

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON)

Ordinance #: 2004-012

AN ORDINANCE REGULATING PUBLIC NUISANCES AND UNFIT DWELLINGS
WITHIN HAMPTON COUNTY AND PROVIDING PROCEDURES FOR ENFORCEMENT
AND PENALTIES FOR VIOLATION AND OTHER ASPECTS THEREOF.

WHEREAS:

Hampton County Council has determined that public nuisances can substantially degrade residential and business areas within the County and promote rural blight and deterioration and often violate **HEALTH, SAFETY, SANITATION and/or the ECONOMIC VALUE PRESERVATION OF PROPERTIES**.

1. That such nuisances warrant the enactment of regulations and procedures to adequately address such nuisances; and
2. That this ordinance will steadily improve the general safety, welfare, health, and properties of the citizens of Hampton County; and
3. County Council has the authority to enact such an ordinance pursuant to South Carolina. Code of Laws 1976, Sections 56-5-5610, 4-9-25 and 4-9-30 in addition to other authority of the Council

**NOW THEREFORE BE IT ORDAINED BY THE HAMPTON COUNTY COUNCIL
DULY ASSEMBLED THAT:**

1. **Public Nuisances – General.** Public nuisances can substantially degrade residential and business areas and promote rural blight and deterioration and often violate health, safety and sanitation requirements. This law has been adopted for the citizens of Hampton County to provide for steady and consistent improvement of the general **HEALTH, SAFETY, SANITATION and/or ECONOMIC VALUE PRESERVATION OF PROPERTIES** in the unincorporated area of Hampton County
2. **Definitions**
 - A. Abate/Abatement: Action to terminate, stop, cease, repair, rehabilitate, replace, demolish, correct or otherwise remedy nuisance activity, condition, premises or conduct by such means and in such manner as to bring the activity, condition, premises or conduct into compliance with the laws or regulations of Hampton County and/or the State of

THIS LAW HAS BEEN ADOPTED FOR THE CITIZENS OF HAMPTON COUNTY TO PROVIDE FOR STEADY AND CONSISTENT IMPROVEMENT OF THE GENERAL HEALTH, SAFETY, SANITATION AND/OR ECONOMIC VALUE PRESERVATION OF PROPERTIES IN THE UNINCORPORATED AREA OF HAMPTON COUNTY.

South Carolina or in such manner as is necessary to promote the health, safety or general welfare of the public

- B. **Dilapidated:** Falling to pieces, broken down, shabby and neglected
- C. County: Hampton County, South Carolina
- D. Compliance Officer: County Building Inspector or
- C. a designee of the County Administrator with proper credentials who acts in such capacity on his behalf.
- D. Owner: The owner or owners of any premises or real or personal property. The owner, occupant, or the agent of any owner or occupant of lots, parcels or areas within the County
- E. Premises or Real Property: In context any location, building, structure, residence, garage, room, shed, dwelling, lot, parcel, land or portion thereof, whether improved or unimproved
- F. Private Property: includes but is not limited to yards, grounds, driveways, entranceways, passageways, parking areas, work areas, storage areas, recreation areas and vacant or wooded lots and land owned by private individuals, firms, corporations, partnerships, institutions or organizations.
- G. Public Nuisance: Any condition, instrumentality or machine located in a building or on premises, which constitutes a health hazard and/or which is or may be unsafe or dangerous by reason of inability to appreciate the peril therein, and/or which may be reasonably expected to attract children to the premises and risk injury by playing with, in, or on it
- H. Public Street: A right-of-way for vehicular travel which has been dedicated or accepted or declared public by any city, county, or state. The term "street" also means highways, roads, avenues, boulevards, lanes, drives, parkways and other vehicular travel ways.
- I. Responsible Party or Person: Any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct; and includes, but is not limited to, the property owner (both real and personal), tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation, a business owner or manager of a business. The owner, occupant, or the agent of any owner or occupant of lots, parcels or areas within the County.

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3. **Unlawful Property Nuisance:** It is unlawful for any person owning, renting, leasing, occupying, managing, having charge, or possessing any real or personal property in this County to maintain such premises or property in such a manner that violates HEALTH, SAFETY, SANITATION REQUIREMENTS AND/OR ECONOMIC VALUE PRESERVATION OF PROPERTIES such as:

- A. A building, structure, or portion thereof in a dilapidated or dangerous condition to be unsafe or unsuitable for human occupancy. Such conditions include, but are not limited to:
 1. Inadequate or inoperable mechanical, electrical, plumbing, or sanitation;
 2. Lack of sound and effective exterior walls or roof covering to provide weather protection;
 3. Lack of structural integrity, including deteriorated or **inadequate** foundations, joints, vertical or horizontal support;
 4. Broken, missing or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers;
 5. Broken, deteriorated, or **SUBSTANTIALLY DEFACED** structures presenting a risk to public safety;
 6. **Building conditions must comply with** the International Building Code.
- B. An abandoned building, manufactured home, or structure THAT VIOLATES HEALTH, SAFETY, SANITATION REQUIREMENTS AND/OR ECONOMIC VALUE PRESERVATION OF PROPERTIES SUCH AS:
 1. An unoccupied **and** unsecured building or structure;
 2. A partially constructed, partially reconstructed, or partially demolished building or structure where work is abandoned **for a period of 180 consecutive days after the time the work is commenced**;
 3. A damaged or partially destroyed building or structure not removed or repaired within **180** days after the damage or destruction, or, if the removal or repair cannot reasonably be accomplished within **180** days, upon which removal or repair has not been commenced within **each such** period and prosecuted diligently toward completion.

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4. A manufactured home that is damaged, extensively deteriorated, does not have approved utilities, water, and septic service, or is deteriorated and is being used as a storage unit.
- C. Property maintained in a condition so defective **substantially defaced**, or in a state of such deterioration, disrepair or neglect that it causes a health, safety, SANITATION, public nuisance AND/OR AFFECTS THE ECONOMIC VALUE PRESERVATION OF PROPERTIES SUCH AS:
 1. The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, driveways, front yards, rear yards, **outside** vestibules, doorways of buildings, the adjoining sidewalk or alley **no longer than 14 days**;
 2. Excessive storage of personal property (other than items designated for outdoor use) in front, exterior, side, or rear yard **areas** visible to public view, including, but not limited to unregistered, inoperative **OR** dismantled **vehicles or** vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machine, packing boxes, debris, rubbish, and broken or discarded furniture, **no longer than 14 days**
- D. Abandoned and broken equipment or machinery, appliances, or parts thereof;
- E. The discharge of sewerage into any yard, open ditch, storm sewer line or any other open public or private property area;
- F. A motor vehicle that is inoperable, abandoned, or derelict upon any public street, road or thoroughfare, or private property.
 1. The provisions of S.C. Code 1976, sections 56-5-510—56-5-5950, as amended, are incorporated by reference and applied as to the treatment and disposition of abandoned vehicles. A vehicle shall be considered abandoned if the vehicle is left on;
 - a) Property owned or operated by Hampton County for a period of more than **48** hours;
 - b) Any private property without the consent of the property owner, occupant or lessee thereof for a period of more than **24** hours; or
 - c) Any public street or highway for a period of more than **48** hours.

Definitions:

Inoperable: inoperative, not working, not in effect.

Derelict: a vehicle that has been deserted and given up for lost

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- G. Clothing, linen, towels, laundry, rugs, mattresses, and other similar material hung, placed or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property (or an area open to the public) longer than 7 days.
- H. Waste matter or unsightly personal property placed on rooftops.
- I. Any building or structure, which is a public nuisance under common law.
- J. Any violation of the zoning ordinances or occupant or otherwise use of Property in violation of the provisions of any conditional use permit, planned development permit, variance or other land use entitlement or land use permit.
- K. Any condition or activity which is a “nuisance” or “public nuisance”, as defined by the State of South Carolina.

4. **Public Nuisance Declared:** All property found to be maintained in violation of any one or more of the provisions of this Ordinance is hereby to be a public nuisance and shall be abated pursuant to the procedure set forth herein. The procedure for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the County from enforcing other County ordinances or abating public nuisances in any manner provided by law.

5. **Responsibility for Property Maintenance:** Every responsible party, owner, occupant or agent of any owner, who owns or is in possession of premises within the County is required to maintain such premises in a manner so as not to violate the provision of this Chapter.

6. **Right to Enter Property to Inspect or Abate:** The Compliance Officer, or a designated agent of the County Administrator **with proper credentials**, are hereby authorized (with just cause) to enter into and upon any property located within the county for the purpose of inspecting and enforcing the provisions of this ordinance. If any responsible party, owner, occupant or the agent of any owner or occupant of any property located within the county refuses to allow the compliance officer to inspect any such property, the compliance officer is authorized to seek a search warrant from any authorized judicial officer having jurisdiction over the subject property.

7. **Abatement Procedure/Compliance Order:** Whenever the Compliance Officer determines that any property is maintained in violation of one or more of the provisions of this Ordinance, he or she shall serve on one or more of the responsible parties a written **warning** Compliance Order citing.

- a. The date and location of the violation;
- b. The section of the code violated and a brief description of the violation;

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- c. The actions required to correct the violation(s) or abate the condition(s).
- d. The time period after which the county will enter the property to abate the conditions;
- e. The time period for abatement shall be at least **fifteen (15) days**, unless it is determined by the Compliance Officer that the conditions constitute an imminent threat to the public health, safety or welfare. The Compliance Officer may grant an extension of time upon good cause, provided the responsible party signs a written agreement to abate the nuisance within a certain time.
- f. Service under this section may be accomplished by delivery to and/or served upon such persons either personally or by certified mail (restricted delivery, return receipt requested), but if the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the Compliance Order may be made by publishing it once each week for two (2) weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to thirty (30) days and shall indicate the nature of the violation, identification of the property affected, with date of posting and contact information.

8. **Abatement by County:** Should any property owner, agent or occupant fail to comply with order to abate violations of such property, the county reserves the right in addition to other penalties to cause by proper means such property to be abated of violations. Cost of such abatement shall be billed to the owner, agent, or occupant to be paid in full within thirty (30) days. In addition, an administrative fee of fifty dollars (**\$50.00**) or fifteen (15%) percent of the actual cost of abatement, whichever being the greater amount, shall be applied to the cost. Whenever said bill has not been paid within the prescribed time period, the county shall apply all costs as a lien on the property and/or shall be applied to the annual tax levied and shall be collected by the county in addition to annual property tax or other means as may be available and provided by law.
9. **Penalties:**
 - a. Civil: Any person who intentionally, accidentally, or negligently violates any provision of this Chapter may be civilly liable to the County in the sum of not less than one hundred dollars (**\$100.00**) but not to exceed two hundred fifty dollars (**\$250.00**) per day for each day in which such violation occurs or continues. The civil penalty provided in this section excludes inspection costs and cleanup or abatement costs; is cumulative and not exclusive; and, shall be in addition to all other remedies available to the County under State law and local ordinances.
 - b. Criminal: Any person who is found to be in violation of any provision of this ordinance shall be guilty of a misdemeanor and **may** be punished by a fine of up to two hundred dollars or shall serve a sentence of up to thirty (30) days in jail for violation of this article. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

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10. Exemptions:

- a. The motor vehicle provisions of this ordinance shall not apply to authorized auto salvage yards and other related businesses duly operated, regulated and in compliance with all other Hampton County Ordinances.
- b. The provisions of this ordinance shall not apply to vehicles, which bear a current "Antique" vehicle license as issued by the South Carolina Department of Highways and Public Transportation.
- c. Motor vehicles which are in relatively good condition and capable of being moved under their own power, yet do not present current license plates due to owner's illness or other reasonable verifiable causes as determined by the Compliance Officer, or his designated agent.
- d. Motor vehicles properly stored within an enclosed building as not to be visible or an opaque fence or enclosure, as not to be visible, as determined by the Compliance Officer, or his designated agent.
- e. Where authorization has been attained from the **Compliance Officer** for vehicles for sale, when vehicle inoperable yet does not bear a current license plate and not to exceed **(120)** one hundred twenty days.
- f. Authentic and verifiable stock race cars, dirt track race cars, drag race cars or other relevant race cars, which are being used on a regular basis and able to move under their own power as determined by the Compliance Officer.

11. Right to Appeal: Anyone charged with a violation of this ordinance ~~may have~~ has the right to appeal to the Hampton County Planning Commission.

12. Precedence: Provisions in other county ordinances, resolutions, policies or by-laws in conflict with this Ordinance are hereby repealed.

13. Provisions: Provisions of this ordinance shall not apply to structures of historical interest or significance in Hampton County.

14. Severability: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

15. Limitation of Liability: It is the purpose of this ordinance to protect the health, safety, SANITATION AND/OR ECONOMIC PRESERVATION OF PROPERTIES and general welfare of the people of Hampton County. It is not the intent or purpose of this article to protect any specific individuals or groups of individuals or class of persons within or without the county. To this end, neither Hampton County, its officers, officials, agents or employees shall be liable in any way whatsoever to any one as a result of any acts, errors or omissions that may occur because of the enforcement or failure to enforce any of the terms of this article.

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16. This Ordinance shall take effect 90 days after passage. A public awareness program will educate the public during these 3 months.

Attest By: _____
Clerk to Council

Dr. Margaret S. Parker, Chairman

H. Buck Harvey, Vice Chairman

1st Reading _____
2nd Reading _____
Public Hearing _____
Final Reading 2-28-05 _____

Lee Bowers

Lisa Ball

Virgin Johnson, Sr.

Approved as to Form and Content
A.G. Solomons, County Attorney