

CHAPTER VII - VIOLATIONS, PENALTIES AND ENFORCEMENT

12A-701 VIOLATIONS

Purpose and Intent:

To define actions that constitutes violations of this Ordinance.

All of the following items, but not limited to, 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 Town office;
5. To submit for recording with a Town office any subdivision plat that has not been approved in accordance with the requirements of this Ordinance;
6. To engage in the use of a building or land, the subdivision or development of land or any other activity requiring one (1) or more approvals or permits under this Ordinance without obtaining all such required approvals or permits;
7. To violate the terms of any approval or permit granted under this Ordinance or any condition imposed on such approval or permit;
8. To obscure or obstruct any notice required to be posted or otherwise given under this Ordinance;
9. To violate any lawful order issued by any person or entity under this Ordinance;
10. 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.

12A-702 ENFORCEMENT RESPONSIBILITY, COMPLAINTS

Purpose and Intent:

To define the responsibilities for the enforcement of this Ordinance.

1. Responsibility.

The responsibility for the enforcement of this Ordinance is delegated to the Planning Director. The Planning Director may utilize other Town Departments/Agencies as necessary to enforce the provisions of this Ordinance.

2. Notice.

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

3. Complaints.

- A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Town. Such complaint shall state fully the causes and basis thereof.
- B. The Planning Director shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to secure compliance with this Ordinance.

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.

12A-703 REMEDIES AND ENFORCEMENT ACTIONS

Purpose and Intent:

To define the enforcement powers of the Town of Kiawah Island and the remedies available when enforcement actions are taken.

1. On behalf of the Town, the Planning Director may take any one or more of the following actions as a remedy for any violation of this Ordinance:

- A. Withhold any approvals or permits required by this Ordinance or direct other

officials to withhold such approval or permits;

- B. Issue stop orders against any work undertaken by an entity not having a proper approval or permit required by this Ordinance;
- C. Issue stop orders against any actions in violation of this Ordinance;
- D. Bring 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;
- E. Bring an action for injunction or mandamus to abate a violation; or
- F. Issue and personally serve on the violator an ordinance summons for violations observed first-hand.

A violation of this Ordinance is considered a misdemeanor.

12A-704 PRIVATE ENFORCEMENT ACTIONS

Purpose and Intent:

To define enforcement actions that may be taken by private individuals beyond the scope of the right of the Town to bring 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.

12A-705 SECTION RESERVED FOR FUTURE USE

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12A-707 VIOLATIONS CONTINUED

Purpose and Intent:

To define the continuance of violations and enforcement actions that occurred under previous zoning ordinances.

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 Section, 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 the enactment of this Ordinance. Any prior lack of enforcement shall not constitute any degree of recognition, approval or other entitlement.

12A-708 OTHER ENFORCEMENT ACTIONS

Purpose and Intent:

To define enforcement actions concerning the Board of Zoning Appeals, zoning amendment applications, and other actions.

1. Zoning Amendment Requests.

Zoning amendment applications shall not be accepted or processed when it is evident that a violation of this Ordinance exists on or in respect to the use of land that is the subject of the requested change.

2. 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.

3. Other Actions.

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