

PUBLIC SAFETY COMMITTEE
9:00 a.m., Monday, October 7, 2019
City Hall
1207 Palm Boulevard, Isle of Palms, South Carolina

AGENDA

1. **Call to order** and acknowledgment that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of Previous Meeting's Minutes**
Regular Meeting of September 16, 2019
3. **Citizen's Comments**
4. **Old Business**
 - A. Consideration of Ordinance 2019-16 – An ordinance to establish new standards for dilapidated structures
 - B. Update on improvements for 21st Avenue and Palm Boulevard golf cart path
5. **New Business**
 - A. Discussion of reducing the speed limit on Palm Boulevard between 10th and 21st Avenue
 - B. Discussion of 2019 beach parking plan after action assessment
6. **Highlights of Departmental Reports**
Fire Department – Chief Graham
Police Department – Chief Cornett
7. **Miscellaneous Business**
Next Meeting Date: 9:00 a.m., Monday, November 4, 2019 in City Hall
8. **Executive Session**, if needed - Upon returning to open session, the Committee may take action on matters discussed in Executive Session.
9. **Adjournment**

Public Safety Committee
9:00am, Monday, September 16, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council Member Ryan Buckhannon (Chair), Council Members Randy Bell and Jimmy Ward

Staff Present: Administrator Desiree Fragoso, Chief Kevin Cornett, Chief Ann Graham, Director Douglas Kerr

2. Approval of Previous Meeting's Minutes

MOTION: Council Member Bell made a motion to approve the minutes of the July 1, 2019 meeting, and Council Member Ward seconded the motion. The minutes were approved unanimously.

3. Citizen's Comments

Howard Hough, "Beach Santa" of Moncks Corner reported on the vast numbers of cigarette butts and cigar tips that he has collected on the island and off the beach this year. He expressed concern that these end up in the waterways when not properly disposed.

Kelly Thorvalson of the South Carolina Aquarium shared research regarding cigarette litter and its effects on marine life. She encouraged the Committee members to support a smoking ban on the beach.

Susan Page, 5 Forest Trail Court 1, spoke about Ordinance 2019-16, noting she understood why some citizens were upset about its intent. She hoped the wording could be made clearer so its intent was better understood. She thanked the Committee for continuing to work on this matter.

George Page, 5 Forest Trail Court 1, also speaking about Ordinance 2019-16, expressed concern that there seemed to have been no communication between the Committee and the person who wrote the ordinance. He was also frustrated at how long the process is taking. He also asked if someone could look at the tree blocking the view at the intersection of Hartnett and 34th.

Stan Harris, 801 Ocean Boulevard, commended the police department for the work they did in educating people how to properly park along Palm Boulevard this summer. He said he supports the idea of making the parking rules applicable 24/7. He also asked about the policy regarding securing the island during a storm, noting that many people had left the island but that non-residents were still coming to the island in the days leading up to the storm.

Eddie Shepherd, 4 20th Avenue asked for feedback on the crosswalk at 20th Avenue. He also asked about the policy and rules regarding driving a golf cart after dark. Council Member Buckhannon said only low-speed vehicles can be driven at night, not golf carts.

Bill Campbell, 34 42nd Avenue, asked how responsible citizens should react to open disregard for the laws of the island.

4. Old Business

A. Consideration of Ordinance 2019-16 – an ordinance to establish new standards for dilapidated structures

Administrator Fragoso reviewed this history of Ordinance 2019-16 up to today. She said that in an attempt to speed up the process of putting this ordinance before City Council as requested by the Committee. The redline version of the ordinance was presented to City Council last month for First Reading, but no action was taken and it was deferred back to the Public Safety Committee for more review and recommendations. Council Member Bell said she shared Mr. & Mrs. Page's frustration at the length of the process in getting this to approval and said he would be open to have a special meeting of the City Council to discuss this ordinance.

Director Kerr said the ordinance was drafted using the International Property Maintenance Code, coming from the issue of just one house on the island. Once passed, it would only pertain to less than 5 houses on the island. Committee members agreed that the language could be made broader so that the public did not perceive it as the City government's attempt to create an HOA for the island. Committee members also expressed the need for City officials to have the tools they need to act on such properties as needed. Director Kerr said that no matter how the ordinance is written it will always be perceived as overreach.

Council Member Buckhannon encouraged the Committee to reach out to staff about their specific wording concerns in the ordinance so that another draft could come to the Committee before the October City Council meeting. Administrator Fragoso wondered if there were any civil matters the neighbors could work on regarding dilapidated structures in their neighborhoods. She expressed concern that any ordinance might not yield the desired results for the property in question. Council Member Buckhannon wondered if smaller neighborhoods were allowed to create their own HOAs to deal with such issues. The Committee instructed staff to look into the process for who a neighborhood may be able to establish their own HOA.

B. Update on crosswalks from 41st Avenue to the 2nd Wild Dunes gate

Administrator Fragoso reported that DOT said crosswalks need to be connected to a sidewalk or an ADA-compliant pad and if the City opts to install sidewalks to accommodate the desired crosswalks, the City will be responsible for the maintenance of the same. Council Member Ward asked about a crosswalk at 20th Avenue, and Administrator Fragoso said that DOT will not put one there as there is one at 21st Avenue and they must be a minimum distance between them. Administrator Fragoso said she will reach out to Stantec to see if they have any other options to increase safety in that area and address the neighbors' concerns. She added that the no parking buffers created by the crosswalk at 21st Avenue seem to be successful.

C. Discussion of beach patrol officers

Chief Cornett next year he intends to fill all 10 budget positions for Beach Safety Officers so that 5 can be assigned to the beach. He believes a visible police presence on the beach will be helpful.

D. Update on SCDOT encroachment permit for Palm Boulevard golf cart path

Administrator Fragoso said there is no update on this project, noting that it is being worked on, but it is not in the current budget.

E. Discussion of implementing the 4' off the pavement rule on Palm Boulevard between 42nd and 57th avenues

Administrator Fragoso said that implementing the 4' off the pavement rule in that area will eliminate parking, thereby creating a funding issue as it will limit public access to the beach. Council Member Buckhannon expressed concern about construction workers parking there when it explicitly says it is for beach parking. Administrator Fragoso recommended addressing this issue along with others that may surface during the annual after-action meeting conducted by staff to evaluate the parking changes, what worked and what may need to change. She said she will bring a proposal and staff recommendations to the Committee the following month. She also pointed out that any changes made to the parking plan will create a labor-intensive chain reaction of changes needing to be made (i.e., SCDOT encroachment permit, updating the parking map, new signage, amending the ordinance, etc.) Citizen Jim Smiley spoke briefly about safety concerns to citizens in the 43-46th avenues area as a result of cars parked in the public right of way too close to the pavement.

5. New Business

A. Discussion of changing the hours when parking is regulated along the public rights-of-way

Council Member Buckhannon said this issue is being discussed in the Planning Commission as an option to help with issues surrounding short-term rentals. Administrator Fragoso said this change may also bring about the need for new signage since the existing signs include the times of enforcement. Council Member Buckhannon suggested a City Council Special Meeting to discuss parking as a larger issue. Administrator Fragoso said the issue will also be discussed more in-depth at the after-season department head meeting.

B. Consideration of a smoking ban on the beach, beach access paths, public outdoor spaces and City building and facilities

Administrator Fragoso said this issue is before the Public Safety Committee at the request of the Public Works Committee to consider the enforcement of such a ban. She added that all of the recommendations of the Public Works Committee are in the draft ordinance presented to the Committee. She said many coastal communities around the country have instituted such a ban and that Sullivan's Island is working on a similar initiative. She pointed out that infractions of a smoking ban carry civil, not criminal, fines. Chief Cornett pointed out that ticketing people for

smoking would be much like ticketing people for littering – the officer has to see the infraction to ticket for it, and people generally behave in the presence of an officer. Administrator Fragoso said, that if it is approved by Council, it may be beneficial to work with Sullivan’s Island to simultaneously promote and launch the smoking ban on both islands. She noted there will need to be an educational campaign as well as new signage when it goes into effect.

C. Consideration of the refurbishment of Tower 1002 in the amount of \$600,000
[FY20 Budget Capital Projects - \$300,000; Muni ATAX - \$150,000; State ATAX - \$150,000]

Chief Graham requested approval to spend \$600,000 for the refurbishment of the 2003 95’ Tower (truck) 1002. This figure is lower than originally budgeted after she decided some of the items to be refurbished were not necessary at this time. She said a pre-construction meeting will be in October. The truck will be driven to Florida in December by IOP personnel for the refurbishment, and it is expected to be ready in June.

MOTION: Council Member Bell made a motion to approve the expenditure, and Council Member Ward seconded the motion. The motion passed unanimously.

D. Consideration of a mutual aid agreement with Charleston County Sheriff’s Office

Chief Cornett suggested City Council send a resolution supporting mutual aid along with the signed agreement.

MOTION: Council Member Bell made a motion to approve, and Council Member Ward seconded the motion. The motion passed unanimously.

E. Discussion of a potential ordinance for failure to stop on police command

Chief Cornett noted the City has no ordinance that allows a person to be ticketed for failing to stop at an officer’s command. He said he can secure wording for such an ordinance from other communities who already have this in place.

MOTION: Council Member Ward made a motion to approve the drafting of an ordinance for failure to stop on police command. Council Member Bell seconded the motion. The motion passed unanimously.

F. Consideration of the replacement of four patrol vehicles
[FY20 Budget – Capital Projects - \$44,000; Muni ATAX - \$88,000; State ATAX - \$88,000]

Chief Cornett requested approval to purchase 4 Ford F150 police responder trucks instead of the 5 cars originally planned as they will better diversify the fleet of police vehicles and provide for a variety of uses, including towing boats and responding to emergencies on the beach.

MOTION: Council Member Ward made a motion to approve the purchase of 4 Ford F150 police responder vehicles, and Council Member Bell seconded the motion. The motion passed unanimously.

6. Department Reports

A. Fire Department – Chief Graham

Chief Graham reviewed the report sent to the Committee in their packets.

B. Police Department – Chief Cornett

Chief Cornett noted that tickets for traffic and criminal violations are down, but he expects those numbers to increase now that the newer officers are out of FTO. When asked about an increase in drug-related arrests, Chief Cornett said there seems to be an increased presence of people on the island who bring drug-related crime with them. He stressed that this sort of behavior expected in a “party environment,” but that the Isle of Palms is still a very safe city. He said he will break down data surrounding drug-related offenses in future reports. He also said that he and Chief Graham will combine their data on Narcan usage.

In a brief discussion about golf cart regulation, Chief Cornett said he would like to be able to track golf cart ownership through the police department in the future. Committee members expressed concern that renters do not know the rules regarding golf cart usage. Chief Cornett spoke briefly about the differences in the laws regarding golf carts and low-speed vehicles.

Lastly, he shared preliminary renderings of a new patch for the police department as requested by the officers. He said it is still in discussions and he will bring a more final version to the Committee at a later date.

7. Miscellaneous Business

The next meeting of the Public Safety Committee will be at 9:00am on Monday, October 7, 2019 in City Hall.

8. Executive Session – none needed.

9. Adjournment

Council Member Bell made a motion to adjourn. The meeting was adjourned at 11:01am.

Respectfully submitted,

Nicole DeNeane
City Clerk



ISLE OF PALMS POLICE DEPARTMENT

MONTHLY REPORT SEPTEMBER 2019



SIGNIFICANT DEPARTMENTAL ACTIONS

- * On September 8, 2019 Officers conducted a traffic stop for a suspected DUI. The driver was impaired and was also found to unlawfully possess schedule II narcotics. He was charged with Possession of Schedule II Narcotics, DUI, Open Container of Liquor in a Moving Vehicle, and DUS for DUI.
- * On September 11, 2019 Officers responded to a possible burglary in process. Officers arrived and located a woman inside of the residence. She was arrested and charged with Burglary 2nd Degree.
- * The Police Department received correspondence from a resident commending BSO McArthur and ACO Collins for saving their pet from drowning.

ACTIVITY SUMMARY	SEPTEMBER	YTD 2019
Calls for Service	2453	27250
Traffic Stops	267	1791
Traffic Collisions	6	80
Arrests	22	212
State Law Citations	85	781
City Ordinance Citations	8	94
Warning Citations	243	1556
Parking Citations	490	6904
Isle of Palms Warrants Served	3	29
Fugitives Apprehended	0	5
General Sessions Cases	2	22
Criminal Investigations-Cases Opened	9	128
Criminal Investigations-Cases Closed	10	104
Training Hours	129	1986
Livability Cases	8	152
Coyote Sightings	0	31
INCIDENTS REPORTED	SEPTEMBER	YTD 2019
Assault/Intimidation	2	17
Criminal Domestic Violence	0	7
Burglary/Breaking & Entering	1	14
Motor Vehicle Thefts	0	15
Grand Larceny	0	1
All Other Larceny	4	54
Fraud	0	9
Destructive/Damage/Vandalism	0	7
Drug Incidents	5	34
Disorderly Conduct	0	8
Alcohol Incidents	7	52
Assist Other Agencies	4	37
Alarm Incidents	15	150
Noise Violations	1	89
Traffic	11	53
Suicide Actual or Attempted	1	4
All Other Incident Types	14	351
TOTAL	65	902

CHARGES	SEPTEMBER	YTD 2019
Assault	0	4
Domestic Violence	0	2
Public Disorderly	2	40
Burglary	1	4
Motor Vehicle Theft	0	0
Possession of Stolen Vehicle	0	11
Grand Larceny	0	8
All Other Larceny	0	2
Fraud	0	6
Gun Violations	0	6
Drug Violations/Sale/Manufacture/ Distribution/Etc.	0	10
Possession of Controlled Substance	2	5
Other Drug Possession Methamphetamine/ Cocaine/Cocaine Base/Ecstasy/MDMA/Etc.	1	11
Simple Possession of Marijuana/Possession 1 oz. or less	2	33
Drug Equipment Violations	2	4
Vandalism/Damage to Property	0	5
Driving Under Suspension	7	63
Driving Under Influence	5	22
Other Alcohol Violations	5	70
Speeding	13	114
Other Traffic Related	49	377
Golf Cart Violation	0	3
Moped Violation	0	1
Resisting/Hindering/Assaulting Public Official or Police Officer	0	7
False Information to Police	0	5
Animal Violation	1	10
Noise Violation	1	9
Alarm Violation	3	29
Littering	0	0
All Other Charges	2	20
TOTAL	96	881

ORDINANCE 2019-__

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES.

WHEREAS, the Isle of Palms Council is empowered with the authority to make amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it necessary to make amendments to ensure properties on the Isle of Palms are kept in a condition that is ~~both~~ safe to the public ~~and maintains the character of the City;~~

WHEREAS, the Isle of Palms Council now desires to amend Chapter 1, Article B, to authorize City staff to ensure the aforementioned objective.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES SHALL BE AMENDED TO READ AS FOLLOWS:

ARTICLE B.- NUISANCES

• **Sec. 6-1-11. - Definitions.**

The following words, terms and phrases, when used in ~~this article~~ Articles B and C, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public nuisance means any act, thing, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency; ~~and/or~~

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way; ~~and/or~~

(5) Failure to maintain vacant or occupied property in a manner- described by Articles B and C. as detailed in Article C.

(Code 1994, § 6-1-11; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-12. - Public nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

(Code 1994, § 6-1-12; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-13. - Public nuisance affecting health.**

Public nuisances affecting health shall include, but not be limited to, the following acts, omissions, conditions or things:

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;

(4) All stagnant water in which mosquitoes, flies or other insects can multiply;

(5) Privy vaults and garbage cans which are not flytight;

(6) All noxious weeds and other rank growth or vegetation;

(7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial waste or other substances;

(9) Any use of property, substances or things within the City emitting or causing any foul, offensive, noisy, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, cause discomfort to, injure or inconvenience the health of any appreciable number of persons within the City.

(Code 1994, § 6-1-13; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-14. - Public nuisances affecting public safety.**

Public nuisances affecting public safety shall include, but not be limited to, the following:

(1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds of places frequented by the public, so situated or constructed as to endanger the public safety;

(2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalks;

(3) All limbs of trees which project over a public sidewalk, less than eight feet (8') above the surface thereof or less than fourteen and one-half feet (14½') above the surface of a public roadway;

(4) All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface of street or ground;

(5) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

(6) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(7) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;

(8) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(9) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(10) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(11) Structures or components thereof that have reached their limit state;

(12) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(13) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(14) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(15) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(16) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs

of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(17) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(18) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(19) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(20) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(21) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(Code 1994, § 6-1-14; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-15. - Filing complaints; inspections.**

(a) All complaints alleging the existence of a public nuisance shall be filed with the City Administrator.

(b) The City Administrator shall promptly notify the Chief of Police, Health Officer or Building Official who shall inspect or cause to be inspected the premises and make a written report of his findings to the City Council. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall retain the same in his office.

(Code 1994, § 6-1-15)

- **Sec. 6-1-16. - Notice to abate nuisance.**

(a) If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the City Council may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises.

(b) Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours. The notice shall state that unless such nuisance is so abated, the City will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the nuisance.

(Code 1994, § 6-1-16; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-17. - Abatement by City.**

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the Chief of Police or City Administrator, in other cases, shall cause the abatement or removal of such public nuisance.

(Code 1994, § 6-1-17)

- **Sec. 6-1-18. - Abatement by court action.**

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such so as to threaten great and immediate danger to the public health, safety, morals or decency, he shall file a written report of his findings with the City Council. The City Council shall cause an action to abate such nuisance to be commenced in the name of the City in a court of competent jurisdiction in accordance with the provisions of the State statutes.

(Code 1994, § 6-1-18; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-19. - Costs of abatement.**

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(Code 1994, § 6-1-19; Ord. No. 1981-10, 11-11-1981)

- **Secs. 6-1-20—6-1-30. - Reserved.**

- **ARTICLE C. - MAINTENANCE OF PROPERTY**

- **Sec. 6-1-31. - Definitions.**

The following words, terms and phrases, when used in this ~~article~~Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Bulk* consists of bulky wastes, including appliances, furniture, mattresses, auto parts and tires.

(b) *Garbage* consists of all perishable refuse, household rubbish, including, but not limited to, paper boxes, rags, plastic and cloth, glass, bottles, cans and any similar waste and small dead animals.

(c) *Litter* means any quantity of solid waste which is not properly disposed of.

(d) *Private property* includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, partnerships, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, recreation facilities, vacant and/or occupied structures-property-

(e) *Container* means a watertight receptacle made of metal, heavy duty plastic or material of similar strength with a tightfitting cover for storage and disposal of solid waste.

(f) *Solid waste* consists of all refuse including bulk, debris, garbage, rubbish and trash.

(g) *Trash* consists of all ashes, yard rubbish, such as leaves, grass, bushes, and vines; large pieces of metal, bricks, stones and dirt, trees and branches, and stumps.

(h) *Unightly growth on property* means an unsightly, unhealthy, unsanitary growth of grass, bushes, shrubs, trees, weeds, vines, leaves, etc.

(Code 1994, § 6-1-31; Ord. No. 1986-2, 5-14-1986)

- **Sec. 6-1-32. - Duty to keep property clean and safe.**

(a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at locations such as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.

(b) Owners, agents, occupants or lessees whose properties face on a City right-of-way shall be responsible for keeping up to, and including, the curb, gutter or street line free of litter and unsightly growth.

(c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage systems. Sidewalk and strip sweepings must be picked up and put into household or commercial material containers.

(d) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.

(e) If an owner, agent, occupant or lessee fails to remove litter or unsightly growth from any private and public property, the City Public Works Department shall be authorized to serve written notice to the owner or appointed agent to correct such violation within five (5) days. Failure to comply shall constitute grounds for prosecution.

(f) It shall be unlawful for the owner of any property in the City to disobey or fail to comply with any provisions of this article.

(g) It shall be unlawful for the owner of private property to fail to keep a swimming pool on the property in a condition that is clean and sanitary, and in good repair.

(h) Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.~~ Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. ~~Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

(Code 1994, § 6-1-32; Ord. No. 1986-2, 5-14-1986)

~~—~~ **Sec. 6-1-33. Unsafe Conditions**

For the purposes of this Article, the following conditions shall be determined unsafe and shall be repaired or replaced as required for existing vacant or occupied structures:

—

Appeals; ordinance summons; liens; penalties. (a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(c) Structures or components thereof that have reached their limit state;

(d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

~~(h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;~~

~~(i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;~~

~~(j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~

~~(k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~

~~(l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or~~

~~(m) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.~~

-

• ~~Sec. 6-1-343. Appeals; ordinance summons; liens; penalties.~~

(a) The City Administrator is authorized to issue regulations for the form, content, and maintenance of notices and to hear and determine appeals from Public Works Department notices served pursuant to [section 6-1-32](#)(e). A notice of appeal must be delivered to the City Administrator within five (5) days after service of the sanitation division notice. The determination of the City Administrator shall be made in writing and shall be final.

(b) The City Administrator may authorize an appropriate City employee to serve an ordinance summons for violation of this article pursuant to [section 1-3-66](#)(b).

(c) In the event the responsible person fails to correct the conditions which violate this article within the time prescribed in the notice, the City Administrator may authorize agents or employees of the City to enter onto the property and take corrective action up to and including demolition, if approved by the zoning administrator. The cost of corrective action

taken by the City shall be a lien upon the property which shall be added to and collected in the same manner as the ad valorem taxes on the property.

(d) Nothing in this section shall prevent the City from taking any other appropriate action such as courtesy notices to encourage voluntary compliance, or arrest warrants for violations.

(e) Violation of this article is a misdemeanor punishable as provided in [section 1-3-66](#).

(Code 1994, § 6-1-33; Ord. No. 1994-4, § 33, 4-26-1994)

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____