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CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. BOARD OF HEALTH

10.101. BOARD OF HEALTH CREATED.

There is hereby created in and for the town a board which shall be known as the Board of Health, when appointed.

10.102. COMPOSITION.

The board shall be composed of three (3) members, at least one of whom shall be a reputable physician of not less than two years' practice in medicine. No member of the Town Council shall be appointed to the board.

10.103. APPOINTMENT.

The members of the board shall be appointed by the Mayor, by and with the consent of the Town Council.

10.104. TERMS.

Each member of the board shall be appointed for a term of office of three years; provided, however, that one member's term shall expire each year.

10.105. MEMBERS TO SERVE WITHOUT COMPENSATION.

The members of the board shall serve without compensation.

10.106. VACANCIES.

Any vacancy in membership of the board shall be filled in the same manner as members are appointed to the board.

10.107. POWERS AND DUTIES.

The powers and duties of the board shall be as prescribed by state law.

10.108. CLERK.

The Town Clerk shall serve as the clerk of the board when called upon to do so.

*Removed per Ordinance
2008-14*

ARTICLE II. NUISANCES

10.201. DEFINITION OF PUBLIC HEALTH NUISANCES

Any act of any person, firm or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage of ice boxes, refrigerators, stoves, refuse, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another's health or property.

The following acts, conditions and things are, each and all of them, hereby declared to constitute a nuisance, but they are not all inclusive:

1. The non-maintenance of any barn, stable, animals or fowl within the corporate limits. (See Section 3.108, this Code.)
2. The deposit of garbage in any but fly-proof and watertight receptacles.
3. The accumulation of water in which mosquitoes may breed.
4. Growth of weeds where mosquitoes may harbor or rubbish may be concealed, where residences are less than five hundred feet apart.
5. The keeping of any building or any part of a building which, on account of its dilapidated condition or its occupancy by any person afflicted with communicable disease, or by filthy tenants, may endanger the life or health of residents therein or in the vicinity thereof.
6. The discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.
7. The maintaining or carrying on of manufacture of chemicals, or any other trade or manufacture in such manner as to be a menace to the public health through improper or inadequate disposal of dust, wastes or fumes.

(Ordinance #2008-14)

10.202. ABATEMENT OF PUBLIC NUISANCES.

The Town Council may declare as nuisances such things, the existence of which may be deemed unhealthy or harmful to the citizens, and such nuisances shall be abated pursuant to directions from the Council.

10.203. REFUSAL TO ABATE A PUBLIC NUISANCE.

Any person refusing or neglecting to abate a nuisance, after having been directed to do so, shall be guilty of a misdemeanor.

10.204. WEEDS PROHIBITED ON IMPROVED PROPERTY.

No person shall allow or permit weeds and grass over eighteen inches to grow upon his improved premises within the corporate limits and any unimproved property in the Downtown area of Main Street from Green Street to Page Street from alleyway to alleyway, uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of such grass, weeds and vegetable matter thereon. (Ordinance 2009-3, 8/13/09)

10.205. WHEN MIXTURE OF GARBAGE WITH ASHES A NUISANCE.

The mixture of rubbish, garbage or any kind of decaying animal or vegetable matter, with clean ashes or earth for the filling of any sunken, low, or marshy private or public place, lot or premises, is hereby declared to be a nuisance.

10.206. WHEN FOUL LIQUIDS OR GASES A NUISANCE.

The keeping of any foul liquids or gases in any place where they may become injurious to health, or the keeping or forming of such open or sunken places or excavations upon any lot or land as accumulate foul water or offensive animal or vegetable matter, is hereby declared to be a nuisance.

10.207. WHEN STORAGE OF OFFENSIVE MATTER A NUISANCE.

The storage of animal refuse or decayable or putrescible matter, in liquid or solid form in any receptacle in such manner as to endanger health, is hereby declared to be a nuisance.

10.208. WHEN OFFENSIVE ODOR A NUISANCE.

The construction of any drain or sewer, or the pouring out of foul liquids on the surface of the ground, in such manner as to become the source from which offensive odors shall emanate, or in such manner as to pollute the ground, air or water to the risk or detriment of the health of persons living or passing in the vicinity thereof, is hereby declared to be nuisance.

10.209. WHEN ACCUMULATION OF OFFENSIVE MATTER A NUISANCE.

The accumulation of any animal or vegetable substance or substances, or of other offensive matter in the form of rubbish, garbage or offal, in or upon any lot, street, highway or any public or private place, and allowing the same to remain until it shall become hazardous to health, is hereby declared to be a nuisance.

10.210. ACCUMULATION OF JUNK AND TRASH.

It shall be unlawful to accumulate or allow to accumulate on any premises or in the rear of any store, factory or residence, old fixtures, junk, trash or any other material which tends to keep such premises wet, exclude the sun and catch and favor the accumulation of filth.

10.211. THROWING WASTES FROM ELEVATED PLACES PROHIBITED.

It shall be unlawful for any person to throw, let fall or permit to drop out of any window, or from any roof, porch or other elevated place, any dirty water, garbage, offal, ashes, filth, fruit peelings or skins or other unclean useless waste material.

10.212. NOTICE TO OWNER TO REMEDY OR REMOVE CONDITION.

Whenever any condition described in this Article is found to exist on any premises within the town, the owner of such premises shall be notified by the town, in writing, to correct, remedy or remove the condition within ten days after such notice. It shall be unlawful for any person to fail to comply with such notice.

10.213. SAME. HOW GIVEN.

The notice required herein shall be served personally on the owner to whom it is directed or shall be given by letter addressed to such owner at his last know post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two times within ten consecutive days in a newspaper of general circulation published within the town. The Chief of Police shall enforce this Section. (Ordinance #2008-14)

**10.214. CORRECTION OR REMOVAL OF CONDITIONS BY TOWN.
APPEALS.**

In the event the owner of any lot or premises upon which a condition described in this Article exists fails to correct, remedy or remove such condition within ten days after notice to do so is given, the town may do work or make such improvements as are necessary to correct, remedy or remove such conditions, or cause the same to be done, and pay thereof and charge the expenses incurred thereby to the owner of such lot. Such expenses against the lot or real estate upon which the work was done or the improvements made. The doing of such work by the town shall not relieve such person from prosecution for failure to comply with such notice, provided, however, such person shall have the right of appeal to Council.

10.215. SAME. FILING OF STATEMENT OF EXPENSES INCURRED.

- a. Whenever any work is done or improvements are made by the town under the provisions of this Article, the Town Clerk or agent, on behalf of the town, may send a written statement of the expenses incurred to the property owners to be paid prior to filing a lien at the county Clerk of Court. (Ordinance #2018-1)
- b. Whenever any work is done or improvements are made by the town under the provisions of this Article, the Town Clerk or agent, on behalf of the town, shall file a statement of the expenses incurred thereby with the county Clerk of Court. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made. (Ordinance #2008-14)

10.216. SAME. LIEN FOR AND COLLECTION OF EXPENSES.

After the statement has been filed, the town shall have a privileged lien on the lot or real estate upon which the work was done or improvement made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of six per cent annum for the date the statement was filed. For any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the town and the statement of expenses made in accord with this Article, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvement. (Ordinance #2008-14)

10.217. MOSQUITO CONTROL. DEFINITIONS.

For the purposed of this Article, the phrase "collections of water" shall be defined and held to be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, trough (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks, or flush closets or other similar water containers.

10.218. TREATMENT REQUIRED.

It shall be unlawful to have, keep, maintain, cause or permit within the town, any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.

10.219. METHODS OF TREATMENT.

The method of treatment of any collections of water directed toward the prevent of breeding of mosquitoes, shall be approved by the accredited health officer and may consist of any one or more of the following:

- a. Screening with netting of at least sixteen meshes to the inch each way or with any other material which will effectually prevent the ingress or egress of mosquitoes.

- b. Complete emptying every seven days or unscreened containers, together with their thorough drying or cleaning.
- c. Using a larvicide approved and applied under the direction of the Police Chief.
- d. Cleaning and keeping sufficiently free of vegetable growth, and other obstructions, and stocking with mosquito-destroying fish.
- e. Filling or draining to the satisfaction of the health Officer.
- f. Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

(Ordinance #2008-14)

10.220. PRESENCE OF LARVAE.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding therein. Failure to prevent such breeding within three days after notice by the Police Chief shall be deemed a violation of this Article.

10.221. FAILURE OF PERSON TO ABATE.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three days after due notice has been given to him, the Police Chief is hereby authorized to do so. All necessary costs incurred by him for this purpose shall be charged against the property owner or other person offending, as the case may be. (Ordinance #2008-14)

10.222. RIGHT OF ENTRY.

For the purpose of enforcing the provisions of this Article, the Police Chief, or his duly accredited agent, acting under his authority, may at all reasonable times enter in and upon any premises within his jurisdiction. Any person or persons charged with any of the duties imposed by this Article failing, within the time stated in the notice of the Police Chief, as the case may be, to perform such duties, or to carry out the necessary measures to the satisfaction of the Police Chief, shall be deemed guilty of a misdemeanor, and each day such violation exists, after notice, shall constitute a separate offense. (Ordinance #2008-14)

ARTICLE III. GARBAGE AND REFUSE REMOVAL AND DISPOSAL

10.301. RESIDENTIAL REFUSE CONTAINERS.

- a. When plastic containers are used for garbage receptacles, said container shall not exceed a capacity of ninety gallons, shall be rodent proof, not easily corrodible and with a tight-fitting top or as deemed fit by the contracted waste hauler.
- b. Any container that becomes worn out shall be replaced by the contracted waste hauler.
- c. No container and its contents nor any other article shall exceed seventy (70) pounds.
- d. Containers shall be placed on property of resident as near to sidewalk as possible.

(Ordinance #2008-14)

10.302. RESERVED.**10.303. COMMERCIAL COLELECTIONS.**

Collections from the Central Business areas shall be weekly. Commercial establishments shall utilize approved containers for the amount of solid waste generated. Other business districts collections shall be made at time of residential collections or as conditions warrant.

(Ordinance #2008-14)

10.304. SPECIAL WASTE COLLECTION SURCHARGE.

Any household, commercial establishment or industry requiring handling of special waste shall be subject to a monthly surcharge billing as may establish by the Council.

10.305. RESPONSIBILTY TO PLACE GARBAGE FOR COLLECTION.

Garbage containers should be placed curbside on the evening prior to the scheduled pick up but no earlier than **Noon** on the day prior to scheduled pick up. Once emptied the containers should be returned to their storage area by **Noon on the day following pick up**. When not placed curbside for pickup containers should be stored **no closer to street than front of home or business**. Complaints regarding residents not complying should be addressed to **Town Hall**. Failure to comply with this ordinance will result in **removal of cart and \$25 cart Return fee to resume service. Customer will continue to be billed for service.** (Ord. 2010-2 2-11-2010)

10.306. CLEANING OF CONTAINERS.

It shall be the responsibility of the occupant/user to keep their individual container reasonably clean.

(Editor's Note. In the absence of an ordinance, these provisions have been added.)

10.307. STORAGE AREA TO BE KEPT CLEAN OF LITTER.

It shall be the responsibility of the occupant/user to keep the pickup point free of litter. Collectors shall exercise care in the handling of containers to keep storage area and pickup point free of litter. Containers shall not be filled to overflow capacity in order to prevent litter distribution when emptying the container.

10.308. COLLECTORS TO EXERCISE REASONABLE CARE.

Drivers shall ensure that collectors exercise reasonable care in the handling of containers and shall not willfully break, deface or injure same.

10.309. TREE LIMBS, LEAVES, TRASH, ETC. QUANTITIES. PICKUP.

If material to be picked up was generated by a paid service then that service provider is responsible for removal of the material. The Town will only provide these services for properties inside the Town limits that have an active water and/or sewer account and are paying for garbage service.

- a. All limbs, branches, underbrush and other similar yard waste shall be placed at, not in, the street for collection so as not to block the street or sidewalk, in length not to exceed four feet or 8 inch in diameter.”
- b. Normal quantities of leaves shall be containerized. Normal seasonal yard trimmings and prunings, if not containerized, shall be piled at the point of pickup and covered or wet down to prevent scattering.
- c. The Town will pickup one (1) cubic yard, (an amount approximately equal to the size of two (2) garbage roll-out carts) per week per customer. A maximum of three cubic yards of waste shall be placed at the street to be picked up by the Town at a rate of one (1) cubic yard per week. Amounts greater than three cubic yards shall be removed by the owner/resident a property owner/resident may request the town vehicle for self-loading of debris if advance arrangements are made. The property must meet the requirements for this section to be provided at no additional charge. For vacant lots, or properties not paying a garbage fee through and active water and/or sewer account, there will be a \$50.00 fee for each use of the trailer for self-loading. Doubtful situations shall be discussed in advance with the town official in charge.
- d. Debris shall be at the street by 7 a.m. on Monday to be collected that week. Customers must call the Public Properties Department for pickup.
- e. The aforementioned limits may be waived in cases of natural disaster.

(Ordinance #2008-14, Ordinance #2020-2, Ordinance #2020-2)

10.310 BUILDING MATERIALS, ETC.

Every contractor, carpenter or builder or the property owner, after completing or during the construction or alteration of a building, shall remove all trash incident to such construction or alteration at his own expense.

10.311. LITTERING OF SOLID WASTE.

No person or persons shall deposit or cause to be deposited any form of solid waste on any public or private property. Such material shall be prepared and placed for collection as specified in this Article.

10.312. INTERFERING WITH COLLECTION PRACTICES.

No person or persons shall interfere with or otherwise deter the normal refuse collection process by tampering with refuse containers, their contents or bundles.

10.313. FREQUENCY OF RESIDENTIAL SERVICE.

Residential containers shall be serviced not less than once per week.

10.314. REMOVAL OF DEAD ANIMALS.

Owners of dead animals shall be responsible for disposal thereof.

10.315. UNLAWFUL TO DAMAGE, DESTROY OR REMOVE CONTAINERS.

It shall be unlawful for any person to damage, destroy or move from its proper location any garbage container.

10.316. FEE ESTABLISHED FOR COLLECTIONS. TO BE ADDED TO WATER BILL.

There is hereby imposed a fee of fifteen dollars (\$15.00) per residence per month which shall be assessed for each dwelling and for each unit in a multi-family dwelling. Out of town residents that choose the service shall be imposed a fee of \$20.00. The fee shall be added to the monthly water bill of each user of water within the corporate limits and collected therewith. (Ord. #111, #2005-13, #2006-13)

10.317. SAME. FAILURE TO PAY.

In the event any water user fails to pay the additional garbage fee, the Water Superintendent is hereby authorized and directed to cut off his water supply in the same manner as if said user failed to pay his water bill.

10.318. SAME. PERSONS NOT USING WATER AND SEWER SERVICE.

Any person not using water and sewer services furnished by the town but who uses town garbage pickup services shall be responsible for payment of the same as provided above. Failure to pay shall be grounds for discontinuing service.

10.319. SAME. COMMERCIAL AND INDUSTRIAL COLLECTIONS.

- a. Commercial customers shall be considered as places of business and not residential.
- b. Commercial customers shall be charged (\$20.00) for each ninety (90) gallon rollout cart per month. They shall be entitled to receive a minimum of one pickup per week or as deemed necessary by the Director of Public Works. Pickups shall not exceed a maximum of six pickups for each cart per month.
- c. Industrial customers shall include those users of dumpster containers, and they shall be charged at the following rate:

CHESTERFIELD TOWN CODE

90.1

COMMERCIAL DUMPSTER SERVICE

Times per week:	1	2	3
8 cubic yard	\$117.36	\$216.46	\$318.88
8 cy recycling	\$161.95		
6 cubic yard	\$99.48	\$215.56	
4 cubic yard	\$85.47	\$153.07	
2 cubic yard	\$63.78	n/a	n/a

(Ord. #107. 11-11-93; #115. 3-10-94; #187 07-09-98; #193 03-11-99, #2003-7)

Supplement #14. 03-31-94; #20 07-10-00, #2006-13 8/24/06

10.313. FREQUENCY OF RESIDENTIAL SERVICE.

Residential containers shall be serviced not less than once per week. This service maybe disrupted in the event of a natural disaster. (Ordinance #2008-14)

10.314. REMOVAL OF DEAD ANIMALS.

Owners of dead animals shall be responsible for disposal thereof.

10.315. UNLAWFUL TO DAMAGE, DESTROY OR REMOVE CONTAINERS.

It shall be unlawful for any person to damage, destroy or move from its proper location any garbage container.

10.316. FEE ESTABLISHED FOR COLLECTIONS. TO BE ADDED TO WATER BILL.

There is hereby imposed a fee as established by the annual budget per resident per month which shall be assessed for each dwelling and for each unit in a multi-family dwelling. Out of town residents that choose the service shall be imposed a fee established by the annual budget. The fee shall be added to the monthly water bill of each user of water within the corporate limits and collected therewith. (Ord. #111, #2005-13, #2006-13, 2008-14)

10.317. SAME. FAILURE TO PAY.

In the event any water user fails to pay the additional garbage fee, the Town Clerk is hereby authorized and directed to cut off his water supply in the same manner as if said user failed to pay his water bill. (Ordinance #2008-14)

10.318. SAME. PERSONS NOT USING WATER AND SEWER SERVICE.

Any person not using water and sewer services furnished by the town but who uses town garbage pickup services shall be responsible for payment of the same as provided above. Failure to pay shall be grounds for discontinuing service.

10.319. SAME. COMMERCIAL AND INDUSTRIAL COLLECTIONS.

- a. Commercial customers shall be considered as places of business and not residential.
- b. Commercial customers shall be charged as established in the annual budget for each ninety (90) gallon rollout cart per month. They shall be entitled to receive a minimum of one pickup per week. This service maybe disrupted in the event of a natural disaster.
- c. Industrial customers shall include those users of dumpster containers, and they shall be charged as established in the annual budget.

(Ordinance #2008-14)

- d. In the event more than one customer uses the same said container, the owner thereof shall be charged \$2.00 per cubic yard minus the \$15.00 minimum fee for the other business utilizing said container; provided, however, the owner shall be charged no less than the \$15.00 minimum charge.

Example #1:	\$64.00	Example #2:	\$64.00
	-15.00		-15.00
			-15.00
	\$49.00		\$34.00

- e. All customers that can be served by the town's garbage operation shall be charged the minimum fee, regardless of whether they use the service. In all cases, the decision of the Administrator shall be final, subject to appeal to the Mayor and Council. (Ordinance #2008-14)
- f. Private haulers shall be required to obtain a business license, to conduct business within the corporate limits. (Ord. #107. 11-11-93; #115. 03-10-94; #118. 06-09-94)

10.320. LITTERING PROHIBITED.

It shall be unlawful for any person to throw, drop, dump, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth or any kind, or cans, paper, trash, paper containers, rubbish, bottles, wood shavings, brush, tree trimmings or any other form of litter or waste matter.

10.321. SAME. DUTY OF BUSINESS OWNERS. OCCUPANTS.

- a. Generally. The owner or occupant of any store or other place of business shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used waste material thrown or left on said premises by his customers and to take reasonable measures to prevent same drifting or blowing to adjoining premises.
- b. Receptacles. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to above may be disposed of.

ARTICLE V. TOILET FACILITIES

10.501. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

- a. The term “pit privy” as used in this Article shall mean a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.

(1976 SC Code 44-55-210)

- b. It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.
- c. Port-a-johns shall be allowed for temporary use only. (Ordinance #2008-14)

10.502. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

All building contracts for the erection of structures anticipated for human residence shall provide for adequate and sanitary waste disposal. The contract shall provide for such facilities, and plans for such buildings shall state the proposed method of disposal.

10.503. PENALTIES.

The violation of any provision of this Article shall be a misdemeanor.

ARTICLE IV. VACANT LOTS

(1976 South Carolina Code, Section 5-7-80) (Ord. #9, 8-31-76)

10.401. UPKEEP OF VACANT LOTS.

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

10.402. REQUIREMENT FOR OWNER TO MAINTAIN LOTS.

It shall be the duty of the Police Chief to summon the owner of such premises, and if, after fully hearing the matter and any statement the owner may make and any testimony he may offer in his behalf concerning such matter, the Chief should find such premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

10.403. TOWN TO CLEAN. COSTS TO BE PAID BY OWNER.

Should any property owner fail to keep such property cleared, after due notice thereof to do so, the Chief may cause said property to be kept cleared and in a sanitary condition for health purposes or cleared for fire prevention, at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax.

(Editor's Note. See Section 10.204 of this Chapter for weeds on improved property.)