

Chapter 12
NUISANCES

ARTICLE I. IN GENERAL

Sec. 12-1. Prohibited.

- (a) It shall be unlawful for any person to create, allow or maintain a nuisance on his premises or lot, or on any lot or premises occupied by him, or on any lot or premises belonging to another of which such person acts as agent or tenant.
- (b) The following acts or things, among others, are hereby declared nuisances, but such enumeration shall not be deemed to be exclusive: Making or creating noises of such a character as to be of actual physical discomfort to persons of ordinary sensibilities; allowing stagnant water, decaying animal matter, decaying vegetables or fruits, or anything causing offensive odors or whatsoever is dangerous to human life or health to remain on such lot or premises; allowing anything whatsoever which renders the air, food or water or other drink unwholesome to remain on such lot or premises.
- (c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 12-2. Accumulations of offensive matter.

The accumulation of any animal or vegetable, substance or of other offensive matter in the form of rubbish, garbage or offal, in or upon any lot, street or highway, or in or upon any public or private place, and allowing the same to remain until it shall become hazardous to health, is hereby declared to be a nuisance.

Sec. 12-3. Accumulation of junk and trash prohibited.

It shall be unlawful to allow to accumulate on any premises or in the rear of stores, factories or residences, old fixtures, junk, trash or any other material which tends to keep the premises wet, exclude the sun and catch and favor the accumulation of filth.

Sec. 12-4. Derelict vehicles on private property.

- (a) Prohibited. It shall be unlawful for any owner of any property in the City to allow a derelict vehicle to remain on property which he owns, or which he is in control of for

more than fifteen (15) days after receiving notice that a derelict vehicle is located thereon.

(b) Derelict vehicle means a motor vehicle:

- (1) Which does not have a current motor vehicle license and on which property tax has not been paid; or
- (2) Which is partially dismantled or wrecked or incapable of self-propulsion or being moved in the manner for which it was originally intended; or
- (3) Whose registered and legal owner of record disclaims ownership or releases his rights thereto; or
- (4) Which has been left on private property without the consent of the owner, occupant or lessee thereof for a period of time exceeding twenty-four (24) consecutive hours.

(c) Exceptions.

- (1) This section shall not apply to a motor vehicle located on a licensed new or used car lot, commercial garage, wrecker or storage facility, or stored in a three (3) or more sided garage or building;
- (2) An exception will be made for maintenance, repair, or restoration of motor vehicles not to exceed one (1) in number by the property owner for a period not to exceed three (3) months. The Housing Services Division of the City shall make available tags to be placed on the vehicle to be restored or repaired, which shall specify the date of commencement and deadline of the restoration or repair.

(d) Tagging of derelict vehicles. When any motor vehicle is derelict and the City has provided the vehicle owner the required (15) day notification to remove the vehicle, the City shall cause a tag designated same to be placed on the vehicle, which shall be notice to the owner, the person in possession of the motor vehicle, or any other lien holder that such vehicle, or any lien holder that such vehicle is considered to be derelict and may be towed seven (7) days after the tag has been placed on the vehicle.

If the owner of the vehicle is known, the vehicle shall be tagged and the person whose name the vehicle is last registered shall be notified by regular mail at their last known address that the vehicle is derelict and must be

removed within seven (7) days after the tag has been placed on the vehicle or the vehicle may be towed.

If the owner of the vehicle is not known, the vehicle shall be tagged and notice shall be given through the publication on one (1) occasion in a newspaper of general circulation in the county of Spartanburg, which shall be deemed as sufficient notice. Fifteen (15) days after publication, the vehicle is subject to being towed.

In all cases, the Housing Services Division shall store vehicles towed from private property for a period of thirty (30) days, if the owner claims the vehicle, the owner shall pay the cost of storage and towing. If a vehicle is unclaimed, it shall be disposed of and the proceeds of the sale applied to the costs of the towing and storage.

- (e) Violation of section. The City may at its option bring a summons in the municipal court against the owner for violation of this section.
- (f) Variances. The Community Development director shall consider any variance from the terms of this section for good cause.
- (g) Screening. Vehicles remaining on the property for repairs, maintenance, or restoration by the owner must be so located on the premises so as to not be readily visible from any public place. Grass and weeds shall not be allowed to grow in excess of eighteen (18) inches high around the vehicle(s) nor can the vehicle(s) be used for storage or contain household rubbish or debris.

Secs. 12-5--12-25. Reserved.

ARTICLE II. WEEDS, BRUSH AND DEBRIS

Sec. 12-26. Definitions.

- (1) Vacant lot: Any undeveloped lot, tract or parcel in the City.
- (2) Occupied property: A lot containing any structure.
- (3) Wooded lots: Any property containing trees of a size and density that prohibits cleaning with a bush hog or mechanical cleaning equipment.

- (4) Unsafe lots: Lots having steep and difficult topography (gullies, ravines, swamps, etc.), as determined by the City Manager or other designated officer of the City.

Sec. 12-27. Duty of owners, etc., to keep property clean.

- (a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- (b) Owners, agents, occupants or lessees whose properties face on a City right-of-way shall be responsible for keeping up to, and including, the curb, gutter or street line free of unsightly growth.
- (c) It shall be the duty of every non-resident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.
- (d) If an owner, agent, occupant or lessee fails to remove unsightly growth and other debris from any private and public property, the City shall serve written notice to the owner or appointed agent to correct such violation.

Sec. 12-28. Removal required.

The owner, agent, occupant, lessee, or person in charge of any property in the City shall, upon notification by the City manager or other designated officer of the City, remove from such property the following conditions which are declared to be a menace to the public health and a nuisance:

- (a) Any weeds, brush, undergrowth or debris on any real property located within the City that grows to a height of eighteen (18) inches or more; or
- (b) Undergrowth or vines grown to such density as to constitute a haven for rats, snakes or other vermin; or
- (c) The conditions described in sections 12-2 and 12-3;
- (d) Any accumulation of trash, litter, debris, bottles, cans, bricks, concrete, scrap lumber or other building debris which is found on any real property.

Sec. 12-29. Guidelines for removal.

A lot less than one (1) acre shall be cleaned entirely. A lot greater than one (1) acre shall have a buffer cleared one hundred fifty (150) feet from an adjacent structure or public street.

Any property classified a wooded lot shall have a buffer of fifteen (15) feet cleared (remove undergrowth) along the property line adjacent to a structure. Unsafe lots will be cleared as determined reasonable.

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Sec. 12-30. Public utilities/railroads.

Public utilities and railroads must clear their rights-of-way no less than twice annually between the months of April and September.

Sec. 12-31. Alleys.

Owners and occupants of properties which abut an alley shall be responsible for clearing alleys up to the center point of such alley.

Sec. 12-32. Notification to remove.

Whenever it is made to appear to the City manager or any other designated officer of the City that the conditions set forth in section 12-28 exist on any real property within the City and are a menace to public health, or a nuisance, the owner, agent, occupant, lessee, or person in charge of the property shall be provided one notice by regular mail within any 12 month period, at the last known address, setting forth the provisions of Section 12-27. Included with that notice will be a summons to appear in court if the violations are not corrected within the time limits established. Thereafter, whenever the property is not in compliance to Section 12-28, the Community Development Director or a designated code enforcement officer is authorized to issue a summons to the owner, agent, occupant, lessee, or person in charge of the property. No further notices will be provided prior to the issuance of a summons within the 12 month period.

Sec. 12-33. Failure to comply with notice; objection removal or abatement; prosecution and/or removal by City.

- (a) If any person after receipt of the notice set forth in section 12-32 objects to the proposed removal or abatement set forth in the article, objection shall be presented in writing to the director of Community Development within five (5) days after the mailing of such notice. Once written notice of the decision of the director of Community Development is given, any person shall request a hearing before the Housing Board of Adjustments and Appeals. Failure to object and request a hearing shall be deemed to be a consent to the determination that the conditions of such property constitute a menace to public health or a nuisance.
- (b) Upon the failure or refusal of any persons so notified in section 12-32 to comply with the removal of weeds or removal of brush, undergrowth or debris from any real property, within fifteen (15) days from the date such notice was mailed and summons issued, the City may in that event then:
 - (1) Seek the issuance of a municipal ordinance summons and prosecute same; and/or
 - (2) Seek the issuance of a municipal summons for multiple violations after the annual notice.
 - (3) Proceed to remove weeds, brush, undergrowth or other debris or take other such corrective action at the cost of the lot owner in accordance with section 12-34.
- (c) Whenever it is made to appear to the City Manager or any other designated officer of the City that the conditions set forth in section 12-28 exist on any real property within the City and are a menace to public health, or a nuisance, the owner, agent, occupant, lessee, or person in charge of the property shall be notified by mailing at the last known address, a notice setting forth the provisions of section 12-27.

Sec. 12-34. Cost of removal; collection.

- (a) The City Manager may direct the city personnel and equipment to be used to correct nuisance violations, filing the cost of removal with the City's finance department.
- (b) In the alternative, the City Manager may solicit bids from independent contractors for the correction of nuisance violations, awarding the contract to the lowest bidder and submitting the cost to the finance division.

(c) The finance division shall prepare an invoice for the City's costs, sending a copy of the invoice to the violator which cost shall be a lien upon the real property upon which the costs were incurred.

(d) If the invoice is not paid within sixty (60) days, the City Finance Division shall prepare a statement of the City's costs of correcting the condition along with reasonable attorney fees and other costs and forward same to the Spartanburg County Tax Collector with a copy being forwarded by ordinary mail or other means to the property owner with the direction by the City Manager to the Spartanburg County Tax Collector to enter the lien and collect same as other City taxes.

(e) Upon receipt of this invoice, the Spartanburg County Tax Collector shall enter the costs and expenses in the tax records as a City tax lien and proceed to collect the costs in the same manner as City taxes pursuant to §5-7-80, et seq., §12-49-10, et seq., and §12-51-40, et. seq., S.C. Code Ann.

Sec. 12-35. Shrubs, etc. on property adjacent to street intersections interfering with view of vehicles.

- (a) Prohibited. It shall be unlawful for owners, tenants or occupants of property contiguous or adjacent to intersections of streets to permit or maintain on such property or lot any trees, bushes, shrubbery or other plant or any sign or structure which obstructs the view of the operators of motor vehicles or which creates a dangerous or hazardous condition.
- (b) Exception. This section shall not be applicable to intersections in which traffic is controlled by a traffic-control signal exhibiting green, yellow and red signals.
- (c) Notification of owners to cut or remove. The owners, tenants or occupants of such property shall, within ten (10) days after receiving written notice from the City Manager or other duly authorized agent of the City, remove such trees, bushes, shrubbery or other plant or sign or structure of any type as referred to in subsection (a) so that the vision of persons operating motor vehicles entering intersections of streets will not be obscured or obstructed thereby, and so that the approach of other vehicles may be readily observed.
- (d) Failure of owner to comply with notice; removal by City; report and collection of cost. Upon the failure of the owner, tenant or occupant to comply with the notice of the City Manager or other duly authorized agent of the City

within ten (10) days, under the provisions of subsection (c) or when such property is vacant and the owner thereof cannot be found in the City, the City Manager or other duly authorized agent of the City shall cause such weeds, hedges, shrubs or other vegetation to be cut or removed so that they will not obscure or obstruct the vision of persons operating motor vehicles entering such intersections, and will not prevent the ready observation of the approach of other vehicles, and shall report the cost thereof to the collector of City taxes, who shall add the same to the taxes assessed on such property for the next ensuing year, and the same shall become a part thereof and shall be collected in the manner prescribed by law for the collection of taxes.

- (e) Failure to remove to constitute misdemeanor. Any owner, tenant or occupant of property who shall fail or refuse to remove or cut weeds, hedges, shrubs or other vegetation therefrom, after receiving notice from the City Manager or other duly authorized agent of the City, and within the time prescribed in subsection (d), shall be guilty of a misdemeanor.

Secs. 12-36--12-50. Reserved.

ARTICLE III. MOSQUITOES

Sec. 12-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Health officer means the City manager of the City of Spartanburg or his designee.

Sec. 12-52. Collections of water in which mosquitoes may breed prohibited.

It shall be unlawful for any person to have, keep, maintain, cause or permit within the City, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as to effectively prevent such breeding as provided by this article.

Sec. 12-53. Collections of water defined.

The collection of water considered by Section 12-52 shall be held to be those contained in, but not limited to ditches, ponds,

pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets or other similar water containers.

Sec. 12-54. Methods of treatment.

The method of treatment of any collections of water that are specified in section 12-53, directed toward the prevention of breeding of mosquitoes, shall be approved by the health officer and may be any of the following:

- (1) Screening with wire netting of at least sixteen (16) meshes to the inch each way or any other material which will effectually prevent the ingress or egress of mosquitoes;
- (2) Complete emptying every seven (7) days of unscreened containers, together with their thorough drying or cleaning;
- (3) Using a larvicide approved and applied under the direction of the health officer;
- (4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven (7) days;
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish; absence of half-grown mosquito larvae shall be evidence of compliance with this measure;
- (6) Filling or draining to the satisfaction of the health officer;
- (7) Proper disposal of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

Sec. 12-55. Mosquito larvae as evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there. Failure to prevent such breeding within three (3) days after notice by the health officer shall be deemed a violation of this article.

Sec. 12-56. Right of entry of health officer.

The health officer shall enforce the provisions of this article and for this purpose, he, or any person acting under his authority, may at all reasonable times enter in and upon any premises within his jurisdiction.

Sec. 12-57. Persons responsible.

The person held under this article to be responsible for the correction of conditions on premises giving rise to or likely to give rise to the breeding of mosquitoes shall be the owner, and in his absence, the agent of the owner of the premises; provided, that any tenant causing or permitting such conditions without the consent of the owner or agent shall be held responsible. Where a trespasser or other person is known to cause or to have caused the condition without the consent of the owner, agent or tenant, then such person will be held responsible.