

STATE OF SOUTH CAROLINA            )  
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  ) **ORDINANCE NUMBER 2006-10-16-13**  
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COUNTY OF ORANGEBURG            )

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

**WHEREAS**, Orangeburg County has previously codified standards applicable to land and the 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**, Orangeburg County Council finds that it is appropriate to include codification at the county level South Carolina Code Section 31-15-310, et seq., regarding the regulation of dwellings unfit for human habitation.

**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:

**SECTION I.            FINDINGS.**

In accordance with South Carolina Code Sections 31-15-320 and 330, the governing body of Orangeburg County (“County”) finds that there exist in the County dwellings which are unfit for human habitation due to

- a. Dilapidation;
- b. Defects increasing the hazards of fire, accidents or other calamities;
- c. Lack of adequate ventilation, light or sanitary facilities; or
- d. Other conditions rendering such dwellings unsafe or unsanitary, dangerous or Dangerous to the health, safety or morals or otherwise inimical to the welfare of the residents of the County.

**SECTION II.           REGULATION OF DWELLINGS UNFIT FOR HUMAN  
  HABITATION.**

1. In accordance with South Carolina Code Section 31-15-330 and the specific terms of this ordinance, the County shall exercise its police powers to repair, close or demolish any Dwelling within the unincorporated boundaries of the County that is unfit for human habitation. 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.
2. The code official shall cause to be conducted a preliminary investigation and issue any resulting notice and complaint of violation of this ordinance. The code official may determine that a Dwelling is unfit for human habitation if s/he finds that a condition exists in such dwelling which is dangerous or injurious to the health, safety or welfare of those persons who are in or around the Dwelling.
3. **Definitions.** As used in this ordinance, the following terms shall have the following meanings:
  - A. Complaint.** A written communication informing an Owner and all Parties in Interest of the existence of a Dangerous Condition affecting the Dwelling.
    - i. Content.** The Complaint shall state the allegations and charges with respect to the Dangerous Condition and contain a notice that a hearing will be held before the Community Development Review Board at a place and time specified, that the Owner and Parties in Interest have the right to file an answer to the complaint and to appear in person at the hearing (in person and/or by legal counsel) and give testimony at the hearing, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing.
    - ii. Service.** The Complaint shall be served on the Owner and all Parties in Interest as allowed under the code.
  - B. Dangerous Condition.** A condition that exists in a Dwelling which is dangerous or injurious to the health, safety or welfare of those persons in or around the Dwelling, such as occupants of such Dwelling, the occupants of neighboring dwellings, or other residents in the County. Such conditions include the following:
    - i.** Dilapidation;
    - ii.** Defects increasing the hazards of fire, accidents or other calamities;
    - iii.** Lack of adequate ventilation, light or sanitary facilities;
    - iv.** Structural defects; or
    - v.** Any condition that an expert in the field of health services, fire services, law enforcement, or emergency services opines renders the relevant dwelling unsafe or unsanitary, dangerous or dangerous to the health, safety or otherwise inimical to the welfare of the occupants, neighbors, or other residents in the County.

- C. Dwelling.** Any building or structure, or part thereof, used or occupied by humans as a habitation or intended to be used by humans as a habitation, including any unattached structures which serve functions customarily included within a human habitation.
  - D. File.** The act of delivering an original of the relevant document and the required filing fee to the Community Development Review Board for filing in any proceeding arising from a violation.
  - E. Complaint Hearing.** A hearing regarding the charges and allegations in a Complaint shall be held by the Community Development Review Board not less than 10 days nor more than 45 days after the service of the Complaint. Testimony and evidence shall be given at the hearing, but the rules of evidence prevailing in courts of law shall not be controlling.
  - F. Owner.** The holder of the title in fee simple of the dwelling and every mortgagee of record of the dwelling.
  - G. Parties in Interest.** All individuals, associations, corporations and others who have interests of record in the Dwelling and any who are in possession of the Dwelling.
- 4. Duty.** The owner of a Dwelling shall at all times keep the Dwelling free from any Dangerous Condition. If there is more than one owner of a Dwelling, each owner shall be fully responsible and accountable for complying with this duty.
  - 5. Violation.** It shall be a violation of this ordinance for a Dangerous Condition to exist in a Dwelling, and the County shall hold the owner, or in the case of multiple owners, may hold any or all of the owners of the Dwelling responsible for any violation.
  - 6. Preliminary Investigation.** The code official shall cause to be conducted a preliminary investigation to determine if there is a basis for finding a violation of this ordinance. The right of entry into the Dwelling shall comport with the right of entry provisions in the administration and enforcement provisions of the code.
  - 7. Notice.** If the preliminary investigation discloses a basis for charging a violation, then the code official shall cause to be delivered to at least one owner a notice of the violation.
  - 8. Private Remediation; Contest.** Upon notice, the owner of the Dwelling shall have a duty to timely remedy the Dangerous Condition or timely object or contest the finding of the Dangerous Condition.
    - A. Private Remediation.** In the event that the owner of the Dwelling 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 County's 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 County's 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 County 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. Administrative Appeal.** The owner of the Dwelling 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.

**9. 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 proper, as that is defined elsewhere in the code, and completed prior to beginning other remediation efforts.

**10. Effect of Failure to Timely Remediate or Contest.** If an owner who receives notice fails to remedy the Dangerous Condition or contest the County's finding of a Dangerous Condition, then the County shall proceed to the complaint stage.

**11. Complaint Stage.** If the Dangerous Condition is not remedied within 20 days of delivery of notice to an owner, then the violation shall proceed to the complaint stage. The following shall occur in the complaint stage:

**A. Complaint.** The code official shall file a complaint, and then issue and serve a copy of the complaint on the Owner and all Parties in Interest. Each recipient of the complaint shall have 30 days from his/her receipt of the Notice to file a written answer to the complaint.

**B. Hearing.** A hearing shall be held by the Community Development Review

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Board. The code official or his/her designee shall appear, give testimony and otherwise enter evidence regarding all issues relevant to the alleged violation. Any recipient who timely filed an answer to the complaint shall have the right to appear (in person and/or through legal counsel), give testimony and otherwise enter evidence regarding all issues relevant to the alleged violation.

**C. Decision.** The board shall issue a decision as provided in the code and the written decision shall be labeled "Findings and Order".

**D. Further Proceedings.** In any proceeding pursuant to this ordinance in which there are findings and an order, the County shall contemporaneously deliver to the Owners and all Parties in Interest information regarding their right under South Carolina Code 31-15-370 to petition the circuit court for an injunction restraining the carrying out of the order and that the failure to petition within 60 days of delivery and posting of the order will render the order, including the effect of failure to comply with the order, final and enforceable.

**12. Judicial Proceedings.** In the event of the issuance of an order, the Owners and all Parties in Interest shall have the rights accorded to them under South Carolina Code Section 31-15-370.

**13. Public Remediation; Costs; Lien.** Upon (1) the order becoming final and enforceable and (2) the passing of the deadline for private compliance with the order, a County Building Inspector shall inspect the Dwelling for compliance with the order. If the Dangerous Condition has not been remedied in accordance with the order, the code official shall take action in accordance with the provision of the order regarding the effect of failure by the private parties to comply with the order. If the code official removes or abates the Dangerous Condition, all costs shall be handled in accordance with the "Cost; lien" section of the administration and enforcement provisions.

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| <b>SECTION III. CONFLICTS.</b> |
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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.

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| <b>SECTION IV. SEVERABILITY.</b> |
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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.

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| <b>SECTION V. EFFECTIVE DATE.</b> |
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This ordinance shall become effective immediately upon approval at third reading.

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**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: October 2, 2006  
Third Reading: October 16, 2006