

ARTICLE 7  
ADMINISTRATION AND ENFORCEMENT

700. ZONING ADMINISTRATOR.

700.1. Responsibility For Administration. The Zoning Administrator designated by the Town Council shall administer and enforce this Ordinance. It is the intent of this Ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that recourse from the decision of the Zoning Administrator shall be to the Board of Appeals as provided by law. It is further the intent of this Ordinance that the function of the Town Council under this Ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals from the Planning Commission for any amendment or repeal of this Ordinance.

700.2. Duties Of The Zoning Administrator. The duties of the Zoning Administrator shall include:

700.2.1. Interpretation of the terms and provisions of this Ordinance.

700.2.2. Administration of the provisions of this Ordinance relating to zoning permits, certificates of zoning compliance, and applications for zoning amendments and special exceptions, the presentation of same to the Planning Commission and giving notice of hearings on such amendment and special exception requests as specified herein.

700.2.3. The receipt of complaints from persons who allege that violations of this Ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate or remove such violations.

700.2.4. The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement and administration of the terms and provisions of this Ordinance. Such official record shall be a public record and shall include but not be limited to:

(1) The maintenance of the official copy of the text of the Zoning Ordinance and Zoning Map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this Ordinance.

(2) The retention of records relating to applications for zoning

- (3) certificates of Zoning Compliance, denials of permits and reasons for denying such permits, and complaints and disposition of complaints from persons who allege that violations of this ordinance have occurred.
- (4) Other such duties as may properly relate to the accomplishment of the spirit and intent of this Ordinance.

## 701. ZONING PERMITS.

- 701.1. Zoning Permit Required. No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit issued by the Zoning Administrator or his designee. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance. If the permit is denied, reasons shall be stated for the denial. The fee for issuance of a zoning permit shall be \$25.00.
- 701.2. Applications For Zoning Permits. All applications for zoning permits shall be accompanied by a minimum of two (2) sets of plans drawn to scale, and shall include existing or proposed uses of the building and land; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. One (1) set of the plans shall be returned to the applicant by the Zoning Administrator, after marking each set of plans as approved or disapproved and attested to same by his/her signature on each copy.
- 701.3. Expiration Of Zoning Permit. If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, the permit shall expire and be cancelled by the Zoning Administrator. If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator. In the case of work which may reasonably be expected to require more than one (1) year for completion, the Zoning Administrator may specify a time limit in excess of one (1) year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

## 702. CERTIFICATE OF ZONING COMPLIANCE.

- 702.1. Certificate Of Zoning Compliance Required. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the Zoning Administrator, or his/her designee

stating that the building or proposed use of the building or land conforms to the requirements of this Ordinance.

702.2. Temporary Certificate. A temporary certificate of zoning compliance may be issued by the Zoning Administrator, or his/her designee, for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

702.3. Failure To Obtain Certificate. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance and punishable as provided herein.

703. CONSTRUCTION AND USE TO BE AS APPROVED.

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator authorizes only the use set forth in such approved plans and applications, and no other use. Use at variance with that authorized shall be deemed violations of this Ordinance, punishable as provided herein.

704. FEES.

When an amendment to this Ordinance is requested by an individual or parties other than the Town Council or the Planning Commission, a fee as indicated below shall be paid by the applicant or his/her representative for each application at the time the application is filed to cover administration and advertising expenses.

704.1. Zoning Map Amendment. A fee of \$75.00 will be paid for the first lot of record or acre, and \$10.00 for each additional lot or acre, whichever is greater, not to exceed \$125.00.

704.2. Text Amendment. A fee of \$75.00 shall be charged for requested text amendments.

704.3. Special Exception. A fee of \$75.00 shall be charged for requests for Special Exceptions.

704.4. Variance. A fee of \$75.00 shall be charged for requests for Variances.

704.5. Appeals. A fee of \$75.00 shall be charged for all administrative appeals to the Board of Appeals.

705. VIOLATIONS.

705.1. If the Zoning Administrator shall find that any one (1) of the provisions of this

Ordinance is being violated, he/she shall notify in writing the person responsible for such violations, including the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuances of illegal buildings or structures; of illegal additions, alterations or structural changes; of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

- 705.2. In the event of a violation, any written notification sent by the Zoning Administrator shall include the following language: "You are further notified that the Zoning Ordinance of the Town of Gilbert may be enforced in the Town of Gilbert Municipal Court, by injunction or other equitable relief. The Gilbert Zoning Ordinance specifically provides that in the event such litigation is commenced due to a violation, and if a violation is found by the Court, you shall be liable for all costs of such litigation incurred by the Town, including a reasonable attorney's fee".

#### 706. COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### 707. PENALTIES FOR VIOLATIONS.

- 707.1. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined, as determined by the Town of Gilbert Municipal Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

- 707.2. In the alternative, in addition to or in lieu of prosecution of violations as misdemeanors as set forth in Section 707.1., the Zoning Administrator, the Town Council or designee may cause to be commenced in the Town of Gilbert Municipal Court, an action seeking relief against any persons or entities violating the Ordinance, or against any property constituting a violation. The injunctive relief which the Zoning Administrator, the Town Council or their designees may seek shall include but not necessarily be limited to:

- (1) The seeking of an injunction requiring affirmative compliance with the portion or portions of the Zoning Ordinance alleged to have been violated;
- (2) An order restraining, enjoining or prohibiting certain conduct which may constitute or continue in effect a violation of the Zoning Ordinance; and

- (3) An order declaring certain conduct or specific property by virtue of a violation of the Zoning Ordinance to be a nuisance and ordering abatement thereof.

707.3. In the event any action is commenced and prosecuted as set forth in Section 707.2. and it is specifically found the Zoning Ordinance of Gilbert, South Carolina has been violated, any person or entity responsible for such violation or having participated or contributed to such violation and made a party to such action shall be responsible for all costs of the prosecution of such action including but not limited to filing fees, discovery costs and attorneys' fees incurred.

#### 708. APPEALS.

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator.

Approved May 13, 2013