

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. UNIFIED DEVELOPMENT CODE

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.01 Standard Building Code adopted
- 150.02 Building permit required

Buildings Unfit for Human Habitation

- 150.15 Purpose
- 150.16 Power exercised by building official
- 150.17 Complaint; notice and hearing
- 150.18 Order to repair or demolish
- 150.19 Posted notice
- 150.20 Removing or demolishing structure
- 150.21 Removal authority of town
- 150.22 Costs; lien upon property
- 150.23 Nuisance abatement power of town
- 150.24 Conditions constituting unfit dwellings
- 150.25 Services of complaints
- 150.26 Building official; powers and duties
- 150.27 Disposition of proceeds of sale
- 150.28 Trespassing prohibited
- 150.29 Unlawful to remove or deface public notices
- 150.30 Notice and abatement

GENERAL PROVISIONS

§ 150.01 STANDARD BUILDING CODE ADOPTED.

The Mayor and Council of the town adopt Laurens County Ordinance 483 related to the Standard Building Code for inspection services and enforcement within the corporate limits of Gray Court. (Ord. 01-01, passed 6-6-2000)

§ 150.02 BUILDING PERMIT REQUIRED.

(A) The Town Council, in pursuance of the authority granted by S.C. Code Title 6, Chapter 9, § 10, does enact a requirement that no building or structure shall hereafter be erected, established or altered in any way to increase the bulk or height of the building or structure without first securing from the town a building permit therefor.

(B) Failure to secure a permit shall constitute a violation of this section, subject to all remedies provided by law, including injunction, abatement or any appropriate action or proceeding to prevent or enjoin the establishment, erection or modification of the proposed building or structure.

(Ord. passed 9-20-1988)

BUILDINGS UNFIT FOR HUMAN HABITATION**§ 150.15 PURPOSE.**

There exists within the Town of Gray Court, South Carolina certain dwellings and other structures which are unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering the dwellings and/or structures unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the town.

(Ord. 02-08, passed 10-8-2002)

§ 150.16 POWER EXERCISED BY BUILDING OFFICIAL.

Whenever it is determined that any of the conditions exist as described in this subchapter, the police powers of the town may, be exercised to repair, close or demolish any dwelling or other structure in the manner hereinafter provided.

(Ord. 02-08, passed 10-8-2002)

§ 150.17 COMPLAINT; NOTICE AND HEARING.

The powers to be exercised under this subchapter shall be exercised by the building official or other designated representative.

(Ord. 02-08, passed 10-8-2002)

§ 150.18 ORDER TO REPAIR OR DEMOLISH.

(A) Whenever a complaint or petition is filed with the building official, or other designated representative, by any one of the administrative heads of the town, or by at least five residents of the town, charging that any dwelling or other structure is unfit for human habitation, or whenever it appears to the building official, or other designated representative, (on his or her own motion) that any dwelling or other structure is unfit for human habitation, the building official or other designated representative shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and all parties in interest in the dwelling or other structure a complaint in letter form stating the charges in that respect and containing a notice that a hearing will be held before town council not less than ten days nor more than 30 days after the service of the complaint or letter; that the owner and parties in interest shall be given the right to file an answer to the complaint in letter form and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings.

(B) In the event an emergency arises whereby it appears that human life or safety is involved, the building official may shorten the notice of hearing to no less than one day. In no way, either by implication, verbal or written style of communication, shall the town or the building official or any designated representative of either, be held responsible before and/or after taking notice of unsafe conditions of structure(s), for any harm or injury that may occur on the premises.

(Ord. 02-08, passed 10-8-2002)

§ 150.19 POSTED NOTICE.

(A) That if, after the notice and hearing, the Town Council determines that a dwelling or other structure under consideration is unfit for human habitation it shall be stated in writing, the writing to include the findings of fact in support of the determination, and this writing shall be issued and caused to be served upon the owner of the property together with or in the form of an order;

(B) If the repair, alteration or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within the time specified in the order, to repair, alter or improve the dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation, at solely his or her own costs; or

(C) If the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner then shall be required, within the time specified in the order, to remove or demolish the dwelling at owner's expense.

(Ord. 02-08, passed 10-8-2002) Penalty, see § 10.99

§ 150.20 REMOVING OR DEMOLISHING STRUCTURE.

If the owner fails to comply with the order to repair, alter or improve or to vacate and close the dwelling or other structure, the building official, or other designated representative, may cause the dwelling or other structure to be repaired, altered or improved or to be vacated and closed; that the building official shall cause to be posted on the main entrance of any dwelling or other structure so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful, by order of the Town Council.

(Ord. 02-08, passed 10-8-2002)

§ 150.21 REMOVAL AUTHORITY OF TOWN.

If the owner fails to comply with the order to remove or demolish the dwelling, the building official, or other authorized representative, may cause the dwelling or other structure to be removed or demolished forthrightly.

(Ord. 02-08, passed 10-8-2002)

§ 150.22 COSTS; LIEN UPON PROPERTY.

That the amount of the cost of the repairs, alterations or improvements, vacating and closing or removal or demolition by the town shall be a lien against the real property upon which the cost was incurred, the lien shall be collectable in the same manner as municipal taxes.

(Ord. 02-08, passed 10-8-2002)

§ 150.23 NUISANCE ABATEMENT POWER OF TOWN.

No part of this section shall be construed in any way to impair or limit any and all powers of the town to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 02-08, passed 10-8-2002)

§ 150.24 CONDITIONS CONSTITUTING UNFIT DWELLINGS.

(A) A dwelling or other structure is unfit for human habitation if conditions exist in the dwelling or other structure which are dangerous or injurious to health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings or other residents of the town.

(B) The conditions may include the following, without limiting the generality of the foregoing defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities:

- (1) Dilapidation;
- (2) Disrepair;
- (3) Structural defects;
- (4) Uncleanliness; and

(5) Any other conditions in any reasonable way relating to unfitness for human habitation as previously set forth.

(Ord. 02-08, passed 10-8-2002)

§ 150.25 SERVICES OF COMPLAINTS.

Complaints by letters or orders hereunder shall be delivered to and/or served upon persons either personally or by certified mail, but if the whereabouts of the persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the building official shall make an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in this area. A copy of the complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of the complaint or order shall also be filed with the Laurens County Clerk of Court under the lis pendens index and the filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Ord. 02-08, passed 10-8-2002)

§ 150.26 BUILDING OFFICIAL; POWERS AND DUTIES.

The building official or other designated representative may exercise the powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this subchapter, including the following powers in addition to others herein granted:

(A) To investigate the dwelling or other structure conditions in order to determine which may be unfit for human habitation;

(B) To administer oaths and affirmations, examine witnesses and receive evidence; and

(C) To enter upon premises for the purpose of making examinations, provided the entries be made in the manner as to cause the least possible inconvenience to the person or persons in possession.
(Ord. 02-08, passed 10-8-2002)

§ 150.27 DISPOSITION OF PROCEEDS OF SALE.

If a dwelling or other structure is removed or demolished by the building official, he or she shall sell the materials of the dwelling and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited with the Laurens County Clerk of Court by the building official and shall be secured in the manner as may be directed by the clerk of court and shall be disbursed by the clerk of court to the persons found to be entitled thereto by final order or decree of the court.

(Ord. 02-08, passed 10-8-2002)

§ 150.28 TRESPASSING PROHIBITED.

(A) It shall be unlawful for any person to trespass upon the curtilage of a condemned building or structure on private property which has been declared unsafe by the town building official and/or designated representative.

(B) It shall further be unlawful for any person or persons to remove any baffle used to close windows, doors, underpinning, or other openings in the building or structure.

(C) The building official shall ensure trespassing notices are filed and notice of “No Trespassing” posted on four sides of the building or structure.

(D) There shall be no violation under this section for entry upon curtilage, building or structure by police or fire personnel, building official or designated representative or a licensed contractor on the premises for the purpose of repair, removal or razing of the building or structure.

(E) The owner may enter upon the premises when accompanied by any of the personnel listed in division (D) of this section.

(Ord. 02-08, passed 10-8-2002) Penalty, see § 10.99

§ 150.29 UNLAWFUL TO REMOVE OR DEFACE PUBLIC NOTICES.

It shall be unlawful for any person or persons to remove or deface public notices of “Condemned Structure – Unsafe” or “No Trespassing” which are required to be posted upon the condemned building or structure.

(Ord. 02-08, passed 10-8-2002) Penalty, see § 10.99

§ 150.30 NOTICE AND ABATEMENT.

(A) The Town Council, or any officer or employee of the town designated thereby for the purpose, is hereby authorized to give notice, by personal service or United States mail (certified mail, return receipt) to the owner or occupant, as the case may be, of any premises whereon the town has declared the structures unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire accidents or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering the dwelling and/or structure unsafe or unsanitary, dangerous, or detrimental to the health, safety or morale or otherwise inimical to the welfare of the residents of the town. The owner shall be required to repair, alter, or improve the dwelling or structure or remove and demolish the dwelling or structure within the time specified in the order/notice and to the sole costs of the owner. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with the notice within the period of time stated therein, the town authorities may remove/demolish or raze the dwelling/structure and the costs thereof together with an additional penalty, often 10%, may be collected by the town from that person, firm, or corporation, as set forth herein. The decision of what action to take with regard to the structure, upon failure of the owner to comply with the order/notice, shall rest solely with the town.

(B) A bill or statement for the cost(s) and penalty(s) referenced above shall be mailed, certified mail, or personally served upon the owner or occupant, firm, or corporation, as the case may be specifying that payment thereof shall be due within 20 days thereof. Upon failure of the owner or occupant to remit payment of the bill or statement within the prescribed time, the amount(s) shall become a lien on the property in favor of the town, which lien shall be recordable upon proper instrument with the office of the clerk of court and Laurens County Treasurer and collected in the same manner as property taxes.

(C) If the whereabouts of the person(s) are unknown and cannot be ascertained in the exercise of reasonable diligence, the town shall make an affidavit to that effect, then the serving of the complaint or notice/order upon the person(s) may be made by publishing the notice/order once each week for two consecutive weeks in a newspaper printed and published in the area. The town will post the notice/order on the property one week prior to taking corrective action.

(Ord. 02-08, passed 10-8-2002)

CHAPTER 151: UNIFIED DEVELOPMENT CODE

Section

151.01 Unified Development Code adopted by reference

§ 151.01 UNIFIED DEVELOPMENT CODE ADOPTED BY REFERENCE.

The Town of Gray Court Unified Development Code, attached to Ordinance 05-11-01, passed 4-18-2011, which is on file in the office of the Municipal Clerk, is adopted pursuant to the requirements of S.C. Code Title 6, Chapter 29, Article 3.

(Ord. 05-11-01, passed 4-18-2011; Am. Ord. 11-13-01, passed 11-19-13)

