

CHAPTER 10. HEALTH & SANITATION

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CHAPTER 10. HEALTH AND SANITATION HEALTH

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ARTICLE I. BOARD OF HEALTH

- 10.101. GENERALLY.

Unless and until a Board of Health is appointed by Council, health matters, generally, shall be referred to the Spartanburg Board of Health.

ARTICLE II. HEALTH NUISANCES

Editor's Note. This article derives from generally accepted municipal practices.

10.201. DEFINITION.

Any act of any person, firm or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage or ice boxes, refrigerators, stoves, refuse, manure, straw, hay or thing to accumulate and remain upon such premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another person's health or property. The above shall not be construed as all-inclusive.

10.202. SAME. ABATEMENT.

The town Council may declare as nuisances such things, the existence of which may be deemed unhealthy or harmful to the citizens, and such nuisances shall be abated pursuant to directions from the Council.

10.203. SAME. REFUSAL TO ABATE.

Any person refusing or neglecting to abate a nuisance, after having been directed to do so, shall be guilty of a misdemeanor.

10.204. JUNK AND TRASH.

It shall be unlawful to accumulate or allow to accumulate on any premises or in the rear of any store, factory or residence, old fixtures, junk, trash or any other material which tends to keep such premises wet, exclude the sun and catch and favor the accumulation of filth.

10.205. SAME. NOTICE TO REMEDY OR REMOVE CONDITION.

Whenever any condition described in this article is found to exist on any premises, the owner of such premises shall be notified by an Officer, in writing, to correct the condition within ten (10) days after such notice. It shall be unlawful for any person to fail to comply with such notice

10.207. CORRECTION OR REMOVAL OF CONDITIONS. APPEALS.

- a. In the event the owner of any lot or premises, upon which a condition described in this article exists, fails to remedy such condition after notice to do so is given, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, pay therefore and charge the expenses incurred thereby to the owner of such lot. The doing of such work shall not relieve such person from prosecution for failure to comply with such notice. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made.
- b. The owner shall have the right of appeal to Council.

(Editor's Note. The 1976 South Carolina Code of Laws, §5-7-80, provides statutory authority for ordinances relating to the upkeep of property within municipalities.)

10.208. WEEDS PROHIBITED ON IMPROVED PROPERTY.

No person shall allow or permit weeds and grass to grow upon his improved premises within the corporate limits uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of such grass, weeds and vegetable matter thereon.

All property zoned commercial shall not allow or permit weeds, grass or vegetable matter to accumulate in such a manner as to render the unimproved lot or premises of improved property and lot to become unsightly or unhealthy.

ARTICLE III. GARBAGE AND REFUSE REMOVAL. DISPOSAL.

Editor's Note. The Town Council entered into a contract with Burgess Refuse Removal Services, Inc, now bought out by GDS, Inc. to provide town residents with trash and garbage disposal by house-to-house and business-to-business pick-up. This article derives from that contract and generally accepted municipal practices.

10.301. CONTRACT PROVISIONS REAFFIRMED.

The contract between the Town and GDS, Inc., is hereby reaffirmed, and the provisions thereof shall remain in full force and effect.

10.302. SAME, TO BE CONTROLLING.

Said contract shall be controlling in all matters regarding trash and garbage disposal, as set forth therein.

10.303. REMOVAL OF DEAD ANIMALS.

Owners of dead animals shall be responsible for their removal and disposal.

10.304. TREE LIMBS. UNDERBRUSH, LEAVES. ETC.

The removal of all tree limbs, branches, underbrush and other yard waste shall be the responsibility of the owner.

10.305. BUILDING MATERIALS, ETC.

Every person, firm or corporation, including property owners, after completing or during the construction or alteration of a building, shall remove all trash incident to such construction or alteration.

10.306. SOLID WASTE DISPOSAL.

No person or persons shall deposit or cause to be deposited any form of solid waste on any public or private property.

ARTICLE IV. VACANT LOTS

This article regarding vacant lots derives from §5-7-80 of the 1976 South Carolina Code of Laws and generally accepted municipal practices.

10.401. PREMISES. ACCUMULATION OF GRASS, WEEDS AND DEBRIS.

It shall be unlawful for the owner or occupier of any premises within the corporate limits of The Town of Campobello or any other person to permit the accumulation thereon of grass, weeds, or debris, including, but not limited to, undergrowth, trash, garbage, stagnant water, building materials, glass, wood, or any other material in any manner which is deleterious to the public health and sanitation or which is or may become a fire hazard or a public nuisance or which renders the premises unsightly.

10.402. REQUIREMENT FOR OWNER TO MAINTAIN.

It shall be the duty of any town official authorized by §14.101.e to summon the owner of such premises. If, after fully hearing the matter and any statement the owner may make and any testimony he may offer in his behalf concerning such matter, the authorized official should find such premises in a condition injurious to the public health, he shall issue a written order or notice directed to the owner directing and requiring him, within a reasonable and specified time, to clear such premises and abate such nuisance.

10.404. FAILURE TO REMOVE. REMOVAL BY TOWN.

- a. Upon failure of the person notified to remove the stated conditions within thirty (30) days of the date of the notice, the town may cause the removal of such conditions.
- b. Should the bill remain unpaid more than sixty (60) days after its date, the bill shall become a lien against the premises and shall be added to the annual real property tax on the premises.
- c. The cost and expense of such removal by the town shall be charged to the owner and collected by the town in the same manner as the annual property tax.

ARTICLE V. TOILET FACILITIES

This article derives from the 1976 South Carolina Code of Laws and the 1976 Campobello Town Code, as amended.

10.501. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

- a. The term "pit privy" as used in this article shall mean a building which is not connected to a sewer and used, for affording privacy while in the act of urination or defecation.

(1976 SC Code 44-55-210)

- b. It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

10.502. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal. The contract shall provide for such facilities, and plans shall state the proposed method of disposal.

10.601. DISPOSITION AND CONTROL OF ABANDONED UN-OPERATIONAL AND JUNK VEHICLES

Sec 1 Declaration of Public Interest

Abandoned, un-operational and junk motor vehicles constitute a hazard to the health and welfare of the people in this town in that such motor vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin and present physical dangers to the safety and well-being of children and other citizens. It is therefore in the public interest that the present accumulation of abandoned and derelict motor vehicles be eliminated and that the future abandonment of such motor vehicles be prevented.

Sec 2 Definitions

(a) Motor Vehicle means every device by which a person or property may be transported or drawn upon a highway by mechanical means.

(b) Abandoned Vehicles means a motor vehicle that is inoperable or is left unattended on public property for more than seventy-two (72) hours, or a motor vehicle that has remained illegally on private or public property for a period of more than seven (7) days without the consent of the owner or person in control of the property.

(c) Derelict Vehicle means a motor vehicle:

1. Whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the State of its registration; or
2. Whose major parts have been removed so as to render the motor vehicle inoperable and incapable of passing inspection as required under existing standards; or
3. Manufacturer's serial plates, motor vehicle identification numbers, license number plates and any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or
4. Whose registered and legal owner of record disclaims ownership or releases his rights thereto; or

5. Which is more than seven (7) years old and does not bear a current license plate.
- (f) Junk automobile shall mean any vehicle with such present value that it would not be economical to repair or restore it.
- (g) Un-operational Automobile shall mean an automobile incapable of moving under its own power without repair.

Sec. 3 **Abandonment Unlawful**

- (a) It shall be unlawful for any person to abandon any motor vehicle, including junk motor vehicles, on any public street, right-of-way or public grounds or upon any privately owned property; and it shall be unlawful for any abandonment thereupon of any motor vehicle.
- (b) It shall be unlawful for any owner of any property in the Town to permit a vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be brought upon or remain upon his/her property, unless such vehicle is covered or sheltered in its entirety in such a fashion as to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes and other insects or rats and other vermin. No person shall salvage or otherwise maintain upon his/her property an un-operational vehicle for the purpose of storage or repair, without such motor vehicle have a current motor vehicle license unless such motor vehicle is covered or sheltered in its entirety in such a fashion as to be adequate to prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes and other insects or rats or other vermin.
- (c) Any person who abandons a motor vehicle either on public or private property shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00) and shall pay all costs of having such abandoned motor vehicle removed, stored or sold.

Sec. 4 **Exceptions**

1. This chapter shall not apply to automobile dealers or junk dealers in operation of their business who possess a current business license. *See Sec. 10.608. 4-1 Repealed. (8/24/04)

2. This chapter also shall not apply to motor vehicles housed or protected from the elements, those classified as antiques and registered pursuant to S.C. Code, Sections 56-3-2210 and 56-3-2220 unless any such motor vehicle constitutes some safety or health hazard or constitutes a nuisance. S.C. Code, Section 56-5-5920.

Sec. 5 Removal and Disposal

All abandoned, derelict and junk motor vehicles shall be subject to removal from public or private property and disposed of in accordance with the provisions of this Ordinance:

- (a) If a vehicle is found by any police officer parked in violation of this chapter or other ordinances of the Town, or abandoned on the streets of the Town of a period of over seventy-two (72) hours, such officer may, with the approval of the Chief of Police, have such vehicle removed by any wrecker service on the list approved by the Town Council and the same shall be held until claimed by the legal owner or otherwise disposed of provided by this Chapter or other applicable laws. S.C. Code, Sec. 56-5-5610 to 56-5-5680.

- (1) It shall be the duty of the investigating official to advise the owner of such vehicle, and if such vehicle shall be a motor vehicle, the owner shall be construed to be the registered owner, thereof as shown by the records of the State of its registration at such owner's last known address and any lien holder of record, within seventy-two (72) hours, by registered or certified mail, return receipt requested, of the fact that such vehicle has been impounded, setting forth the reasons for such impounding.

- (b) If an abandoned, derelict or junk motor vehicle is located on private property, the person responsible, or the registered owner, if it can be determined after a reasonable search, or the owner of the premises on which the vehicle is located, and any lien holder of record, shall be given legal notice in writing by registered or certified mail, return receipt requested, that said vehicle has been declared to be a safety hazard or other public nuisance and that if the vehicle is not removed or disposed of at his/her own expense with seven (7) days of the date of notification that he/she shall be in violation of this chapter and the vehicle will be removed to a designated place to be sold.

Sec. 6 Notice by Publication to Unknown Owners and Lien Holders

- (a) If the identity of the last registered owner cannot be determined or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identification and addresses of

any lien holders, the Chief of Police shall give notice by one (1) publication in a newspaper of general circulation in the area where the motor vehicle was located that such vehicle has been abandoned or impounded. The notice of publication may contain multiple listings of motor vehicles. If such vehicle is not reclaimed within thirty (30) days after a description of said vehicle has been published in a newspaper of general circulation the motor vehicle may be sold pursuant to the provisions of this chapter.

(b) Any notice sent by mail or newspaper notice published under the provisions of this Chapter shall contain the following if it is obtainable; the year, make, model and serial number of the abandoned, derelict or junk motor vehicle.

Sec. 7 Sale of Unclaimed Vehicles; Disposition of Proceeds

If at the expiration of thirty (30) days from the date of the impounding of a vehicle, the rightful owner thereof has not claimed the same by exhibiting proper evidence of ownership and paying all costs of removal and storage, the Town shall advertise and sell such vehicle for cash to the highest bidder in front of the Town Hall or such other place as may be designated therefore, after due notice published in a local newspaper once a week for four (4) consecutive weeks. The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale, and the balance, if any, deposited with the municipal clerk, subject to the claim of the owner to be filed and proven within twelve (12) months thereafter, and if no such claim of the owner is filed and proven within that time, then such proceeds are to be forfeited to the Town. The Chief of Police shall keep a record of such vehicle, the name of the registered owner, the license tag and the circumstances under which the vehicle was found, impounded, stored or sold.

ORDINANCE 10.608

TO AMEND THE CODE OF THE TOWN OF CAMPOBELLO, SOUTH CAROLINA, TO AMEND CHAPTER 10, ARTICLE VI., SECTION 4.1

BE IT ORDAINED by the Mayor and members of Council of the Town of Campobello, South Carolina, in council assembled:

Section 1. The Code of the Town of Campobello is amended to void Section to Chapter 10, Article VI., Section 4.1

Section 2. Said section shall read as follows:

This Chapter shall not exempt automobile dealers, car lots or junk dealers who possess a current business license. All individual property owners, businesses, automobile dealers, car lots, and institutions, equally and impartially shall comply with all Ordinances included in the Ordinances of the Town of Campobello.

ADOPTED by the Council Duly Assembled.

First Reading 7/12/04

Final Reading 8/2/04

ORDINANCE 10.701

TO AMEND THE CODE OF THE TOWN OF CAMPOBELLO, SOUTH CAROLINA, TO INCLUDE CHAPTER 10, ARTICLE VII, SECTION 1

BE IT ORDAINED by the Mayor and members of Council of the Town of Campobello, South Carolina in council assembled:

Section 1 a. The Code of the Town of Campobello is amended to add the following Section to Chapter 10, Article VII, Section 1, titled Penalty.

b. PENALTY

Any violation of this chapter shall be deemed a misdemeanor, punishable by Municipal Court and shall carry a fine of \$500.00 per incident plus all assessments and/or 30 days in jail.

ADOPTED by the Council Duly Assembled.

First Reading 7/12/04

Final Reading 8/2/04