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STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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LANCASTER, SC

ORDINANCE NO. 2019-1588

AN ORDINANCE

TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES, LANCASTER COUNTY, ENTITLED "BUILDINGS AND CONSTRUCTION" BY ADDITION OF ARTICLE IV "DWELLINGS UNFIT FOR HUMAN HABITATION" TO PROVIDE FOR THE CLOSING OR DEMOLITION OF DWELLINGS UNFIT FOR HUMAN HABITATION.

WHEREAS, the County of Lancaster finds that within the boundaries of the county there exist dwellings which have been abandoned and are unfit for human habitation due to dilapidation; defects resulting from fire, defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light or sanitary facilities; or other conditions rendering such dwellings unsafe, dangerous or detrimental to the health, safety, or otherwise inimical to the welfare of the residents of the county, and

WHEREAS, the existing ordinances of Lancaster County are inadequate to address all issues regarding dilapidated housing;

WHEREAS, the County of Lancaster finds that it would be in the best interest and welfare of the residents of the County of Lancaster to adopt an ordinance abating the use of dwellings unfit for human habitation, and

WHEREAS, the Code of Laws of South Carolina empowers counties in the state to adopt ordinances relating to closing or demolishing of unfit dwellings,

WHEREAS, the Code of Laws of South Carolina further empowers counties under general welfare and building code powers to enact ordinances requiring the owners of properties to maintain the same failing in which, and following notice thereof, the County may correct the conditions and impose a lien upon the real estate for the cost thereof which shall be collectable in the same manner as county real property taxes, and

NOW, THEREFORE BE IT ORDAINED by the Council of Lancaster County, South Carolina in meeting duly assembled, that Chapter 7 of the Code of Ordinances, Lancaster County, South Carolina is amended by the provisions of this Ordinance by including the following as Article IV:

Section 1: Contents of Article IV

Article IV. - DWELLINGS UNFIT FOR HUMAN HABITATION

Sec. 7-100.

(A) Charging a dwelling as unfit for human habitation

- (1) Whenever it appears to the Building Official (on his own motion) that any dwelling 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

Ordinance No. 2019-1588

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Rerecorded to include letter with Approval of local legislative delegation.

Sherrie Simpson

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dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Official or his designated agent at a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint 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 hearings before the Building Official;

- (2) Complaints or orders issued by the Building Official pursuant to this ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official shall make 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 consecutive weeks in a newspaper printed and published in the county or, in the absence of such newspaper, in one printed and published in the county and circulating in the county in which the dwellings are located. 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 clerk of the county in which the dwelling is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(B) Determining the dwelling is unfit for human habitation and order to repair, alter, improve, remove or demolish.

- (1) That if, after such notice and hearing, the Building Official determines the dwelling is unfit for human habitation, due to conditions which exist in the dwelling that are dangerous or injurious to the health or safety of the occupants of the dwelling, the occupants of neighboring dwellings or other residents in the county, including, but not limited to, defects resulting from the hazards of fire, accidents or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness;
 - (a) The Building Official shall state in writing his findings of fact in support of such determination; and
 - (b) if the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), the Building Official shall issue and cause to be served upon the owner an order requiring the owner, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or
 - (c) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (as determined by the Building Official), the Building Official shall issue and cause to be served upon the owner an order requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(C) Failure to comply with order; authority of Building Official to carry out order.

- (1) If the owner fails to comply with the order, the Building Official may cause the order to repair, alter, improve, remove or demolish the dwelling to be carried out.

- (2) The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the Building Official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.

(D) Rights of persons affected by orders.

- (1) Any person affected by the Building Official's order may within 60 days after the posting and service of the order, petition the circuit court for an order restraining the Building Official from carrying out the order, and the court may, upon such petition, issue a temporary injunction restraining the Building Official pending the final disposition of the cause. Hearings shall be had by the court within twenty days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the Building Official as to facts, if supported by evidence, shall be conclusive. The costs of the action shall be in the discretion of the court. The remedies herein provided shall be the exclusive remedies and no person affected by an order of the Building Official shall be entitled to recover any damages for action taken pursuant to any order of the Building Official or because of compliance by such person with any order of the Building Official.

(E) Powers of the Building Official.

The Building Official may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

- (a) To investigate the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation;
 - (b) To administer oaths and affirmations, examine witnesses and receive evidence;
 - (c) 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 persons in possession;
 - (d) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this ordinance; and
 - (e) To delegate any of his functions and powers to such officers and agents as he may designate.
- (F)** County Council may make such appropriations from its revenues as it deems necessary for the purpose of this ordinance and may accept and apply grants or donations to assist it in carrying out the provisions of this ordinance.
- (G)** If a dwelling 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 in the circuit court by the Building Official, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.
- (H)** Nothing in this ordinance shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause the removal or abatement by summary proceedings or otherwise.

(I) Definitions.

When used in this ordinance:

- (a) *Dwelling* means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used.
- (b) *Owner* means the holder of title to the property in fee simple and every mortgagee of record.
- (c) *Parties in interest* refers to all individuals, associations, corporations and others who have interests of record in the dwelling and anyone in possession thereof.

Section 2: Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3: Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 4: Effective Date.

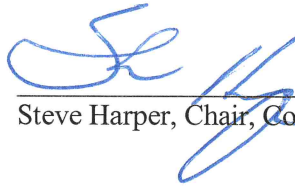
This ordinance is effective upon Third Reading and approval by the majority of the local legislative delegation.

SIGNATURES FOLLOW ON NEXT PAGE.

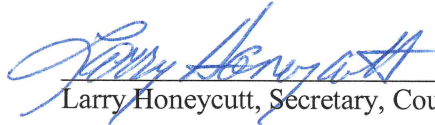
AND IT IS SO ORDAINED

Dated this 28th day of MAY, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

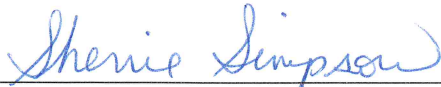


Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

ATTEST:



Sherrie Simpson, Clerk to Council

First Reading:	April 29, 2019
Second Reading:	May 13, 2019
Public Hearing:	May 13, 2019
Third Reading:	May 28, 2019

LANCASTER COUNTY LEGISLATIVE DELEGATION

Senator C.K. "Greg" Gregory
Senate District 16

Vincent A. Sheheen
Senate District 27

Representative Mandy Powers-Norell
House District 44

Representative Deborah A. Long
House District 45

Representative Richard L. Yow
House District 53

Representative James A. Lucas
House District 65

May 17, 2019

Ms. Sherrie Simpson
Clerk to Council
PO Box 1809
Lancaster, SC 29721

Dear Ms. Simpson:

We, the resident members of the Lancaster County legislative delegation, authorize Lancaster County to utilize section 31-15-320 of the SC state code.

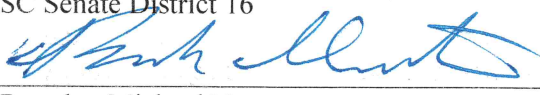
SECTION 31-15-320. Repairing, closing, or demolishing unfit dwellings.

Whenever the governing body of any county of this State 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 ventilation, light or sanitary facilities or (d) other conditions rendering such dwellings unsafe or insanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county, such county may, upon the approval of a majority of the resident members of the county legislative delegation which the members represent (emphasis added), exercise its police powers to repair, close or demolish any such dwelling.

HISTORY: 1962 Code Section 36-522; 1972 (57) 2622.

Sincerely,


Chauncey K. "Greg" Gregory
SC Senate District 16


Brandon Michael Newton
SC House District 45


Mandy Powers Norrell
SC House District 44

CKG/jsb