

ORDINANCE NO.: 2008-026

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-40 Nuisance abatement

BE IT ORDAINED by the Mayor and Council this 2nd day of April, 2008, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-40, Nuisance abatement (b)(2), is amended to read as follows:

**Sec. 8-40. Nuisance abatement.**

(a) *Declaration of legislative findings.*

- (1) Repetitive violations of certain provisions of this Code by owners, occupants or tenants of individual parcels of property tend to cause a deterioration of the general health, welfare and good order of the community at large. Further, such acts or omissions place an inordinate burden on public resources, including law enforcement and code enforcement. Repetitive violations are not efficiently resolved by normal law enforcement techniques. The above findings are true with respect to non-owner occupied property, as well as owner occupied property.
- (2) It is the intent of this ordinance to secure the cooperation and assistance of property owners in effecting a solution to the problems associated with repetitive violations of the code provisions hereinafter set forth. The result of this effort will be to enhance the general welfare, health and good order of the community.

(b) *Property management and maintenance--Public nuisances declared.*

- (1) Any real property upon which its owners, tenants or occupants conduct, permit or encourage any activity that constitutes a violation of any of the provisions of this Code enumerated in subsection (b)(2) is hereby declared to be a public nuisance.
- (2) For the purposes of this section, two or more separate violations of any of the following City Code sections or any state or federal statute or regulation for the illegal manufacture, sale, distribution or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug within any six-month period or three or more such violations within any 18-month period shall constitute a public nuisance:  
Section 4-64, Restraint or confinement of dogs;  
Subsection 4-65(b), Removal of animal waste;  
Section 4-70, Nuisance animals;  
Section 4-91, (Dangerous animals) prohibited;  
Section 5-151, International Property Maintenance Code;  
Chapter 8, Environmental Health and Sanitation;  
Section 14-181, (Gambling) prohibited;  
Section 14-211, (Prostitution) prohibited;  
Chapter 17 Article III, Zoning.  
"Drug" means any controlled substance, narcotic or narcotic drug as defined by 21 U.S.C.A. § 802 (2006) as amended, or S.C.Code Ann. §44-53-110 (Supp.2007) as amended.
- (3) Whenever a public nuisance exists as described in subsection (b)(1) of this section, the building official or other authorized representative of the city shall send a written notice to the owner of the property advising the owner that the property has been declared a public nuisance. The notice shall encourage the owner to take reasonable measures to abate the nuisance.
- (4) If within 12 months after the owner of a property has been given notice that the property is a nuisance as provided in subsection (b)(3) above, another violation of one of the sections of this Code enumerated in subsection (b)(2) occurs on the property, the building official or any other authorized representative of the city shall issue an order of abatement to the owner, property manager (if any) and occupant. The order of abatement shall be in writing, shall state

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that the property constitutes a public nuisance, and shall require the owner to take reasonable measures designed to abate the nuisance and to prevent a recurrence. Those measures may include, but are not limited to, making improvements to the property, removal of debris, installation of lighting to enhance security, hiring of security personnel, or the initiation and execution of eviction proceedings against the tenants or occupants who conduct, permit or encourage the violations.

- (5) The order shall be served in the same manner as civil process upon the owner of the property. The order shall provide the owner a reasonable opportunity to meet with the issuing official to discuss the allegations in the order and the need for abatement measures. The failure to implement the abatement measures specified in the order or subsequently agreed to within the 30 days following the date of the order, or within any other agreed period, shall constitute a violation of this Code, punishable as authorized by section 1-5 of this Code.
- (6) Persons aggrieved by an order issued pursuant to this chapter by the building official or other authorized representative of the city may appeal to the property maintenance board by filing a notice of appeal in the office of the city clerk, such notice to be filed not later than ten days following the service of the order. Appeals shall be docketed and conducted according to the rules of the property maintenance board. Appeal from a decision of the property maintenance board will be to the circuit court.
- (7) The procedures, penalties and remedies provided herein are in addition to any supplemental to the powers and procedures conferred by any other law or ordinance.

This ordinance is effective as of final reading.

Requested by:

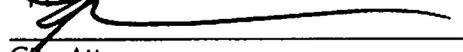
Councilmember Davis  
Councilmember Isaac-Devine

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

ATTEST:  
  
City Clerk

Introduced: 3/19/2008  
Final Reading: 4/2/2008