two years and four members for three years. Only initial two-year members may be reappointed. A waiting period of three years is required before former members are eligible to serve on the Commission again.
- (4) Members shall not receive a salary, although they may be reimbursed for expenses incurred.

(d) Powers and Duties.

The Historic Resource Commission shall be authorized to:

- (1) Prepare and maintain an inventory of all property within the City of Newnan having the potential for designation as historic property, being 50 years old or older or possessing a special historic or cultural significance to the area;
- (2) Following application and request from the owner thereof, review and recommend to the City Council specific districts, buildings or structures to be designated by ordinance as historic properties or local historic districts;
- (3) Review applications for Certificates of Appropriateness and grant or deny same in accordance with the provisions of this section;
- (4) Following application and request from the owner thereof or when deemed appropriate by the Historic Resource Commission, review and recommend to the City Council that the designation of any district, building or structure as an historic property or as an historic district be revoked or removed;
- (5) Restore or preserve any historic properties acquired by the City of Newnan;
- (6) Promote the acquisition by the City of Newnan for facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10-1 et. Seq.);
- (7) Conduct educational programs on historic properties located within the City of Newnan and on general historic preservation activities;
- (8) Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, which the City Council or the Historic Resource Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (9) Seek out local, state, federal or private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;

- (10) Consult with historic preservation experts in the Historic Preservation Division (HPD) of the Georgia Department of Natural Resources or its successor and with the Georgia Trust for Historic Preservation, Inc.;
- (11) Submit to HPD a list of historic properties or historic districts designated;
- (12) Perform historic preservation activities as the official agency of the Newnan historic resource preservation program;
- (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties as these items meet or exceed criteria established by the Historic Resource Commission for the receipt of donations that further the mission of the Historic Resource Commission and its role within the City administration. The Historic Resource Commission shall not obligate the City of Newnan in the receipt or sale of any property or of any donation without prior consent of City Council;
- (14) Review and make comments to the Historic Resource Division of the Georgia Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- (15) Participate in private, state and federal historic preservation programs and, with the consent of the City Council, enter into agreements to do the same.

(e) Authority to Adopt Rules and Standards.

The Historic Resource Commission shall:

- (1) Adopt rules and standards for the transaction of its business and for consideration of applications for designations and Certificates of Appropriateness, such as by-laws, removal of membership provisions, and design guidelines and criteria. Rules and standards adopted by the Commission shall be forwarded to the City Council for approval.
  - (2) Have the flexibility to adopt rules and standards without amendment to this section.
  - (3) Provide for the time and place of regular meetings and a method for the calling of special meetings.
- (f) Select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(g) Conflict of Interest.

The Historic Resource Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Newnan Charter and Code of Ordinances.

(h) Authority to Receive Funding from Various Sources.

The Historic Resource Commission shall have the authorization to accept cash donations and shall ensure that these funds do not displace appropriated governmental funds subject to the requirements of subsection (d)(13) above.

(i) Records of Meetings.

A public record shall be kept of the Commission resolutions, proceedings, and actions.

**Sec. 12-8. - Staff Agencies and Departments.**

(a) Planning and Zoning Department.

(1) General Powers and Duties.

The Planning and Zoning Department, through the authority of the Planning and Zoning Director, shall be responsible for carrying out the following general functions and duties:

- a. To collect, analyze, and interpret data and other information related to the development and growth of the City of Newnan and to make such information available to the Planning Commission, City Council, and others including the general public in a timely and useable manner and format.
- b. To serve as the City liaison to the U.S. Department of Commerce, Bureau of the Census, for all Census-related activities.
- c. To serve in the role of Grant Administrator including making applications for grants as directed by City Council and to administratively assure that the requirements of approved grants are carried out.
- d. To administratively process subdivision applications as prescribed in the Subdivision Regulations Ordinance.

(2) Planning Powers and Duties.

The Planning and Zoning Department, through the authority of the Director of Planning and Zoning, shall be responsible for carrying out the following planning functions and duties:

- a. Act to prepare the text of the Comprehensive Plan and any amendments thereto in a timely manner or to direct or coordinate the work of others who may have this responsibility.
- b. Act to implement the goals, objectives, and policies or other provisions of the Comprehensive Plan and any amendments hereto in a timely manner including coordinating the work of others whose responsibility for specific elements within the Comprehensive plan has been established.
- c. Act to prepare area or specific plans as may be prescribed by the Comprehensive Plan or by authorization by the City Council in a timely manner or to direct or coordinate the work of others who may have this responsibility.
- d. Provide data and other information to the Planning Commission, BZA or City Council to allow such body to make planning recommendations and decisions.

(3) Zoning Powers and Duties.

The Planning and Zoning Department, through the authority of the Director of Planning and Zoning, shall be responsible for carrying out the following zoning functions and duties:

- a. Administratively approve such applications or requests as designated by this Ordinance.
- b. Administratively decide such questions or issues as designated by this Ordinance.
- c. Waive required information for applications as designated by this Ordinance.
- d. Make interpretations regarding the provisions of this Ordinance unless otherwise specified herein.
- e. Approve conditional uses as prescribed by the conditions required by this Ordinance.
- f. Provide recommendations to the City Council, Planning Commission, and BZA, or any other board, committee, or task force created by the City Council or otherwise required by zoning and other applicable development regulations including this Ordinance.
- g. Act in an advisory capacity to the City Council, provide staff support to the Planning Commission, BZA, or any other board, committee, or task force created by the City Council or otherwise required by zoning and other applicable development regulations including this Ordinance.
- h. Provide, as needed, education and training assistance to the Planning Commission and the BZA regarding their functions, powers, and duties.
- i. The Director may designate any member of the Planning and Zoning staff to act within his/her authority.

(b) Building Department.

(1) Powers and Duties.

The Building Department, through the authority of the Building Official, shall be responsible for carrying out the following functions and duties:

- a. Conduct building and site inspections.
- b. Perform architectural plan review functions.
- c. Act on standard housing service requests.
- d. Issues sign permits.
- e. Issue building permits.
- f. Issue Certificates of Occupancy.
- g. Issue other permits as provided by City of Newnan ordinances.



(g) Downtown Development Authority.

The City of Newnan Downtown Development Authority is a City-established quasi-judicial authority which has the full power of a development authority as established under O.C.G.A. §36-42-1 et. seq. and shall be consulted regarding economic development issues in the central business district arising as a part of plan review or other process as governed by this Ordinance.

(h) Newnan Utilities.

The Newnan Utilities is a City-established quasi-judicial authority which has the full power of a public utility as established under the Charter of the City of Newnan, Georgia and shall be consulted regarding utility issues including water, sewer, electricity, cable television, and internet services, arising as a part of plan review or other process as governed by this Ordinance.

(i) Coweta County Board of Education.

The Coweta County Board of Education is responsible for the timely provision of school facilities and programs to meet the needs of the residents of Coweta County and the City of Newnan in particular as it applies to the administration of this Ordinance.

## **DIVISION II – ENFORCEMENT**

### **Sec. 12-10. - Purpose and Intent.**

It is the purpose of this Division to provide for the enforcement of this Ordinance which shall include penalties for criminal and civil violations.

### **Sec. 12-11. - Definitions Referenced.**

The definitions of certain terms referenced in this Division are set forth in the Interpretation and Definitions Article of this Ordinance.

### **Sec. 12-12. - Applicability.**

The provisions established herein shall apply to all lands within the civil jurisdiction of the City of Newnan, Georgia. Where there is a conflict between the terms and/or requirements contained in this Division and another section contained in this Ordinance, as amended, or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more strict shall apply.

### **Sec. 12-13. - Enforcing Officer.**

The Building Official, or the Building Official's designee, shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Ordinance.

**Sec. 12-14. - General Provisions.**

- (a) Any building or structure erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance or the provisions of any approval granted by the City under this Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful.
- (b) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Ordinance or the provisions of any approval granted by the City under this Ordinance shall be subject to the enforcement provisions of this Division.
- (c) In addition to the remedies provided in this Division, the Building Official may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.
- (d) Upon becoming aware of any violation, the Building Official shall serve notice of such violation on the person committing or permitting the same, and the landowner, and if such violation has not ceased within such reasonable time as the Building Official has specified in such notice, the Building Official shall institute such action as may be necessary to terminate the violation.
- (e) If the person responsible for the alleged violation denies that a violation exists, he or she may appeal the decision of the Building Official pursuant to the provisions of the Appeals Article of this Ordinance.
- (f) Whenever a violation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Building Official. The Building Official shall record such complaint, investigate, and take action thereon as provided by this Ordinance.

**Sec. 12-15. - Violations.**

Any violation of the provisions of this Ordinance shall be deemed a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00 for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense.