

ARTICLE II. - NUISANCES²

Footnotes:

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Cross reference— Animals running at large prohibited, § 6-4; dogs running at large prohibited, § 6-36; leaving abandoned wells open, § 20-78; junkyards prohibited, § 20-79; public nuisances affecting the public safety, § 20-133.

State Law reference— Authority to abate nuisances, S.C. Code 1976, § 5-7-30.

DIVISION 1. - GENERALLY

Sec. 16-26. - Definition.

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.
- (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, freezers, cans, containers and/or any other personal property which is no longer safely usable for the purpose for which it was manufactured. 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.

(Ord. No. 1985-12, § 1, 7-16-85; [Ord. No. 2016-08](#), 6-21-2016)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 16-27. - Duty of maintenance of private property.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the property in the neighborhood in which such premises is located.

(Ord. No. 1985-12, § 2, 7-16-85)

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

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 in an enclosed building; provided, further, that the storage of such vehicle, machinery and equipment is permissible under the zoning ordinance of the town. This section shall further not apply with regard to any vehicle 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, or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town or other public agency or entity.

(Ord. No. 1985-12, § 3, 7-16-85)

Cross reference— Offenses against the public safety, § 20-131 et seq.; solid waste, ch. 30; traffic and vehicles, ch. 34.

Sec. 16-29. - Penalty for failure to abate nuisance.

If the owners, tenants, lessees and/or occupants of any lot within the corporate limits of the town upon which a nuisance has been determined to exist fail to abate such nuisance, they and each of them, upon conviction thereof, shall be punished in accordance with section 1-9.

(Ord. No. 1985-12, § 4, 7-16-85)

Sec. 16-30. - Enforcement.

- (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 by registered mail addressed to the owner at his last known address. 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.
- (b) Upon the failure and neglect or refusal of any owner or agent so notified and directed to abate such nuisance, after the lapse of the time specified in the notice requiring such action, the town may cause the nuisance to be abated through such action as is necessary.

(Ord. No. 1985-12, § 5, 7-16-85; Ord. No. 1996-12, § 1, 11-19-96)

Sec. 16-31. - Collection for expenses when town abates nuisance.

The costs necessary for the abatement of any nuisance under this article shall be charged to the owner of the real estate on which such nuisance exists, and where the full amount due the town is not paid within 30 days after such abatement, then and in that case, the director of public safety shall cause to be recorded in the office of the Berkeley County R.M.C. a sworn statement showing the costs and expense incurred for the work, the date the work was done, and the location of the property on which such work was done. Recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due, plus costs of court, if any, and for reasonable attorney's fees for collection, until final payment has been made. All costs, expenses and fees shall be collected in the manner fixed by law for the collection of taxes. Further, such costs, expenses and fees shall be subject to a delinquent penalty in the amount provided by law relative to tax collection in the event such costs, expenses and fees are not paid in full on or before the bill upon which such charge appears becomes delinquent.

Sworn statements recorded in accordance with the provisions of this article shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of this statement, plus interest, constitutes a charge against the property designated or described in the statement and that such charge is due and collectible as provided by law.

(Ord. No. 1985-12, § 6, 7-16-85)

Secs. 16-32—16-50. - Reserved.