

CHAPTER 93: HEALTH AND SANITATION

Section

Administration

- 93.001 Title
- 93.002 Scope
- 93.003 Purposes
- 93.004 Application of code
- 93.005 Authority
- 93.006 Enforcement
- 93.007 Right-to-enter
- 93.008 Appeals
- 93.009 Validity and separability
- 93.010 Compliance with other ordinances
- 93.011 Persons responsible

Rules of Construction and Definitions

- 93.025 Rules of construction
- 93.026 Definitions

The Adoption of Rules and Regulations of the South Carolina Department of Health and Environmental Control

- 93.055 Adoptions
- 93.056 Food handling establishments
- 93.057 Burning garbage and the like
- 93.058 Abandoned wells

Solid Waste Collection and Disposal

- 93.075 Responsibility
- 93.076 Prohibited waste
- 93.077 Solid waste collection
- 93.078 Placement requirements; household solid waste
- 93.079 Bundling of solid waste
- 93.080 Solid waste containerization and removal
- 93.081 Use of non-standard containers
- 93.082 Service for owners requiring additional containerization for household refuse
- 93.083 Owners, agents and tenants responsibility
- 93.084 Refusal of service
- 93.085 Frequency of solid waste collection
- 93.086 Assessment rates for city residents

Sewage Disposal

- 93.100 Occupancy of premises without proper system
- 93.101 Building contracts to provide for sewage disposal
- 93.102 Use of septic tanks
- 93.103 Connection to sewer

Nuisances

- 93.145 Public nuisances prohibited
- 93.146 Enumeration of public nuisances affecting health
- 93.147 Public nuisances affecting public safety

Abatement

- 93.160 Notice to abate involving great and immediate danger
- 93.161 Abatement by the city involving violations without great or immediate danger
- 93.162 Procedure to appeal abatement decision

Miscellaneous Provisions

- 93.175 Throwing refuse and the like on city property
- 93.176 Tattooing
- 93.177 Hours of operation for commercial refuse or waste collector restricted

Junk; Junkyards

- 93.190 Definitions
- 93.191 Abandonment of refrigerators; removal of door or lock required
- 93.192 Junk in residential districts
- 93.193 Junk in commercial districts
- 93.194 Impound lots
- 93.195 Enforcement

- 93.999 Penalty

Cross-reference:

Nuisances, see Chapter 137

ADMINISTRATION

§ 93.001 TITLE.

(A) Provisions in the following sections shall be known as the "Health and Sanitation Code" of the City of Goose Creek, hereinafter referred to as "this code". This code shall include sections governing:

- (1) Administration authority, enforcement, right-to-enter and penalties; and
- (2) Definitions.

(B) Adoption of rules and regulations of the South Carolina Department of Health and Environmental Control:

- (1) Solid waste collection and disposal;
- (2) Sewage disposal; and
- (3) Nuisances.

(C) The City of Goose Creek shall hereinafter be referred to as "the city".

(Ord. 17-016, passed 6-13-2017)

§ 93.002 SCOPE.

The provisions of this code shall govern the minimum conditions and standards for and the disposal or collection of solid waste, the disposal of sewage and the prohibition of nuisances within the corporate limits of the city, including all zoning classifications and districts as follows.

(Ord. 17-016, passed 6-13-2017)

§ 93.003 PURPOSES.

(A) *Health and sanitation.* The adoption and purposes of the city's health and sanitation standards are:

(1) To establish a minimum standard of upkeep and care of property in order to protect, promote and improve the public health, safety, convenience, order, appearance, and general welfare of the city through the

enforcement of health and sanitation standards;

(2) To prevent negligence which can lead to blight, decay, depreciation of property value(s) and a loss of community pride and confidence;

(3) To keep the city clean, healthy, beautiful and to prevent future sanitation and health problems from occurring;

(4) To fix the responsibilities of owners, operators and occupants of properties and premises inside the city; and

(5) To provide for the administration, enforcement and penalties of this code.

(B) Adoption of rules and regulations of the South Carolina Department of Health and Environmental Control Board. The adoption and purpose of rules and regulations of the South Carolina Department of Health and Environmental Control is to establish a minimum criteria governing, but not limited to the sanitary conditions for eating and drinking establishments, food processing plants, including dairy products, that will promote the safe and sanitary handling of the products being produced, processed, packaged or delivered; and to protect the health and general welfare of the citizens of the city.

(C) *Solid waste*. The adoption and purposes of the solid waste article are to:

(1) To establish a minimum standard for the collection and disposal of the city's solid waste in order to promote, protect and improve the public health through the enforcement of good and sound collection and disposal methods, and to prevent public nuisances and unhealthy conditions;

(2) To prevent negligence which can lead to decay, depreciation of property values and loss of community pride and confidence;

(3) To keep the city clean, healthy, beautiful and to prevent future sanitation and health problems from occurring; and

(4) To affix the responsibilities of owners, operators and occupants of the homes, businesses and vacant properties.

(D) *Sewage disposal*. The adoption and purposes of the sewage disposal article are to establish a minimum standard for the collection and disposal of the sewage within the city, to promote and enhance the sanitary conditions of the city and to prevent the presence and spread of infectious diseases caused by the improper disposal of sewage.

(E) *Nuisances*. The adoption and purpose of § 93.145 through § 93.147 is to establish a minimum standard to reduce or eliminate public nuisances so as to:

(1) Promote pride within the community;

(2) To enhance the city's goal as a livable community;

(3) To fix the responsibilities of property owners, agents and tenants; and

(4) To retain or enhance property.

(Ord. 17-016, passed 6-13-2017)

§ 93.004 APPLICATION OF CODE.

(A) *Adoption of rules and regulations of the South Carolina Department of Health and Environmental Control*. Any establishment that engages in the preparation, processing, packaging, manufacturing, delivery or serving of any food and/or drink shall perform the function in accordance with the provisions of this code and all laws of the county, state and federal governments governing the same.

(B) *Solid waste*. Any collection or disposal of solid waste which may be caused directly or indirectly by the enforcement of this code, shall be done in accordance with the procedures and provisions of the federal government, the state, Berkeley County and any other applicable codes as used by the city.

(C) *Sewage disposal*. Any collection, treatment or disposal of sewage which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with the procedures and provisions of the city, county, state and federal governments and any other applicable codes as used by the city.

(D) *Nuisances*. As a result of a routine complaint from any citizen or an inspection by the city, a nuisance is found to exist, it shall be considered a violation of this code and shall be corrected upon notification pursuant to the provisions of this code and any other laws of the city, county, state or Federal governments.

(Ord. 17-016, passed 6-13-2017)

§ 93.005 AUTHORITY.

It shall be the duty of the Public Works Director or his or her duly authorized representative(s) to determine whether any condition exists or activity is being practiced which violates this code. The cause for inspections shall be formed either by citizen complaints or staff observations.

(Ord. 17-016, passed 6-13-2017)

§ 93.006 ENFORCEMENT.

(A) The city, or its representative, shall enforce this code and shall take necessary actions to ensure that all violations are corrected to comply with this code.

(B) Should it become necessary, the city will remove the violation from the property and the cost for the removal shall become the responsibility of the property owner.

(C) If the cost for removal shall go unpaid, the same shall become a lien upon the property and shall be collected in the manner prescribed for the collection of delinquent taxes. The property owner shall also be liable for prosecution pursuant to this code.

(Ord. 17-016, passed 6-13-2017)

§ 93.007 RIGHT-TO-ENTER.

The city, or its representative, shall have the right-to-enter onto any premise at any reasonable time for the purpose of making an inspection or investigation as required by this code, subject to the constitutional restrictions on unreasonable searches and seizures. If entry is refused, the city is authorized to apply to the courts for a search warrant based on probable cause.

(Ord. 17-016, passed 6-13-2017)

§ 93.008 APPEALS.

There shall be no appeals to this code except those provided by the courts.

(Ord. 17-016, passed 6-13-2017)

§ 93.009 VALIDITY AND SEPARABILITY.

If any section or provision of this code shall be declared invalid by a court of law, the declaration shall not affect any other section or provision of this code which shall continue in full force and effect and to this end, the sections and provisions of this code are hereby declared severable.

(Ord. 17-016, passed 6-13-2017)

§ 93.010 COMPLIANCE WITH OTHER ORDINANCES.

No license or permit issued by any municipal, county, state or Federal agency or any certification of compliance, shall constitute a defense against any violation of any other local ordinance of law that is applicable to any structure or premises, lot, property or vehicle; nor shall any provision herein relieve any owner, operator or occupant from complying with any other provision, nor any official of the city from enforcing any other provision.

(Ord. 17-016, passed 6-13-2017)

§ 93.011 PERSONS RESPONSIBLE.

Any person with direct or indirect control over the premises is responsible for compliance with this code whether that person is an owner, tenant, occupant, agent, independent contractor or manager.

(Ord. 17-016, passed 6-13-2017)

RULES OF CONSTRUCTION AND DEFINITIONS

§ 93.025 RULES OF CONSTRUCTION.

In the construction of this code, the provision in § 10.04 shall be observed. In addition, definitions found in this section shall be applicable to this section of the code only.

(Ord. 17-016, passed 6-13-2017)

§ 93.026 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ABANDONED. To give up control of, or to cease from intending or attempting to protect, maintain or use any vehicle, property, premise or junk within the city.

ABANDONED PROPERTY. Any derelict or wrecked property which has been left abandoned or unprotected from the elements and shall include inoperative or partially dismantled, trailers, boats, machinery, appliances, furniture, construction materials and other similar articles used in or in conjunction with the home, property or vehicle.

ANIMAL WASTE (MANURE). Animal excreta, including cleanings from barns, stables, corrals, all pens or conveyances used for stabling, transporting or penning of animals, fowl or reptiles.

ASHES. Any residue, hot or cold, that occurs and remains due to burning or other similar mamler of combustion.

BLIGHT. Any one or more of the following conditions or activities:

- (1) Abandoned building or structure;
- (2) Attractive nuisance, as in a property which is in an unsecured state so as to potentially constitute an attraction to children, vagrants, criminals or other unauthorized persons or so as to enable persons to resort thereto for the purpose of committing a unlawful act;
- (3) A building or structure which is in a state of disrepair to the extent so as to pose a threat to public health, safety or welfare; and
- (4) Property inadequately maintained to the extent so as to pose a threat to public health, safety or welfare.

BRUSH. All trees and plant material which is growing or has grown on the premise.

CITY. The City of Goose Creek, South Carolina.

CODE ENFORCEMENT OFFICER. The appointed representative(s) of the city to administer this code.

CONTAINER. The 95-gallon or 65-gallon roll-cart refuse container provided by the City of Goose Creek.

CONTRACTOR. Any individual(s) who provides a service for an owner and receives payment of any kind for any service rendered.

CITY COUNCIL. The duly elected officials of the city.

COUNTY. Berkeley County, South Carolina.

DETERIORATION. The condition of a building, vehicle, public or private property or part thereof, characterized by excessive holes, breaks, rotting, crumbling, peeling, rusting, neglect, lack of maintenance or other evidence of physical decay or excessive use.

DRY TRASH. All weeds, limbs, brush, roots, leaves, grass clippings, straw, logs, stumps and the like.

END OF WORK WEEK. Friday at 5:00 p.m.

EXPOSED TO PUBLIC VIEW. Any premises or any part thereof, or any building or vehicle or any part thereof, which may be viewed by the public from a natural position, including any lawful elevated location on either public or private property, using unassisted vision.

EXTERIOR OF THE PREMISES. Open space on the premises outside of any building or vehicle thereon.

EXTERMINATION. The control of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

FEDERAL GOVERNMENT. The government of the United States of America.

GARBAGE. Any organic waste matter, both animal and vegetable. Also, small cans, bottles, rags, boxes, small dead animals and any other similar waste.

HIGHWAY. A way or place of whatever nature, publicly or privately maintained and opened to the use of the public or private sector for vehicular travel. Highway includes streets, alleys, rights-of-way or paths.

IMPOUND LOT. An area incident to the operation of a business within the commercial district of the city, used for the storage of vehicles from which no major parts have been removed, which are capable of being made fully operational and used for storage of not more than nine vehicles as defined herein, at any time.

INFESTATION. The abnormal presence of insects, rodents, vermin or other pests on the premise which constitutes a health hazard.

INOPERATIVE. Any vehicle or property that is not functioning in a manner consistent with its intended use.

INOPERATIVE VEHICLE. A vehicle which cannot be driven upon the public streets as it was intended and designed to do for reason including, but not limited to, being unlicensed, unregistered, wrecked, in a state of disrepair or incapable of being moved under its own power

JUNK. Any item that has no value other than nominal salvage value.

JUNKYARD. An establishment which is maintained or used for storing, buying or selling junk or an automobile graveyard and shall include garbage dumps, sanitary landfills and scrap processors.

LITTER. Any unpleasant, unhealthy or unsanitary accumulation or placement of refuse, rubbish, garbage, the growth of grass, bushes, weeds, vines, leaves and the like on private and/or public property.

NUISANCE. Any act, thing, occupation, condition or use of property, whereby:

- (1) The health or life of any individual may be endangered, injured impaired and/or cause any disease;
- (2) Substantially injures or endangers the health safety of an individual;
- (3) Renders the public insecure in life and or use of property;
- (4) Unlawfully and or substantially interferes with, obstructs or renders dangerous for passage on or across any street, highway, alley, navigable waterway or other public way.

OPERATOR. Any person(s) who has charge, care or control of a structure, dwelling, premises or vehicle or any part thereof, whether with or without the knowledge and consent of the owner, including, if applicable, a lessee.

OWNER. Any person(s), agent, operator, firm, mortgage holder, part owner, tenant, corporation or any entity having a legal or equitable interest in the property or recorded in the official records of the state, county or municipality. Owner shall include any person who has control of the property or who otherwise holds themselves out as having control of the property. Owner shall include the personal representative of an estate or the guardian or conservator of a minor or incompetent person who has an ownership interest in the property.

PARTIALLY DISMANTLED/WRECKED VEHICLE. Any vehicle from which major parts have been removed so as to render the motor vehicle inoperative, or a wrecked vehicle where the damage to the vehicle has rendered the vehicle inoperative.

PARTIES OF INTEREST. Any person or entity who has interest of record in a premise or any who are in actual possession thereof.

PERSONS. The word **PERSON** shall extend and be applied to individuals, firms, partnerships, associations, organizations and bodies political and corporate, or any combination thereof.

PREMISES. The exterior of any building, structure or any parcel of land (whether improved or unimproved) including the area up to the paved edge of the road, street, curb or alley and including any adjacent sidewalks, easements and right-of-way.

PUBLIC PLACES. Any building, park, cemetery, school yard or open space owned by the public and used for the general welfare of the public.

PUBLIC PROPERTY. Lands and improvements owned by the federal government, the state, the county or the city, and includes but is not limited to vehicles, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, easements, rights-of-way and other similar property.

PUBLIC WORKS DIRECTOR. The individual appointed by the City Administrator to carry out the function of the City's Public Works Department as described in § 33.080.

REFUSE (TRASH). Any ashes, litter, leaves, grass, brushes, vines, tree branches, large pieces of metal (old appliances, vehicles and tin) and wood with no piece exceeding four inches in diameter and four feet in length and having a weight less than 50 pounds.

REFUSE (LITTER and GROWTH). Any unhealthy or unsanitary accumulation of litter and growth of grass, bushes, weeds, vines, leaves and the like, on both private and public property.

REPAIR. The improvement, replacement or restoration of an existing premise or vehicle to its original state with similar materials or parts to enhance its current value. The term **REPAIR** or **REPAIRS** shall not apply to any alteration, i.e. moving of walls, additions of rooms, similar change of construction and the like.

ROLL-CART/HOUSEHOLD REFUSE. The refuse container provided by the City of Goose Creek with a 95-gallon capacity.

ROLL-CART/YARD DEBRIS. The yard debris container available for purchase from the City of Goose Creek with a 95-gallon capacity.

RUBBISH. Any non-putrescent (not undergoing rotting or decomposition of organic material) solid waste, excluding ashes, consisting of both combustible and waste, such as paper, cardboard, waste metal, tin cans, brush, leaves, vines, wood, glass, bedding, crockery and similar materials.

SCDHEC. The South Carolina Department of Health and Environmental Control.

SCRAP PROCESSORS. Any person engaged in the business of buying scrap iron and metals, including, but not limited to, old vehicles, for the specific purpose of processing into raw material for re-melting purposes and whose product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and having facilities and machinery designed for the processing.

SOLID WASTE. Garbage, rubbish, litter, dry trash, white goods, ashes and refuse.

STATE. The State of South Carolina.

TRANSLUCENT. A bag or container's ability to transmit or diffuse light so that objects within cannot be seen clearly

VEHICLES. Any device by which a person or property may be propelled, moved or towed upon a highway, except a vehicle moved by human power or those used exclusively upon stationary rails or tracks.

WEEDS. All uncultivated vegetative growth.

WHITE GOODS. Any large appliance such as but not limited to, stoves, refrigerators, air conditioners and

the like.

(Ord. 17-016, passed 6-13-2017)

THE ADOPTION OF RULES AND REGULATIONS OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

§ 93.055 ADOPTIONS.

There are hereby adopted and made part of this chapter as fully as though set out length herein, all the provisions and requirements of the South Carolina Department of Health and Environmental Control and found in the Code of Laws of South Carolina as amended in reference to:

- (A) Eating and drinking establishments;
- (B) Food processing plants; and
- (C) Sanitary control of the manufacture, distribution and sale of frozen dairy foods and frozen deserts.

(Ord. 17-016, passed 6-13-2017)

§ 93.056 FOOD HANDLING ESTABLISHMENTS.

(A) All food handling establishments may be inspected at such times as designated by the city's Code Enforcement Officer.

- (B) All food handling establishments shall adhere to the state and county health rules and regulations

(Ord. 17-016, passed 6-13-2017)

§ 93.057 BURNING GARBAGE AND THE LIKE.

It shall be unlawful for any person to burn garbage, leaves or rubbish of any kind or amount, either inside or outside of garbage containers, without the written consent of the Fire Chief or Duty Officer of the City Fire Department

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.058 ABANDONED WELLS.

It shall be unlawful for any owner, agent or tenant to permit or allow any abandoned well to remain open and unprotected, on any place or premises owned or occupied by the owner or tenant.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

SOLID WASTE COLLECTION AND DISPOSAL

§ 93.075 RESPONSIBILITY.

(A) *Owner.* The owner, agent or tenant of a premise shall be responsible for adhering to and obeying this code in order to enhance the collection and disposal of solid waste from the highways, streets and properties within the corporate limits of the city and to achieve the purposes of this code.

(B) *City.* The city shall provide solid waste and disposal services to all single-family residential homes within the city, as well as buildings owned and occupied by the city as described in this code. No commercial solid waste collection or disposal services shall be provided by the city. It shall be the responsibility of all commercial agencies within the city to contract with private companies for solid waste collection and disposal services.

(Ord. 17-016, passed 6-13-2017)

§ 93.076 PROHIBITED WASTE.

(A) *General; including oil.* Ashes, shingles, rocks, bricks, concrete slabs, sidewalks, driveways, large automobile parts and oil shall not be deposited for solid waste collection. These items shall be disposed of at the owner's expense.

(B) *Contractor generated.* Refuse, brick, scraps of lumber, mortar, plaster, roofing, gutters, dry trash, litter, trees, stumps and all like materials generated by a contractor shall be removed by the contractor and disposed of according to the solid waste laws of the state and county by the end of each work week.

(C) *Hazardous waste.* Waste that is classified and identified from time to time by the SCDHEC as hazardous waste.

- (D) *Liquids.* All liquids must be drained from the refuse or garbage prior to be collected by the city.

- (E) *Mixed.* No household garbage is to be mixed with dry trash.

(F) *Leaves, grass, straw and the like.* Loose leaves, grass, and straw shall not be collected except for those contained according to this code (see § 93.080).

- (G) *Animals.* Dead animals or animal waste shall not be placed in containers for collection.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.077 SOLID WASTE COLLECTION.

The solid waste collected by the city shall include, but not be limited to, the following:

(A) White goods, furniture and pieces of metal and tin with dimensions exceeding nine inches by 48 inches must be placed by the street or highway right-of-way on the designated day. The owner shall remove the door(s) from all white goods if they are of the size to cause entrapment of any person or animal. Note: For clarity, metal items which do not exceed the nine inches by 48 inches will be considered as household garbage and litter. These will be collected on the designated days.

(B) All dry trash meeting the requirements of this code.

(C) Leaves, grass and straw must be placed in strong paper bags or yard debris roll-carts on the designated collection days.

(D) Logs, limbs, brush, branches and other similar materials not exceeding four feet in length, 50 pounds in weight and not greater than four inches in diameter.

(E) All normal household solid waste including, but not limited to, food, bags, paper, household plastics and the like.

(Ord. 17-016, passed 6-13-2017)

§ 93.078 PLACEMENT REQUIREMENTS; HOUSEHOLD SOLID WASTE.

Normal household solid waste must be placed in the proper containers and not mixed with other solid waste as described in this chapter.

(Ord. 17-016, passed 6-13-2017)

§ 93.079 BUNDLING OF SOLID WASTE.

All loose materials (boxes, newspapers, magazines and the like) which are normally placed into containers but exceed the container's capacity must be bundled and tied securely to enhance the collection process.

(Ord. 17-016, passed 6-13-2017)

§ 93.080 SOLID WASTE CONTAINERIZATION AND REMOVAL.

(A) All owners that receive solid waste collection services from the city will be provided with one 95-gallon roll-cart refuse container to accommodate their normal volume of solid waste.

(B) Bags used for dry trash (leaves, straw, grass and the like) must be made of strong paper. No dry trash will be collected in plastic bags. Owners may also elect to purchase from the City of Goose Creek and use a 95-gallon yard debris roll-cart.

(Ord. 17-016, passed 6-13-2017)

§ 93.081 USE OF NON-STANDARD CONTAINERS.

Only roll-cart containers provided by or purchased from the City of Goose Creek will be collected. No other type of container is authorized for household refuse or yard debris.

(Ord. 17-016, passed 6-13-2017)

§ 93.082 SERVICE FOR OWNERS REQUIRING ADDITIONAL CONTAINERIZATION FOR HOUSEHOLD REFUSE.

Owners may obtain the use of an additional roll-cart refuse container by making a request to the Department of Public Works and paying an additional, one time, user fee.

(Ord. 17-016, passed 6-13-2017)

§ 93.083 OWNERS, AGENTS AND TENANTS RESPONSIBILITY.

The owner, agent or tenant shall be responsible for:

(A) The disposal of all solid waste that is not collected by the city. These items must be disposed of in a manner which is consistent with the laws, rules and regulations of the state and county;

(B) Placing all solid waste by the street or highway by 7:00 a.m. on the designated collection days and placed in a manner that allows easy access and does not create a safety hazard to road traffic or the general public;

(C) The removal of all solid waste containers from the curb by 7:00 p.m. on the designated collection day;

(D) Any damages occurring from placing of or the removal of solid waste that has been placed on top of or near any utility appurtenance, drainage structure or other property (public or private);

(E) The separation of mixed waste;

(F) The placement of lids on containers to prevent spillage of waste and littering the surrounding area;

(G) Paying the annual sanitation tax as required by City Council;

(H) Placing the roll-cart container away from cars and mailboxes, with the handle toward the street;

(I) Not placing hot ashes, flammable liquids, construction debris, dirt or rocks in roll-cart container;

(J) Not overloading roll-cart container;

(K) The owner, agent or tenant shall be responsible for reporting stolen or missing roll-cart refuse containers to the Department of Public Works. Missing or stolen household refuse roll-cart containers will be replaced at no cost if the loss is determined to have occurred through no fault of the owner, agent or tenant; and/or

(L) Actively engaging in the reduction of solid waste by promoting and practicing recycling.
(Ord. 17-016, passed 6-13-2017)

§ 93.084 REFUSAL OF SERVICE.

The city reserves the right to refuse solid waste services to any owner, agent or tenant who consistently violates this code.

(Ord. 17-016, passed 6-13-2017)

§ 93.085 FREQUENCY OF SOLID WASTE COLLECTION.

The city shall have complete authority to collect and dispose of the city's solid waste at the times and intervals as is deemed necessary for the health and welfare of its citizens as well as to provide efficient service.

(Ord. 17-016, passed 6-13-2017)

§ 93.086 ASSESSMENT RATES FOR CITY RESIDENTS.

(A) *Period; purpose.* A sanitation tax to cover the period from January 1 through December 31, both inclusive for the sums and in the manner hereinafter mentioned, is and shall be levied, collected and paid into the Treasury of the City of Goose Creek for the use and service thereof, i.e., a tax as determined by City Council and is assessed on every single-family occupied residential lot within the corporate limits of the City of Goose Creek, to be paid into the City Treasury for the credit to the City of Goose Creek, for the corporate purposes, permanent improvements and for the purpose of paying current expenses of the municipality.

(B) *Collection method.* By mutual agreement between the City of Goose Creek and Berkeley County, Berkeley County will bill and collect the taxes enumerated herein, and pay the same to the Treasury of the City of Goose Creek in the manner as agreed by both parties.

(C) *Penalty dates; amounts.* The billing dates, the penalty dates and the amount of the penalty which shall be levied for delinquent taxes shall be the same as those adopted by Berkeley County Council.

(D) *Throwing waste from elevated places prohibited.* It shall be unlawful for any owner, agent or tenant of property within the city to allow any refuse, garbage, litter, dirty water, ashes, paper or other unclean or unsanitary useless waste material to be thrown, poured, let fall or permit to drop from any window, roof, porch, vehicle or other elevated place(s) except for materials used during the construction of any structure having a building permit.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

SEWAGE DISPOSAL

§ 93.100 OCCUPANCY OF PREMISES WITHOUT PROPER SYSTEM.

No owner, agent or tenant of any dwelling shall allow the same to be occupied unless proper sewage disposal is provided in accordance with this code. If an owner, tenant or occupant fails to make payment of the bill for use of the sanitary sewer system connected to the property, then proper sewage disposal is not available and further occupancy constitutes unlawful use of the structure. In addition, the city may terminate water service to the property until proper payment is made for use of the sanitary sewer system.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.101 BUILDING CONTRACTS TO PROVIDE FOR SEWAGE DISPOSAL.

All building contracts for the erection of structures anticipated for human occupancy must provide for adequate and sanitary sewage disposal. If no public sewage connection is available to a building, the contract must provide for the construction of a septic tank in accordance with the standards as prescribed by the United States Public Health Service and the South Carolina Department of Health and Environmental Control. Applications for permits from the city to erect the buildings must state-the proposed method of sewage disposal.

(Ord. 17-016, passed 6-13-2017)

§ 93.102 USE OF SEPTIC TANKS.

Septic tanks approved by the South Carolina Department of Health and Environmental Control and kept in good sanitary condition will be required where sewer lines are not provided, but under no condition will septic tanks be accepted where sewer connections are available.

(Ord. 17-016, passed 6-13-2017)

§ 93.103 CONNECTION TO SEWER.

(A) When a sewer connection is made available to the property line of a premise that has a septic tank, the owner of the premise shall remove or fill the septic tank and connect to the sewer connection within 90 days after the service is available. If the owner fails to connect to the available sewer system and make proper payment for connection and use of the system, then the city may terminate water service to the property in addition to other remedies available to the city including the general penalty provided by this code.

(B) The removal or filling of the septic tank shall be in accordance with all applicable laws of the city, county or state.

(Ord. 17-016, passed 6-13-2017)

NUISANCES

§ 93.145 PUBLIC NUISANCES PROHIBITED.

It shall be unlawful for any person to erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the city.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.146 ENUMERATION OF PUBLIC NUISANCES AFFECTING HEALTH.

Public nuisances affecting public health shall include, but not be limited to the following acts, omissions, conditions or things:

(A) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(B) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;

(C) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may inhabit or breed;

(D) All stagnant water in which mosquitoes, flies or other insects can breed and multiply,

(E) All excessive weeds and other rank growth or vegetation;

(F) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the city or within one mile there from in such quantities as to endanger the health of persons or to threaten or cause substantial damage to property;

(G) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery, industrial wastes or other substances; and

(H) Any use of property, substances or things that injures or endangers the health or safety of individuals or persons within the city.

(Ord. 17-016, passed 6-13-2017)

§ 93.147 PUBLIC NUISANCES AFFECTING PUBLIC SAFETY.

Public nuisances affecting public safety shall include, but not be limited to the following:

(A) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;

(B) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;

(C) All limbs of trees which project over a public sidewalk or roadway less than eight feet above the surface of a public sidewalk or less than 14.5 feet above the surface of a public roadway;

(D) All wires over streets, alleys, public grounds which are strung less than 15 feet above the surface of street or ground;

(E) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the city or which although made in accordance with the ordinances, are kept or maintained for an unreasonable length of time after purpose thereof has been accomplished;

(F) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(G) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed (see § 93.077) or which are not equipped with a device for opening from the inside; and

(H) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk, or of a public street, alley or sidewalk, which causes large crowds of people to gather, obstructing traffic and free

use of the streets or sidewalks.
(Ord. 17-016, passed 6-13-2017)

ABATEMENT

§ 93.160 NOTICE TO ABATE INVOLVING GREAT AND IMMEDIATE DANGER.

(A) If the Code Enforcement Officer determines that a violation of Chapter 93 exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Code Enforcement Officer shall serve notice specifying the particulars of the violation. Service may be on the owner of the property by any means including email, facsimile, text message or telephone. If the owner cannot be found, then the owner shall be served by posting the property with the notice.

(B) (1) The notice shall direct the owner, occupant or person causing, permitting or maintaining the violation of Chapter 93 to abate or remove the violation within 24 hours.

(2) The notice shall state that unless the violation is so abated, the city will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the violation and that said costs will also be filed as a lien against the real property.

(C) Any person refusing or neglecting to abate the violation after having been directed to do so shall be guilty of a misdemeanor.

(Ord. 17-016, passed 6-13-2017)

§ 93.161 ABATEMENT BY THE CITY INVOLVING VIOLATIONS WITHOUT GREAT OR IMMEDIATE DANGER.

(A) If the Code Enforcement Officer or other representative of the city shall determine that there is any violation of Chapter 93 of this code that does not involve great and immediate danger, but which warrants abatement, then the Code Enforcement Officer shall serve notice specifying the particular violations of Chapter 93. Service may be on the owner of the property personally or by mail. Service shall be effective upon deposit of the notice in the United States Mail, first class mail, postage prepaid. If the owner cannot be found, notice may be posted on the property. The notice may also be served on the occupant or other person causing, permitting or maintaining the violation of Chapter 93.

(B) (1) The notice shall direct the owner, occupant, or person causing, permitting or maintaining the violation of Chapter 93 to abate or remove the violation of Chapter 93 within 30 days.

(2) The notice shall state that unless the violation is so abated, the city will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the violation and that said costs will also be filed as a lien against the real property.

(C) Any person refusing or neglecting to abate a violation of Chapter 93 after having been directed to do so shall be guilty of a misdemeanor which shall be in addition to the daily misdemeanor available for the Chapter 93 offense.

(Ord. 17-016, passed 6-13-2017)

§ 93.162 PROCEDURE TO APPEAL ABATEMENT DECISION.

(A) For a notice of abatement involving a violation for a violation of Chapter 93 involving great and immediate danger and notice pursuant to § 93.160, the owner or other person with a valid legal interest may appeal the notice by serving a notice of appeal on the City Administrator within 24 hours of the posting of the property or service, whichever is first. The City Administrator shall review the appeal and the materials provided with the appeal and make a decision. Any appeal of the decision of the City Administrator shall be made to the Circuit Court within ten days of the decision of the City Administrator. However, an appeal of a violation to Circuit Court shall not automatically stay the matter pending appeal and the city may abate the violation. The burden shall be on the appellant to secure an order from the Circuit Court restraining the city from undertaking abatement activities.

(B) For a notice of abatement involving a violation of Chapter 93 not involving great and immediate danger and notice pursuant to § 93.161, the owner or other person with a valid legal interest may appeal the notice by servicing a notice of appeal on the City Administrator within 20 days of the posting of the property or service, whichever is first. The City Administrator shall review the appeal and the materials provided with the appeal and make a decision. Any appeal of the decision of the City Administrator shall be to Circuit Court within ten days. However, an appeal of a violation to Circuit Court shall not automatically stay the matter pending appeal and the city may abate the violation. The burden shall be on the appellant to secure an order from the Circuit Court restraining the city from undertaking abatement activities.

(C) There is no right of adjacent landowners or other citizens to appeal a decision of the Code

Enforcement Officer if the officer finds no violation or refuses to issue a notice to abate.

(D) The city shall be under no legal obligation to act to issue a notice to abate a violation of Chapter 93. Nor shall the city be required to actually abate the violation after posting or serving notice. Nor shall the city be required to complete the abatement within any specific time period. If the city does elect to abate, any owner, occupant or mortgage holder shall be jointly and severally liable for the costs of the abatement and such costs may also be filed as a lien against the property.

(Ord. 17-016, passed 6-13-2017)

MISCELLANEOUS PROVISIONS

§ 93.175 THROWING REFUSE AND THE LIKE ON CITY PROPERTY.

Any person throwing, or leaving for more than six hours, any rags, trash, garbage, paper or any other refuse matter in the streets, parks, public squares or any other public places in the city shall be guilty of a misdemeanor.

(Ord. 17-016, passed 6-13-2017)

§ 93.176 TATTOOING.

It shall be unlawful for any person to mark the body of another person by tattooing or any other method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink, colors or pigments.

(Ord. 17-016, passed 6-13-2017)

§ 93.177 HOURS OF OPERATION FOR COMMERCIAL REFUSE OR WASTE COLLECTOR RESTRICTED.

It shall be unlawful for any commercial refuse or waste collector to operate during the hours 6:00 p.m. to 6:00 a.m. Violations shall be subject to the general penalty clause of this code, and such shall constitute cause to initiate revocation of a business license.

(Ord. 17-016, passed 6-13-2017)

JUNK; JUNKYARDS

§ 93.190 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

AUTOMOBILE BODY. Any motor vehicle from which major parts have been removed so as to render the motor vehicle inoperable and incapable of passing inspection as required by the state; or, a wrecked motor vehicle where the damage to the motor vehicle has rendered the motor vehicle inoperable, incapable of being made operable or incapable of passing inspection as required by the state.

AUTOMOBILE GRAVEYARD. Any establishment which is maintained or used for buying or selling automobile bodies, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

IMPOUND LOT. An area incident to the operation of a business within a commercial district of the city, used for the storage of motor vehicles from which major parts have not been removed, and which are capable of being made fully operable and used for the storage of not more than nine vehicles at any time.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, junked, dismantled or wrecked automobiles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials.

JUNKYARD. An establishment which is 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. Any person engaged in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for re-melting purposes, and whose product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters and refineries, and having facilities and machinery designed for the processing.

(Ord. 17-016, passed 6-13-2017)

§ 93.191 ABANDONMENT OF REFRIGERATORS; REMOVAL OF DOOR OR LOCK REQUIRED.

It shall be unlawful for any person to leave or allow to remain in any place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container, device or equipment which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing the door from the icebox, refrigerator, device, equipment or container.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

Statutory reference:

Similar provisions, see S.C. Code § 16 3-1010.

§ 93.192 JUNK IN RESIDENTIAL DISTRICTS.

No person shall accumulate, place or deposit any junk, automobile bodies or automobile parts in a residential district of the city other than within an enclosed building (garage, storage building and the like) or an enclosed fence at least six feet tall which ensures that the materials cannot be seen from adjacent properties. Any storage of such items determined by the city to be excessive, unsafe or unhealthy, shall be eliminated.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999.

§ 93.193 JUNK IN COMMERCIAL DISTRICTS.

No person shall accumulate, place or deposit any junk, automobile bodies or automobile parts on any property in a commercial district of the city, except as provided below:

(A) Within an enclosed building (garage, storage building and the like) or an enclosed fence at least six feet tall, which ensures that the materials cannot be seen from adjacent properties;

(B) At an automobile/motor vehicle body repair business, properly licensed by the city, which has wrecked vehicles on the premises, actively engaged in repairing the vehicles, where the vehicles are on the premises no longer than 30 days; wrecked vehicles shall not be maintained on the property for the purpose of using parts or accessories for any purpose; and/or

(C) Within an approved impound lot as provided in this subchapter.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.194 IMPOUND LOTS.

Impound lots, incident to the operation of a business, may be established within a commercial district of the city for the storage of motor vehicles under the following conditions and requirements:

(A) The area used for an impound lot must be free of debris and regularly maintained;

(B) The area used for an impound lot must be completely enclosed by a fence at least six feet tall; if the impound lot adjoins a residential district, that section of fence adjoining the residential district shall be screened with materials designated by the city to ensure that the interior of the impound lot cannot be seen from the residential district;

(C) An impound lot may be used for the temporary storage of motor vehicles from which major parts have not been removed and which are capable of being made fully operable and passing inspection as required by the state;

(D) An impound lot may be used for the storage of not more than nine automobile bodies, as defined herein, at any one time;

(E) Motor vehicle parts shall not be stored within an impound lot;

(F) Motor vehicle parts shall not be taken or sold from motor vehicles stored within an impound lot; and

(G) Motor vehicles stored in an impound lot shall be neatly parked in rows.

(Ord. 17-016, passed 6-13-2017) Penalty, see § 93.999

§ 93.195 ENFORCEMENT.

The city, or its representative, shall enforce this subchapter and shall take necessary actions to ensure that junk, automobile bodies or automobile parts shall comply with this subchapter or be removed from the property. Should it become necessary, the city will remove the junk, automobile bodies or automobile parts from the property and the cost for the removal shall become the responsibility of the property owner; if the cost for removal shall go unpaid, the same shall become a lien upon the property and collected in the manner prescribed for the collection of delinquent taxes. The property owner shall also be liable for prosecution under.

(Ord. 17-016, passed 6-13-2017)

§ 93.999 PENALTY.

Any person who is convicted of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punished as provided in § 10.99, as amended of the city's Code of Ordinances unless otherwise specified. All persons shall be required to correct or remedy any violation or defects within a reasonable time when not specified. Each day that the protested conditions are maintained shall constitute an additional offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions by court order.

(Ord. 17-016, passed 6-13-2017)