

ORDINANCE NO. 2019-__

AN ORDINANCE TO AMEND CHAPTER 16, ENVIRONMENT, OF THE MONCKS CORNER CODE OF ORDINANCES

WHEREAS, the Mayor and Town Council finds adoption of this ordinance to be in the public's best interest as it will amend the Code of Ordinances of the Town of Moncks Corner in order to address changing community needs, address deficiencies and ambiguities in the Code of Ordinances, and promote public health, safety, and well-being; and

WHEREAS, the following text amendments and additions to the Town of Moncks Corner Code of Ordinances have been proposed by Staff:

CHAPTER 16 – ENVIRONMENT

ARTICLE II. - NUISANCES

DIVISION 1. - GENERALLY

Section 16-26. - Definition

Strike all and replace with the following:

The Town has adopted the International Property Maintenance Code (IPMC), which will be used to identify and abate any nuisances found within the Town limits. The information in this article is supplemental to the IPMC and only supersedes that ordinance if explicitly stated. For purposes of this article, the term "nuisance" is defined to mean any condition or use of premises or building exteriors within the town which is detrimental to the property of others or which causes, or tends to cause, substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the presence of any of the following:

- (1) The growth of grass, weeds, or undergrowth other than trees, bushes, cultivated garden, flowers, or other ornamental plants above the height of 12 inches. *Addendum to IPMC 302.4*
- (2) Dilapidated or unsecured structures
- (3) Lumber or other wood materials, building materials, glass, trash, garbage, litter, rubbish or debris.
- (4) Abandoned, discarded or unused objects or equipment such as automobiles, automobile parts, other vehicles and vehicle parts, machinery, implements and/or equipment, appliances, furniture, stoves, refrigerators (with or without doors attached), freezers, cans, containers and/or any other personal property which is no longer safely usable for the purpose for which it was manufactured are hereby defined as rubbish, as used in the IPMC. Such objects or equipment located within a secured structure, walled on all sides, shall not be considered a nuisance.
- (5) Accumulation of tree trimmings, yard clippings, stagnant water or other matter deleterious to good health and public sanitation. Deleterious matter shall specifically include any septic material but shall not be limited thereto.

- (6) Rodents, pests, and other vermin.

Sec. 16-28. - Exterior storage of nonoperating vehicles, machinery and equipment prohibited.

Strike the work prohibited in the title above; add (a)(4) and (b) – (e), below

- (a) No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, discarded, abandoned, or unused vehicles, machinery or equipment to remain on such property longer than ten days; except that this section shall not apply to any vehicle, machinery or equipment under the following conditions:
 - (1) Any vehicle, machinery, or equipment in an enclosed building provided, further, that the storage of such vehicle, machinery and equipment is permissible under the zoning ordinance of the town
 - (2) Any vehicle, machinery, or equipment on the premises of a business enterprise operated in a lawful place other than in a residential district and operated in a lawful manner when the keeping or maintenance of such vehicle, equipment or machinery is necessary to the operation of such business enterprise,
 - (3) Any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town or other public agency or entity.
 - (4) Any vehicle with an active restoration permit
- (b) Restoration. A person who seeks to restore a vehicle on their premises shall apply for a vehicle restoration permit. The location of the vehicle must be the same as the applicant's place of residence. Town Building and Codes Enforcement may issue one (1) written permit to an owner allowing the unlicensed or unregistered vehicle to be on the owner's premises for the purpose of repair and upgrade for a period not to exceed twelve (12) consecutive months, with a one (1) year extension available upon request and approval (See (E)). Only one (1) vehicle restoration permit is allowed at a time per household or dwelling site.
- (c) Storage. Any unlicensed or unregistered vehicle being repaired or upgraded under the vehicle restoration permit authorization must be stored in a garage or must be parked on a concrete or asphaltic surface, or an approved rock/gravel surface, and covered with an approved fitted cover designed for that vehicle type. The repair or upgrade of the vehicle must be for personal hobby or recreational purposes, and not be for business purposes.
- (d) Application. Restoration permits shall be obtained from Building and Codes Enforcement after completion of an application and payment of a fee as determined by Town Council.
- (e) Extension. Permittee may request and the town may authorize one (1) twelve (12) month extension in order to complete the repair, provided permittee is in compliance with the terms of the permit, the property maintenance provisions in this ordinance, and substantial work has been performed on the vehicle in the opinion of the Town. At the

expiration of the permit or its extension period, if the vehicle is not fully restored to working condition, the owner must either store the vehicle in a fully enclosed building or remove the vehicle from the property.

Sec. 16-30. - Enforcement.

Strike (a) in its entirety and replace with the following:

- (a) It shall be the duty of the town administrator to notify the owner of any private property within the town, or the agent of such owner, directing and requiring him within a certain specified time to take such action as is necessary to abate the nuisance. Such notice shall be delivered personally, electronically or by first-class, registered or certified mail addressed to the owner at his last known address. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. If the owner can be located, the town administrator should afford the owner an opportunity for hearing the matter and should listen to any statement the owner may make and any testimony he might wish to offer in his behalf concerning such matter. If, after fully hearing the matter, the town administrator should find such premises to be in such condition as to constitute a nuisance, or without hearing if the owner cannot be located or does not appear for hearing such determination shall be made, the town administrator shall issue a written order directing the owner and/or his agents to take the necessary action to abate the nuisance.

DIVISION 2. - RESTRICTIONS ON FENCES, SHRUBS AND BUSHES ON CORNER LOTS

Strike title above and replace with Sight Clearance on Corner Lots

Strike Sections 16-52 and 16-53 in their entirety and replace with the following:

Sec. 16-52. – Sight clearance to be maintained

At each corner of each street intersection a sight area shall be maintained. Within the sight area no fence, wall, sign, or other structure, no slope or embankment, no parked vehicle, no hedge, foliage or other planting, and no other object or structure shall be placed, erected or maintained which will obstruct visibility within the sight area between heights of two-and-one-half feet (2½') and ten feet (10').

Sec. 16-53. – Dimensions of Sight Areas

Refer to Town of Moncks Corner Zoning Ordinance Section 7-15 – Visibility at Intersections.

ARTICLE III. – TREE PROTECTION

DIVISION 2. - TREE PROTECTION

Sec. 16-106. - Tree removal.

Strike Section in its entirety and replace with the following:

- (a) It shall be unlawful for any person to fell, injure or destroy any living protected tree within the corporate limits of the Town of Moncks Corner, except by permit as provided hereinafter.
- (b) Protected trees may be removed upon the issuance of a valid permit by the Town Administrator or his/her designee. Required mitigation will be determined by the Administrator or designee per Sec. 16-107, below.
- (c) Grand trees may be removed upon the issuance of a valid permit by the Town Administrator or his/her designee if, in the determination of Staff, the trees meet the conditions for removal without mitigation. The Town Administrator reserves the right to forward any grand tree removal permits to the Planning Commission for review and issuance.
- (d) Trees removed under these conditions do not require mitigation:
 - 1. Tree(s) is/are dead.
 - 2. Tree(s) which pose(s) an imminent safety hazard to nearby buildings, persons, utility lines or vehicular traffic.
 - 3. Trees which are located in the footprint of a proposed building or drive which cannot be reasonably relocated.
 - 4. Trees which are being cut as a commercial timber operation; provided a 50-foot wide perimeter buffer of all existing trees is maintained in an undisturbed manner. Trees grown specifically for sale by commercial nurseries are exempt from the provisions of this article with respect to their removal from the commercial site upon which they are grown.
 - 5. Protected trees required to be removed to carry out a permitted wetland alteration and/or mitigation plan approved by the Army Corps of Engineers or South Carolina Office of Coastal Resource Management are exempt from the provisions of this article.
 - 6. Removal because of density or interference with the development of other trees.
 - 7. Removal of pine trees, unless permit is for multiple trees in which removal would constitute clear-cutting.
 - 8. Trees identified by the South Carolina Exotic Pest Plant Council Non-Native Plant Species List.
- (e) In the event that the removal permit is forwarded to the Planning Commission, Grand trees may only be removed when approved by action of a majority of the planning commission or, upon appeal, the town council.

- (f) All tree permit applications for lot clearing and/or removal of multiple trees, for the development or redevelopment of property, except individual single-family homes and single unit duplex construction projects, shall be accompanied by a tree survey. Surveys for non-residential and multi-family residential development shall be prepared by a South Carolina licensed landscape architect, surveyor or civil engineer. The survey shall indicate the following:
1. The location, diameter at breast height (DBH) and species (common name) of all protected trees at the time of the survey.
 2. A clear designation of all protected trees proposed for removal.
 3. A mitigation plan showing the location, size and species (common name) to be planted, if required by section 16-107, of this code.
- (g) For individual single-family homes and single unit duplex construction projects, a reasonably accurate survey showing the location, size and species (common name) of any protected trees proposed to be removed must be shown. This survey need not be prepared by a licensed professional.
- (h) Reasonable measures must be taken during construction or development to protect remaining trees from damage or injury.

Sec. 16-107. - Mitigation.

Strike (e), (i) and (j). Replace (e) with the following:

- (e) The removal of any protected tree authorized by permit may be exempt from mitigation on a case-by-case basis as determined by the designee of the administrator or the planning commission. The decision making authority will take into account the reason(s) for the removal, impact on the tree population density of the neighborhood and the lot configuration, financial hardship for the property owner, and any other pertinent factors in its mitigation recommendation. In no circumstances will mitigation exceed the parameters outlined in this section.

Sec. 16-110. - Violation and penalties.

Add the following to the end of paragraph (b)

The Town reserves the right to exercise Sec. 1-9 of this Ordinance should any contractors or owners, tenants, lessees and/or occupants of any lot within the corporate limits of the town be determined to have removed any protected trees without a permit.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and Town Council of the Town of Moncks Corner, South Carolina, in Council duly assembled on this 16th day of April, 2019, that the Ordinance of the Town of Moncks Corner is amended.

First Reading: March 19, 2019

Second Reading/Public Hearing: April 16, 2019

Michael A. Locklear, Mayor

Attest:

Marilyn M. Baker, Clerk-Treasurer

Approved As To Form:

John S. West, Town Attorney