Article XI: Violations, Penalties and Enforcement

**Section 11.1 Ordinance Compliance Required**

1. No activity regulated by this Ordinance shall be undertaken except in full compliance with the express provisions of this Ordinance.
2. No activity that is the subject of any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken except in full compliance with the subject permit or approval, including any attached conditions.
3. The commencement or continuation of any activity regulated by this Ordinance that is not in compliance with the express provisions of this Ordinance, or that is not in compliance with the express provisions of any permit or approval, including any attached conditions, shall be a violation of this Ordinance, and subject to enforcement under the terms of this Ordinance and South Carolina law.

**Section 11.2 Violations**

All of the following constitute violations of this Ordinance:

1. To use or attempt to use land or a building in any way not consistent with the requirements of this Ordinance;
2. To erect or attempt to erect a building or other structure in any way not consistent with the requirements of this Ordinance;
3. To engage or attempt to engage in the development or subdivision of land in any way not consistent with the requirements of this Ordinance;
4. To transfer title to any lots or parts of a development unless the subdivision has received all approvals required under this Ordinance and an approved plan or plat, if required, has been filed in the appropriate County office;
5. To submit for recording with a County office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
6. To install or use a sign in any way not consistent with the requirements of this Ordinance;
7. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity; requiring one or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
8. To engage in the use of a building or land, the use or installation of a sign, the subdivision or development of land or any other activity requiring one or more approvals or permits under this Ordinance in any way inconsistent with any such approval or permit and any conditions imposed;
9. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
10. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
11. To violate any lawful order issued by any person or entity under this Ordinance; or
12. To continue any violation as defined above, with each day of continued violation to be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

**Section 11.3 Enforcement Responsibility, Complaints, Authority**

*11.3.1 Responsibility*

The responsibility for the enforcement of this Ordinance is delegated to the Zoning Administrator. The Zoning Administrator may utilize other Town Department/Agencies as necessary to enforce the provisions of this Ordinance. See Article 2, Zoning Administrator.

The Zoning Administrator shall serve as liaison between the Planning Commission and the Town Council, shall meet with the Planning Commission at all regularly scheduled and called meetings, advise the Commission of development plans and issues within the community, carry out the directives of the Commission, and serve in a staff capacity to the Commission.

*11.3.2 Notice*

If the Zoning Administrator finds that any of the provisions of this Ordinance are being or have been violated, the Administrator may notify in writing the person responsible for such violation, setting forth the nature of the violation and the action necessary to correct it.

*11.3.3 Complaints*

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file in writing a complaint with the Town. Such complaint shall state fully the causes and basis thereof.
2. The Zoning Administrator shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

*11.3.4 Authority*

Any staff member of the Planning Department who is authorized by Town Council shall have the authority to enforce the provisions of this Ordinance.

**Section 11.4 Remedies and Enforcement Powers**

On behalf of the Town, the Zoning Administrator may take any one or more of the following actions as a remedy for any violation of this Ordinance:

1. Withholding and/or revocation of any approvals or permits required by this Ordinance or direct other officials to withhold such approval or permits;
2. Issuing stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;
3. Issuing stop orders against any actions in violation of this Ordinance;
4. Bringing an action for an injunction (or, in appropriate cases, for mandamus) to prevent the violation and/or to prevent the occupancy or use of any site or structure involved in the violation;
5. Bringing an action for injunction or mandamus to abate a violation; or
6. Deferral or postponement of zoning applications scheduled for public meetings or hearings in accordance with Article 11.8.

A violation of this Ordinance is considered a misdemeanor.

**Section 11.5 Private Enforcement Actions**

Any individual who is specifically damaged by any violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure or land. This is in addition to the right of the Town to bring an enforcement action.

**Section 11.6 Sign Violations**

*11.6.1 Signs Subject to Impoundment*

In addition to other remedies and enforcement powers of this Ordinance, the Zoning Administrator shall have the authority to remove and hold any of the following types of signs or sign structures.

1. Any prohibited sign, as noted in Article 9, is subject to impoundment without notice to the owner.
2. Any sign that is installed or used in any way that is not consistent with the requirements of this Ordinance, provided that notice has been given as set forth in Section 11.3.2 and no action has been taken by the owner within the specified time frame.
3. Additionally, the land owner and/or candidate, party, organization, or business entity explicitly listed on a sign, may be designated as the sign owners or the responsible parties for the purpose of enforcement action.

*11.6.2 Recovery of Impounded Signs*

The owner of an impounded sign or sign structure may recover same upon the payment of $50.00 for each sign. In the event it is not claimed within ten (10) days from the date of impoundment, the Zoning Administrator shall have authority to dispose of such sign or sign structure without notification and without compensation to the owner.

**Section 11.7 Violations Continued**

Any violation of the previous Zoning Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with all applicable provisions of this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before October 19, 1998. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

**Section 11.8 Other Enforcement Actions**

*11.8.1 Zoning Map Amendment Requests*

An application (along with related documents and fees) for a zoning map amendment shall not be accepted or processed when the property owner(s) has been notified, pursuant to 11.3.2, that a violation of this Ordinance exists on or in the use of land that is the subject of the requested zoning change. The Zoning Administrator, after consideration of the specific case, may waive this requirement and direct staff to process the application if it is found that a zoning map amendment serves to remedy the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Article 11 of this Ordinance nor does it guarantee approval of the requested zoning map amendment. If the zoning map amendment is disapproved by Town Council, the property owner, applicant, and/or designated agent has a maximum of 30 calendar days from the date of disapproval to bring the subject property into compliance.

*11.8.2 Board of Zoning Appeals Requests*

An application (along with related documents and fees) to go before the Board of Zoning Appeals (BZA) shall not be accepted or processed when the property owner(s) has been notified that a violation of this Ordinance exists on or in the use of land that is the subject of the request. The Zoning Administrator may, after consideration of the specific case, waive this requirement and direct staff to process the application, if the BZA request serves as a remedy for the violation. However, this waiver does not release the property owner, applicant, and/or designated agent from compliance with Chapter 11 of this Ordinance.

*11.8.3 Contempt Before the Board of Zoning Appeals*

In case of contempt by any party, witness or other person before the Board of Zoning Appeals, such Board may certify such fact to the Circuit Court of the County wherein such contempt occurs and the judge of the court, after hearing, may impose such penalty as the facts authorize or require.

*11.8.4 Other Actions*

Nothing herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.