

AMENDMENT TO COUNTY ORDINANCE NUMBER 248 PERTAINING TO BUILDING CODES FOR UNION COUNTY.

WHEREAS, The Union County Council wishes to amend the fees section of the ordinance pertaining to building codes for Union County.

NOW, THEREFORE, BE IT ORDAINED BY the Union County Council that County Ordinance Number 248 shall be amended by deleting Section IX pertaining to fees and inserting in lieu thereof the following:

Section IX. Fees

Residential new construction and additions inclusive permit for Building, Mechanical, Electrical, Plumbing and Gas. Fees for services, inspections, etc. required hereby shall conform to fees as outlined below.

1. Building Permit Fees.

<u>Total Valuation</u>	<u>Fee</u>
\$1,000.00 and Less	No fee, unless inspection required, in which case a \$25.00 fee for each inspection shall be charged.
\$1,001.00 to \$50,000.00	\$25.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$270.00 for the first \$50,000.00 plus \$3.60 for each additional thousand or fraction thereof, to and including 100,000.00.
\$100,001.00 to \$500,000.00	\$450.00 for the first \$100,000.00 plus \$2.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,001.00 and up	\$1,250.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.
Commercial Plan Review Fee	50 percent of Building Permit Fee, but not less than \$50.00.
Re-Inspection Fee	\$25.00 per re-inspection.
Commercial Moving Fee	For the moving of a building or structure the fee shall be \$100.00.

Modular structure Fee	Per valuation of building.
Commercial Demolition Fee	For the demolition of any building or structure, the fee shall be: 0 up to 100,000 cubic feet: \$60.00 100,000 cubic feet and over: \$50.00 plus \$.50 per 1,000 cubic feet
Residential Demolition Fee	\$15.00
	<i>Note: Demolition permits are valid for thirty (30) days only.</i>
Manufactured Home Fee	Inclusive permit (to include moving, Building, Mechanical, Electrical, and Plumbing permit) Fee \$100.00
Board of Appeals Fee	No Charge

Penalties: Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled; but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code, in the exaction of the work, nor from any other penalties prescribed herein.

2. Electrical Permit Fees.

For New Service, Changes to Service Equipment, and Additions to Existing Services.

Initial Fee for Each Permit up to first \$ 1000. \$25.00
Plus \$ 5.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

3. Heat and Air Conditioning Schedule of Permit Fees.

Initial Fee for each permit up to first \$ 1000. \$25.00
Plus \$ 5.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

4. Plumbing Permit schedule of Fees.

Initial Fee for each permit up to first \$ 1000. \$25.00
Plus \$ 5.00 for each additional thousand or fraction thereof.

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| | Re-Inspection Fee | \$25.00 per re-inspection. |
| 5. | Gas piping (Natural and Propane Gas) Permit Fees. | |
| | Initial Fee for each permit up to first \$ 1000. | \$25.00 |
| | Plus \$ 5.00 for each additional thousand or fraction thereof. | |
| | Re-Inspection Fee | \$25.00 per re-inspection. |
| 6. | Permit Fees for Swimming Pools. | |
| | For each swimming pool: | |
| | Public Pool | \$50.00 |
| | Private Pool | \$35.00 |
| 7. | Permit Fee for Communications Tower | \$5,000.00 |

ADOPTED THIS 9th DAY OF March, 2010.


UNION COUNTY COUNCIL

(SEAL)



Thomas L., Sinclair, Chairman

Attest:


Linda G. Jolly, Clerk to Council

First Reading 11-10-09
Second Reading 1-12-10
Third Reading 3-9-10
Public Hearing 3-9-10

ORDINANCE #248

An ordinance to acknowledge the responsibility to enforce the Building, Residential, Fire, Plumbing, Mechanical, Fuel Gas and Energy Conservation Codes, as published by the International Code Council and the National Electrical Code, as published by the National Fire Protection Association, as duly adopted by the South Carolina Building Codes Council. Union County acknowledges its responsibility to enforce the aforementioned codes in compliance with section 6-9-10 of the South Carolina Code of Laws, 1976, as Amended. In addition to the building codes named herein, Union County hereby adopts the latest edition of the Property Maintenance Code, as published by the International Code Council.

ARTICLE I: BUILDING CODES

Section I. South Carolina Law Provisions Prevail.

Should any conflict arise between the provisions of this Ordinance and any South Carolina law, rule or regulation, the provisions of state law shall be controlling.

Section II. Building Permits. Fee.

No building or structure, nor any additions thereto, shall be erected or constructed unless a permit has been issued by the proper official and a fee paid as may be required by the several codes enumerated in Section VI hereof.

Section III. Industrial Buildings. Appeals to Council.

No person, firm or corporation desiring to construct, erect or use a building for industrial purposes shall do so without first obtaining a permit from the County Building Official or his authorized representative. A public hearing on the matter shall be granted by the Council when, in its discretion, the public interest will best be served, and it is requested to do so.

Section IV. Complaint Procedures.

1. To file a complaint involving Articles I, II, III, or IV a person(s) must reside (primary residence) within a 2 mile radius of said complaint. All complaint(s) must be submitted in writing to the Union County Assessors Office, stating in detail the alleged complaint and must be signed with contact information by the complain tiff(s).

Section V. Contractor Licensing.

Contractors shall be licensed in compliance with the provisions of the South Carolina Contractors Licensing Board, and the Residential Builders Commission.

Section VI. Acknowledgement of International, and National Codes.

The following Codes are hereby acknowledged by reference:

- International Building Code
- International Residential Code
- International Fire Prevention Code
- International Plumbing Code
- International Mechanical Code
- International Fuel Gas Code
- International Energy Conservation Code
- Property Maintenance Code
- National Electrical Code

Union County excludes and does not adopt the provisions of the Building Codes referenced in these sections which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures of all building officials, codes enforcement officers, deputy building officials, chief inspectors, other inspectors and assistants as these duties fall under the auspices of the County Supervisor as outlined in SC Code §4-9-430.

Section VII. Repeal of Conflicting Ordinances.

Any matters in said codes which are contrary to existing ordinances shall prevail, and, to that extent, any existing ordinances to the contrary are hereby repealed in that respect only.

Section VIII. Officials to Enforce Provisions of Codes.

Within said codes, when reference is made to the duties of certain officials named therein, the County official whose duties shall correspond thereto shall be deemed to be the responsible official for enforcement. Building Codes official and Code Enforcement officer terms may be used interchangeably.

Section IX. Fees.

Fees for services, inspections, etc. required hereby shall conform to fees as outlined below.

1. Building Permit Fees.

<u>Total Valuation</u>	<u>Fee</u>
\$1,000.00 and Less	No fee, unless inspection required, in which case a \$25.00 fee for each inspection shall be charged.
\$1,000.00 to \$50,000.00	\$25.00 for the first \$1,000.00 plus \$7.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,000.00 to \$100,000.00	\$300.00 for the first \$50,000.00 plus \$6.00 for each additional thousand or fraction thereof, to and including 100,000.00.
\$100,000.00 to \$500,000.00	\$500.00 for the first \$100,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$500,000.00.
\$500,000.00 and up	\$2,000.00 for the first \$500,000.00 plus \$3.00 for each additional thousand or fraction thereof.
Commercial Plan Review Fee	50 percent of Building Permit Fee, but not less than \$50.00.
Re-Inspection Fee	\$25.00 per re-inspection.
Commercial Moving Fee	For the moving of a building or structure the fee shall be \$100.00.
Modular structure Fee	Per valuation of building.
Commercial Demolition Fee	For the demolition of any building or structure, the fee shall be: 0 up to 100,000 cubic feet: \$60.00 100,000 cubic feet and over: \$50.00 plus \$.50 per 1,000 cubic feet

Note: Demolition permits are valid for thirty (30) days only.

Manufactured Home Fee	Inclusive permit (to include moving, Building, Mechanical, Electrical, and Plumbing permit) Fee \$100.00
Board of Appeals Fee	No Charge

Penalties: Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled; but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code, in the exaction of the work, nor from any other penalties prescribed herein.

2. Electrical Permit Fees.

For New Service, Changes to Service Equipment, and Additions to Existing Services.

Initial Fee for Each Permit up to first \$ 1000. \$25.00
Plus \$ 7.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

3. Heat and Air Conditioning Schedule of Permit Fees.

Initial Fee for each permit up to first \$ 1000. \$25.00
Plus \$ 7.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

4. Plumbing Permit schedule of Fees.

Initial Fee for each permit up to first \$ 1000. \$25.00
Plus \$ 7.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

5. Gas piping (Natural and Propane Gas) Permit Fees.

Initial Fee for each permit up to first \$ 1000. \$25.00
Plus \$ 7.00 for each additional thousand or fraction thereof.

Re-Inspection Fee \$25.00 per re-inspection.

6. Permit Fees for Swimming Pools.

For each swimming pool:

Public Pool	\$50.00
Private Pool	\$35.00

Section X. Appeals.

Appeals from decisions of officials shall be as prescribed in the codes.

Section XI. Utility Connections.

No supplier of water, gas or electric service shall initiate or re-initiate service to a building unless the owner thereof has been issued a building permit or certificate of occupancy for the building.

Section XII. Standards for Maintenance of Non-Residential Buildings.

Purpose and Scope:

1. It is the purpose of this ordinance to provide a practical method for the repair, vacation or demolition of non-residential buildings or structures when such buildings in the opinion of the Codes Enforcement Official, from any cause, endanger the life, limb, health, property, safety or welfare of the general public or their occupants or detract excessively from the appearance of the commercial area in which they are located. The provisions of this Ordinance are cumulative with, and in addition to, any other remedy provided by law, including the current editions of standard codes adopted by Union County.
2. The provisions of this Ordinance shall apply to all non-residential buildings which are now in existence or which may be built within the unincorporated areas of Union County.

Section XIII. Definitions.

The following terms shall have these meanings:

1. "Accessory Structure" – A subordinate building, the use of which is incidental to that of the principal building on the same lot.
2. "Building" – Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof."
3. "Non-Residential Building" – Any business or enterprise which offers for sale goods or services or which, in any manner, conducts commerce, within the unincorporated areas of Union County, including churches, clubs and non-profit organizations.
4. "Building Official" – The officer or designated authority, or their duly authorized representative, charged with the administration and enforcement of the Ordinance.
5. "Mixed Occupancy" – Any building that is used for two or more occupancies classified by different occupancy groups as defined by the currently adopted International Building Code.
6. "Operator" – Any person who has charge, care, or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to permission regardless of whether the premises are actually occupied or not.
7. "Premises" – A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same operator, developed to commercial use, together with all adjacent land.
8. "Physical Valuation" – The estimated cost to replace a building in kind.

Section XIII. Applicability and Compliance.

1. Every non-residential building and the premises on which it is situated shall comply with the provisions of this Ordinance, whether or not such building shall have been constructed, altered, or repaired before or after the enactment of this Ordinance, and irrespective of any permits or license which shall have been issue for the occupancy of the building, or for the installation or repair of equipment of facilities prior to the effective date of this Ordinance. This Ordinance establishes minimum standards for the

initial and continued occupancy and use of all such buildings, and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein except as otherwise provided herein. Where there is mixed occupancy, any commercial business use therein shall be nevertheless regulated by, and subject to, the provisions of this Ordinance.

2. In any case where the provision of this Ordinance imposes a higher standard than that set forth in other ordinances of the County or under the laws of the State of South Carolina, then the standard as set forth herein shall prevail, but if the provisions of this Ordinance impose a lower standard than any other ordinance of the County or of the laws of the State of South Carolina, then the higher standard contained in any such other ordinances or law shall prevail.

Section XV. Duties and Responsibilities of Owner and Operator.

I. Occupied Buildings. The premises and all structures thereon shall be kept free of all hazards to the safety of occupants, pedestrians and other persons utilizing the premises such as, but not limited to, the following:

A. Exterior

1. Roofs. Roofs shall be kept structurally sound and shall be maintained in such a manner as to prevent rain or other objects from penetrating into the interior of the building.
2. Overhangs. Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
3. Foundation Walls. Foundation walls shall be kept structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has been exposed as a result of demolition of adjacent building said wall must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed if necessary to prevent deterioration of the wall.
4. Chimneys, Flues and Vent Attachments. Chimneys, flues and vent attachments thereto shall be maintained structurally sound, free from defects and so as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other

draft producing equipment shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases. Any chimneys, flues or vent attachments not in use must be permanently closed with materials suitable to create an air tight seal.

5. Exterior Porches, Landings, Balconies, Stairs and Fire Escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazards of falling and the same be kept structurally sound and in a good state of repair.
6. Windows. All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with glass or Plexiglas. All exposed wood shall be repaired and painted. All openings originally designed as windows shall be maintained as windows complete with seals, lintels, frame and glass unless specifically approved by the fire official for enclosure. Where the fire official approves the enclosure of a window, it must be so enclosed by either bricking the opening, blocking the opening with concrete blocks or stuccoing the exterior, or by boarding up the opening. When boarding is used, it shall be of a trim fit, sealed to prevent water intrusion, and painted or stained to properly conform to the other exterior portions of the building.
7. Painting. All exterior surfaces which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed. All exterior surfaces which have been painted shall be maintained generally free of peeling or flaking. Where 50 percent or more of the aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted.
8. Cornices. All cornices shall be made structurally sound and rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original pattern.
9. Downspouts. Sheet metal gutters and downspouts shall be replaced or repaired as necessary and shall be neatly located and securely installed.
10. Advertising Signs, Structures and Awnings. All permanent signs, billboards, awnings and the like shall be maintained in good repair at all times so as not to constitute a nuisance or safety hazard. All

inoperative or broken electrical signs shall be repaired and kept in good condition or removed.

11. Ground Surface Hazards. Holes, excavations, breaks, projections and obstructions on walks, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises; all such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsafe conditions.
12. Curb Cuts. Where curb cuts are abandoned due to new construction, change of access or general discontinued use, said curb cut shall be closed and replaced with a standard curb and gutter arrangement.
13. Garbage. No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles which are in accordance with the sanitation regulations of the County. It shall be the duty of the owner, agent, occupant or lessee to keep the exterior private and public property free of litter and unsightly growth. This requirement applies not only to removable of loose litter, but to materials that already are, or become, trapped at such location as fences and wall bases, grassy and planted areas, borders, embankments, commercial containers and other lodging points.
14. Miscellaneous. All exterior surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other similar hazardous conditions. All structures and decorative elements of building fronts and sides abutting public streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction techniques. Structures at the rear of buildings attached or unattached to the principle commercial structure shall be properly maintained and repaired. All miscellaneous elements on buildings, walls, roofs and surrounding premises such as empty electrical or other conduits, unused electric meter boxes or unused brackets shall be removed.

B. Interior

1. Floors, Interior Walls and Ceilings. Floors, interior walls and ceilings of every structure shall be structurally sound and shall be maintained in a condition compatible with its business use.

2. Supporting Structural Members. Supporting structural members are to be structurally sound, free of deterioration and capable of bearing imposed loads safely.
3. Garbage. No garbage or solid waste shall be stored or allowed to accumulate within a structure unless contained in trash receptacles which are in accordance with the sanitation regulations of the County.
4. Vacant or Unoccupied Buildings. All the provisions of Section **XV** (including exterior and interior requirements) shall apply to occupied structures or buildings. Vacant or unoccupied structures and buildings shall not be required to comply with the interior requirements of Section **XV**, except to the extent as may be determined by the Codes Official, but shall comply with the exterior requirements of Section **XV**. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or serving as the nesting place for birds, rats and other vermin.
5. Duties of the Operator. All parts of the premises under the control of the operator shall be kept in a safe and sanitary condition consistent with the business use, and the operator shall refrain from performing any acts which would render other parts of the premises unsafe or unsanitary or which would obstruct any adjacent property owner from performing any duty required or from maintaining his premises in a safe and sanitary condition.

Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective and inoperable, the operator affected thereby shall, upon learning of such defect, provide notice to the owner.

Section XVI. Historic Buildings.

It is the policy of Union County to encourage property owners to preserve historic buildings. To this end, the County Building Official shall establish appropriate safeguards and procedures to prevent the demolition of historic buildings when reasonable to do so. These procedures will provide for the following:

1. Maintenance of an inventory of historic landmarks. This inventory shall be developed upon the advice and consent of the State Historic Landmarks Commission and the County Council.
2. Any building in the Historic Landmarks inventory shall be exempt from the provisions of this ordinance requiring demolition except that this revision shall not limit the authority of the County to require the demolition of any structure posing an immediate danger to life, limb or property.

ARTICLE II: NON-RESIDENTIAL/RESIDENTIAL BUILDINGS UNFIT FOR HUMAN HABITATION.

Section I. Purpose.

Be it recognized that there exists within Union County, South Carolina certain dwellings and other structures which are unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering such dwellings and/or structures unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the County.

Section II. Power Exercised by Building Official.

Whenever it is determined that any of the conditions exist as described above, the police powers of the County may be exercised to repair, close or demolish any such dwelling or other structure in the manner hereinafter provided.

Section III. Complaint; Notice and Hearing.

The powers to be exercised under this section shall be exercised by the building official or other designated representative.

Section IV. Order to Repair or Demolish.

Whenever a complaint or petition is filed with the building official, or other designated representative, by any one (1) of the administrative heads of the County, or by at least one (1) resident of the County, charging that any dwelling or other structure is unfit for human habitation, or whenever it appears to the building official, or other designated representative (on his own motion), that any dwelling or other structure is unfit for human habitation, the building official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling or other structure a complaint in letter form stating the charges in that respect and containing a notice that a hearing will be held before County Council not less than ten (10) days nor more than thirty (30) days after the service of such complaint or letter; that the owner and parties in interest shall be given the right to file an answer to the complaint in letter form and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. In

the event an emergency arises whereby it appears that human life or safety is involved, the building official may shorten the notice of hearing to no less than one (1) day.

Section V. Posted Notice.

1. That if, after such notice and hearing, the County Council determines that a dwelling or other structure under consideration is unfit for human habitation it shall be stated in writing, such writing to include the findings of fact in support of such determination, and this writing shall be issued and caused to be served upon the owner of such property together with or in the form of an order.
2. If the repair, alteration or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within the time specified in such order, to repair, alter or improve such dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation; or
3. If the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner then shall be required, within the time specified in the order, to remove or demolish such dwelling.

Section VI. County Removing or Demolishing Structure.

If the owner fails to comply with the order to repair, alter or improve or to vacate and close the dwelling or other structure, the building official, or other designated representative, may cause such dwelling or other structure to be repaired, altered or improved or to be vacated and closed; that the building official shall cause to be posted on the main entrance of any dwelling or other structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Section VII. Removal Authority of County.

If such owner fails to comply with the order to remove or demolish the dwelling, the building official, or other authorized representative, may cause such dwelling or other structure to be removed or demolished forthrightly.

Section VIII. Costs; Lien upon Property.

That the amount of the cost of such repairs, alterations or improvements, vacating and closing or removal or demolition by the County shall be a lien against the real property

upon which the cost was incurred, such lien shall be collectable in the same manner as county taxes.

Section IX. Services of Complaints.

Complaints by letters or orders hereunder shall be delivered to and/or served upon such persons either personally or by certified mail, but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence the building official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in this area. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Union County Clerk of Court and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Section X. Building Official; Powers and Duties.

The building official or other designated representative may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted:

1. To investigate the dwelling or other structure conditions in order to determine which may be unfit for human habitation;
2. To administer oaths and affirmations, examine witnesses and receive evidence; and
3. To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the person or persons in possession.

Section XI. Disposition of Proceeds of Sale.

If a dwelling or other structure is removed or demolished by the building official, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited with the Union County Clerk of Court by the building official and shall be secured in such manner

as may be directed by such clerk of court and shall be disbursed by such clerk of court to the persons found to be entitled thereto by final order or decree of such court.

Section XII. Trespassing Prohibited.

1. It shall be unlawful for any person to trespass upon the property boundaries of a condemned building or structure on private property which has been declared unsafe by the County building official.
2. It shall further be unlawful for any person or persons to remove any baffle used to close windows, doors, underpinning or other openings in the building or structure.
3. The building official shall ensure trespassing notices are filed and notice of "No Trespassing" posted on four (2) sides of the building or structure.
4. There shall be no violation under this section for entry upon property boundaries, building or structure by sheriff's or fire personnel, building official or a licensed contractor on the premises for the purpose of repair, removal or razing of the building or structure.
5. The owner may enter upon the premises when accompanied by any of the personnel listed in subparagraph 4.

Section XIII. Unlawful to Remove or Deface Public Notices.

It shall be unlawful for any person or persons to remove or deface public notices of "Condemned Structure--Unsafe" or "No Trespassing" which are required to be posted upon the condemned building or structure.

Section XIII. Notice and Abatement.

1. The council, or any officer or employee of the County designated thereby for the purpose, is hereby authorized to give notice, by personal service or United States mail (certified mail, return receipt) to the owner or occupant, as the case may be, of any premises whereon the County has declared the structures unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire accidents or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering such dwelling and/or structures unsafe or unsanitary, dangerous, or detrimental to the health, safety or morale or otherwise inimical to the welfare of the residents of the County.

The owner shall be required to repair, alter or improve such dwelling or structure or remove and demolish such dwelling or structure within the time specified in such order/notice. In case any person, firm or corporation shall neglect, fail or refuse to comply with the notice within the period of time stated therein, the County authorities may remove/demolish or raze the dwelling/structure and the cost thereof together with an additional penalty of ten (10) percent may be collected by the county from that person, firm, or corporation, as set forth herein.

The decision of what action to take with regard to such structure, upon failure of the owner to comply with the order/notice, shall rest solely with the County.

2. A bill or statement for the cost(s) and penalty(s) referenced above shall be mailed (certified mail), or personally served upon the owner or occupant, firm or corporation, as the case may be, specifying that payment thereof shall be due within twenty (20) days thereof. Upon failure of the owner or occupant to remit payment of such bill or statement within the prescribed time, such amount(s) shall become a lien on said property in favor of the County, which lien shall be recordable upon proper instrument with the office of the Register of Mesne Conveyances.
3. If the whereabouts of such person(s) are unknown and cannot be ascertained in the exercise of reasonable diligence, the County shall make an affidavit to that effect, then the serving of such complaint or notice/order upon such person(s) may be made by publishing the notice/order once each week for two (2) consecutive weeks in a newspaper printed and published in the area. The County will post the notice/order on the property one (1) week prior to taking corrective action.

ARTICLE III: NUISANCE ABATEMENT

Section I. Nuisance Abatement Power of County.

No part of this section shall be construed in any way to impair or limit any and all powers of the County to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise. Nuisances shall be defined, but not limited to, the following:

- A. Weed Control.
 1. It shall be the duty of every owner, tenant or person in charge for any real property located with the County to at all times cut and mow the grass, weeds and undergrowth on his lot and in the space between the property line and the curb line in the front, and in the

rear and alongside thereof, so that neither the grass, weeds or undergrowth shall grow to a height greater than eighteen (18) inches, other than trees, shrubbery, flowers or other ornamental plants. The duty to cut and mow grass, weeds and undergrowth shall not apply to the following:

- a. Land which is being tilled and farmed on an annual basis.
 - b. Undeveloped woodlands in a natural state, except for lots which have been cut within the last three years after receiving notice from the building department.
 - c. Vacant lots within a subdivision, except when such properties abut residence or public rights of way, a minimum 40-foot strip shall be cleared and maintained. Where such clearing of the 40-foot strip results in more than 50 percent of the lot being cut, then the entire lot shall be required to be cut.
2. Wherever any weeds, undergrowth, or vines grow to such density as to constitute a haven of rats, snakes or other vermin on any real property within the county and become menace to public health and the neighborhood, the owner, tenant or person in charge of such property shall remove such growth upon being notified by the Code Enforcement Official or his representative.
- B. Accumulations Prohibited and Declared Nuisance.
1. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - A. Abandoned Motor Vehicle. A vehicle that is in a state of disrepair and incapable of being moved under its own power or has no up-to-date inspection sticker or license tag.
 - b. Burned Building. A building that has been partly burned and left open and is a safety hazard to the general public and unsightly to the neighborhood.
 2. It shall be unlawful for the owner, tenant or person in charge of any real property in the County to permit or cause the accumulation or presence of any rubbish, rubble, trash, litter, bricks, concrete, scrap lumber, old refrigerators, washing machines, clothes dryers, stoves or other similar unsightly material. Any such accumulations or

presence of such material or guides is hereby declared to be a nuisance.

C. Notice to Abate Nuisance.

1. It shall be the duty of the building department to serve or cause to be served a "Courtesy Summons" upon the owner, tenant or person in charge of any premises on which weeds, grass and undergrowth, other than trees, shrubbery, flowers or other ornamental plants, are permitted to grow to a height exceeding eighteen (18) inches, and also upon the owner, tenant or person in charge of property on which there is an accumulation or presence of rubbish, rubble, trash, litter, bricks, concrete, scrap lumber, building debris, refrigerators, washing machines, dryers, stoves and other similar unsightly material. Such notice shall allow the owner, tenant or person in charge of the premises a minimum of fourteen (14) days in which to remove or have removed the violations. If the owner, tenant or person in charge cannot be located to be served personally, service shall be made by posting a copy of the summons on the subject property and mailing a copy to the person at the address on the County of Union's property records.
2. If such owner, tenant or person in charge of the premises has been previously served a "Courtesy Summons" for nuisance abatement for the same property during the same calendar year then such owner, tenant or person in charge of the premises shall be issued a "Uniform Ordinance Summons."
3. A "Courtesy Summons" provides a minimum of fourteen (14) days notice and requires that the owner, tenant or person in charge of the property must appear in person for a hearing before the Code Enforcement Officer or designee at the time and date as prescribed in the "Courtesy Summons." At this hearing the owner, tenant or person in charge of the property must pay an administrative fee of thirty dollars (\$30.00) and present proof that the nuisance is abated. The administrative fee may be waived if it is a first appearance and the nuisance is abated. Failure to appear at this hearing will result in the owner, tenant or person in charge of the property being served a "Uniform Ordinance Summons" to appear before the Magistrate.

D. Failure to Comply with Notice.

1. If the owner, tenant or person in charge of any real property fails to comply with the "Courtesy Summons," the Code Official shall serve or cause to be served a "Uniform Ordinance Summons" to appear before the Magistrate. If the owner, tenant or person in charge of

any real property does not abate the nuisance after receiving the "Courtesy Summons," the County may institute proceedings to have a private contractor or county forces cut the lot as specified in Section I, E (1) and/or have the Magistrate Court enforce the penalties and recover costs expected for violations of Subsections A, B or C.

E. Penalty for Failure to Abate Nuisance.

1. After failure of the owner, tenant or person in charge of any real property to abate any specified nuisance after notification by the Code Enforcement Officer or designee, it shall be the duty of the Code Enforcement Officer or his agent to initiate proceedings against the owner, occupant, tenant or person in charge of any real property in Magistrate's Court. Upon conviction of a violation of Subsection(s) A, B or C, such owner, occupant, tenant or person in charge shall be punished by a fine of not more than \$500.00 (plus any cost that may have been expended to correct the nuisance) and/or thirty (30) days in jail.
2. Each and every fourteen-day period following the initial "Courtesy Summons" which any owner, tenant or person in charge of any real property in the County permits a violation to continue to exist shall constitute a separate offense.
3. An owner, tenant or person in charge of any real property who objects to the proposed removal or abatement set forth in this division shall present his objections in writing to the Code Enforcement Officer within five (5) days after the mailing of such notice and should request a hearing. Upon the failure to object and request a hearing, the owner, tenant or person in charge shall be deemed to have consented to the determination that the conditions of the property constitute a menace to the public health or a nuisance.
4. After hearing the owner, tenant or person in charge of the property, the County Supervisor or Code Enforcement Officer may revise, modify or abandon the proposed action.

F. Correction by County; Costs.

1. In addition to the penalties in Section I, when an owner, tenant or person in charge of any real property fails to comply with the "Courtesy Summons" notice and conditions of this division, the County, acting by and through the Code Enforcement Officer or his agent, may provide for the removal of conditions that constitute a violation of this division either by private contractor or by county forces. The total amount of the cost thereof, including a fee of \$30.00 shall be charged to the owner, and such amount shall be included as a part of the "Uniform Ordinance Summons" and may be recovered by Magistrate's Court, through a judgment or lien on the property and/or attached to property taxes through the County.

State law references: Abatement of nuisance, S.C. Code 6-740.

ARTICLE IV: JUNK AND/OR SALVAGE YARDS

Section I. Regulation of Junk and/or Salvage Yards, Junkyards.

For the purpose of this section, the following terms shall have the respective meanings ascribed to them:

Automobile Junk or Salvage Yard. Any establishment or area maintained or used for buying, selling or storing automobile bodies, wrecked, scrapped, ruined or dismantled motor vehicle parts.

Junk. Old or scrap iron or metals, rope, rags batteries, glass, paper, old or scrap appliances, trash, rubber, debris, dismantled parts or wrecked vehicles, discarded building materials, and other old or scrap ferrous or nonferrous materials.

Salvage/Junkyard. An establishment or area maintained or used for storing, buying or selling junk, or an automobile graveyard, and the term shall include garbage dumps, sanitary landfills and scrap processors.

Scrap Processor, Salvage Yard or Automobile Junkyard. Any person, firm or agency engaged in the business of buying junk, including but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting, recycling or selling; and having facilities and machinery designed for such processing.

1. No person shall accumulate, place or deposit any automobile bodies or automobile parts, within the unincorporated areas of the County other than within an enclosed building (garage, storage building, etc.) or an enclosed fence at least six (6) feet tall which ensures that such materials cannot be seen from adjacent properties or streets.

2. At an automotive/motor vehicle body repair business, properly licensed by the County, which has wrecked vehicles on the premises, activity engaged in repairing said vehicles, where such vehicles are on the premises no longer that thirty (30) days; wrecked vehicles shall not be maintained on the property for the purpose of using parts or accessories for any purpose.

Section II. Enforcement.

1. It shall be the duty of the Codes Enforcement Officer, to enforce the provisions of this chapter.
2. Notice of violation shall be issued to any property owner in violation of any provision contained herein this chapter. Such notice shall be directed to the property owner ordering him and requiring him within a reasonable and specified time to abate or correct the violation.
3. In the event the property owner fails to abate or correct the violation within the specified time stated in the notice, the property owner shall be liable for prosecution and upon conviction is subject to a fine of not more than \$200.00. Each day such violation continues shall constitute a separate offense.
4. Should any property owner fail to keep such property cleared after due notice thereof to do so, the Codes Enforcement Officer shall cause said property to be kept cleared and in a sanitary condition or cleared for fire prevention, at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax.

Section III. Parking or Storage on Public Street or Private Property Other than That Owned or Rented by Title Holder of Vehicle.

No person shall park, store or leave, or permit the parking, storage or leaving of any abandoned or derelict vehicle or any vehicle which is in a rusted, wrecked, junked, partially dismantled or inoperative condition upon any public street with the unincorporated areas of Union County for a period in excess of forty-eight (48) hours, or on any private property with the unincorporated areas of Union County for a period of seven (7) days. No derelict or abandoned vehicles may be stored or placed for any length of time on private properties unless derelict or abandoned vehicles are considered customarily accessory to the use of such property.

Section IV. Same-Notice, Removal and Disposal of Vehicles.

Whenever it shall appear that a violation of the provisions of this article exists in reference to any vehicle situated upon any public street, private property, the Sheriff or Building Official shall cause a colored tag to be placed on the motor vehicle which shall be notice to the owner, the person in possession of the motor vehicle or lien holder(s), that it is considered to be derelict or abandoned and subject to forfeiture to the County. The colored tag shall serve as the only legal notice that if the vehicle is not removed within forty-eight (48) hours from the date and time of the tag when located upon any public street and within seven (7) days from the date and time of the tag when located on private property, it shall become the property of the County and it will be removed to a designated place to be sold. It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed on any vehicle pursuant to the provisions of this article.

1. After the motor vehicle is removed, the Sheriff or the Building Official shall notify in writing, by registered or certified mail, return receipt requested, any lien holder of record and the person in whose name the motor vehicle was last registered at the last address reflected in the state highway department's records, that the motor vehicle is being held, designating the place where it is being held, and that if it is not redeemed within thirty (30) days from the date of the notice by paying all costs of removal and storage, it shall be disposed of for recycling purposes or for such other purposes as the County deem advisable to insure obtaining the highest possible return. Any proceeds of sale shall be deposited in the general fund to defray costs to the County.
2. If the owner cannot be determined or if the registration contains no address of the owner, or if it is impossible to determine with reasonable certainty the identification and addresses of any lien holder(s), notice by one (1) publication in a newspaper of general circulation in the area where the motor vehicle was located shall be sufficient to meet all requirements of notice pursuant to this article. Twenty (20) days after date of publication, the advertised motor vehicle may be disposed of. Any proceeds of sale shall be deposited in the general fund account of the County.

Section V. Duties of Sheriff and Building Codes Officer; Regulations.

The Sheriff and the Codes Enforcement Officer are vested with the power and are charged with the duties of administering the provisions of this article as applicable. The County may adopt such rules and regulations as may be necessary to carry out the provisions of this article. Following notice, as required by section **IV**, the Sheriff or the Codes Enforcement Officer shall dispose of abandoned or derelict vehicles by sealed bid, competitive negotiations or contract with private enterprises to purchase for recycling with the objective of obtaining the highest possible return to the County.

Section VI. Entry upon Private Property for Removal or Abatement.

The Sheriff, sheriff's Deputies, or Codes Enforcement Officer is hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this article. It shall be unlawful for any person to interfere with, hinder or refuse to allow any public official to enter upon private property for the purpose of enforcing the provisions of this article.

Section VII. Failure to Remove; Misdemeanor.

Any person who fails neglects or refuses to remove the abandoned, wrecked, junked partially dismantled or inoperative motor vehicle, or to house such vehicle and abate such nuisance in accordance with the notice given pursuant to the provisions of sections III and/or IV shall be guilty of a misdemeanor.

Section VIII. Penalties.

Any person violating the provisions of this article shall be punished by a fine of not more than five hundred dollars (\$500.00) and shall pay all costs of vehicle removal, storage and disposal to the extent such costs have not been recovered by the County at the time of conviction, or imprisonment not exceeding thirty (30) days, or both. Each day of violation shall constitute a separate offense.

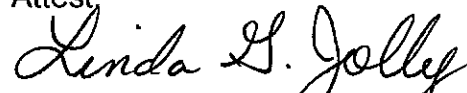
ADOPTED this 9th day of June, 2009.

(SEAL)



Donnie R. Betenbaugh, Chairman
Union County Council

Attest:


Linda G. Jolly, Clerk to Council

First Reading 9-13-06
Second Reading 8-22-08
Third Reading 6-9-09
Public Hearing 6-9-09