

Sec. 7-3. - Debris on lots.

a. Definition. For purpose of this section, the term "debris" means refuse, rubbish, trash, garbage, offal, junk including, but not limited to abandoned vehicles, boats, motorized objects, appliances, furniture, spilled material, waste, litter, and/or building materials that are determined to be deleterious to good health and public sanitation.

b. Declaration of nuisance. Debris allowed to accumulate and remain on any lot or parcel of land within the town may be deemed and declared a nuisance in the judgment of the town administrator or his designee.

c. Duty of owner, etc., to remove. It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area within the town to remove such debris as often as may be necessary to prevent the accumulation of such debris.

d. Notice to owner, etc., to remove. Whenever the town administrator or his designee shall find that debris has been allowed to accumulate and remain upon any lot or parcel of land in a developed residential area within the town in such a manner as to constitute a nuisance, s/he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. 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, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

e. Failure to comply with notice. If the person to whom the notice is directed, under the provisions of the preceding subsection fails, or neglects to cause such debris to be removed from any such premises within ten (10) days after such notice has been served or deposited in the United States mail with first-class postage pre-paid, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.

f. Removal by town. In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the administrator or his designee or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by removing the debris, and the cost of doing so may become a lien upon the property affected, or may be recovered by the town through judgment proceedings initiated in a court of competent jurisdiction.

g. Work may be done by town upon request. Upon the written request by the owner or the person in control of any lot or parcel of land covered by this section, and the payment to the town for the services, the town may enter upon any such lands and remove the debris therefrom, the charge and cost of such service to be paid into the town treasury before the commencement of work. Failure to pay for the service described in this paragraph shall entitle the town to file a lien against the property and record such lien in the county register of deeds as a mechanics lien.

Sec. 7-4. - Penalties.

a. Any person who violates the provisions of this article shall appear before the town's municipal judge and be subject to a civil fine of not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) plus any applicable local, state or federal assessments.

b. Violations shall be issued on a uniform ordinance summons.

c. Violators shall only be cited by police officers or authorized code enforcement officials.

d. Violators shall appear and be subject to the jurisdiction of the town's municipal court.

- e. Violators shall have a right to a jury trial upon proper request.
- f. Violators shall be subject to Set-off debt process and failure to pay or appear may result in a non-resident violator compact (NRVC) notice for South Carolina licensed drivers.
- g. Violators shall not be subject to incarceration.
- h. Each days continuing violation shall constitute a separate and distinct offense, unless otherwise specified.
- i. If any of the matter, litter, debris or material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm, or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this article.
- j. In addition to the fines established by this section, repeated violations of this article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any occupancy permit or business license issued to the person for the premises on which the violation occurred.
- k. Violation of this article is hereby declared to be a public nuisance, which may be abated by the town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the town may take action to recover the costs of the nuisance abatement.
- l. Each day of a continuing violation of this article shall be considered a separate and distinct offense.

Secs. 7-5, 7-6. - Reserved.

ARTICLE II. - SOLID WASTE

DIVISION 1. - GENERALLY

Sec. 7-7. - Definitions. For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely discretionary. The following definitions shall apply in the interpretation, administration and enforcement of this article:

Building material shall mean any material such as lumber, brick, block, stone, plaster, concrete, asphalt, roofing shingles, gutters and other substances accumulated as the result of repairs or additions to existing buildings or structures, construction of new buildings or structures or the demolition of existing buildings or structures.

Bulk container shall mean a metal container of not less than six (6) cubic yards capacity nor larger than eight (8) cubic yards capacity, constructed so as to be watertight but with drain plugs at the lowest point of the container to facilitate the drainage of any liquids that might accumulate in the container or from cleaning the container. Bulk containers shall be designed so that they can be emptied mechanically by specially designed trucks operated by the division of sanitation, department of public works of the town.

Business trash shall mean any waste accumulation of dust, paper, cardboard, excelsior, rags or other accumulations other than garbage or household trash which are usually attendant to the operation of stores, offices and similar businesses.

Commercial establishment shall mean any retail, wholesale, motel, hotel, institutional, religious, governmental or other nonresidential establishment which may generate garbage, business trash or other refuse.

Compactor shall mean a roll-off container of thirty (30) cubic yards or more capacity having an auxiliary packing mechanism.

Garbage shall mean the waste produced by the handling, processing, preparation, cooking and consumption of animal or vegetable products used for human consumption. This definition shall include any other matter that is also subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which before, during and after decay may serve as feeding or breeding material for animals or flies or other insects.

Hazardous refuse shall mean materials such as poisons, acids, caustics, harmful or dangerous chemicals, infected materials, offal, fecal matter, explosives, highly flammable material, and parts of the human anatomy including pathological specimens.

Household trash shall mean waste accumulation of paper, sweepings, dust, rags, bottles, cans or other waste material of any kind, other than garbage, which is attendant to residential housekeeping.

Industrial waste shall mean all waste, including solids, semisolids, sludges and liquids, created or generated by factories, processing plants or other manufacturing enterprises.

Litter shall mean garbage, refuse, waste materials or any other discarded, used or unconsumed substance which is not handled as specified herein.

Loading and unloading area shall mean any space or area used by any moving vehicle for the purpose of receiving, shipping, and transporting goods, wares, commodities and persons.

Moby cart means a rollout container as defined hereafter.

Multiple residential unit shall mean any duplex, apartment, group of apartments or condominiums used for dwelling places for more than one (1) family.

Parking lot shall mean any area, paved or unpaved, the principal function of which is the parking of six (6) or more motor vehicles. This definition excludes those parking spaces on public streets.

Person shall mean any individual, firm, company, corporation or association.

Refuse shall mean solid waste accumulations consisting of garbage, household trash, yard trash and business trash as defined herein.

Refuse receptacles:

1. A mobile rollout refuse container shall be a plastic container of substantial construction approved by the Town of Surfside Beach, of a specification recommended by the town administrator to the town council and adopted by resolution from time to time. The mobile rollout refuse container shall have a hinged lid. Mobile rollout refuse containers shall be designed so that they can be emptied mechanically by specially designed lift devices attached to the town sanitization trucks.
2. A mobile rollout recycling container shall be a plastic container of substantial construction approved or issued by the Town of Surfside Beach, of a specification recommended by the town administrator to the town council and adopted by resolution from time to time. The mobile rollout recycling container shall have a hinged lid. Mobile rollout recycling containers shall be designed so that they can be emptied mechanically by specially designed lift devices attached to the town sanitation trucks. The use of mobile rollout recycling containers shall be limited to recyclable items such as newspapers, magazines, mailing envelopes and paper, and household glass, metal and plastic bottles and containers, and such other items as the town administrator shall designate from time to time.
3. In this article, mobile rollout refuse containers and mobile rollout recycling containers are referred to jointly as "mobile rollout containers" whenever the context so requires.
4. Cardboard boxes, cartons or crates may be used only to contain other cardboard boxes, cartons or crates, and must be properly secured by tying or taping. Said cardboard boxes shall not exceed a dimension of five (5) feet by six (6) feet by three (3) feet, and shall have a volume of at least eight (8) cubic feet. Such boxes shall have a one-time use and shall be collected along with the refuse contained in them.
5. Two-ply kraft paper bags may be used for yard trash and shall not weigh more than twenty-five (25) pounds when full.

Single residential unit shall mean any dwelling place occupied by one (1) family.

Small dead animals shall mean cats, dogs, small household pets and other animals of similar size.

Town shall mean the Town of Surfside Beach, South Carolina.

Tree and shrubbery trimmings shall mean waste accumulation of tree branches, tree limbs, bushes, shrubbery, cuttings or clippings usually created as refuse in the trimming or cutting of trees, shrubs or bushes. Parts of trees including stumps, providing that such parts of trees or stumps do not weigh more than fifty (50) pounds, shall be included in this definition.

Yard trash shall mean grass clippings, leaves, twigs or the combination of these that are usually associated with yard or lawn maintenance activity. This type of refuse shall be containerized as provided in this article. Exceptions shall be only as provided in this article.

Sec. 7-8. - Administration. The administration of the provisions of this article shall be the duty and responsibility of the town administrator or his designee.

Sec. 7-9. - Responsibility for compliance. The owners or agents, tenants or lessees, jointly or separately, of all residential units and commercial establishments shall be responsible for compliance with this article.

Sec. 7-10. - Notice of violation or nonconformity. Any notice of violation of this article or nonconformity with this article shall be in writing. Written notice of the violation shall be delivered to the violator or, in lieu of hand delivery, shall be sent to the violator via certified mail. Copies of all notices of violation shall be kept and maintained by the town administrator or his designee.

Sec. 7-11. - Violation; penalty. Any person continuing to violate any provision or requirement of any section or subsection of this article after notice of violation has been issued to him, or any person willfully failing, refusing or neglecting to comply with any such provision or requirement, shall, in addition to any other remedy, be issued a citation in which a possible penalty of two hundred dollars (\$200.00) may be assessed for each offense, with each and every day of violation being a distinct and separate offense. Upon failure to pay said penalty, a civil action may be instituted to enforce collection of the same.

DIVISION 2. - RATES AND CHARGES

Sec. 7-12. - Service charges.

a. Mobile container service. Mobile refuse container service shall be charged at the rate of eighteen dollars and 75 cents (\$18.75) per month per cart for all customers serviced by the town.

b. Roll-out curb service.

1. *Summer roll-out curb service.* Mandatory rollout curb service shall be in effect for transient rental properties, i.e., rentals less than thirty (30) days, which are deemed commercial operations, located within the R-3 and C-3 zoning districts, from the second Saturday in May through the first Saturday following Labor Day at the rate of seventy-six dollars and twenty-five cents (\$76.25) per month per cart. This charge is broken down as follows: eighteen dollars and seventy-five cents (\$18.75) × three (3) times per week service = fifty-six dollars and twenty-five cents (\$56.25); plus twenty dollars (\$20.00) summer service charge.

2. Winter roll out curb service of twelve dollars (\$12.00) per month shall be optional for the total R-3 district and shall be mandatory for the total C-3 district.

Persons or properties who want to opt out of the winter roll out curb service in the R-3 district shall notify the Town of Surfside Beach Public Works Department. This notification shall be made each and every year that a person or property want to opt out of the winter roll out curb service to the Surfside Beach Public Works Department.

Failure to notify the Surfside Beach Public Works Department shall result in that person or property in the R-3 district being charged a winter roll out service of twelve dollars (\$12.00) per month.

If a cart for a person or property that has opted out of the winter roll out services is rolled out to the street and the person or property fails to remove the cart from the street, or if waste or garbage becomes a health or safety hazard, the Surfside Beach Public Works

Department can reinstate the winter roll out service fee of twelve dollars (\$12.00) without notifying the person or property who chose to opt out, this action shall be at the discretion of the public works director or his designee.

Winter rates shall be a price of thirty dollars and seventy-five cents (\$30.75), broken down at eighteen dollars and seventy-five cents (\$18.75) per month plus a twelve dollars (\$12.00) winter roll out curb service fee from the second Wednesday after Labor Day until the second Wednesday in May at the rate of twelve dollars (\$12.00) per month per cart for the roll out curb service for transient rental properties, i.e., rentals less than thirty (30) days, for properties in the C-3 and R-3 districts."

Exception: Year-round resident owners of multi-unit homes are exempt from summer roll-out curb service for rental units that are attached to their primary residence, provided that Moby carts for the rental units located on the property are curbside at the appointed times. Should said resident owner fail to place Moby carts curbside at the appointed time, the town reserves the right to require the owner to participate in summer roll-out service as set forth herein.

c. Exemption from rollout curb service. Owners of noncommercial properties in the R-3 and C-3 zoning districts must provide written notification to the Town of Surfside Beach of either permanent residency or non-rental status. This notification must be made each year to the town. Acceptable forms of notification shall include a valid South Carolina driver's license with address of property within town limits to establish residency, a copy of a current lease for a rental property within town limits, or a signed notification of noncommercial use.

d. Bulk containers service. Bulk container service shall be charged at the rate of twenty-six dollars and twenty-five cents (\$26.25) per container per pickup for 6-yard containers and thirty-one dollars and seventy-five cents (\$31.75) per container per pickup for 8-yard containers.

Sec. 7-13. - Payments, late payment penalty. Effective January 1, 2002, sanitation services shall be billed by GSWSA on the monthly water and sewer bill as a separate item. Town sanitation will be billed to the water meter customer unless a hardship is determined in the town's sole discretion, in which case the sanitation service will be billed to another customer or address.

Effective January 1, 2002, and as long as an agreement is effective, all sanitation service charges will be paid to GSWSA. Penalties for nonpayment will be at the current rate charged by GSWSA for late payments. Late fees shall be credited to GSWSA as payment for its additional collection services. If a customer should become delinquent in the payment of sanitation service charges, GSWSA has the authority to discontinue water services until payment is made in full.

Sec. 7-14. - Applicability. Service charges for complete sanitation services shall be applied monthly to every single or multiple residential unit and every commercial establishment located within the town. The service is available to all units and establishments within the town; therefore, the appropriate service charge will be applied whether or not the required refuse receptacles are utilized by the unit or establishment.

DIVISION 3. - DISPOSAL AND COLLECTION

Sec. 7-15. - Unsightly, offensive or dangerous materials. It shall be unlawful for any person to cause or allow unsightly litter, material causing foul or offensive odors, or potentially dangerous materials to remain on or emanate from any property under his control, or to discard, abandon, or cause the same on any public or private property within the corporate limits of the town.

Sec. 7-16. - Dumping on open lots. No garbage, refuse, abandoned junk or other offensive material shall be dumped, thrown or allowed to remain on any lot or space within the town limits.

Sec. 7-17. - Scattering refuse. It shall be a violation of this article for any person to scatter refuse or litter on any private street, area or place; cast, throw, place, sweep or deposit anywhere within the town any refuse or trash in such a manner that it may be carried or deposited by the elements upon or in any street, sidewalk, alley, storm drain or other public place or into any occupied or unoccupied premises within the town; or

It shall be a violation of this article for any vehicle transporting loose materials within the town to transport the same without suitable covers.

Sec. 7-18. - Property maintenance.

- a. All owners or occupants, jointly or separately, of property shall maintain their property in a clean and litter-free manner, including adjacent sidewalks, grass strips, one-half of alleys, curbs, gutters, and rights-of-way to the edge of the surface of the vehicular travel way of any public street.
- b. Planting grass and/or laying sod on town rights-of-way is allowed. Landscaping of and/or planting of shrubbery, trees, plant beds on the town rights-of-way is prohibited.

Sec. 7-19. - Authorized collectors. Only the town or its authorized representative is permitted to collect garbage, household trash, etc., within the town.

Sec. 7-20. - Vehicles used for collection. All collectors or refuse haulers or handlers operating within the town shall use a commercially manufactured truck body provided with a tightly fitting cover so operated as to prevent offensive odors escaping therefrom and refuse from being dropped, blown or spilled. These vehicles shall also be kept in good repair and shall be cleaned as often as necessary to prevent the body of the vehicle from becoming a breeding place for insects or a source of foul or offensive odors.

Sec. 7-21. - Tampering with containers; depositing hazardous refuse. No person or persons shall interfere with or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents unless by permission of the town administrator or his designee, nor shall any person place any hazardous refuse in any collection receptacle.

Sec. 7-22. - Container specifications.

- a. *Mobile rollout refuse containers.* Mobile rollout refuse containers shall have a volumetric capacity of not less than ninety (90) gallons and not more than one hundred (100) gallons, and shall be required at each single-family residence. All mobile rollout refuse containers shall be approved or issued by the Town of Surfside Beach.
- b. *Mobile rollout recycling containers.* Mobile [rollout] recycling containers shall have a weight-bearing capacity of not less than one hundred twenty-two (122) pounds, and shall be required at each single-family residence. All mobile rollout recycling containers shall be approved or issued by the Town of Surfside Beach.

Sec. 7-23. - Issuance, damage, replacement of mobile containers.

- a. *Containers town property; responsibility for damage.* One (1) mobile rollout refuse container and one (1) mobile rollout recycling container shall be issued to each residential unit in the town. The sanitation foreman may add as many additional mobile containers as is necessary to maintain a clean, neat, and sanitary premises, not to exceed five (5) mobile containers of all types per residential unit. All mobile containers shall become and remain the property of the town for use of the residential units to which they are issued. Residents who damage mobile containers issued to them shall pay for repairing the container or purchase replacement containers from the town at the current replacement value. Containers that are damaged through normal use as a result of being emptied by the town will be repaired at the town's expense. Collection will be suspended at any location at which one (1) or more mobile

container is missing or at which one (1) or more mobile container is damaged to such an extent as to interfere with normal collection methods.

- b. *Collectors to exercise reasonable care.* Collectors for the town shall exercise reasonable care in the handling of mobile containers and shall not willfully break, deface or injure same.

Sec. 7-24. - Removal of existing garbage racks. Any person having garbage racks constructed of wood or metal will be required to remove such rack within sixty (60) days after the effective date of this article. Any person having a freestanding garbage rack made of masonry, such as block, brick or concrete, will not be required to remove such rack. Any person having a masonry garbage rack, such as block, brick or concrete, which is a part of a permanent building or wall will not be required to remove same. It is the intent of this article that all garbage racks be removed where practical. Mobile refuse containers shall not be enclosed in garbage racks.

Sec. 7-25. - Frequency of service; number and type of containers.

- a. Mobile containers shall be serviced once weekly. Backdoor service is available on a once per week basis, subject to the approval of the town administrator or his designee, who may require a doctor's certificate for those persons who are unable to roll their mobile container to the curb.
- b. All persons, firms or corporations who generate more refuse than can be serviced by five (5) mobile containers once weekly, and desiring service by the town, shall no longer receive mobile container service, but shall be required to furnish a bulk container of the type approved by the town administrator, provided that such container can be installed and serviced. Such containers shall not be serviced more than once per day but must be serviced at least once per week if refuse results from the preparation or disposal of products used for human consumption. Suggested distribution of containers shall follow, as closely as possible, to the following schedule:
1. *Residential home or complex; one (1) to five (5) units:* One (1) mobile container per unit. The sanitation foreman may add as many additional mobile containers as is necessary to maintain a clean, neat, and sanitary premises, not to exceed five (5) mobile containers per residential unit.
 2. *Residential complex:*
 - a. Six (6) to fifteen (15) units—Minimum one (1) six-yard dumpster.
 - b. Sixteen (16) to twenty-five (25) units—Minimum one (1) eight-yard dumpster or two (2) six-yard dumpsters.
 - c. Twenty-six (26) to forty (40) units—Minimum two (2) eight-yard dumpsters or three (3) six-yard dumpsters.
 - d. Forty-one (41) to sixty (60) units—Minimum three (3) eight-yard dumpsters.
 - e. Sixty-one (61) units or more—Minimum one (1) thirty-yard compactor.
 3. *Trailer parks; mobile home parks.* Six- or eight-yard dumpster to be located at entrance of park; or, at the request of the park owner, mobile toters will be provided for each mobile home, provided speed bumps are removed and adequate turnaround space is available.

The town administrator or his designee is authorized to determine when a bulk container is unserviceable and may discontinue service for same.

Summer mobile cart service. Mobile refuse containers shall be serviced three (3) times weekly beginning the second Saturday in May and continuing through first Saturday following Labor Day for transient rental property, i.e., rental less than thirty (30) days, which are hereby deemed commercial operations, located within the R-3 and C-3 zoning districts.

Winter mobile cart service. Mobile refuse containers shall be serviced once weekly beginning the first Wednesday after Labor Day until the second Wednesday in May for the transient rental property, i.e., rental less than thirty (30) days, for properties along the side and touching Ocean Boulevard, Seaside

Drive, Yaupon Drive, and Dogwood Drive from 3rd Avenue North to 3rd Avenue South, which are hereby deemed commercial operations.

The town reserves the right to add additional moby carts and require rollout service to properties located in the R-3 and C-3 commercial districts to insure adequate carts are on-site to properly store refuse, and that collection is managed appropriately throughout the year. Any associated payment for extra carts and/or rollout service assigned by the town shall be the responsibility of the customer.

Sec. 7-26. - Collection procedures—Residential. Garbage and household trash accumulated at residences shall be collected at curbside or at the edge of the vehicular travel-way on a schedule determined by the town administrator or his designee. Such collections shall be limited to town-issued mobile containers as defined herein and placement to be as follows; all garbage and household trash must be placed in the town-issued mobile containers, mobile containers are to be placed as close to the road or vehicular travel-way as possible, bags and/or garbage placed adjacent to or outside the mobile containers will not be picked up, and mobile containers that are loaded so that the top cannot close will not be serviced. Additional mobile containers are available to residents for an additional monthly fee. Recyclable waste, oversized household trash, yard trash and tree or shrubbery trimmings shall be collected on a separate schedule determined by the administrator, at each resident's curbside, as specified in this article. The provisions of this section do not apply to undeveloped property.

Sec. 7-27. - Same—Bulk containers; bulk container maintenance. Any person or establishment that furnishes and maintains a bulk container suitable for handling by town equipment will be serviced by the town as stated herein; provided that said container shall be of sufficient size, as specified and approved by the town administrator or his designee, for collection. Doors shall be kept closed at all times that the bulk container is not being filled or emptied. Bulk containers shall at all times be maintained in a safe, serviceable and sanitary condition as directed by the administrator. Notice shall be given by the administrator of any bulk container not meeting the requirements of this article. If, within thirty (30) days, the unit is not in compliance, town service of this unit may be suspended. Bulk containers shall at all times be kept in a place easily and safely accessible to town equipment even during periods of inclement weather such as snow and ice. Every person who shall engage in the leasing, renting or supplying, other than absolute sale, of bulk containers and portable packing units to persons to whom this chapter applies shall operate and maintain facilities and equipment for servicing, cleaning, repairing and painting such containers and units and for otherwise maintaining such units in a safe, serviceable and sanitary condition as required by this article. Persons or establishments utilizing bulk containers shall be responsible for preparing said containers for servicing. No service shall be given to those persons or establishments permitting objects, obstructions or vehicles to hinder in any way the servicing of the container. The immediate cleaning up of spilled refuse in the area of the container shall be the responsibility of the property owner or occupant utilizing the container. Service shall be discontinued to persons or establishments failing to locate or maintain containers in accordance with the requirements of this article. The town shall not afford both mobile refuse container service and bulk container service to the same persons or establishments. In those cases that the administrator directs the change from mobile refuse receptacles to bulk containerization, compliance shall be within thirty (30) days or service may be discontinued. Any cause for discontinuation of service shall also constitute a violation of this article.

Sec. 7-28. - Same—Specific wastes.

Industrial waste. The collection and disposal of industrial waste shall be the responsibility of the operator of the factory, plant or enterprise creating or causing the same.

Hazardous refuse. No hazardous refuse, as defined herein, shall be placed in any receptacle, container or unit used for refuse collection by the town.

Dead animals. Small dead animals, as defined herein, will be collect by the town on request; provided that it is during the operating hours of the landfill and the body is in a place easily accessible to the collector and is wrapped or contained in a plastic bag or other suitable container that will be collected with the body. Owners of large dead animals shall be responsible for their removal and disposal.

Building materials. The town shall not be responsible for the collecting, handling or disposal of building materials, as defined herein, that originate from private property preliminary to, during or subsequent to the construction of new buildings or from demolition of existing structures. Such materials or refuse shall be collected and disposed of by the property owner or the person doing the work. If such material or refuse has not been removed and disposed of by the property owner or the person doing the work, the town shall not issue a certificate of occupancy, even though other requirements for such certificate have been met. The certificate of occupancy shall be issued only when this requirement as well as any other requirements have been met.

Sec. 7-29. - Placement for collection. Garbage collection begins at 6:00 a.m. Mobile containers which are not out when the truck passes may not be collected until the next regularly scheduled pickup date. Lid must be closed when in use.

All refuse shall be placed in town-issued mobile containers as defined in sections 7-7 and 7-22. All refuse resulting from the preparation or disposal of products used for human consumption shall be placed in plastic bags before being placed in mobile containers. A mobile container is to be placed with the handle toward the house and yellow arrows pointing toward the street. A mobile container must be placed in an accessible location at least three (3) feet away from any obstacle (vehicles, mailboxes, utility poles, trees, etc.) and away from any low-hanging utility lines or tree branches. All leaves must be bagged. Bundled limbs shall not exceed four (4) feet in length. Any receptacles placed at the curb next to the approved mobile containers will not be serviced as per section 7-26. No stumps, logs or other materials or tree limbs placed by landscape or tree service contractors or workmen shall be hauled by the town. Effective July 1, 2018, plastic bags shall not be utilized for yard trimmings and leaves.

Sec. 7-30. - Storage and placement of material prior to collection.

Permitted locations; junk; appliances. All accumulations of refuse and trash shall be stored or placed for collection in accordance with the following provisions:

Public streets. No refuse, trash, yard trash, leaves, tree and shrubbery trimmings, refuse receptacle or bulk container shall be placed within the vehicular travelway or gutter of any street.

Public sidewalks. Refuse, trash, yard trash, leaves, or tree and shrubbery trimmings contained in approved refuse receptacles may be placed on the sidewalk on the day of collection so long as they do not unreasonably interfere with pedestrian traffic.

Public alleys. Refuse contained in approved refuse receptacles may be placed in a public alley on the day of collection so long as it does not unreasonably interfere with vehicular or pedestrian traffic.

Blocking stormdrains; gutters. No person shall place any refuse, trash, refuse receptacle or container on, upon or over any stormdrain opening or so close thereto as to be drawn by the elements into the same. No person shall place any refuse, trash, refuse receptacle or container in a gutter, thereby causing blockage of stormwater flows or possible blockage of storm drainage systems if carried by the elements into the same.

Unauthorized accumulations prohibited. Any unauthorized accumulation of refuse or trash on any lot, property, premise, public street, sidewalk, alley or other public or private place is prohibited. Failure or the owner or occupant, after notice of violation, to remove and correct any such unauthorized accumulation of refuse or trash shall be deemed a violation of this article.

Junk. It shall be a violation of this article for any person to place or store outside any building or dwelling, except as provided herein, any dilapidated furniture, appliances, vehicles, machinery, equipment, building materials or any other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition and which is not completely enclosed within a building or dwelling. This shall not apply to authorized junk dealers or authorized establishments engaged in the business of repairing, rebuilding, reconditioning or salvage, who are required to provide a six-foot screened enclosure.

Appliances. It shall be unlawful and a violation of this article for any person to leave outside any building or dwelling, in a place accessible to children, any appliance, refrigerator, or container of any kind which has an airtight door or cover with a snaplock or latch without first removing the lock or latch, door or cover from the appliance, refrigerator or container.

Mobile containers at multifamily residential complexes and in commercial districts. At townhouses, condominiums, apartments, etc., and in commercial districts, where it is deemed impractical to move mobile rollout containers to back yards, a screened area will be required. The location and design must be approved by the town administrator or his designee.

Using property, receptacles of other persons. It shall be unlawful and a violation of this article for any person to store or place refuse, yard trash, leaves, tree and shrubbery trimmings, a refuse receptacle, or bulk container, on or abutting at the front of property of another person, or to store or place refuse, yard trash, leaves, tree and shrubbery trimmings in a refuse receptacle or bulk container of another person.

Sec. 7-31. - Responsibility for placement. On the day of collection, unless otherwise provided by this article, it shall be the responsibility of the owner or occupant to place refuse receptacles at the curbside or at the edge of the vehicular travelway as specified in subsections 7-30(a)(1) through (3). No refuse receptacle or container, unless otherwise provided in this article, shall be stored in front of a building or dwelling, except on the day of collection.

It shall be the responsibility of each householder or storekeeper to place their refuse for collection at the proper time and in the proper manner as provided for in this article.

Sec. 7-32. - Removal of containers following collection. Mobile refuse containers returned to curbside after collection shall be removed by 11:00 p.m. on the day of collection, unless otherwise provided in this article. The property owner or occupant shall be responsible for such removal. Failure to remove said receptacle shall constitute a violation of this article.

Sec. 7-33. - Special service. Hardship cases, such as age, disability or infirmity, when confirmed by the town administrator or his designee, may be afforded the special service of refuse container carryout and carryback upon application as stated in subsection 7-25(a).

Sec. 7-34. - Commercial establishments. All commercial establishments shall store their refuse in refuse receptacles or containers as specified herein so as to eliminate the dispersal of such refuse by the elements and the resulting unsightly litter in and about their establishments. Approved methods of containerization include mobile refuse containers and bulk containers. All refuse resulting from the preparation or disposal of products used for human consumption shall be placed in plastic bags before being placed in a container for disposal. The number and type of containers and frequency of pickup necessary for each commercial establishment shall be as required to maintain clean, neat and sanitary premises. Spillage and overflow shall be immediately cleaned up by the establishment when and as it occurs.

When a commercial establishment generates so much refuse that it requires five (5) or more mobile refuse containers per collection, said establishment shall be required to provide a bulk container or detachable container as described herein.

It shall be the responsibility of the sanitation division, during the plan review process and prior to the issuance of a building permit for new commercial buildings, extensive renovations to existing commercial buildings, or changes of ownership to coordinate with the building and zoning department to review the method and location of refuse storage for collection for the building. Such reviews shall include the input and comments of both the sanitation division, public works department and the building and zoning department. If any problems are foreseen during this review, they shall be called to the attention of the owner or designer for correction.

Sec. 7-35. - Loading and unloading areas. All loading and unloading areas shall, at the direction of the town administrator or his designee, be provided with refuse receptacles or containers for loose papers, debris, packaging materials and other business trash. The number and type of such containers necessary for each area shall be as required to maintain clean, neat and litter-free premises and as directed by director of public works or his designee.

Sec. 7-36. - Construction, demolition sites. All construction and demolition contractors shall provide on-site refuse receptacles or bulk containers for loose debris, paper, waste building materials, scrap building materials and other trash produced by those working on the site. All such materials shall be containerized by the end of each workday and the site shall be kept in a reasonably clean and litter-free condition. The number and type of refuse receptacles or bulk containers shall be determined by the town administrator or his designee, based on the size of the project. Dirt, mud, construction materials or other debris deposited upon any public or private property as a result of construction or demolition activities shall be immediately removed by the contractor and in all cases by the end of the workday.

Sec. 7-37. - Special disposal problems.

Contagious disease refuse. The removal of clothing and bedding from places where highly infectious diseases have prevailed shall be performed under the supervision and direction of the Horry County Health Department. Such refuse shall not be placed in containers for town collection and disposal.

Hypodermic instruments. No person shall dispose of or discard any hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse such hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof by wrapping or securing the same in a suitable manner so as to avoid the possibility of causing injury to collection personnel.

Ashes. Ashes that are to be collected by the town shall have been wetted and shall be cool to the touch prior to collection. Ashes shall be placed in a watertight container, such as a plastic bag, can, etc. Refuse receptacles containing ashes shall not weigh more than fifty (50) pounds.

Cardboard boxes and cartons. Prior to being deposited as refuse for collection in approved receptacles or containers as defined herein, all cardboard boxes, cartons or crates shall be completely collapsed, or in lieu of being placed in receptacles or containers, such cardboard boxes, cartons or crates shall be completely collapsed and securely bundled. Each bundle shall not weigh more than fifty (50) pounds.

Rubber tires. The town shall not collect any unsplit rubber tire or any rubber tire that has not otherwise been reduced from its original shape or conformation by a generally accepted and approved manner or method. It shall be a violation of this article for any person to place any unsplit rubber tire or any rubber tire that has not otherwise been reduced from its original shape or conformation by a generally accepted and approved manner or method in any refuse receptacle or container from which refuse is collected by the town.

Food processing waste. All fish (seafood) processing waste, surplus entrails, heads, tails, scales, shells, bones, etc., must be packaged in a watertight container, such as a plastic bag, can, etc.

Electronic waste (E-scrap). Effective July 1, 2011 - residents may not knowingly place or discard a computer, computer monitor, printer or television, or component of same, in any waste stream that is to be disposed of in a solid waste landfill. The town will not collect these items with regular refuse after this date.

Secs. 7-38—7-40. - Reserved.

ARTICLE III. - NUISANCES

DIVISION 1. – GENERALLY

Sec. 7-41 – PROHIBITED. No person shall create any public nuisance in the town, and no person shall by inaction permit a public nuisance to occur or continue on any real property under such person's control, whether by recorded or unrecorded instrument or permission. Nor shall any person permit a public nuisance to occur involving any personal property under such person's control.

Public nuisance shall be defined as any act, thing, 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. 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.

7-42 – DUTIES AND POWERS OF THE CODE OFFICIAL. The code official or other appropriately appointed official administering or enforcing codes adopted by the town shall enforce the provisions of adopted local, state and federal laws as they relate to public health, safety and general welfare. If it is determined by the code official that any provisions of these laws are being violated, he shall enforce the requirements of the ordinance as prescribed.

The code official shall have authority as necessary in the interest of public health, safety and general welfare, to interpret and implement the provisions of the applicable codes and to secure the intent thereof. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for or of violating accepted engineering methods involving public safety.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this article and the Property Maintenance Code. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual.

When necessary to make an inspection to enforce codes and ordinances approved by the town, or whenever the code official has reasonable cause to believe that a violation exist in a structure or premises the code official is authorized to enter the structure or premises at reasonable times to inspect the structure or premises for violations or other duties required. If the structure or premises is occupied the code official shall present proper identification and request entry, If the structure or premises is unoccupied, the code official shall make a reasonable effort to locate the owner, owner's authorized agent or other having control of the structure or premises and request entry. If entry is refused, the code official shall have recourse provided by law to secure entry.

The code official shall issue all necessary notices or orders to ensure compliance with town adopted codes. He shall keep records of all activities and violations pertaining to structures or premises specified in the provisions of adopted codes within the town.

7-43 – NOTICES AND ORDERS OF VIOLATIONS. Whenever it is determined by the code official that a violation of a town adopted code or ordinance has occurred or has grounds to believe that a violation has occurred, notice shall be given to the person responsible for the violation. Such notices shall be in accordance with the following:

- 1) Be in writing.
- 2) Include a description of the property sufficient for identification.
- 3) Include a statement of the violation or violations and reasons the notice is being sent.
- 4) Include a correction order allowing a **reasonable time** to make the repairs and or improvements required to bring the structure or premises into compliance with the code or ordinance.
- 5) Advise the owner or authorized agent of the right to appeal.
- 6) Include a statement of the right to file a lien. If action must be taken by the town on such premises or structure to abate the violation.

Sec. 7-44. - Drainage ditches. It shall be unlawful for any property owner within the town to cause or allow drainage ditches, swales or conveyances on his property to become obstructed so as to back up water on property owned by anyone else, including public property.

Sec. 7-45. – Nuisance Animals. In the interest of maintaining clean, sanitary and quiet neighborhoods, it shall be unlawful for any person, firm, corporation, or others to keep or exhibit within the Town of Surfside Beach any of the following animals:

- a. Horse, mule, cow, swine, goat, sheep, or exotic animal. The term "exotic animal" means any animal not normally domesticated in the United States, or any animal which is wild in nature.

- b. Domesticated fowl, including, but not limited to chickens, ducks, geese or pigeons.

Sec. 7-46. – NUISANCES AFFECTING PUBLIC WELFARE AND SAFETY Public nuisances affecting welfare and safety shall include, but not be limited to, the following:

- a. 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;
- b. 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;
- c. 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;
- d. Any motor vehicle that is unregistered, inoperable, derelict or abandoned on any street or right-of-way, or other public or private property, unless such vehicle is stored inside of a completely enclosed permanent structure.
- e. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

Sec. 7-47. – NUISANCES AFFECTING HEALTH. Public nuisances affecting health shall include, but not be limited to, the following:

- a. All pools of stagnant water or vessels holding stagnant water in which mosquitoes can breed, including unkempt retention ponds.
- b. Swimming pools which are (1) empty (except pools that are completely covered; or (2) contain liquids and/or debris making it unsafe for swimming or other intended uses;
- c. The placement or discharge of any part of a stormwater drainage system:
 - i. Untreated sewage
 - ii. Wastewater
 - iii. Refuse
 - iv. Leaves
 - v. Explosive or combustible liquid, solid or gas
 - vi. Greases
 - vii. Water or waste containing toxic or poisonous wastes to constitute a hazard to humans, plants or animals.
 - viii. Any solid or viscous substances capable of causing obstruction to the flow in the stormwater drainage system.
 - ix. Any other material or substance determined as being unsafe or capable of obstruction.
 - x.

Sec. 7-48. – PREMISES CONSTITUTING A NUISANCE. The Town of Surfside Beach has adopted the latest edition all provisions and requirements of the International Property Maintenance Code and amendments thereto insofar as such provisions have application to the town and made a part of this chapter as fully set out in this section. (Ordinance 13-0753, July 9, 2013)

The provisions of the latest edition of the International Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises (*to include nuisances*) and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Sec. 7-48.1 – RUBBISH AND GARBAGE

Exterior property and premises shall be free from any accumulation of rubbish or garbage (trash) as required by the International Property Maintenance Code.

Sec. 7-48.2 – EXTERIOR PROPERTY AREAS

Exterior property and premises including but not limited to sanitation, grading and drainage, sidewalks, driveways and weeds shall be maintained in accordance with the International Property Maintenance Code.

Sec. 7-48.3 – SWIMMING POOLS, SPAS AND HOT TUBS. Swimming pools, spas and hot tubs shall be maintained as required in the International Property Maintenance Code.

Sec. 7-48.4 – GRAFFITI. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

Sec. 7-49. – OTHER NUISANCES

- a) The enumeration of specific nuisances in this division shall not be deemed to make lawful any other act or condition declared to be a nuisance by any other town ordinance, state law, federal law, or court decision.
- b) Any other violation which is considered a public nuisance by the International Property Maintenance Code or the municipal ordinances of the Town of Surfside Beach is hereby included in this section by general reference.

Sec. 7-50 – APPEAL PROCEDURES; HEARING. All appeals regarding nuisances shall be presented to the Construction Board of Appeals. Appeal procedures and hearings shall comply with the requirements of the International Property Maintenance Code.

Sec.7-51 – SEVERABILITY. The provisions of this chapter are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Sec. 7-52 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. (Additional definitions regarding property maintenance can be found in the latest edition of the property maintenance code. A copy of which shall be kept in the Planning, Building & Zoning Department for public review and can be found on the town's website):

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 8:00 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 Town of Surfside Beach.

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 Town of Surfside Beach.

Code Official means a law enforcement officer, code enforcement official or town employee or official as may be designated in writing and sworn to enforce the provisions of this article.

Garbage means disregarded animal and vegetable matter, as from a kitchen; any matter that is no longer wanted or needed; anything that is contemptibly worthless, inferior or vile. Also known as trash and refuse.

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.

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.

Reasonable Time – International Property Maintenance Code Section 107.1(4) shall be defined as 5 business days to correct a minor infraction and 15 business days to correct a major infraction.

Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 11th day of June 2018.

Robert F. Childs, III, Mayor

Ron Ott, Town Council

Debbie Scoles, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Mayor Pro Tempore

Bruce Dietrich, Town Council

Randle M. Stevens, Town Council

Attest: _____

Debra E. Herrmann, CMC, Town Clerk