

## MARION COUNTY

### NUISANCE ORDINANCE

AN ORDINANCE OF THE COUNTY OF MARION, SOUTH CAROLINA, TO PROVIDE FOR THE ABATEMENT OF NUISANCES; TO PROHIBIT THE MAINTENANCE, USE OR OCCUPANCY OF PRIVATE PROPERTY WITHIN THE UNINCORPORATED AREA OF MARION COUNTY AS A NUISANCE; TO REGULATE THE USE OF UNIMPROVED PROPERTY AS A NUISANCE; TO PROHIBIT THE ACCUMULATION OR DEPOSIT OF GARBAGE, REFUSE, DEBRIS, ETC. ON PRIVATE PROPERTY SO AS TO CREATE OR CONTINUE A NUISANCE; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED AND ENACTED BY THE COUNTY COUNCIL OF MARION COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

#### **Section 100. Title**

This Ordinance shall be known and may be cited as the NUISANCE ORDINANCE OF MARION COUNTY, SOUTH CAROLINA.

#### **Section 101. Purpose**

The purpose of this Ordinance shall be to protect, promote and preserve the health, security, general welfare and safety of the citizens of Marion County.

#### **Section 102. Nuisance Defined**

Any act of any person, group, business or industry within the unincorporated area of the County which results in accumulation of refuse, debris, litter, white goods, grass weeds, undergrowth, stagnant water, or abandoned property, or unfit dwellings on premises owned by or under the control of such owner or offending occupant and which may provide a harborage for rodents, vermin, and other pests, excluded the sun and tend to keep the property wet and favor for accumulation of filth, depreciate property values of neighboring properties, or constitute a detriment, danger or hazard to the health, safety and welfare of residents of the County or injury to neighboring property.

#### **Section 103. Specific Nuisances**

Nuisances may include but are not limited to:

- 1) Permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon those premises.

- 2) Causing or allowing a dwelling to become unfit for human habitation and/or other use and/or dangerous or injurious to health and safety of the owner/occupants, the owners/occupants of neighboring dwellings, or other residents of the County due to:
  - 1) Dilapidation/non-use, disrepair, or structural defects;
  - 2) Defects increasing the hazards of fire, accidents or other calamities;
  - 3) Lack of adequate ventilation, light, sanitary facilities or overall uncleanliness;
  - 4) Other conditions rendering such dwellings unsafe, unsanitary, dangerous, or detrimental to the health, safety, morals, or otherwise inimical to the welfare of residents of Marion County.
  
- 3) Allowing inoperable (incapable of being moved under its own power) and unlicensed cars/trucks/motorized vehicles, junk, trash, waste, old lumber, tires, furniture, stoves, refrigerators, freezers, cans or containers, or other abandoned, unused or unusable objects or equipment to accumulate and remain upon the premises. No inoperable vehicles without current license plates and registration shall be parked or stored on any residential properties without being in a completely enclosed building or carport or in any area which is surrounded by the six foot tall natural or manmade sight obscuring barrier. (Tarpaulins, tents or other similar temporary covers/structures shall not be deemed satisfactory with this requirements.) This section shall not apply to vehicles in an enclosed building or so located upon the premises so as not to be readily visible from any public place or from any surrounding private property. Further, this section shall not apply with regard to any vehicle on the premises of a business enterprise when the keeping of such vehicles is necessary to the operation of such business enterprise provided the business owner has a current valid business license; or with regard to any vehicle in an appropriate storage place maintained by the County or any other public agency or entity; or with regard to a rural farm operation where one car without an affixed current license plate and vehicle registration shall be permitted provided that the vehicle is:
  - 1) Operable;
  - 2) Located within the rear yard of the property; or,
  - 3) Not continuously readily visible from any public place or from surrounding private property.
  
- 4) No repair, maintenance, or restoration of vehicles is permitted on any residential properties unless the vehicle is owned by and registered in the name of the owner/occupant of the dwelling and the vehicle is stored in a completely enclosed building or a carport; or unless said owner/occupant has a current valid business license.

- 5) Allowing or causing the removal of a manufacture or mobile home or recreational vehicle from a premise and failing to remove all associated structures (including but not limited to materials, foundations, insulation, roofs, porches, and steps) from the property at issue.
  
- 6) Maintaining a premises or building or part thereof, in an unsafe condition and detrimental to property of others in the neighborhood and which causes, or tends to cause, substantial diminution in the value of other property in the neighborhood in which such premises are located.

### **Section 105. Complaints**

The County Enforcement Office may initiate action under this ordinance.

The owner(s) or occupant(s) of any real property located within 2000 feet of the property at issue may file, in writing, a complaint alleging a violation of one or more of the acts of nuisance set forth above. The form for such a complaint shall be developed by the County, maintained in the County Planning and Building Department, and completed and filed at that office.

Three or more citizens who own property within 2 miles of the property at issue may also file a complaint in the manner outlined above.

### **Section 106. Voluntary Abatement**

If the enforcement officer determines the complaint is reasonable and the condition set forth in the complaint does allege a specific act of nuisance as set forth above, the enforcement officer shall notify the Sheriff to serve the owner or occupant with a notice that includes:

- 1) A copy of the complaint;
- 2) A copy of the county's ordinance; and
- 3) A notice of the date and time for an informal conference between the enforcement officer and the owner or offending occupant.

At the conference, the enforcement officer shall attempt to enter into an agreement with the owner or offending occupant whereby the owner or offending occupant agrees to willingly and voluntarily abate the nuisance within a reasonable, but specified, time (usually 30 days). This agreement shall be in writing, signed by the owner/occupant and the enforcement officer, and shall clearly state the actions the owner/occupant shall take to abate the nuisance, and shall permit the enforcement officer access to the premises to examine the degree of compliance.

This agreement shall not commit the County to expend any public funds, equipment or personnel.

## **Section 107. Involuntary Abatement**

If the owner/occupant refuses to respond to the notice, fails to execute the abatement agreement, or breaches the abatement agreement, the enforcement officer may petition the judicial court for a Rule to the owner/occupant to show cause why actions to abate the nuisance should not be taken by the owner/occupant and/or a civil penalty not be exceed \$200/day should not be imposed.

Should any party owner/occupant fail to keep such property maintained after due notice to do so, the County enforcement officer may cause the premises to be place in a safe and presentable condition, at a reasonable cost. Written notification of the cost shall be mailed to the owner by certified mail (return receipt requested), which shall be payable within thirty days of the date of mailing. If the owner fails to pay the cost after thirty calendar days, the County may bring an action in the appropriate County or State court of competent jurisdiction to obtain judgment against the offending property owner/operator.