

STATE OF SOUTH CAROLINA            )  
COUNTY OF LEXINGTON                )                    ORDINANCE 2020-04  
TOWN OF SOUTH CONGAREE            )

**AN ORDINANCE ADDING SOUTH CONGAREE CODE OF ORDINANCES CHAPTER 94: PUBLIC NUISANCE; SO AS TO UPDATE THE ORDINANCE TITLE IX: GENERAL REGULATIONS.**

**WHEREAS**, the Mayor and Town Council is authorized to establish ordinances for the general purposes of guiding development in accordance with existing and future needs and promoting public health, safety, morals, convenience, order, appearance, prosperity and general welfare and;

**NOW THEREFORE, BE IT ORDERED** by the town of South Congaree, South Carolina, in Council duly assembled and by the authority thereof, that:

**CHAPTER 94:  
PUBLIC NUISANCES**

Section

- 94.00 Standards & Severability
- 94.01 General prohibition
- 94.02 Definitions
- 94.03 Unsanitary, unsightly and unsafe conditions
- 94.04 Duty of owner, lessee, occupant or agent
- 94.05 Street uses by the public
- 94.06 Conditions affording food or harborage for rats
- 94.07 Conditions: open lots, alleys and the like
- 94.08 Abatement generally
- 94.09 Weeds & debris
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- 94.11 Reserved
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- 94.13 Notice to Owner to Remedy or Remove Condition
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94.99 Penalty

## STANDARDS AND SEVERABILITY

### 93.00 STANDARDS AND SEVERABILITY:

#### A. Standards

1. If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future the more restrictive requirement shall apply.
2. If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter this chapter shall apply.
3. Other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.

- B. Severability: If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

### 94.01 GENERAL PROHIBITION.

- A. It shall be unlawful for any person, including the owner or occupant of such premises, to permit or create a public nuisance on his premises or lot, or to allow a nuisance to remain on such premises or lot, or to create a public nuisance adjacent to his premises or in any public place which is so located upon the premises as to be readily visible from any public place or from any surrounding private property.
- B. Nuisances affecting health.

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

1. Garbage, trash or refuse, except garbage, trash or refuse stored in authorized sealed receptacles specifically on designated trash collection days;
2. Dilapidated or unusable furniture or furniture for "indoor use";
3. Bedding, bottles, glass, cans, cardboard, upholstered furniture manufactured for indoor use only, household appliances, jars,
4. Unusable or discarded iceboxes, refrigerators, stoves or other appliances;
5. Unusable or discarded machinery or equipment or parts thereof;
6. Used and discarded building materials

7. Lumber and building supplies not related to an active permit and not neatly stacked;
8. Broken and discarded glass;
9. Any other item which is either wholly or partially rusted, wrecked, junked, dismantled, discarded, or inoperative;
10. Used or discarded clothing;
11. Animal carcasses not buried or disposed of in a lawful and sanitary manner within 24 hours after death;
12. All pools of stagnant water or vessels holding stagnant water in which mosquitoes can breed excluding required retention pools;
13. Swimming pools which either:
  - a. Are empty, excluding such pools that are completely and effectively covered;
  - b. Contain liquids and/or debris which are not bacteriological, chemically or physically safe for swimming or other intended uses.
14. Leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner
15. Decayed vegetables and fruits;
16. Any natural or manmade matter which causes an offensive odor;
17. Dead, dying or damaged trees that present an imminent danger to life or property;
18. Weeds or other rank growths of vegetation upon private or public property, and all other vegetation of any stage of maturity which exceeds 12 inches in height, except for healthy trees, shrubs or plants grown in a tended and cultivated garden or plot regardless of height, harbors, conceals or invites rodents, pests, and vermin or deposits of refuse; gives off noxious odors; constitutes a fire or traffic safety hazard.
19. Vacant lots when such properties abut residence or public rights-of-way, a minimum 40-foot strip shall be cleared and maintained. Where such clearing of the 40-foot strip results in more than 50% of the lot being cut, then the entire lot shall be required to be cut.
20. Deliberate placement or discharge into any part of a storm water drainage system of: untreated sewage, sewage solids, process wastewater, refuse, explosive or combustible liquid, solid or gas, oil greases, industrial water or other polluted water except where a federal, state or local permit for connections, discharge or disposal has been obtained prior to the event; or waters or wastes containing toxic or poisonous wastes to constitute a hazard to humans, plants or animals or to cause corrosion, discoloration or deposition on real or personal property; or any solid or viscous substances in such quantities or such size capable of causing obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the town.
21. Anything that threatens or causes injury to the life or health of any person or significant damage to property.
22. For purposes of this section, the phrase "outside a dwelling or other enclosed structure" shall mean any location that is not within the interior

of a dwelling or other enclosed structure. Porches, balconies, decks, carports or other similar structures, unless completely enclosed, shall be deemed to be outside a dwelling or other enclosed structure. Temporary materials cannot be used to enclose a structure.

C. Nuisances offending public decency, peace and order.

The following are hereby declared to be public nuisances affecting public decency, peace and order whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, absence or failure of security measures.

1. Any structure, whether commercial or residential, where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by applicable law;
2. Any structure, whether commercial or residential, used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state or local law;
3. Any structure, whether commercial or residential, where intoxicating liquors are manufactured, sold, bartered or given away in violation of federal, state or local law, or where intoxicating liquors kept for sale, barter or distribution in violation of federal, state or local law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required safety plans are not in place, or where persistent violations of law occur under a failed or ineffective safety plan;
4. Any structure, whether commercial or residential, where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal, state and local law;
5. Any structure, whether a commercial operation or a residential use, where violations against the federal, state or municipal laws occur with disproportionate frequency or intensity that they require an excessive public safety response cost. "Excessive public safety response" means:
  - a. The reasonable deployment of five (5) or more law enforcement officers to an emergency scene at any one time, or the reoccurring need for public safety or code personnel or emergency vehicles at the location when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated structures;
  - b. There have been more than two (2) situations of unsafe traffic or crowd control issues which result in the request of emergency assistance or the need for law enforcement assistance from an

emergency situation; provided, however, this does not include when traffic control or crowd control is requested in advance of a scheduled event pursuant to a city issued permit or prior discussions with law enforcement.

- c. There have been more than six (6) citations, or search warrants executed, or a combination of the two (2), at that structure for any of the following behaviors during any twelve (12) month period:
  - i. Violation of any state or local alcohol law;
  - ii. Violation of any federal, state or local narcotics law;
  - iii. Violation of any state or local gun law;
  - iv. Assaults; and/or
  - v. Crimes of violence against another person(s).

D. Nuisances affecting public welfare and safety.

The following are declared to be public nuisance affecting public welfare and safety:

1. All trees, hedges, signs or other obstructions or any portion of the same, so located on private property which prevent persons driving vehicles approaching an intersection of streets from having a clear, safe view of traffic approaching such intersection pursuant to the town zoning ordinance and subdivision regulations;
2. All trees, hedges, signs or other obstructions or any portion of the same so located on private property which prevent the clear and unobstructed view of a fire hydrant, fire department or other fire protection device or directional or identification signage pertaining to the above from a public way;
3. Any obstruction, erosion or depression which poses a potential hazard to vehicles or pedestrians using a right-of-way on private property where the public is invited or permitted to traverse for commercial purposes;
4. Any wires, strings, ropes, lighting contrivances over streets, alley or public grounds, which are not authorized or permitted by the city or which are strung so that the lowest portion is less than 13-1/2 feet above the surface of the ground;
5. All explosives, flammable liquids and other dangerous substances stored in any manner, in any amount other than that manner or amount permitted by law;
6. Any hanging signs, awnings, canopies and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to this code;
7. Any motor vehicle that is unregistered, inoperable, derelict or abandoned on any highway or right-of-way or other public or private property, unless such vehicle is stored inside of a building; or

8. Any abandoned or discarded icebox, refrigerator, ice chest or other type of air-tight container whose door, lid or other closing device has not been removed.

E. Nuisances affecting public economy.

The following are declared public nuisances affecting the public economy:

1. All structures including signs that bear graffiti;
2. All structures including signs with the majority of the surface in need of painting, re-lettering due to flaky, fading, cracking or other conditions that make it unsightly; and
3. All signs that do not apply to a currently licensed and operating business

F. Any violation of this chapter shall constitute a nuisance.

(1985 Code, § 26-201) Penalty, see § 94.99

#### 94.02 DEFINITIONS..

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. **ANIMAL AND AGRICULTURAL WASTES.** Manure, crop residues and the like.
- B. **ASHES.** Residue from fires used for cooking and for heating buildings, cinders and from incinerators.
- C. **BEACH.** The area between the mean high-water mark and the mean low-water mark along a reservoir, along a lake or along a river.
- D. **BULKY WASTE.** Large auto parts, tires, stoves, refrigerators, other large appliances, furniture, large crates, trees, branches, and stumps.
- E. **COMBUSTIBLE RUBBISH.** Paper, cardboard, cartons, boxes, wood, wood shavings, plastics, rags, cloth, bedding, leather, rubber, grass, leaves, limbs and yard trimmings.
- F. **CONSTRUCTION AND DEMOLITION WASTES.** Lumber, roofing and sheathing, scraps, rubble, broken concrete, plaster, conduit, pipe, wire, insulation and the like.
- G. **DEAD ANIMALS.** Small animals such as cats, dogs, poultry and the like and large animals such as horses, cows, swine and the like.
- H. **GARBAGE.** Wastes from the preparation, cooking and serving of food, market refuse, waste from the handling, storage and sale of produce and meats.
- I. **INDUSTRIAL REFUSE.** Solid wastes resulting from industrial processes and manufacturing operations, such as food processing wastes, boiler house cinders, wood, plastic, and metal scraps and shavings and the like.
- J. **LITTER.** Garbage, combustible and noncombustible rubbish, ashes, bulky wastes, street refuse, dead animals, abandoned vehicles, construction and demolition wastes and industrial wastes. Special wastes, animal and agricultural wastes and sewage treatment residue. The term as used in this subchapter shall be interchangeable with the term solid waste.

- K. **NON-COMBUSTIBLE RUBBISH.** Metals, tin cans, metal foils, dirt, stone, bricks, ceramics, crockery, glass, bottles and other mineral refuse.
- L. **SEWAGE TREATMENT RESIDUES.** Coarse screening, grits, septic tank, sludge and dewatered sludge.
- M. **SPECIAL WASTES.** Hazardous wastes such as pathological wastes, explosives, radioactive material, and the like and security wastes such as confidential documents, negotiable paper and the like.

(1985 Code, Art. I, Div. 2)

#### **94.03 UNSANITARY, UNSIGHTLY AND UNSAFE CONDITIONS.**

- A. It shall be unlawful for any person, including the owner or occupant of such premises, to permit or create unsanitary, unsightly and/or unsafe conditions on his premises or lot, or to allow unsanitary, unsightly and/or unsafe conditions to remain on such premises or lot, or to create a unsanitary, unsightly and/or unsafe conditions adjacent to his premises or in any public place which is so located upon the premises as to be readily visible from any public place or from any surrounding private property.
- B. The following are declared to be examples of such unsanitary, unsightly and/or unsafe conditions including but not limited to:
  1. Garbage, trash or refuse, except garbage, trash or refuse stored in authorized sealed receptacles specifically on designated trash collection days;
  2. Dilapidated or unusable furniture;
  3. Unusable or discarded iceboxes, refrigerators, stoves or other appliances;
  4. Unusable or discarded machinery or equipment or parts thereof;
  5. Used and discarded building materials;
  6. Broken and 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 and fruits;
  12. Any natural or manmade matter which causes an offensive odor;
  13. Dead, dying or damaged trees that present an imminent danger to life or property;
  14. Anything that threatens or causes injury to the life or health of any person or significant damage to property.
- C. It shall be unlawful for the occupant or owner of any property within the town to allow any of the following items to remain on the property outside a dwelling or other enclosed structure for longer than 48 hours, in any location visible from streets or sidewalks adjacent to the property: Bedding, bottles, glass, cans, cardboard, upholstered furniture manufactured for indoor use only, household appliances, jars, lumber and building supply materials not related to an active

permit and not neatly stacked, machine parts, motor vehicles parts, pallets, paper, plumbing fixtures, rags, scrap metal. For purposes of this section, the phrase "outside a dwelling or other enclosed structure" shall mean any location that is not within the interior of a dwelling or other enclosed structure. Porches, balconies, decks, carports or other similar structures, unless completely enclosed, shall be deemed to be outside a dwelling or other enclosed structure. Temporary materials cannot be used to enclose a structure.

- D. The occupant or lessee of any premises and the owner, his or her agent, representative or employee having control of any vacant premises within the town, who shall permit or tolerate the existence of any of the conditions condemned in this chapter, shall be guilty of a misdemeanor.

(1985 Code, § 26-202) Penalty, see § 94.99

#### **94.04 DUTY OF OWNER, LESSEE, OCCUPANT OR AGENT.**

It shall be the duty of any owner and any lessee, occupant, agent or representative of the owner of any lot or parcel of land to cut or cause to cut all weeds, grass and other rank vegetation and to remove all garbage, trash and other debris as often as may be necessary to prevent the development of any of the conditions prohibited in this chapter.

(1985 Code, § 26-203) Penalty, see § 94.99

#### **94.05 STREET USES BY THE PUBLIC.**

It shall be the duty of any owner of a street which is used by the public to maintain the street in a reasonable state of repair so as not to endanger the public order or annoy, injure, endanger, interfere with or render insecure the health, safety, good order or property rights of the whole community or of any considerable number of persons.

(1985 Code, § 26-204) Penalty, see § 94.99

#### **94.06 CONDITIONS AFFORDING FOOD OR HARBORAGE FOR RATS.**

It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building, vehicle and their surrounding areas in the town so that the same shall or may afford food or harborage for rats.

All food and feed kept within the town for feeding chickens, cows, pigs, horses and other animals shall be kept and stored rat-free and ratproof containers, compartments or rooms unless kept in a ratproof building.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley in the town, any lumber, boxes, barrels, bricks, stones or similar materials that may be permitted to remain thereon, unless the materials shall be placed on open racks that are elevated not less than 12 inches above the ground and evenly piled or stacked so that these materials will not afford harborage for rats.

(1985 Code, § 26-205) Penalty, see § 94.99

#### **94.07 CONDITIONS: OPEN LOTS, ALLEYS AND THE LIKE.**



It shall be unlawful and constitute a nuisance for any person to permit to accumulate on any premises, improved or vacant, or on any open lots or alleys in the town, any lumber, boxes, barrels, bricks, stones or similar materials and permit them to remain thereon unless; the same shall be placed on open racks that are elevated not less than 18 inches above the ground and evenly piled and stacked, so that these materials will not afford harborage for rats or violate any other provisions of this chapter.

(1985 Code, § 26-206) Penalty, see § 94.99

#### **94.08 ABATEMENT AUTHORITY; REFUSAL TO ABATE.**

- A. The Police Chief, Code Enforcement Officer or his/her authorized agent may declare as nuisances such things, the existence of which may be deemed unhealthy or harmful to the citizens, and such nuisances shall be abated pursuant to directions to the following sections.
- B. Any person refusing or neglecting to abate a nuisance, after having been directed to do so, shall be guilty of a misdemeanor
- C. The Police Chief, Code Enforcement or his or her duly authorized agent, upon receiving notice of the existence of any condition declared by this chapter to be a nuisance and upon finding evidence to support the complaint shall serve written notice upon the person responsible for the condition to clean up his or her premises and abate the nuisances within ten (30) days.
- D. It shall be sufficient notification to deliver the written notice or a copy thereof to the person to whom it is addressed or to deposit a copy thereof of the notice in the United States mail properly stamped and directed to the person at his or her last known address and post a copy of the notice thereof on the premises upon which the nuisance exists.

(1985 Code, § 26-206) Penalty, see § 94.99

#### **94.09 WEEDS AND DEBRIS**

##### **A. Removal Required**

It shall be unlawful for the owner and/or occupant of property to fail to cut grass, weeds and other overgrowth vegetation on property when the grass, weeds and other overgrowth vegetation is of a greater height than one foot on the average, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter, or as a fire hazard, any one of which situations is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds and other overgrowth vegetation as often as necessary so as to comply with this section. Vacant lots shall be cut at least three times per year, as required during the growing season (April through September).

##### **B. Notice to Remove**

Whenever the duly authorized agent of the town, shall find that weeds or other rank vegetation has been allowed to stand upon, or any such debris has been allowed to accumulate and remain upon, any lot or parcel of land in the town, the authorized agent 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 properly stamped and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

C. Removal by Town on Failure to Comply with Notice

If the person to whom the notice is directed under the provisions of NOTICE TO REMOVE fails or neglects to cause such weeds or other rank vegetation to be cut and removed or such debris to be removed from any such premises within ten days after such notice has been served, or deposited in the United States mail, or posted upon the premises, such person shall be guilty of a misdemeanor, punishable, upon conviction, in accordance with §10.99

94.10 (Reserved)

94.11 (Reserved)

94.12 (Reserved)

**94.13 NOTICE TO OWNER TO REMEDY OR REMOVE CONDITION.**

- A. Whenever it appears that any property owner is in violation of a provision in this Chapter, as evaluated upon preliminary investigation by the Police Chief, Code Enforcement Officer or his or her duly authorized agent, the owner of such premises shall be notified personally by the Police Chief, Code Enforcement Officer or his or her duly authorized agent, or by certified mail return receipt requested at the official address for tax notices to correct the condition. In the event personal service cannot be made or the owner's official address for tax notices is unknown, such notice shall be given by publication at least two times within 30 consecutive days in a local newspaper of general circulation.
- B. If the corrective action demanded in the notice has not been fully completed within 30 days of the date of notification, the owner of the premises shall be fined in accordance with § 94.99

**94.14 CORRECTION OR REMOVAL OF CONDITIONS BY TOWN.**

In the event any owner of any lot or premises, upon which a condition described in this subchapter exists, fails to remedy the condition within 30 days after notification, the town may, in its own discretion, do such work or make improvements as are necessary to correct, remedy, remove such condition or cause the same to be done, paid therefor and charge the expenses incurred thereby to any and all owners of such lot, in joint and

severable liability for any and all expenses incurred. The doing of such work shall not relieve such person from prosecution or failure to comply with such notice. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made through a lien on property.

**94.15 STANDARDS.**

If any of the provisions of this chapter are inconsistent with the provisions of any other law presently existing or enacted in the future, the more restrictive requirement shall apply.

If any other provision of any other chapter of these ordinances is clearly in conflict with this chapter, this chapter shall apply.

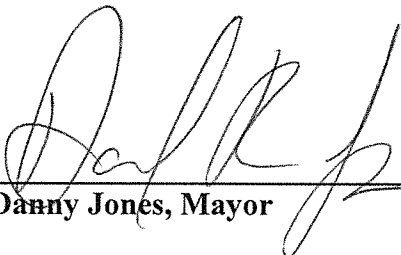
Any other provisions determined by the Planning Commission, Architectural Review Board or the Zoning Board of Appeals to have a detrimental effect on the surrounding neighborhood and businesses.

If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.


**94.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

**1<sup>st</sup> Reading 12/10/2019**  
**Public Hearing 12/10/2019**  
**2<sup>nd</sup> Hearing 1/21/2020**

  
\_\_\_\_\_  
**Danny Jones, Mayor**

**Attest:**

  
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**Patt Shull, Town Clerk**