

 **Ordinance #2023.03**

 **1st Reading: 10.16.2023**

 **2nd Reading: 11.20.2023**

**STATE OF SOUTH CAROLINA ) AN ORDINANCE TO**

**COUNTY OF HORRY ) APPEAL TO COUNCIL OR ITS**

**TOWN OF BRIARCLIFFE ACRES ) DESIGNEE**

**Appeals to council or its designee.**

(a) With exception of matters involving enforcement of the Town’s zoning ordinances any person aggrieved by a determination or decision of a designated officer or official of the Town may appeal the decision to Town Council, or its designee, by written request stating the reasons for appeal, filed with the designated officer within 15 days after service by certified mail or personal service of the notice of determination, or decision. The request for appeal shall also state the address where the hearing notice and the written decision of Town Council or its designee shall be given, if different from the address provided in the aggrieved person’s Notice of Appeal. Failure to timely appeal waives any right to contest the determination or decision.

(b) A hearing on an appeal from a decision of a designated officer shall be held by Town Council, or by its designee, within 30 days after receipt of a request for appeal. The hearing shall be held upon written notice at a regular or special meeting of Town Council, or, if by designee of Town Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Town Council or its designee shall govern the hearing. Following the hearing, Town Council by majority vote of its members present, or the designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the municipality.

c) Timely appeal of a decision of Town Council or its designee does not effectuate a stay of that decision. The decision of the Town Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

BE IT ENACTED this 20th day of November 2023, as witness our hand and seal, in Council done at Briarcliffe Acres, South Carolina.

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 Mayor

 Council:

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Town Clerk

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Office of Town Clerk 121 North Gate Road Myrtle Beach, South Carolina 29572 843.272.8863