

SAMPLE

LOT CLEARING ORDINANCE
(Nuisance Abatement)

§ 1. Unhealthy or unsightly condition of lot, structure or vehicle; nuisance.

It shall be unlawful for any person to allow property under his ownership or control to be kept in an unhealthy or unsightly condition by reason of the existence thereon of rubbish, debris, vegetation, weeds, water, foul or noxious effluvia, structural material, equipment, vehicle, or any other substance; and such unhealthy or unsightly condition constitutes a public nuisance. Conditions which constitute a public nuisance include, but are not limited to, the following:

- (1) Deposit of trash, garbage, waste, or debris on private or public property in other than approved disposal containers;
- (2) Accumulation of water in which mosquitoes may breed;
- (3) Growth of vegetation or accumulation of materials which provide a harbor or breeding place for rodents or other pests;
- (4) Growth of weeds in excess of two (2) feet in height;
- (5) A dilapidated structure which is unfit for habitation, or which provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance use or sale;
- (6) Unauthorized production, transportation, storage, or discharge of fumes, dust, smoke, noise, chemicals, toxic materials, waste, or other materials which pose a threat to public health or safety;
- (7) Any condition which is conducive to the transmission of communicable disease or which increases the hazard of fire; or
- (8) A junked or abandoned, unlicensed, inoperable, and unsecured motor vehicle which provides a harbor or breeding place for insects or rodents.

§ 2. Notice and hearing on abatement of nuisance.

(a) The Building Official or designated enforcement official shall serve written notice by certified mail upon the owner, or his agent, and the occupant of property upon which

conditions exist in violation of this article requiring that the conditions be corrected or removed within fifteen (15) days.

(b) The notice shall state that, upon written request received prior to the expiration of fifteen (15) days, the Building Official will conduct a hearing at which the requesting party may appear or be represented for the purpose of determining the applicability of this article to the property.

(c) After the hearing the Building Official shall issue a written order containing findings and conclusions, and specifying a time in which any corrective action must be taken, which shall be served by certified mail upon the party requesting the hearing.

§ 3. Failure to abate unlawful.

It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. The Building Official or designated enforcement official may issue an ordinance summons or seek an arrest warrant for violation of this article.

§ 4. Abatement; lien.

Upon failure of the responsible party to abate a nuisance as required by notice or order, the Building Official or designated enforcement official may go onto the property and correct or remove the conditions constituting a nuisance. The costs of abatement shall be a lien on the property which shall be added to and collected in the same manner as property taxes.

NOTE: This ordinance is authorized by S.C. Code § 5-7-80.