

CHAPTER 13

NUISANCES

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Article I. Public Nuisances.[1]

Sec. 13-1. Definition.

As used in this chapter, public nuisance shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
- B. In any way render the public insecure in life or in the use of property;
- C. Greatly offend the public morals or decency;

D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

Sec. 13-2. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisances within the Town of Sullivan's Island.

Sec. 13-3. Public nuisances affecting health.

Public nuisances affecting 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 twenty-four (24) hours after death;

C. Accumulations 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 breed;

D. All stagnant water in which mosquitoes, flies or other insects can multiply;

E. Privy vaults and garbage cans which are not fly-tight;

F. All noxious weeds and other rank growth or vegetation;

G. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one (1) mile therefrom in such quantities as to endanger the health of persons' ordinary sensibilities or to threaten or cause substantial injury to property;

H. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial wastes or other substances;

I. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.

Article 2. Abatement.[2]

Sec. 13-4. Filing complaints; inspections.

All complaints alleging the existence of a public nuisance shall be filed with the Town Clerk.

The Clerk shall promptly notify the Chief of Police, the Fire Cheif, the Building Inspector and Zoning Administrator, the Superintendent of Streets and Maintenance, or the Superintendent of Water and Sewerage, one or more of them as may be appropriate, who shall inspect or cause to be inspected the premises and make a written report of findings to the appropriate committee chairman. The inspecting officer shall take any necessary action on the matter. When practicable, the inspecting officer shall cause photographs to be made of the premises and shall retain the same in his office.

Sec. 13-5. Notice of abate nuisance.

A. If the inspecting office determines that a public nuisance exists on private property and that there is great immediate danger to the public health, safety, peace, morals or decency, the appropriate committee chairman and/or Town Administrative Assistant may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance or to post a copy of the notice on the premises.

B. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours. The notice shall state that unless such nuisance is so abated, the Town will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the nuisance.

Sec. 13-6. Abatement by Town.

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found the inspecting officer shall cause the abatement or removal of such public nuisance.

Sec. 13-7. Abatement when great and immediate danger does not exist.

If the inspecting officer shall determine that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to public health, safety, morals or decency, he shall file a written report of his findings with the appropriate committee chairman and/or Town Administrative Assistant, who shall cause the owner of said premises to be summoned to appear before the Judge of the Municipal Court to show cause why the town should not abate said nuisance and levy the cost thereof against the said premises.

Sec. 13-8. Delivery of summons and hearing.

The summons provided for in Section 13-7 shall require the owner to appear in person or by agent at a place and time not less than seven (7) days after the date of mailing or personal service of said summons. At said hearing the property owner may make any statement or present any testimony in his behalf. If the owner fails to appear or if the Judge of the Municipal Court shall find at the conclusion of the hearing that a public nuisance does exist, the Judge of the Municipal Court shall issue a written order directing and requiring the owner to abate the nuisance before a specified day and thereafter to keep the premises free from said nuisance. Any summons or notice to the owner herein required to be given shall be sufficient if served in person or by certified mail, return receipt requested, directed to the last known address of the owner, as shown on the records of the County Treasurer.

Sec. 13-9. Procedure on non-compliance with order.

Should the property owner fail to comply with said order within the time thereby specified, the Town Clerk shall direct Town employee or any person employed by the Town for that purpose to enter said premises and to clear the same or abate said nuisance. The Town Clerk shall maintain an accurate record of the cost of the services rendered by the Town or its contractors in abating said nuisance, including the cost of any required notices, and shall certify the same as a lien against the real estate, to be collected in the same manner as Town ad valorem taxes.

Sec. 13-10. Remedies cumulative; court prosecutions.

The remedies provided in this chapter shall be cumulative, and nothing herein contained shall prevent prosecution for violation of any other Town ordinance or section of this Code, or proceedings as for debt or by injunction or otherwise in the name of the Town in a court of competent jurisdiction in accordance with state statutes.

[1] For state law as to public health nuisances, see SS44-1-140, 4-1-160, Code of Laws of S. C., 1976 and Rules and Regulations H and ER, 61-46. Also see S. C. Code 1976, SS5-7-30, 5-7-80.

[2] For state law as to abatement of nuisances by the Department of Health and Environmental Control, see S. C. Code 1976, SS44-1-140, 44-1-160, 48-1-280 and Rules and Regulations, H and ER, 61-46.