

State of South Carolina)

County of Aiken)

Ordinance No. 8-5-14

City of New Ellenton)

AN ORDINANCE OF THE CITY OF NEW ELLENTON TO AMEND SECTION 10-32 TO 10-39 FOR THE CITY OF NEW ELLENTON, SOUTH CAROLINA REGARDING OVERGROWN LOTS AND DERELICT STRUCTURES:

WHEREAS, the Mayor and City Council of the City of New Ellenton have determined that it is in the best interest of the City to amend City ordinances concerning overgrown lots and to add regulations concerning derelict structures;

Whereas, there are numerous overgrown lots and derelict structures located throughout the City of New Ellenton and;

WHEREAS, overgrown lots and derelict structures create a nuisance, safety hazard and unhealthy conditions in the City of New Ellenton, South Carolina and;

Whereas, the Council of the City of New Ellenton has concluded that the amendment of this ordinance is essential to the general health, safety, welfare and economic stability of the City and is in the best interest of its citizens;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF NEW ELLENTON HEREBY ORDAINS THAT:

Section 1: The language set forth in Sections 10-32 to 10-39 of the New Ellenton City Code is deleted in its entirety and is replaced by the following language for overgrown lots and derelict structures in Exhibit A.

Section 2: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent necessary to give the provisions of this ordinance full force and effect.

Adopted by the City of New Ellenton at a meeting held this 18th day of August 2014 at which a quorum was present and voting.

First Reading August 5, 2014

Second Reading: August 18, 2014

CITY OF NEW ELLENTON, SOUTH CAROLINA

Vernon Dunbar, Mayor

ATTEST:

Zorayda El, Town Clerk

§ 10-31

NEW ELLENTON CODE

outside of any building or structure, or is within an abandoned or unoccupied house, shed, barn or other structure within the city.

(Code 1978, § 9-1001)

State law reference-Abandoned refrigerators, S.C. Code 1976, § 16-3-1010.

ARTICLE III.

PROPERTY MAINTENANCE

Sec. 10-32. Upkeep of vacant lots.

It shall be unlawful for any person to maintain or to permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, 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 which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

(Code 1978, § 6-2001)

Sec. 10-32. a. Responsibility of owner to maintain lots; issuance of order.

It shall be the duty of the police chief or designated officer to summon the owner of such premises, and if, after fully hearing the matter and any statement the owner may make and any testimony they may offer in their behalf concerning such matter, the chief should find such premises or lot in a condition tending to injure the public health, and shall issue a written order or notice directed to the owner, directing and requiring them within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

(Code 1978, § 6-2003)

Sec. 10-32. b. Weeds, grass, other uncut growth prohibited on improved property.

No person shall allow or permit weeds and grass to grow upon their improved premises within the corporate limits, uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of such grass, weeds and vegetable matter thereon.

(Code 1978, § 6-2004) **State law reference**—Noxious weeds and plants as determined by the agriculture

commissioner, S.C. Code Reg. 5-584.

***State law reference**—Municipal authority to require owners of property to maintain such property, S.C. Code 1976, § 5-7-80.

Sec. 10-32. c. Clearing by town; costs to be paid by owner.

Should any property owner fail to keep such property cleared, after due notice thereof to do so, the chief of police may cause the property to be kept cleared and in a sanitary condition for health purposes or cleared for fire prevention, at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax.
(Code 1978, § 6-2004)

Sec. 10-33. Definitions.

The following terms, wherever used or referred to in this article, unless a different meaning clearly appears from the content, shall have the following respective meanings for the purposes of this article:

City shall mean the City of New Ellenton, South Carolina.

Council shall mean the city council for the City of New Ellenton, South Carolina.

Public officer shall mean the Police Chief or designated officer.

Dwelling shall mean any building or structure or part thereof used or occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling unit shall mean a building or that portion of a building arranged, designed or constructed for the use of one family as a dwelling place.

Living room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, or cooking purposes, excluding bathroom, toilet room, laundries, pantries, foyers or community corridors, closets and storage spaces.

Multiple dwelling shall mean any dwelling containing four or more dwelling and/or rooming units having two or more stories.

Occupant shall mean any persons living and/or sleeping in a dwelling or rooming unit.

Owner shall mean the record holder of the title.

Parties in interest shall mean all individuals, associations, corporations and others, including mortgagees, who have interests of record in a dwelling or dwelling unit and any who are in possession of a dwelling or dwelling unit.

Sec. 10-34. Public authority.

The Police Chief or designated officer is hereby designated to exercise the powers prescribed herein. In the exercise of these powers, the director of inspections may:

- (1) Investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- (2) Administer oaths and affirmations, examine witnesses and receive evidence;
- (3) Enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;

- (4) Fix the duties of such officers, agents and employees as they deem necessary to carry out the purposes of this article;
- (5) Delegate any of his functions and powers under this section to such officers and agents as they may designate.

Sec. 10-35. Review Procedure.

Whenever a petition is filed with the Police Chief by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation or whenever it appears to the Police Chief that any dwelling is unfit for human habitation, the Police Chief may conduct a preliminary investigation of such charges, and should it appear that a basis exists for such charges, the Police Chief shall issue and cause to be served upon the owner of and all parties in interest in such dwelling a complaint stating the charges. The complaint shall contain a notice that a hearing shall be held before the Chief or their designated agent not less than ten nor more than thirty days after the date of service of the complaint. The complaint and notice shall specify the time and place of the hearing and shall advise the owner and parties in interest of their right to file an answer to the complaint, to appear in person or otherwise at the hearing, and to give testimony at the hearing. The complaint and notice shall further specify that the rules of evidence prevailing in courts of law or equity shall not be controlling at the hearing.

Sec. 10-36. Hearing.

After such notice and hearing should the Police Chief determine that the dwelling is unfit for human habitation, they shall, in writing, state their findings of fact in support of such determination and shall issue and caused to be served upon the owner an order to repair, alter or improve the dwelling to render it fit for human habitation, or to remove or demolish the dwelling.

In the event the Police chief determines that the cost of repair, alteration or improvement exceeds 75 percent of the value of the dwelling in its existing condition, the Police Chief shall issue a order requiring the owner to demolish the dwelling within 30 days of the date of the order.

To determine the value of any dwelling, the Police Chief shall adopt the market value of the dwelling, excluding land value, as reported by the county tax assessor's determination of market value may be considered in determining the value of the dwelling for purposes of enforcing these provisions.

In order to determine the cost of repair, alteration, or improvements, they shall utilize cost data contained in the publication, Means Repair and Remodeling Cost Data Commercial/Residential, and data contained in HomeTech Remodeling and Renovation Cost Estimator.

Sec. 10-37. Costs to be a lien against the real property.

If the owner fails to comply with an order to remove and demolish the dwelling, the Chief may cause such dwelling to be demolished and the amount of the cost of such demolition shall constitute a lien against the real property upon which such cost was incurred.

Sec. 10-38. Standard housing code to be the basis for determining fitness.

The minimum standards for basic equipment and facilities set forth in the 1997 edition of the Standard Housing Code are hereby adopted as standards for use by the director of inspections in making determinations as to the fitness of dwellings for human habitation.

Sec. 10-39. Final appeal.

Any person affected by an order issued by the Police Chief may enter an appeal to City Council. Thereafter, any person affected by an order of the City Council may petition the circuit court as provided for by chapter 15, article 3 of title 31, code of Laws of South Carolina, 1976, as amended.

DIVISION 2. ABANDONED PERSONAL PROPERTY GENERALLY

Sec. 10-40. Definition.

For the purpose of this division, personal property shall be determined to have been abandoned under one or more of the following circumstances: