

**ARTICLE X  
CODE COMPLIANCE PROCESS**

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## **SECTION 100 GENERAL PROVISIONS**

### **Section 100.01 Intent**

It is the intent of this Section that the provisions of this Code be implemented or enforced. It is recognized that the County will occasionally be required to exercise a variety of enforcement powers granted by state statutes.

### **Section 100.02 General provisions**

The general statutory authority to administer/enforce the requirements of this Code is provided in Section 6-29-950, SC Code of Laws. The following provisions are consistent with this statute:

- (a) The construction, reconstruction, erection, structural alteration or use of any building or other structure or the use of land or premises without the appropriate building permit and/or development permit is hereby declared to be a misdemeanor.
- (b) In addition to all other remedies provided by law, the County may institute injunction, mandamus, or other appropriate action, or proceedings, to prevent such unlawful act, including the issuance of an ordinance summons.
- (c) No development permit, or building permit, shall be issued unless in substantial compliance with the requirements of this Code.
- (d) It is unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the planning director or his/her designee.
- (e) An adjacent or neighboring property owner who would be specially damaged by any violation of this Code may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate the violation, or prevent the occupancy of the building, structure, or land.
- (f) Failure to comply with the standards and requirements of this Code may result in withholding the issuance of such permit, and/or revocation of existing permits, to prevent the use of said building or property until substantial compliance with the requirements of this Code is achieved.

### **Section 100.03 Compliance inspections**

Failure to request inspections by the Department before proceeding with other work will result in action as required to properly inspect the permitted work at the expense of the person doing the work. This action may include, but not be limited to, removal of material so that an inspection may be made, revocation of the building permit, or issuance of a stop work order.

### **Section 100.04 Violation notification process**

If the planning director, or his/her designee, shall find that any one of the provisions of the Code is being violated, the following notification process shall be used:

- (a) The director or his/her designee shall notify, in writing, the person responsible for the alleged violation.
- (b) Said notification shall include a citation of the specific section of the Code that has allegedly been violated, including a brief description of the subject code section.
- (c) Said notification shall order action necessary to correct the alleged violation, including a date, not to exceed 30 days hence, for completion of the corrective action.
- (d) The alleged violator shall be ordered to:
  - [1] Discontinue the illegal use of land, buildings, or structures;
  - [2] Remove illegal uses, buildings, structures, additions, or alterations; and/or
  - [3] Discontinue any other illegal work being done.
- (e) Upon applicant notification of an alleged violation, the Department shall suspend consideration of all development permit applications until the alleged violation is abated and/or adjudicated and any outstanding fine/lien is satisfied;

- (f) The alleged violator may appeal the Department's interpretation that a planning or zoning violation has occurred to the Zoning Board of Appeals in the manner provided in Section 94 of this Code; and,
- (g) Appeal of rulings of the building code shall go before the Building Code Board of Appeals.

**SECTION 101.01 Section Reserved**

**SECTION 102 ORDINANCE SUMMONS PROCESS**

**Section 102.01 Authority**

The County hereby adopts the ordinance summons process authorized by Section 5-7-80, SC Code of Laws as one of the methods to enforce any provision of this Code. The proper service of the ordinance summons vests the magistrate with jurisdiction to hear and dispose of the charge for which the summons was issued and served. The planning director, or his/her designee, is hereby authorized to implement the provisions of the ordinance summons process in the manner described below. The use of the ordinance summons shall not preclude the County from the use of any, and all, other legally possible enforcement actions.

**Section 102.02 Summons criteria**

The ordinance summons form shall, at a minimum, include the following:

- (a) The name and address of the alleged violator;
- (b) The name and title of the county official issuing the summons;
- (c) The time, date and location of the alleged violation(s);
- (d) The specific citation of the section of this Code that allegedly has been violated;
- (e) A general/brief description of the alleged violation cited;
- (f) The date of appearance before the magistrate;
- (g) The date the summons was served; and
- (h) Any other pertinent information.

**Section 102.03 Service process**

Each ordinance summons shall:

- (a) Be limited to a single alleged violation;
- (b) Be served not less than 10 days prior to the scheduled date of appearance before the Magistrate; and,
- (c) May be physically served by the Department and/or the Sheriff's Office.

**Section 102.04 Effect of service**

Once an ordinance summons has been served as described above, it shall have the following effects:

- (a) The person serving an ordinance summons shall permit the person served to proceed without first having to post bond, or to appear before a magistrate;
- (b) Acceptance of an ordinance summons constitutes a person's recognition of the need to comply with the terms of the summons;
- (c) The County may call witnesses to appear at the scheduled magistrate hearing; and
- (d) All participants shall be prepared to go to trial at the scheduled Magistrate hearing.

**SECTION 103 PENALTIES**

**Section 103.01 General provisions**

- (a) Any violation of a provision or requirement of this code shall be a misdemeanor punishable by a fine of \$500 or 30 days of community service for each violation, each day the violation continues shall constitute a

separate offense;

- (b) Any person who fails to appear before the magistrate, without having first posted a bond as may be required is guilty of a misdemeanor and, upon conviction, shall be fined \$500, or ordered to perform community service for up to 30 days, for each offense;
- (c) Any person who fails to appear before the magistrate, without having first been granted a continuance by the Court is guilty of a misdemeanor and, upon conviction, shall be fined \$500, or ordered to perform community service for up to 30 days, for each offense;
- (d) Each violation listed in Table X-2 shall be considered a separate violation and may be subject to separate penalties;
- (e) Penalties for multiple violations by a single offender may be aggregated; and
- (f) The Department may enter into an Enforcement Agreement with an alleged violator to correct a violation in addition to, or in lieu of, any fines or other penalties promulgated by the judicial system.
- (g) Removal or destruction of a violation notice from a posted property shall be a misdemeanor punishable by a fine of \$200.
- (h) Upon conviction, any person who fails to pay the ordered fine and /or complete the ordered community service shall have a civil judgement filed against them.

#### **Section 103.02 Permit cancellations**

- (a) A Building Permit, or Certificate of Occupancy, shall be canceled by the planning director or his/her designee, when construction or use violates any provision contained in this ordinance.
- (b) Upon such cancellation any further work upon the construction, alteration, erection or repair on said building or structure, and any further use of said building or structure or land, except for a purpose for which a permit is not required, shall be deemed an ordinance violation, and processed accordingly.

### **SECTION 104 PRIVATE ENFORCEMENT ACTIONS**

#### **Section 104.01 Individual actions**

- (a) Any individual who is specifically damaged by any violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation, or to prevent the occupancy of the building, structure or land; and
- (b) The County retains its right to institute whatever enforcement actions, in addition to those described above, deemed appropriate regardless of any individual actions that may be taken.

### **SECTION 105 UNSAFE BUILDING, WEED, RANK VEGETATION & DEBRIS ABATEMENT**

The County finds it necessary from time to time to engage in remedial actions to protect its citizens from unsafe buildings or structures. The unsafe building abatement process described below is consistent with the requirements of the most current version of the International Building Code, hereinafter referred to as the IBC.

#### **Section 105.01 Unsafe building abatement process**

- (a) The planning director or his/her designee shall inspect, or cause to be inspected any building, structure, or portion thereof which is, or may be unsafe;
- (b) The planning director or his/her designee shall implement abatement procedures if it is determined the structure, or building is unsafe by ordering either repair, vacation, demolition, or any combination thereof;
- (c) The planning director or his/her designee shall provide notice to the owner of record of the alleged violation;
- (d) The alleged offender may appeal the decision of the planning director or his/her designee to the Building Code Board of Appeals;
- (e) Failure to respond to the hearing notice, or to comply with the order of the BCBA shall, at a minimum, subject the alleged offender to the enforcement provisions of Section X of this Code;
- (f) The planning director or his/her designee may cause the building to be repaired to the extent required to render it safe, or be demolished, and all debris removed from the site; and
- (g) The cost, or repair or demolition shall constitute a lien on the property and shall be collected in a manner

provided by law.

### **SECTION 105.02 Weed, Rank Vegetation and Debris Nuisance**

The county finds that weeds, rank vegetation over one foot high, or other debris which is allowed to accumulate and remain on any real property within the county within 100 feet of a residence is a common nuisance and a health hazard, since such growth or debris encourages the multiplication of mosquitoes, flies and rodents and increases the likelihood of fires.

- (a) It shall be unlawful for any owner or occupant, or any agent, representative or employee of such owner having control of any occupied real property within any of the unincorporated areas of the county to permit on any such real property any growth of such weeds or other rank vegetation or the accumulation of other debris.
- (b) It shall be the duty of any owner, occupant, agent or representative or employee of the owner of any real property to cut, or cause to be cut, all such weeds and other rank vegetation, as described in this article, or the removal of such debris as often as may be necessary to prevent the growth of such weeds and other rank vegetation or to prevent the accumulation of such debris.
- (c) Whenever the county shall find that such weeds or other rank vegetation have been allowed to stand upon or such debris to accumulate and remain upon any real property in the county in violation of the provisions of this article, the Planning Director or his/her designee may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative or employee of the owner of such real property having control thereof to comply with the provisions of this article. The notice shall inform the person of the terms of this article. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, registered, and directed to the person to whom the notice is addressed or to post a copy of the notice upon such premises.
- (d) If the person to whom the notice is directed, under the provisions of the preceding section, fails to or neglects to cause such weeds or the rank vegetation to be cut and removed, or such debris to be removed from any such real property within 30 calendar days after such notice has been served or deposited in the United States mail, or posted upon the premises, such person shall be guilty of a misdemeanor and shall, upon conviction, be punished as provided in Section 103.01.
- (e) If the person to whom the notice is directed, under the provisions of the preceding section, has received two notices within a 12 month period, and complied with the notices, but has allowed such weeds or other rank vegetation to stand again upon or such debris to accumulate again and remain upon any real property in the county in violation of the provisions of this article, such person shall be guilty of a misdemeanor and shall, upon conviction, be punished as provided in Section 103.01.
- (f) Enforcement of the provisions of this section shall not bar criminal prosecution for violation of this article.

### **SECTION 106 ENFORCEMENT OF INTERNATIONAL FIRE CODE**

#### **Section 106.01 Intent and Designation of Enforcement Official**

It is the intent of this Section to provide for the implementation and enforcement of the International Fire Code. In so doing, when reference is made to the duties of certain officials named therein, that designated official for Clarendon County shall be the Clarendon County Fire Chief or his/her designee. Requirements that are essential for the public safety of an existing or proposed activity, building or structure or for the safety of the occupants thereof which are not specifically provided for by the adopted fire code shall be determined by the Fire Chief.

#### **Section 106.02 Compliance Inspections**

Whenever necessary to make an inspection to enforce any of the provisions of the International Fire Code, or whenever the Fire Chief or designee has reasonable cause to believe that there exists in any building or upon Fire Chief or designee may enter such building or premises to inspect same. The Fire Chief or designee may, at any reasonable time, perform any duty imposed by this ordinance on any building or premises provided that if such building or premises is occupied, the Fire Chief or designee must first present proper credentials and request entry.

If such building or premises is not occupied, the Fire Chief or designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is denied, the fire Chief or designee shall issue a citation under the provisions of this ordinance and request law enforcement to assist in entry to the building or premises.

### **Section 106.03 Violation Notification**

When in the process of performing his/her duties, the Fire Chief or designee shall find a building, premises, vehicle, storage facility, or outdoor area that is in violation of the International Fire Code, the Fire Chief or designee is authorized to prepare a written notice of violation describing the conditions of violation. If compliance cannot be made immediate, a time for compliance and reinspection shall be specified in the written notice. Failure to correct the violation in the specified time shall result in the issuance of a citation per Section 106.04 of this ordinance. Repeated violations and flagrant violations (violations that endanger occupants) shall be cause for immediate closure and issuance of a citation. Repeated offenses, (three or more), shall result in permanent closure.

A notice of violation issued pursuant to this ordinance shall be served upon the owner, operator, occupant or other person responsible for the violation(s), either by personal services, certified mail, or hand-deliverance to a known person of responsibility upon the premises.

A notice of violation issued or served as provided by this ordinance shall be complied with by the owner, operator, occupant or other person responsible for the violation to which the notice pertains.

### **Section 106.04 Penalties and Fines**

Any violation of the provisions of the International Fire Code or this ordinance shall be a misdemeanor punishable be a fine of not less than \$500.00, nor more than \$1,000.00 or ordered to perform community service for up to 30 days. Each violation shall be deemed a separate offense. Each day the violation continues shall constitute a separate offense.