

Ordinance

8-1008

TOWN OF EASTOVER
STATE OF SOUTH CAROLINA

ORDINANCE # _____

AN ORDINANCE DECLARING WEEDS, RUBBISH, BRUSH, OVERGROWTH VEGETATION AND OTHER OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER AS A NUISANCE AND SETTING FORTH REQUIREMENTS REQUIRING THE OWNER OR OCCUPANT OF THE PROPERTY TO KEEP PROPERTY FREE FROM SUCH NUISANCES; AMENDING TOWN ORDINANCES TO PROVIDE FOR NOTICE TO PROPERTY OWNERS OR OCCUPANTS; AMENDING TOWN ORDINANCE TO MAKE FAILURE TO REMOVE OR ABATE SUCH NUISANCE A MISDEMEANOR AND PROVIDE PENALTIES THEREFORE; AND PROVIDING FOR REMOVAL OF NUISANCE BY TOWN AND COLLECTION OF COSTS.

WHEREAS, the Town of Eastover has found that keeping the Town free of weeds, rubbish, brush, overgrowth vegetation and other objectionable, unsightly or unsanitary matter will improve the quality of life of Town citizens by improving the aesthetics of the Town, removing harbor for rodents and other vermin, eliminating breeding grounds for mosquitoes and other insects, decreasing illegal dumping and littering, eliminating fire hazards and deterring crime-by increasing visibility and access; and

WHEREAS, keeping the Town of Eastover free of weeds, rubbish, brush, overgrowth vegetation and other objectionable, unsightly or unsanitary matter will promote the development and beautification of the Town; and

WHEREAS, the State of South Carolina has granted authority to regulate the upkeep of property and impose a lien upon real estate to cover the cost of cleanup in S.C. Code (1976), Section 5-7-80; and

WHEREAS, the Town wishes to work with property owners to assist owners in meeting these requirements for keeping property free of weeds, rubbish, brush, overgrowth vegetation and other objectionable, unsightly or unsanitary matter.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EASTOVER, SOUTH CAROLINA, THAT:

SECTION 1 - Duties of Owners and Occupants; cutting and removal.

It shall be unlawful for the owner and/or occupant of property to fail to cut grass, weeds, and other overgrowth vegetation on property when the grass, weeds, and other overgrowth vegetation is of a greater height than one (1) foot on the average, or to permit the property to serve as a breeding place for mosquitoes, as a refuge for mice, rats or snakes, as a collecting place for trash and litter, or as a fire hazard, any of which situations

is declared to be a nuisance. It shall be the duty of the owner and occupant to cut and remove all grass, weeds, and other overgrowth vegetation as often as necessary so as to comply with this provision. Vacant lots must be cut at least three times per year, as required during the growing season (April through September). Heavily wooded lots where equipment cannot maneuver on the lot because of density of trees shall be trimmed within one hundred (100) feet of the street right-of-way and adjacent improved property and shall be kept free from litter and debris.

SECTION 2 - Notice to Owner and/or Occupant to Cut and Remove.

Whenever the mayor of the Town, or the mayor's duly authorized agent or representative, shall find that weeds or other rank vegetation have been allowed to stand upon, or any such debris to accumulate and remain upon any lot or parcel of land within the Town, the Mayor may serve notice upon the owner; lessee or occupant of the premises, or upon the agent or representative of the owner of the land having control thereof, to comply with the provisions of this ordinance. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such notice in the United States mail, properly stamped and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

SECTION 3 - Failure to Comply With Notice.

If a person to whom the notice is directed, under the provisions of the preceding section, fails or neglects to cause such weeds or other rank vegetation to be cut and removed, or such debris to be removed from any such premises within ten (10) after such notice has been served, or deposited in the United States mail, or posted on the premises, such person shall be guilty of a misdemeanor. Each successive day after the 10-day period in which the nuisance continues shall constitute a separate offense.

SECTION 4 - Removal by Town; Cost

Weeds, rank vegetation or debris existing on any property not removed pursuant to Section 3 may be removed by a duly authorized agent of the city, and the cost of doing so shall become a lien upon the property affected and shall be collected in the same manner as the collection of municipal taxes. This remedy shall be cumulative to other remedies, penalties or fines.

SECTION 5 - Work May Be Done by Town on Request.

Upon the written request of the owner or person in control of any lot or parcel of land covered by this ordinance, and the payment to the Town for these services, the Town's employees or agents may enter upon such lands and cut and remove the weeds or other rank vegetation or remove such debris therefrom, the charge and cost of such service to be paid into the Town treasury.

SECTION 6 - Severability

The provisions of this ordinance are severable. If any part of this ordinance is held to be invalid by a court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 7 - Prior Inconsistent Ordinances

Any prior ordinances or parts of ordinances or code provisions which are inconsistent with the provisions hereof are hereby superseded.

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First Reading: June 11, 1996

Second Reading: July 8, 1996

Third Reading: