

ORDINANCE NO. 985

COMMON NUISANCES. Section 1.1

(A) A common nuisance is defined as an offense against the public order and economy of the City by unlawfully doing any act, or by omitting to perform any duty which the common good, public decency or morals, or the public right to life, health, and the use of properties requires and which at the same time annoys, injures, endangers, renders insecure or interferes with the rights of the property of the whole community, or any considerable number of persons.

The following are declared to be examples of common nuisances including but not limited to:

- (1) Garbage, trash or refuse, except for garbage, trash or refuse contained in authorized receptacles awaiting collection;
- (2) Dilapidated or unusable furniture;
- (3) Unusable or discarded iceboxes, refrigerators, stoves or other appliances;
- (4) Unusable or discarded machinery, equipment, automobiles or parts thereof;
- (5) Used or discarded building materials;
- (6) Broken or discarded glass;
- (7) Any other item which is either wholly or partially rusted, wrecked, junked, dismantled, discarded or inoperative;
- (8) Used or discarded clothing;
- (9) Dead animals;
- (10) Stagnant water;
- (11) Decayed vegetables or fruits;
- (12) Any natural or man-made matter which causes an offensive odor;
- (13) Dead, dying or damaged trees that present an imminent danger to life or property;
- (14) Any act or thing that threatens or causes injury to the life or health of any person or significant damage to property;
- (15) Any grass, weeds, undergrowth or other vegetation which is permitted or caused to accumulate in any manner which is deleterious to the public health;

(16) Any airtight container of any kind which has a snap lock or other closing devise thereon;

(17) Any abandoned, burned or partially burned or uninhabitable home, mobile home, or similar structure or building;

(B) Any person who creates a common nuisance, as defined in the preceding paragraph shall be guilty of a misdemeanor and subject to a fine of \$450.00 and/or not more than 30 days incarceration. The Mayor or Designee may cause to be abated any common nuisance as defined in the preceding paragraph. This section shall be cumulative in its effect and shall not be construed to repeal any existing ordinance in regard to nuisances.

PREMISES TO BE KEPT IN SANITARY CONDITION. Section 1.2

All premises shall be kept at all times in a sanitary condition and all garbage, trash, damp or low places, cans, vessels, broken bottles, pieces of china, glass, tins or any other containers that may hold water, shall be deemed unsanitary. Re-circulating fountains, bird baths, pools and ponds with flow are specifically exempted unless their lack of maintenance causes them to become a hazard.

DUTIES OF OWNERS AND OCCUPANTS. Section 1.3

It shall be unlawful for the owner and/or occupant of any property to permit the property to collect trash, litter, become a fire hazard or any other example outlined in Section 1.1 (A). Vacant lots shall be kept litter-free.

FILLING, LEVELING AND DRAINING LOW LOTS. Section 1.4

Whenever it shall appear to the Code Enforcement Officer or Designee that there are lying within the city limits any low lots or premises in a condition which may injure or endanger the public health, it shall be the duty of the Code Enforcement Officer or Designee to issue a written notice to the owner requiring him, within ten (10) days, to fill up, level or drain such low lot or premises as in the opinion of the Code Enforcement Officer or Designee will most effectually abate such nuisance.

REQUIREMENTS FOR FILLING STATIONS AND GARAGES. Section 1.5

Every person owning or operating a public service/filling station or public garage in the City shall keep the premises in and about such service/filling station or garage in a neat, clean and sanitary manner, and shall keep the sidewalks, walkways and driveways in and about such service/filling station or garage free from grease, oil, water or other substance. Such service/filling station or garage shall at all times be subject to the inspection of the Code Enforcement Officer or Designee. The owner or operator of such service/filling station or garage shall promptly carry out the order of any such inspection with regard to the keeping of such station or garage.

EMERGENCY ABATEMENT. Section 2.0

Whenever the Code Enforcement Officer or Designee shall determine that a nuisance is such an imminent peril to the health or safety of the public or to public or private property that the time required to follow the procedures outlined in this ordinance would seriously threaten the health or safety of the public or create injury to public or private property, the Code Enforcement Officer or Designee may order forthwith the abatement of such nuisance in the form of a notice to be served on the party responsible for the public nuisance, requiring that the public nuisance be eliminated within twenty-four (24) hours, or else the party responsible shall be guilty of a misdemeanor and fined \$450.00 and/or 30 days incarceration. If the party responsible has not acted in accordance with said notice, the City may use City resources or it may employ contractors to abate the nuisance after twenty-four (24) hours. Thereafter, all proceedings required by this ordinance shall be held. The Code Enforcement Officer or Designee may, in his or her discretion, allow more than twenty-four (24) hours to abate the nuisance if it appears to his or her satisfaction that it is impossible for the party responsible to comply within twenty-four (24) hours.

FAILURE TO ABATE; DUTY OF CODE ENFORCEMENT OFFICER OR DESIGNEE.

Section 2.1

Any person who refuses or neglects to abate a nuisance or any matter or thing, which, in the opinion of the Code Enforcement Officer or Designee endangers the public health, after having been notified of the requirement to do so, shall be deemed guilty of a misdemeanor and fined \$450.00 and/or 30 days incarceration. In the event of such refusal or neglect it shall be the duty of the Code Enforcement Officer or Designee of the City of Wellford to have removed or abated such nuisance, and all expense incurred in so abating or removing such nuisance shall be recovered from the owner of the premises from which the nuisance shall be removed or abated.

INSPECTION OF PREMISES. Section 3.0

The Code Enforcement Officer or designee shall be authorized and required to cause the inspection of any premises within the city limits whenever it shall be necessary to enforce the provisions of this chapter.

RIGHT OF ENTRY. Section 3.1

Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Code Enforcement Officer or Designee has reasonable cause to believe that there exists on or within any premises within the City of Wellford any condition which would constitute a common nuisance, the Code Enforcement Officer or Designee may enter such premises at all reasonable times to inspect the same or to perform any duty imposed by this code; provided that if such premises are occupied, he shall first present proper credentials and request entry. If such premises are unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If such

entry to either occupied or unoccupied premises is refused, the Code Enforcement Officer or Designee shall have recourse to every remedy provided by law to secure entry.

POWER AND DUTY OF THE CODE ENFORCEMENT OFFICER OR DESIGNEE FOR CLEANING UP LOTS AND PREMISES. Section 3.2

Whenever it shall appear to the Code Enforcement Officer or Designee that there are lying within the city limits any lots or premises in a condition which shall constitute a present or potential hazard to the public health, the Code Enforcement Officer or Designee shall issue a written notice to the owner requiring him to clear such premises or lot of all litter, offal, refuse, rubbish, trash, stagnant water or other matter deleterious to good health and public sanitation as outlined in Section 1.1 (A) within ten (10) day from notice, as in the opinion of the Code Enforcement Officer or Designee will most effectually abate such nuisance.

NOTICE TO OWNER. Section 3.3

Whenever the Code Enforcement Officer or Designee of the City, or his/her duly authorized agent or representative, shall find that a nuisance exists, accumulated or remains on the property, lot, or parcel of land in the city, the Code Enforcement Officer or Designee may serve notice upon the owner, lessee, or occupant of the premises, or upon the agent or representative of the owner of such land having control thereof, to comply with the provisions of this article. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such notice in the United States mail as a certified letter properly stamped and directed to the person to whom the notice is addressed or to post a copy of the notice upon such premises.

FAILURE TO COMPLY WITH NOTICE. Section 3.4

If the person to whom the notice is directed, under any provisions of this ordinance, fails or neglects to cause such to be removed from any such premises within ten (10) days after such notice has been served, or deposited in the United States mail, or posted upon the premises, such person shall be fined \$450.00 and/or incarcerated for not more than thirty (30) days and guilty of a misdemeanor and subject to fees and penalties set forth in Section 4.0 and Section 4.1.

RECOVERY OF EXPENSES. Section 4.0

Expenses not recovered within 30 days after notification to the owner by the City that expenses are due shall constitute a lien being placed upon the property and such lien being collected as allowed by law.

REMOVAL BY CITY; COST. Section 4.1

Anything outlined in Section 1.1 (A) existing on any property not removed may be removed by a duly authorized agent of the City, and the cost of doing so shall become a lien upon the property and such lien being collected as allowed by law. This remedy shall be cumulative to other remedies, penalties, court cost, filing fees, or fines.

NOW THEREFORE, be it ordained by the Mayor and members of the Council of the City of Wellford, South Carolina, in council assembled. This amendment shall take place immediately upon final reading and the signatures of the Mayor and a majority of the Council members. All other existing Nuisance Ordinances shall be repealed upon final reading.

1st Reading: 2-5-2008

2nd Reading: 2-14-2008

Sallie S. Peake

Sallie S. Peake, Mayor

Madison James

Madison James, Council

Patricia Watson

Patricia Watson, Council

Attest:

Lynne S. Lingo

Lynne S. Lingo, Municipal Clerk

Lola Jackson, Council

Glenna Holcombe, Council