

STATE OF SOUTH CAROLINA        )  
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   )     **ORDINANCE NUMBER 2006-10-16-11**  
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 COUNTY OF ORANGEBURG         )

**AN ORDINANCE  
 DEFINING CONDITIONS DANGEROUS TO PUBLIC HEALTH, WELFARE OR  
 SAFETY REGARDING VACANT OR DEVELOPED LOTS;  
 PROVIDING FOR ADMINISTRATION, ENFORCEMENT AND RELATED MATTERS**

**WHEREAS**, Orangeburg County has previously codified standards applicable to land and to development of, construction and improvements on land located within the unincorporated boundaries of Orangeburg County (“Standards”);

**WHEREAS**, Orangeburg County Council finds that some of the Standards should be revised (1) to reflect changes in State and case law, and (2) to expressly adopt at the county level additional standards available under State and Federal law;

**WHEREAS**, Section 28-2 of the Orangeburg County Code of Ordinances contains Standards that should be included in the revision regarding conditions dangerous to the public health, welfare and safety existing on vacant or developed lots.

**NOW, THEREFORE**, pursuant to the authority granted to the County Council for Orangeburg County under the Constitution, statutes, and laws of the State of South Carolina, **BE IT ENACTED** by the Orangeburg County Council, in meetings duly assembled, after three readings and a public hearing, the following ordinance:

<b>SECTION I.            REPEAL OF SECTION 28-2 OF THE ORANGEBURG COUNTY CODE OF ORDINANCES.</b>
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Section 28-2 of the Orangeburg County Code of Ordinances is amended to (1) remove it in its entirety, including the title, (2) reserve Section 28-2 for future use, and (3) codify within the Orangeburg County Code of Ordinances Section II of this ordinance which updates the substance of former Section 28-2.

<b>SECTION II.           CONDITIONS DANGEROUS TO PUBLIC HEALTH, WELFARE OR SAFETY ON VACANT OR DEVELOPED LOTS.</b>
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This ordinance shall be part of the Community Development Code (“code”) and, unless specifically stated to the contrary in this ordinance, the County shall administer and enforce this ordinance as it does the rest of the code, including recourse to the Community

Development Review Board.

**1. DEFINITIONS.** As used in this ordinance, the following terms shall have the following meanings:

**A. Dangerous Condition.** A condition dangerous to public health, welfare or safety, including the following:

**i. Trash, Garbage or Debris.** Any accumulation of trash, garbage or debris other than that which

a. is accumulated in leakproof containers with close-fitting covers that shall be kept closed except while being filled or emptied

b. does not contain evidence of (i) harboring feral rodents, snakes, pests or vermin or (ii) being a fire hazard

c. is accumulated for the specific purpose of being removed to an approved disposal site and

d. is, in fact, accumulated for a week or less before being removed to an approved disposal site.

**ii. Harboring or Infestation.** Any harboring or infestation of feral rodents, snakes, pests or vermin.

**iii. Structures.** Notwithstanding the following, any structure that is of historic value and for which an active restoration project is in progress, shall not be considered in a Dangerous Condition as long as measures are immediately implemented to eliminate any harboring, fire hazard or criminal activity.

a. If intended for human habitation, including stick built or modular houses, manufactured homes, mobile homes or trailers, a structure that is

(1) uninhabitable and

(2) contains evidence of (a) harboring feral rodents, snakes, pests or vermin, (b) being a fire hazard or (c) criminal activity.

b. If intended for purposes other than human habitation, a structure that is

(1) dilapidated or in such a state of disrepair as to not be repairable and

(2) contains evidence of (a) harboring feral rodents, snakes, pests or vermin, (b) being a fire hazard or (c) criminal activity.

c. If intended for any purpose, a structure that is

(1) wholly or partially destroyed by fire,

(2) resulting in debris located on the Lot,

(3) which debris has not been fully removed from the Lot to an approved disposal site within 30 days of the fire.

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- iv. **Vehicles.** Any vehicle that is
  - a. inoperable and
  - b. contains evidence of (a) harboring feral rodents, snakes, pests or vermin, (b) being a fire hazard or (c) criminal activity.
- v. **Other Dangerous Conditions.** Any condition that an expert in the field of health services, fire services, law enforcement, or emergency services opines endangers public health, welfare or safety.

**B. Extermination.** Pre-approved processes for (1) remedying a harborage or infestation which will neither be injurious to humans nor result in spreading the problem and (2) taking proper precautions to prevent recurrences of the problem. To be proper, extermination must be accomplished without dispersing upon the Lot or to neighboring parcels such rodents, snakes, pests, or vermin.

**C. Lot.** A vacant or improved parcel of land, specifically including any improvements or items on the land, that is located within a subdivision or other residentially developed area within the unincorporated boundaries of the County.

**D. Owner.** The holder of the title in fee simple to the Lot and every mortgagee of record on the Lot.

**E. Parties in Interest.** All individuals, associations, corporations and others who have interests of record in the Lot and any who are in possession of the Lot.

**2. Duty.** The owner of a Lot shall at all times keep the Lot free from any Dangerous Condition. If there is more than one owner of a Lot, each owner shall be fully responsible and accountable for complying with this duty.

**3. Violation.** It shall be a violation of this ordinance for a Dangerous Condition to exist on a Lot. The County shall hold the owner, or in the case of multiple owners, may hold any or all of the owners of the Lot responsible for any violation.

**4. Notice.** The County shall deliver notice of the violation to at least one owner of the Lot.

**5. Private Remediation; Contest.** Upon notice, the owner of the Lot shall have a duty to timely remedy the Dangerous Condition or timely object or appeal the finding of the Dangerous Condition to the Community Development Review Board.

**A. Private Remediation.** In the event that the owner of the Lot shall opt to privately remedy the Dangerous Condition such remedy must be such that the danger to the public health, welfare or safety is eliminated within the following time table:

- i. The owner shall promptly begin private remediation of the Dangerous Condition. If the owner has not begun private remediation of the Dangerous Condition within 7 calendar days of the date of delivery of the notice, then the

- owner shall be deemed to have failed to promptly begin private remediation.
- ii. The owner must complete private remediation of the Dangerous Condition within a reasonable time period. If the owner has not completed private remediation of the Dangerous Condition within 20 calendar days of the date of delivery of the notice, the owner shall be deemed to have failed to remedy the Dangerous Condition within a reasonable time period. Upon request from the owner and good cause shown, the code official may grant an extension of time to the owner to complete private remediation.

An owner may apply to County via the code official for waiver of tipping fees regarding private remediation of a Dangerous Condition on the ground of financial hardship. Upon recommendation from the code official, the County Administrator may grant a requested waiver of tipping fees on the ground of financial hardship.

- B. Objection or Appeal.** The owner of the Lot shall have the right to contest the County's finding of the Dangerous Condition in accordance with the procedures in place for objection or appeal to the Community Development Review Board.

**6. Remediation Restrictions.** All remediation shall be in accordance with all laws relevant to the remediation activity, including extermination, testing for and abating hazardous materials (including by way of example, but not as an exclusive list, lead-based paint and asbestos). In addition, in the event that the Dangerous Condition involves evidence of feral rodents, snakes, pests, or vermin, extermination of such rodents, snakes, pests and vermin must be completed prior to beginning other remediation efforts.

**7. Effect of Failure to Timely Remediate or Contest.** If an owner who receives notice fails to remedy the Dangerous Condition within the timetable prescribed in this chapter or contest the County's finding of a Dangerous Condition within the timetable prescribed in the administration and enforcement provisions:

- A. If the only legal interest holder in the Lot is the owner who received notice, then the code official is entitled to proceed without further notice to remove or abate the Dangerous Condition.
- B. If there are legal interest holders of record in addition to the owner who received notice, then the code official is entitled to proceed to remove or abate the Dangerous Condition upon (1) giving notice to all others holding a legal interest of record in the Lot and (2) a failure to remedy or contest the Dangerous Condition after the passage of 20 calendar days from service of the notice on the last-to-be-notified legal interest holder of record without complete private remediation of the Dangerous Condition or the filing of an objection or appeal to the Community Development Review Board.

**8. Public Remediation; Costs; Lien.** If the code official removes or abates the Dangerous Condition, all costs shall be handled in accordance with the "Cost; lien" section

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of the administration and enforcement provisions.

**SECTION III. CONFLICTS.**

Any previously enacted ordinance that is in conflict with the provisions of this ordinance is hereby repealed from and after the effective date of this ordinance.

**SECTION IV. SEVERABILITY.**

If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in effect.

**SECTION V. EFFECTIVE DATE.**

This ordinance shall become effective immediately upon approval at third reading.

**ADOPTED** and **APPROVED** in meeting duly assembled this 16<sup>th</sup> day of October, 2006.

**ORANGEBURG COUNTY COUNCIL**

By: \_\_\_\_\_  
Harry Wimberly  
In His Capacity as Vice Chairman  
(Pursuant to OCCO 2-38)

**ATTEST:**

By: \_\_\_\_\_  
Jacqueline Turner  
In Her Capacity As Clerk to Council

First Reading (Title Only): August 14, 2006  
Public Hearing: September 5, 2006  
Public Hearing: September 18, 2006

Second Reading:  
Third Reading:

October 2, 2006  
October 16, 2006

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