

TOWN OF YEMASSEE, SOUTH CAROLINA

AN ORDINANCE REGULATING PUBLIC NUISANCES AND UNFIT DWELLINGS WITHIN THE TOWN OF YEMASSEE AND PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR VIOLATION AND OTHER ASPECTS THEREOF.

WHEREAS:

BE IT ORDAINED BY THE TOWN COUNCIL OF YEMASSEE, SOUTH CAROLINA THAT: The Town of Yemassee Council has determined that public nuisances can substantially degrade residential and business areas within the Town 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 the Town of Yemassee; and
3. The Town Council has the authority to enact such an ordinance pursuant to South Carolina Laws which include, but are not limited to the Code of Laws 1976, Sections 5-7-30 and 5-7-32, 5-7-40 in addition to other authority of the Council.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF YEMASSEE 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 the Town of Yemassee 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 the Town of Yemassee.

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 Yemassee and/or the State of 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. **Compliance Officer:** The individual designated by the Mayor with proper credentials who shall act in such capacity and on his behalf.
- D. **County:** Means the county in which the real property is located and while within the corporate limits of the Town.
- E. **Courts:** Town of Yemassee Municipal Court.
- F. **Inoperable:** inoperative not working not in effect.
- G. **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.
- H. **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.
- I. **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.
- J. **Public Nuisance.** Any condition, instrumentality or machine located in a building, or on premises, which constitutes a health hazard 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.
- K. **Public Street:** A right-of-way for vehicular travel which has been dedicated or accepted or declared public by the Town, county, or state. The term "street" also means highways, roads, avenues, boulevards, lanes, drives, parkways and other vehicular travel ways.
- L. **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 Town of Yemassee.
- M. **State:** Means the State of South Carolina.
- N. **Town:** Town of Yemassee, South Carolina.

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 Town 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 such period and prosecuted diligently toward completion.
 - 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 left upon any public street, road or thoroughfare, or private property.
1. The provisions of S.C. Code 1976, sections 56-5-510—S6-5-5950, 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 the Town 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.

- 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 of 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 procedures set forth herein. The procedure for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the Town of Yemassee from enforcing other 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 Town 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 r a designated agent of the Mayor or his designee with proper credential, are hereby authorized (with just cause) to enter into and upon any property located within the Town for the purpose of inspecting and enforcing the provisions of this Ordinance. If any reasonable party, owner, occupant or the agent of any owner or occupant of any property located with the Town refuses to allow the compliance officer 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;
- c. The actions required to correct the violation(s) or abate/the conditions(s).
- d. The time period after which the Town 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 Town:** Should any property owner, agent or occupant fail to comply with an order to abate violations of such property, the Town 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 Town shall apply all costs as a lien on the property and/or shall be applied to the real property tax levied and shall be collected by the Town 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 the Chapter may be civilly liable to the Town 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 Town under State law and/or 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.

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 town ordinances if the motor vehicles stored, kept or otherwise remaining on the premises are not visible from any public highway or all adjacent properties,. In order to be exempt from the provisions this ordinance the operator of any such auto salvage yard shall obtain the approval of the Mayor or his designee as to the size, type, location and color of all fences and landscaping materials.
- 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 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 at determined by the Compliance Officer.

11. **Right to Appeal:** Anyone charged with a civil violation of this Ordinance has the right to appeal to the Board of Adjustments and Appeals and in the absence of such a body or until such time as such a body is constituted by the Town Council and appointed, the appeal shall be to the Yemassee Town Planning Commission.

12. **Procedure:** Provisions in other Town ordinances, resolutions, policies or by-laws in conflict with this Ordinance are hereby replaced.

13. **Provisions:** Provisions of this ordinance shall not apply to structures of historical interest of significance in the Town.

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,

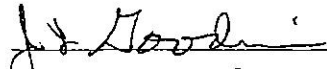
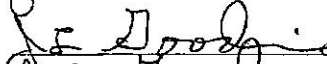

15. **Limitation of Liability:** It is the purpose of this ordinance to protect the health, safety, **sanitation and/or economic preservation of properties** and general welfare of the people of the Town of Yemassee. It is not the intent or purpose of this article to protect any specific individuals or groups of individuals or class of persons within or without the Town. To this end, neither the Town, 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.

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

Attest By: 
Clerk of Council


MAYOR

1st reading NOV. 14 2006
2nd reading FEB 23 2007
Public Hearing FEB 23 2007
Final Reading FEB 23 2007

Approved as to Form and Content
Roberts Vaux, Town Attorney