

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.~~

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(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.

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(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:

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(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)

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• **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;

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(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

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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)

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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: _____

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