

STATE OF SOUTH CAROLINA)
TOWN OF IRMO)

ORDINANCE 22 - 22

TEXT AMENDMENT: SECTION 12-6. VIOLATION AND PENALTIES

BE IT ORDERED AND ORDAINED, BY THE TOWN OF IRMO, SOUTH CAROLINA, IN COUNCIL DULY AND LAWFULLY ASSEMBLED AND BY THE AUTHORITY THEREOF

WHEREAS, the Town of Irmo desires to strengthen its Zoning Ordinance and Land Development Regulation and reconcile the associated zoning standards with its Official Zoning Map;

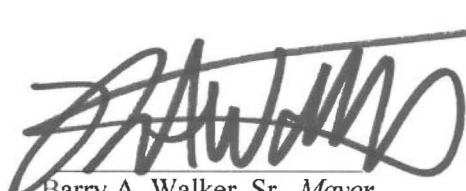
WHEREAS, the change is a text amendment to address noted errors, omissions, vague language, and add appropriate standards;

WHEREAS, the amendment is to delete Section 12-6 to eliminate redundancy and conflicts with the existing procedural process. This section outlines the process for a code enforcement officer to address violations of the Town’s zoning ordinance. The procedural process does not coincide with Irmo’s current violations process. The Town does not nor has not issued ordinance summons for violations. Subsection 12-6.2 *Penalties for Violations* mirrors Irmo’s Code of Ordinances Section 1-8 *General Penalty*. Both states not-to-exceed \$500.00 or 30 days in jail. Included is replacing Violation and Penalties with Section 12-7 Interpretation and Conflict. Section 12-7 will become Section 12-6;

WHEREAS, the Town and its Planning Commission per *SC Codes § 6-29-760* met the State’s zoning procedural standards. Simply, notice was advertised in The New Irmo News 15 days before the public hearing;

WHEREAS, the Planning Commission recommended the adoption of the following zoning amendment to the zoning ordinance on Monday, June 6, 2022.

PASSED AND ADOPTED this 19th day of July 2022.


Barry A. Walker, Sr., Mayor

ATTEST:


Renee Caviness, *Municipal Clerk*

1st Reading: June 21, 2022
2nd Reading: July 19, 2022

AS-IS:

Sec. 12-6. - Violation and Penalties

Any person, firm, or corporation in violation of any provision of this appendix shall, upon conviction, be guilty of a misdemeanor and fined per the provisions of this article.

12-6.1. Processing of violations.

- a) Code enforcement officer. The code enforcement officer is the person(s) designated by the town council to enforce town codes and regulations which include zoning and land development regulations.
- b) Procedures for processing violations. As of the effective date of the ordinance from which this appendix derived, the following procedures shall be taken regarding violations and alleged violations of this appendix:
 1. Actions regarding violations. Whenever a violation of this appendix occurs, or a complaint is received that a violation is alleged to have occurred, the code enforcement officer shall record and investigate such complaint and take such action as provided by this appendix. Complaints may be filed in writing or verbally, stating fully the cause and basis thereof.
 2. Ordinance summons. Upon determination of the code enforcement officer that a violation of this appendix has occurred, the code enforcement officer may issue an ordinance summons to appear in magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.
 3. Notice of violation. Upon a determination of the code enforcement officer that a violation has occurred, the code enforcement officer may, in his or her discretion, issue a written notice of violation stating the nature of the violation, citing the section of the appendix being violated, and may give the violator up to 30 days to remedy the violation. If the violation has not been corrected within the discretionary notice period, the code enforcement officer may make a determination if any substantive remedial action towards correcting the violation has occurred. Upon the determination by the code enforcement officer that no substantive remedial action towards correcting the violation has occurred during the discretionary notice period, the code enforcement officer may issue an ordinance summons to appear in magistrate's court. The ordinance summons shall state the penalty fine if convicted and the date and time of the court hearing.

12-6.2. Penalties for violations.

Any person violating any provision of this appendix shall upon conviction be guilty of a misdemeanor and shall be fined as determined by the court for each offense. The maximum fine shall be \$500.00, imprisonment for 30 days, or both plus applicable court fees and assessments. 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 appendix, the code enforcement officer, in accordance with the provisions of S.C. Code 1976, § 56-7-80, as amended, may issue an ordinance summons, or institute injunction, mandamus, or other appropriate action or proceeding either to: prevent such 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. Each day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense. The town attorney may seek injunctive relief with the court of common pleas for continued or repeat violations.

Sec. 12-7. - Interpretation and conflict.

The provisions of this appendix shall be held to be minimum requirements. Where the conditions imposed by any provision of this appendix are either more restrictive or less restrictive than any other applicable statute, the more restrictive statute, imposing higher standards or requirements, shall govern.

AMENDED

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RESOLUTION NO. 13-2022

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WHEREAS, the Town and its Planning Commission per *SC Codes § 6-29-760* met the State's zoning procedural standards. Simply, notice was advertised in The New Irmo News 15 days before the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, this resolution was formally adopted by a vote of the Irmo Planning Commission of Irmo, South Carolina on the 6th of June 2022.

Attest:



Zoning Clerk Designee



Walter Lindler, Chair