

ARTICLE 2. ADMINISTRATION

2.1 INTENT

This Article defines the duties, powers, and limitations of officials, departments, commissions, boards, and other groups which are or may be involved in the administration and enforcement of this Ordinance.

2.2 ADMINISTRATIVE OFFICIAL

The Planning Director or duly authorized staff shall be responsible for the administration and enforcement of the provisions of this Ordinance and shall serve as the Administrative Official.

2.3 CITY COUNCIL

The City Council shall possess the powers set forth in the City Code of Ordinances and this Ordinance including final action on rezoning decisions, text amendments to the Unified Development Ordinance, annexation petitions, fee schedules and the appointment of members to boards and commissions.

2.4 PLANNING COMMISSION

The Cayce Planning Commission is hereby reestablished under the provisions of S. C. Code 6-29-320. The Planning Commission shall function in accord with and shall have the powers and duties set out in Section 6-29-340 of the Code, shall consist of 7 members, and shall organize itself in accord with the requirements of Section 6-29-360 of the previously referenced code.

The Planning Commission shall follow the rules and procedures specified in the Cayce Planning Commission Rules of Procedure document, which are reviewed and approved by City Council. Members shall be required to

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adhere to education requirements as required by S.C. Code §§ 6-29-1310 through 6-29-1380.

2.5 BOARD OF ZONING APPEALS

The Cayce Board of Zoning Appeals is hereby reestablished under the provisions of S. C. Code 6-29-780. The Board shall consist of 5 members appointed by City Council, shall organize itself in accord with the provisions of Section 6-29-790 of the Code, and shall have the powers and duties to hear and decide appeals and variances in accord with the provisions of Section 6-29-800 of the previously referenced code.

The Board of Zoning Appeals shall follow the rules and procedures specified in the Cayce Board of Zoning Appeals Rules of Procedure document, which are reviewed and approved by City Council. Members shall be required to adhere to education requirements as required by S.C. Code §§ 6-29-1310 through 6-29-1380.

2.6 RESPONSIBILITIES OF ADMINISTRATIVE OFFICIAL

2.6.1. ADMINISTRATION

Administrative responsibilities shall include, but are not limited to, the following:

- (A) Interpretation of the general intent and/or specific meaning of any portion of the Ordinance text, position of district boundaries, district designation, or other matters relating to the Official Zoning Map(s).
- (B) Maintain the Official Zoning Map(s) and record all amendments to and information thereon.
- (C) Maintain copies of this Ordinance for public inspection and have up to date copies available to the public.
- (D) Provide public information relating to zoning matters including scheduled meetings of the City Planning Commission and Zoning Board of Appeals.
- (E) Receive, process, and record all applications for Certificates of Zoning Compliance, zoning amendments, planned development projects, and variance requests with accompanying plans and documents which shall be a public record.
- (F) Receive and process applications for change and/or relief.
- (G) Appear before and provide assistance to the City Planning Commission and the Board of Zoning Appeals.
- (H) Revoke permits or certificates in violation of the provisions of this Ordinance.
- (I) Issue permits and certificates in accord with the provisions of this ordinance.
- (J) Serve notice of ordinance violations and process such violations.
- (K) Maintain public records of violation notices, permits, and certificates, with accompanying plans and documents.

- (L) Revoke permits or project approvals based on false application statements or misrepresentations.
- (M) Stop, by written order, work being done contrary to the provisions of this Ordinance.
- (N) Institute appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of property.

In designated flood hazard areas, delineated on FEMA Maps for the City of Cayce, the Planning Director shall have the following additional responsibilities:

- (O) Advise applicants that additional federal and state permits may be required, and if specific federal and state permits are known, require that copies of such permits be provided and maintained on file with the Certificate of Zoning Compliance.
- (P) Notify adjacent property owners and the S.C. Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (Q) Assure that appropriate maintenance is provided for in writing by the owner within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (R) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (S) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed.
- (T) Obtain certification from a registered professional engineer or architect when floodproofing is utilized for a particular structure.
- (U) Require, review, and utilize any base flood elevation data available from a federal, state, or other source when such data are not available from FEMA.
- (V) Maintain all records pertaining to the provisions of this Ordinance, which records shall be open for public inspection during workday hours.
- (W) Any other responsibilities assigned to the local administrator in Article 11 Floodplain Damage Prevention Ordinance.

2.6.2. PROHIBITION

No public official shall accept, file, or record any subdivision plat, plat of a group development, planned development, or any other type of development unless such plat has been duly approved by the City of Cayce Administrative Official. Should any

public official violate the provisions of this section he shall, in each instance, be subject to the penalties stated in these regulations.

2.7 ENFORCEMENT

2.7.1. VIOLATIONS-GENERAL

As applicable, any of the following shall constitute a violation of this ordinance:

- (A) It shall be unlawful to commence or continue any activity regulated by this Ordinance which is not in full conformance with the provisions of this Ordinance, or which is not in full conformance with the provisions of any permit or approval, including any conditions attached hereto, pursuant to this Ordinance.
- (B) It shall be unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure, without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this Ordinance are complied with.
- (C) It shall be unlawful to submit for filing or to record a subdivision plat or other land development plan without proper approval as required by this Ordinance.
- (D) It shall be unlawful to use any land or portion thereof other than as specifically designated on an approved land development plan or as otherwise regulated by this Ordinance.
- (E) It shall be unlawful to remove, deface, obscure, or obstruct any notice to be posted or otherwise given pursuant to this Ordinance.
- (F) It shall be unlawful to continue any violation of this Ordinance after notice of such violation by the Planning Director or duly authorized staff, with each day of continued violation considered a separate offense.

2.7.2. VIOLATIONS SPECIFIC TO SUBDIVISION OF LAND

- (A) **Violation by Subdivider** Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of plat of a subdivision, before such plat has been approved by the Administrative Officer and recorded in the office of the County Registrar of Deeds, shall be guilty of a misdemeanor, and upon conviction, forfeit and pay a minimum penalty of five hundred (500) dollars to the City, for each lot so transferred or sold or agreed or negotiated to be sold. The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring such lot or parcel shall not exempt the

transaction from such penalties or from the remedies herein provided. The City Council may enjoin such transfer, sale or agreement by action for injunction brought in any court competent jurisdiction and may also recover such penalty by civil action in any court of competent jurisdiction.

- (B) **Violation by Recording Official.** The Lexington or Richland County official whose duty it is to accept and record plats of real estate shall not accept, file or record any subdivision plat in such office without the approval of the Administrative Officer. If the recording official violates the provisions of this section, he shall in each instance be subject to the same penalty as provided in the above section and the City Council shall have the same rights and remedies as to enforcement or collection as therein provided and may enjoin any violations thereof.

2.7.3. INSPECTIONS FOR COMPLIANCE

The Planning Director, or duly authorized staff, may make or require inspections of any land disturbing activity, construction or maintenance requirement to ascertain compliance with the provisions of this Ordinance and to ascertain compliance with approved permit applications, plats, plans, and/or certificates.

2.7.4. GENERAL PROCEDURES FOR ENFORCEMENT

If the Planning Director or duly authorized staff shall find or determine that any of the provisions of this Ordinance are being or have been violated, he shall notify in writing the property owner and any other person or entity responsible for such violations, setting forth the nature of the violation and order the action necessary to correct such violation.

No provision of this Article shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation of this Ordinance.

2.7.5. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a signed written complaint with the Planning Director or duly authorized staff, which shall state fully the causes and basis thereof.

The Planning Director or duly authorized staff shall properly record any complaint, immediately investigate to determine the validity of the charge, and take such appropriate and reasonable action as may be necessary to assure compliance with this Ordinance.

2.7.6. GENERAL ENFORCEMENT ACTIONS

The Planning Director or duly authorized staff, on behalf of the City, may take any one or more of the following actions as a remedy for a violation of this Ordinance:

- (A) Withhold permits. The City may withhold any building permit or any approval or permit required by this Ordinance.
- (B) Stop Work. The City may issue stop work orders against any work undertaken by any person or entity not having a proper building permit or other permit or approval required by this Ordinance.
- (C) Institute an injunction. The City may institute an 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 any building, structure, or land.
- (D) Prosecution. The City may prosecute the violation as a misdemeanor. Any person convicted of a violation of this Ordinance shall pay such penalties as the court may decide, as prescribed by South Carolina law.. Each day during which any violation shall continue shall constitute a separate offense.

2.8 PENALTIES FOR VIOLATIONS

Any person violating any provision of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense.

Where any building, structure, or sign is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure, sign, or land is or is proposed to be used in violation of this Ordinance, the Planning Director may, in accord with the provisions of Section 56-7-80 of the South Carolina Code of Laws 1976, as amended, issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate the violation or to prevent the occupancy of the building, structure, or land. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense.