

Chapter 8

HEALTH AND SANITATION*

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*State law reference—Health, S.C. Code 1976, title 44.

ARTICLE I. IN GENERAL**Sec. 8-1. Unsafe, unsanitary or nuisance conditions prohibited.**

(a) It shall be unlawful for any person to maintain or to permit to be maintained any premises, vacant lot or lot with building upon it with:

- (1) Unsafe buildings or structures, as later defined herein by reference to the incorporated county unsafe building abatement regulations and standards;
- (2) Grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner; or
- (3) Such other dilapidated furniture, appliances, machinery, equipment, building material, vehicle parts, tires or other items which are either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

(b) It shall be the duty of the authorized official of the town to determine, under procedures to be hereinafter designated, when a condition is a public nuisance and to initiate procedures to abate such nuisance. The term "authorized official of the town" means any police officer, inspection officer, or other town employee as may be designated by the town administrator.

(c) As to conditions designated in subsection (a) of this section involving unsafe buildings or structures, the standards of such designation and procedures of abatement are hereby legislated as follows: The county unsafe building abatement regulations and standards, of which not less than one copy has been and is now filed in the office of the town administrator, is hereby adopted and incorporated as if fully set forth at length herein and the provisions therein shall be controlling within the area of jurisdiction of the town. References therein shall be to the authorized official of the town.

(d) It shall be unlawful for any person to keep or allow to be kept on his premises any abandoned, junked or derelict automobiles or vehicles within sight of a city, state or county road or associated sidewalk, for more than seven days, and each seven-day period that the same shall continue shall constitute a separate offense.

(e) For purposes of this section the term "abandoned, junked or derelict automobile or vehicle" means and shall be as that term is defined in S.C. Code 1976, § 56-5-5810. (Code 1991, § 8-1; Ord. No. 96-09.1, 9-10-1996)

State law references—Municipal authority to require property to be clean, free of unhealthy conditions, S.C. Code 1976, § 5-7-80; municipal authority to abate nuisances, S.C. Code 1976, § 5-7-30.

Sec. 8-2. Abandoned property.

(a) It shall be unlawful for any person to keep or allow to be kept on his premises any abandoned, junked or derelict automobiles or vehicles within sight of a city, state or county road or associated sidewalk, for more than seven days, and each seven-day period that the

same shall continue shall constitute a separate offense. Any person violating any provision of this section shall be guilty of a misdemeanor, and shall be punished in accordance with section 1-12.

(b) For purposes of this section the term "abandoned, junked or derelict automobile or vehicle" means and shall be as that term is defined in S.C. Code 1976, § 56-5-5810.

(Code 1991, § 8-2)

State law reference—Disposition of abandoned or derelict motor vehicles on public or private property, S.C. Code 1976, § 56-5-5810 et seq.

Sec. 8-3. Curbside garbage pickup.

(a) The town will implement curbside pickup of garbage and other debris, to be accomplished by residents placing their containers on streets on designated days for pickup.

(b) All contractors or property owners having remodeling, building, trimming trees or any other type construction or landscaping causing large amounts of debris will be responsible for proper disposal of same.

(Code 1991, § 8-3; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-4. Town administrator.

The town administrator may make rules and regulations to effectuate the provisions of this chapter so far as said rules and regulations are not in conflict with this chapter. Such rules and regulations promulgated by the town administrator shall have the force of this chapter and whenever the town administrator is vested with discretion to act in certain matters, under guidelines established for the proper exercise of such discretion, he may elect to act through a designee observing the same guidelines which would be applicable to the town administrator.

(Code 1991, § 8-4; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-5. Enforcement responsibility.

The town administrator shall empower specified employees of the town to enforce the provisions of this chapter and to inspect alleged violations, issue warning notices of violations setting forth corrective measures required, perform reinspections to determine compliance, order abatement measures, initiate police or court action, testify if indicated, and shall perform such other duties as shall be required for the enforcement of the provisions of this chapter including the issuance of citations for violations.

(Code 1991, § 8-5; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-6. Determination of offending property.

The town administrator shall have the responsibility of making a systematic, street-by-street inspection of the town to determine compliance with this chapter and shall promptly inspect and make required determination whenever a complaint is made by a citizen.

(Code 1991, § 8-6; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-7. Entry upon private property for enforcement, removal or abatement authorized.

The town administrator is hereby expressly authorized to go upon private property for the purpose of enforcing the provisions of this chapter. It shall be unlawful for any person to interfere with, hinder or refuse to allow any properly identified public official to enter upon private property for the purpose of enforcing the provisions of this chapter.
(Code 1991, § 8-7; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-8. Accountability.

An owner, occupant, tenant or other person in charge of any property will be held accountable for permitting or allowing any violations of this chapter, and will be held accountable for any violations or costs incurred by the town in taking corrective action, whether the failure of the action is occasioned by the owner, occupant, tenant or other person in charge of such property.
(Code 1991, § 8-8; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-9. Notice of violation; procedure.

Whenever it is determined that a condition prohibited by this chapter exists, the town administrator shall issue a "first notice of code violation" by personal delivery, mail or posting on the property. Such notice shall include the property address, date, code violation, specified number of days to correct the condition and an approximate date when a reinspection shall be made. Violations so noted which are not corrected in the specified time shall be subject to the following provisions:

- (1) A written notice shall be served upon such owner requiring compliance with the provisions of this chapter within a specified period of time unless the owner makes a request for administrative review as provided in section 8-10. Such notice shall be sufficient if served by any method permitted by Rule 4, S.C. Rules of Civil Procedure for the service of civil process.
- (2) If the violation is of the nature which requires abatement, the notice given pursuant to subsection (1) of this section shall be addressed to the property owner and shall contain an estimate of the approximate cost for the town to undertake the required work and shall notify the owner that the total cost to the property owner shall be actual costs plus 50 percent surcharge for administrative expenses.
- (3) If the addressee of such written notice fails or neglects to cause correction of the prohibited conditions within the period of time specified in such notice, then, and in that event, representatives of the town may enter upon any such lands and abate such condition by appropriate action. The cost of such action, plus the 50 percent administrative surcharge, shall be billed to the owner of such property. In the event such billing shall remain unpaid for 30 days after mailing the bill to the owner, then such cost shall constitute a lien against such property, collectible in the same manner as taxes assessed upon such property.

(4) The offenses described in section 8-12 herein are not subject to this section.
(Code 1991, § 8-9; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-10. Administrative review.

In the event the addressee disagrees with the determination of noncompliance with the provisions of this chapter, he may, within five days of receipt of written notice provide the town administrator a written description of the particulars of disagreement and issues requiring review. A review panel shall consider such particulars. The panel shall be designated by the town administrator and be composed of the clerk treasurer, the public works foreman, and a member of the beautification committee. The scope of review of the panel shall be limited to a review of facts bearing on whether the property is or is not in compliance with this chapter, and the panel shall not have the discretionary authority to waive or relax the standards set forth in this chapter. Within ten days of the receipt after the application for review, the panel shall cause to be served on the addressee a finding of noncompliance by the review panel, the report shall specify a number of days from receipt of report within which the prohibited condition must be brought into compliance. Failure to bring such condition into compliance in the specified time shall result in abatement by the city as provided in section 8-9 and shall be subject to general penalties as described in section 8-11. The offenses described in section 8-12 are not subject to administrative review.

(Code 1991, § 8-10; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-11. General penalties.

Violation of any section of this chapter shall be punishable as provided in section 1-12. In addition to any fine for each offense under the provisions of this chapter, the court may also order restitution to the town for costs incurred in abating violation conditions. The court, in addition to any monetary fine, may impose litter-gathering labor or other such public services as the court may order and under supervision of the court. In lieu of any monetary fine, the court may order litter-gathering labor not to exceed one hour for each \$5.00 of fine imposed all as is set forth pursuant to state law.

(Code 1991, § 8-11; Ord. No. 96-09.1, 9-10-1996)

Sec. 8-12. Offenses subject to citation.

The following described offenses shall be subject to citation and shall not be subject to administrative review or abatement as provided in sections 8-9 and 8-10. On conviction, the offender shall be subject to the general penalties of this Code. Such offenses are:

- (1) Failure to properly contain loose litter, trash or garage so as to prevent scattering by weather or animals.
- (2) Putting, placing or throwing garbage, yard waste, construction waste, litter, refuse or trash on a public street, public place, property of another person, corporation or agency.

- (3) Placing garbage containers on street earlier than 30 minutes prior to sunset on the day before scheduled collection or failure to remove garbage containers from the street by sunrise the day following scheduled collection.
 - (4) Failure to break down and securely fasten together cardboard boxes and other containers prior to collection.
 - (5) Throwing litter from a vehicle while a driver or passenger.
 - (6) Driving or moving any vehicle, the wheels or tires of which carry or deposit in any street mud, dirt, litter or sticky substance.
 - (7) Failure to cover and secure trucks or other vehicles in such a manner as to prevent littering, public or private property.
 - (8) Placing garbage, refuse or trash or causing the discharge of sewage or organic filth in such a manner that transmission of infectious material to humans may result.
- (Code 1991, § 8-12; Ord. No. 96-09.1, 9-10-1996)

Secs. 8-13—8-30. Reserved.

ARTICLE II. WEEDS AND VEGETATION ABATEMENT

Sec. 8-31. Weed control.

(a) It shall be the duty of every owner, tenant or person in charge of any real property located within the town to at all times cut and mow the grass, weeds and undergrowth on his property and in the space between the property line and the curblin in front, in the rear and alongside thereof, so that neither the grass, weeds nor undergrowth shall grow to the height greater than 18 inches, other than trees, shrubbery, flowers or other ornamental plants. The duty to cut and mow grass, weeds and undergrowth shall not apply to the following:

- (1) Land which is being tilled and farmed on an annual basis.
- (2) Undeveloped woodlands in a natural state.
- (3) Vacant lots within a subdivision, except when such properties abut residence or public rights-of-way, a minimum 40-foot strip results in more than 50 percent of the lot being cut, then the entire lot shall be required to be cut.

(b) Whenever any grass, weeds, or undergrowth grow to such density as to constitute a haven for rats, snakes or other vermin or any real property within the town to become a menace to public safety, health and the general welfare, the owner tenant or person in charge of such property shall remove such growth upon being notified by the town.

(Ord. No. 2004.08-1, 8-10-2004)

Sec. 8-32. Accumulations prohibited and declared nuisance.

It shall be unlawful for the owner, tenant or person in charge of any real property in the town to permit or cause the accumulation or presence of any rubbish, rubble, trash, litter,

bricks, concrete, scrap lumber, appliances including refrigerators, washing machines, dryers, stoves, abandoned vehicles, building debris, or other unsightly material which may be a breeding ground for vermin or may be harmful to the public safety, health and general welfare of the town. Any such accumulation or presence of such material or guides is hereby declared to be a nuisance.

(Ord. No. 2004.08-1, 8-10-2004)

Sec. 8-33. Notice to abate nuisance.

(a) It shall be the duty of the town to serve or cause to be served a "written warning" upon the owner, tenant or person in charge of any premises on which weeds, grass and undergrowth, other than trees, shrubbery, flowers or other ornamental plants, are permitted to grow to a height of 15 inches and also upon the owner, tenant or person in charge of property on which there is an accumulation or presence of rubbish, rubble, trash, litter, bricks, concrete, scrap lumber, building debris, appliances including refrigerators, washing machines, dryers, stoves, abandoned motor vehicles, building debris and other unsightly material which may be a breeding ground for vermin or may be harmful to the public safety, health and general welfare of the town, such notice shall allow the owner, tenant or person in charge of the premises a minimum of 14 days in which to remove or have removed the violations. If the owner, tenant or person in charge cannot be located to be served personally, service shall be made by posting a copy of the written warning on the subject property and mailing a copy to the person at the address on the property tax records.

(b) If such owner, tenant or person in charge of the premises has been previously served a "written warning" for nuisance abatement for the same property during the same calendar year then such owner, tenant or person in charge of the premises shall be issued a "citation."

(c) A "written warning" provides a minimum of 14 days' notice and requires that the owner, tenant or person in charge of the property must appear in person for a hearing before the town's designee at the time and date as prescribed in the "written warning." At this hearing the owner, tenant or person in charge of the property must pay an administrative fee of \$50.00 and present proof that the nuisance has been abated. The administrative fee may be waived if it is a first appearance and the nuisance has been abated. If the nuisance is not abated, the fee will have to be paid by the owner, tenant or person in charge of the property being served a "citation" to appear before the municipal judge.

(Ord. No. 2004.08-1, 8-10-2004)

Sec. 8-34. Failure to comply with written warning.

(a) If the owner, tenant or person in charge of any real property fails to comply with the "written warning," the town shall serve or cause to be served a "citation" to appear before the municipal judge if the owner, tenant or person in charge of any real property does not abate the nuisance after receiving the "written warning," the town may have the municipal court enforce the penalties and recover costs for such nuisance abatement.

(b) If the owner, tenant or person in charge of any real property has been through the "written warning" process for the same real property during the same calendar year, then such owner, tenant or person in charge of the premises shall be issued a "citation" to appear before the municipal judge for such violation.

(Ord. No. 2004.08-1, 8-10-2004)

Sec. 8-35. Penalty for failure to abate nuisance.

(a) If the owner, tenant or person in charge of any real property fails to abate any nuisance after notification, then the town will cause a citation to be served and a hearing will be held in municipal court upon conviction of a violation, such owner, tenant or person in charge of the property being served shall be punished by a fine of not more than \$500.00 (plus any cost that may have been expended to correct the nuisance) and/or 30 days in jail.

(b) Each and every 14-day period following the initial "written warning" which any owner, tenant or person in charge of any real property in the town permits a violation to continue to exist shall constitute a separate offense.

(c) An owner, tenant or person in charge of any real property who objects to the proposed removal or abatement set forth in this article shall present his objections in writing to the town within five days after the mailing of such notice and should request a hearing, upon the failure to object and request a hearing, the owner, tenant or person in charge shall be deemed to have consented to the determination that the conditions of the property constitute a nuisance.

(Ord. No. 2004.08-1, 8-10-2004)

Sec. 8-36. Correction by town; costs.

(a) In addition to the penalties set forth herein, when an owner, tenant or person in charge of any real property fails to comply with the "written warning" notice and conditions of this article, the town may provide for the removal of conditions that constitute a violation of this article either by private contractor or by city forces. The total amount of the cost thereof, including a fee of \$50.00 shall be charged to the owner, and such amount shall be included as a part of the "citation" and may be recovered in municipal court.

(b) Any fines including restitution shall also be a lien against any property of the violator and such property may be sold under the procedures provided for tax sales.

(Ord. No. 2004.08-1, 8-10-2004)