

ORDINANCE NO.: 2021-089

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Regulations, Article IV, Demolition of Structures, Sec. 5-330 and Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-31 and Sec. 8-36

BE IT ORDAINED by the Mayor and Council this 1st day of February, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Regulations, Article IV, Demolition of Structures, Sec. 5-330 and Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-31 and Sec. 8-36 are amended to read as follows:

Sec. 5-330. Violations and assignment of violations.

- (a) For purposes of this section, violations shall include citations for any federal, state, or local ordinance.
- (b) Violations; warnings; points. Rental units where there are citations, warnings of violation and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following city ordinances:
 - (1) Nuisance ordinances (Chapter 8);
 - (2) Animal control ordinances (Chapter 4);
 - (3) Solid waste ordinances (Chapter 19)
 - (4) Zoning ordinances (Chapter 17);
 - (5) International Property Maintenance Code (section 5-151);
 - (6) Law enforcement (Chapter 10); or
 - (7) Licenses, permits and miscellaneous business regulations (Chapter 11).
- (c) Violations shall apply as points towards revocation of the rental permit for residential rental units as follows:
 - (1) *Single-household dwellings and townhouses.* Violations that occur anywhere on the premises shall apply to the permitted dwelling unit.
 - (2) *Multi-unit structures.*
 - a. Violations that occur within an individual unit shall apply to that unit.
 - b. Violations occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
 - c. Violations committed by the property owner and/or responsible local representative shall be assigned to all units.
- (d) In the event a citation or violation takes place at a unit regulated by this article, such citation shall be grounds for the accumulation of points as follows:
 - (1) For one or more written warnings given in any 24-hour period for violation of one or more of the ordinances listed above, points will be assessed on the landlord permit for that unit in accordance with this section:
 - a. *First offense.* One point will be assessed for the first occurrence of citation, violation or offense.
 - b. *Second offense or each offense thereafter.* Five points will be assessed for a second occurrence and each occurrence thereafter of the same citation, violation or offense within the last 12 months.
 - c. *Serious offense.* Ten points will be assessed for any serious violation or offense that could result in serious bodily injury or death to occupants as determined by the chief of police. A serious offense includes failure to comply with any Emergency Order issued by the City of Columbia, any Executive Order issued by the Governor of the State of South Carolina, or any local, state or federal law, regulation or mandate to address a health or safety concern including but not limited to a public health outbreak (including a

pandemic or wide-spread and/or infectious disease outbreak), natural disasters, war, terrorist act, strike, fire, release of nuclear material or dangerous substance into the environment or other catastrophic event.

- (2) After points are assessed on a landlord permit for a unit, the police chief or designee will send a written warning to the owner or agent. Each warning will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each warning will be sent by regular mail to the address of the owner or agent, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.
- (3) A fee of \$100.00 will be assessed per point for each point accumulated-due within 30 days of assessment and no later than any renewal of the permit.
- (4) If a person is found not guilty, or the case against them for a violation is dismissed, then the point shall be removed from the permit as if it had not been assessed.

(Ord. No. 2015-099, 4-19-16; Ord. No. 2020-077, 8-27-20)

Sec. 8-31. Nuisance – Definitions.

- (a) *Definitions.* As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Abate means repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such time, in such a manner and to such an extent as the enforcement officer or hearing committee shall determine to be in the best interest of the public, taking into account all facts and circumstances.

Business days means Monday at 9:00 am through Friday at 5:00 pm.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code as adopted by the City of Columbia.

Conviction means a person has been found by a court of competent jurisdiction to have violated a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code as adopted by the City of Columbia.

Delinquent arrearage means any funds or monies owed to the City of Columbia which were due to be paid on a date prior but have not been paid when due, provided, this shall not include arrearages which are the subject of a repayment plan or abatement agreement entered into with the City of Columbia.

Enforcement officer means a law enforcement officer, code enforcement official or city employee or official as may be designated in writing by the city manager or chief of police to enforce the provisions of this article.

Ghost gun means a homemade firearm which was created or assembled without a serial number.

Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization.

Hearing board means the Property Maintenance Board of Appeals.

Industrial wastes means all liquid and water-borne solid, liquid or gaseous wastes resulting from industrial manufacturing, food processing operation, processing any natural resource or mixture of such wastes with water or domestic sewage.

Notice means a written document informing the citizen of the nature of the violation.

Person means any landlord, property owner, manager, lessee, tenant, or individual, group, association, corporation, partnership, trust, estate or receiver having the capacity to sue or be sued.

Premises mean any building, lot parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent parking.

Public nuisance means as determined by an enforcement officer based upon the facts and circumstances found after reasonable inquiry, investigation or upon citizen report, those conditions or events which constitute an unreasonable interference with rights of the public in general, and where, in a public place, or where the public congregates, or where the public is likely to come within the range of influence through the senses, a person unlawfully does an act or omits to perform a duty, which act or omission does any one or more of the following:

- (1) Annoys, injures, subverts or endangers the public's order, economy, resources, safety, health, welfare, comfort, repose or offends public decency;
- (2) Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any waters or public places or way;

Structure means anything constructed, built or planted upon, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground.

(b) *Nuisances affecting public health.* The following are hereby declared to be nuisances affecting public health:

- (1) All decayed or unwholesome food products or food waste not properly contained either inside or outside for more than 24 hours before pickup;
- (2) Any violations of the smoking provisions of Article IV, Division 5 of this chapter, provided, however, the remedies under that section are exclusive and remedies contained herein for nuisances are not available;
- (3) All pools of stagnant water or vessels holding stagnant water in which mosquitoes can breed, excluding required retention ponds;
- (4) Swimming pools which violate any of the requirements of section 5-1 of the Columbia Code of Ordinances;
- (5) Any violations of Chapter 4 as it relates to animal or animal waste;
- (6) Any violation of the International Property Maintenance Code, as adopted by the City of Columbia, which related to sewage or leaks of sewage;
- (7) Deliberate placement or discharge of into any part of a storm water drainage system of: untreated sewage, sewage solids, process wastewater, refuse, explosive or combustible liquid, solid or gas, oils, greases, industrial water or other polluted water except where a federal, state or local permit for connections, discharge or disposal has been obtained prior to the event; or waters or wastes containing toxic or poisonous wastes to constitute a hazard to humans, plants or animals or to cause corrosion, discoloration or deposition on real or personal property; or any solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the city.
- (8) All structures in violation of the International Property Maintenance Code or Chapter 5 of this Code, as adopted and all structures, for a period of 90 days, which remain unoccupied and boarded up, and whose exterior finish is destroyed, decayed, dilapidated or deteriorated in violation of the International Property Maintenance Code, as adopted.
- (9) Any act, structure, device, or location which is used for the manufacture, assembly, storage, warehousing, distribution or sale of one or more ghost guns.

(c) *Nuisances offending public decency, peace and order.* The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, absence or failure of security measures.

- (1) Any premises or structure located thereupon, whether commercial or residential, where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of

chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by applicable law;

- (2) Any premises or structure located thereupon, whether commercial or residential, operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state or local law;
 - (3) Any premises or structure located thereupon, whether commercial or residential, where intoxicating liquors are manufactured, sold, bartered or given away in violation of federal, state or local law, or where intoxicating liquors kept for sale, barter or distribution in violation of federal, state or local law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required safety plans are not in place, or where persistent violations of law occur under a failed or ineffective safety plan;
 - (4) Any premises or structure located thereupon, whether commercial or residential, where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal, state and local law;
 - (5) Any premises or structure located thereupon, whether a commercial or residential, where violations against the federal, state or municipal laws occur with disproportionate frequency or intensity that they require an excessive public safety response cost. "Excessive public safety response" means:
 - a. The reasonable deployment of five or more law enforcement officers to an emergency scene at any one time, or the reoccurring need for public safety or code personnel or emergency vehicles at the location when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated structures;
 - b. There have been more than two situations of unsafe traffic or crowd control issues at the location which result in the request of emergency assistance or the need for law enforcement assistance from an emergency situation; provided, however, this does not include when traffic control or crowd control is requested in advance of a scheduled event pursuant to a city issued permit or prior discussions with law enforcement.
 - c. There have been more than six citations, or search warrants executed, or a combination of the two, at the location for any of the following behaviors during any 12-month period:
 - i. Violation of any state or local alcohol law;
 - ii. Violation of any federal, state or local narcotics law;
 - iii. Violation of any state or local gun law;
 - iv. Assaults; and/or
 - v. Crimes of violence against another person(s).
 - (6) Any overgrown, uninhabited, undeveloped or vacant land, lot or property not licensed or zoned for camping that has been identified by law enforcement as an area used by persons other than the owner as an area to inhabit or camp, or any overgrown, uninhabited, undeveloped or vacant land, lot or property used by persons as an area to flee or evade police upon approach, or used to avoid detection or investigation by law enforcement without regard to the time of day or night regarding such conduct, as identified by a citizen or police reported incident level of more than two times in a 60-day period.
 - (7) Reentry upon a specified public place, after being ejected and excluded from a public place as a result of conduct that placed themselves or others in potentially dangerous situations on public places by disobedience to safety rules, disorderly conduct or breaches of the peace. (See Article IV, Division 5 of this Chapter.)
- (d) *Nuisances affecting public welfare and safety.* The following are hereby declared to be public nuisances affecting public welfare and safety:
- (1) All trees, hedges, signs or other obstructions, or any portion of the same, so located on private property which prevent persons driving vehicles approaching an intersection of streets from having a clear safe view of traffic approaching such intersection;

- (2) All trees, hedges, signs or other obstructions, or any portion of the same so located on private property which prevents the clear and unobstructed view of a fire hydrant, fire department connection or other fire protection device, or directional or identification signage pertaining to the above, from a public way;
 - (3) Any obstruction, erosion or depression which poses a potential hazard to vehicles or pedestrians using a right-of-way on private property where the public is invited or permitted to traverse for commercial purposes;
 - (4) All wires, strings, ropes or lighting contrivances over streets, alley or public grounds which are not authorized or permitted by the city or which are strung so that the lowest portion is less than 13½ feet above the surface of the ground;
 - (5) All explosives, flammable liquids and other dangerous substances stored in any manner, in any amount other than that manner or amount permitted by law;
 - (6) All hanging signs, awnings, canopies and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance;
 - (7) Any motor vehicle that is unregistered, inoperable, derelict or abandoned on any highway or right-of-way, or other public or private property (including motor vehicles in violation of section 302.8 of the International Property Maintenance Code, as adopted by and for the city), unless such vehicle is stored inside of a completely enclosed permanent structure.
 - (8) Any tents, trailers, structures, cooking devices, appliance, chairs, tables, coolers or other objects used in impromptu, unpermitted or unmanaged outdoor events or gatherings in a required parking area or landscaped area of a business license holder, or the site of any short-term residential rental, unless that such outdoor events that are specifically permitted through legislative or administrative action, or sponsored by the business license holder in compliance with regulations governing such outdoor events.
 - (9) Reentry upon a specified public place, after being ejected and excluded from a public place as a result of conduct that placed themselves or others in potentially dangerous situations on public places by disobedience to safety rules, disorderly conduct or breaches of the peace. (See division 5 of this chapter and article).
- (e) *Nuisances affecting public economy.* The following are hereby declared to be public nuisances affecting the public economy:
- (1) All structures bearing graffiti, to be abated by applicable law;
 - (2) All businesses or commercial enterprises operating without a current and valid business license;
 - (3) All premises that are found not in compliance with applicable licensing, landlord, zoning, land use laws and adopted codes;
 - (4) Any delinquent arrearage of applicable city liens, taxes, fees, charges or assessments;
 - (5) All premises which originate false fire or security alarms, as defined by sections 9-21 through 9-24 for fire alarms and sections 10-10 through 10-13 for security alarms.

(Ord. No. 2015-101, 1-5-16; Ord. No. 2019-046, 8-6-19; Ord. No. 2019-099, 12-3-19)

Sec. 8-36. Notice to clean up lot or premises.

Whenever it shall appear to the chief of police or the housing officer that there are lying within the city limits any lots or premises in a condition which shall constitute a present or potential hazard to the public health, the chief of police or the housing officer shall issue a written notice to the owner requiring him within a certain specified reasonable time to clear such premises or lot of all rank or uncultivated vegetable growth or briars, brush, grass, weeds, litter, offal, refuse, rubbish, trash, stagnant water, inoperative or unregistered motor vehicles, or other matter deleterious to good health and public sanitation, as in the opinion of the issuing officer will abate such nuisance.

(Ord. No. 2015-101, 1-5-16)

This ordinance is effective as of February 1, 2022.

Requested by:

Assistant City Manager Shealy




Mayor

Approved by:

Cheresa B. Wilson
City Manager

Approved as to form:



City Attorney

ATTEST:
Tuka D. Hammond
City Clerk

Introduced: 12/21/2021
Final Reading: 2/1/2022