

AN ORDINANCE AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, OF THE CODE OF THE CITY OF ROCK HILL CONCERNING THE INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE AND COMMUNITY IMPROVEMENT AND LITTER CONTROL

BE IT ORDAINED by the Governing Body of the City of Rock Hill in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30 and Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City Council by a majority vote and applicable public hearing requirements.

SECTION 3. That the Proposed Amendment to Chapter 10, Buildings and Building Regulations, Article III. Building and Technical Codes, Section 10-193, International Existing Building Code Adopted, be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit A attached hereto.

SECTION 4. That the Proposed Amendment to Chapter 10, Buildings and Building Regulations, Article III. Building and Technical Codes, Section 10-202, International Property Maintenance Code

Adopted and Section 10-203, Amendments to International Property Maintenance Code, be and the same is hereby amended by deleting the current language and inserting in lieu thereof the following:

See Exhibit B attached hereto.

SECTION 5. That the Proposed Amendment to Chapter 10, Buildings and Building Regulations, be and the same is hereby amended by adding ARTICLE V. COMMUNITY IMPROVEMENT AND LITTER CONTROL, Section 10-231 through Section 10-234, as follows:

See Exhibit C attached hereto.

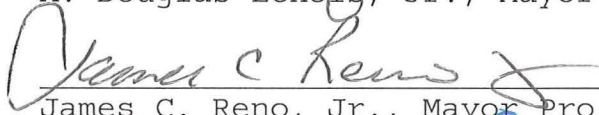
SECTION 6. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the 28th day of April, 2014.



A. Douglas Echols, Jr., Mayor



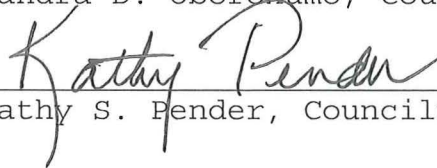
James C. Reno, Jr., Mayor Pro Tempore



John A. Black, III, Councilmember

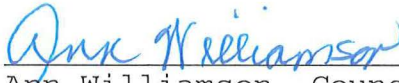


Sandra D. Oborokumo, Councilmember



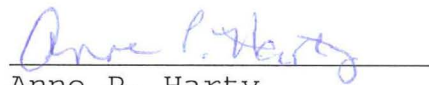
Kathy S. Pender, Councilmember

Kevin H. Sutton, Councilmember



Ann Williamson, Councilmember

ATTEST:



Anne P. Harty
Municipal Clerk

Exhibit A

Sec. 10-193. International Existing Building Code adopted.

The International Existing Building Code, 2012 edition, including modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, and in as far as such code can have application within the city as fully as set out herein, or except as the same may be inconsistent with and modified by the provisions of state law, or except as follows: All persons within the city affected thereby shall comply strictly with all regulations and requirements imposed by the International Existing Building Code and by this code, when so applicable. The 2012 edition amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the City of Rock Hill on the date specified as the effective date by the State of South Carolina. Such code shall be cited as "the existing building code." Substitute pages received for incorporation in the International Building Code, correcting errors, such as grammar, punctuation, section reference, etc., which do not amend the intent of any section as now written are also amended hereby.

Upon resolution by the city council, the building official for the city may submit variations and modifications to the South Carolina Building Codes Council as authorized by the South Carolina Code (as amended). Upon the approval of the South Carolina Building Codes Council, submitted variations and modifications shall become amendments to this section.

EXHIBIT B

Sec. 10-202. International Property Maintenance Code

The International Property Maintenance Code, 2012 edition, including modifications thereto, adopted and promulgated by the International Code Council, Inc., as such code is now in force, shall constitute and become an ordinance of the city, and is hereby adopted, incorporated in, and made a part of this article as fully as though they were set out at length herein, except as amended by this article. The 2012 edition amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the City of Rock Hill on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard shall remain in full force and effect. Further after the effective date of each updated version, all laws, code standards, and versions so updated shall be treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution or appeal existing as of the effective date of the update and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended version. The code adopted by this section and amended by this article shall be known as and may be cited as "the property maintenance code".

The City of Rock Hill also hereby specifically adopts all provisions of the property maintenance code which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors and assistants. In addition, the City adopts additional administrative provisions relating to Property Maintenance as set forth in Section 10-203.

Section 10-203. Amendments to International Property Maintenance Code.

(a) The International Property Maintenance Code adopted in section 10-202 is amended as follows:

(1) Section 103.5. Fees. For fees, see Appendix A of the Code of the City of Rock Hill.

(2) Section 302.4. Weeds. Insert "12 inches" in the first sentence. This section shall be amended by adding the following sentence at the end of this section: "An owner is permitted one notice per calendar year with an opportunity to abate the weed violation within the time parameters set forth in the notice without further penalty. Each subsequent violation within the calendar year will be subject to an automatic court summons and fine."

(3) Section 304.14. Insect Screens insert "April 1 to October 31" in the first sentence.

(4) Section 602.2. Residential occupancies shall be amended by adding the following after the first sentence in this section: "Said heating facilities shall be permanent in nature and shall be installed in compliance with the provisions of the ICC International Residential Code and ICC International Mechanical Code. All heating facilities shall be maintained in a safe working condition and shall be capable of performing the intended function as outlined in Section 602."

(5) Section 602.3. Heat supply insert "October 31 to May 31" in the first sentence.

(6) Section 602.4. Occupiable workspaces insert "October 31 to May 31" in the first sentence.

(b) The International Property Maintenance Code adopted in section 10-202 is amended by adding the following section:

SECTION 113: Maintenance of Vacant and Boarded Structures

113.1 Vacant Structures

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

113.2 Enforcement and Remedies for Violation

A structure that is boarded or vacant in violation of this section is a public nuisance. In addition to the provisions in this section the City is authorized to use the remedies set forth in Section 106 of this code, state law and the City of Rock Hill Code of

Ordinances. The remedies, procedures and penalties provided by this section are cumulative to each other and to any others available under state law or other city ordinances.

113.3 Owner Responsibilities.

No person shall allow a structure to stand vacant for more than thirty (30) days unless the owner establishes by substantial evidence to the reasonable satisfaction of the code official one of the following applies.

113.3.1 Permits. The structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.

113.3.2 Sale or Lease. The structure meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent.

113.3.3 Maintained. The structure does not contribute to and is not likely to contribute to blight because the owner is actively maintaining and monitoring the structure so that it does not contribute to blight. Active maintenance and monitoring shall include:

1. Maintenance of landscaping and plant material in good condition.
2. Maintenance of the exterior of the structure including but not limited to paint and finishes in good condition.
3. Prompt and regular removal of all exterior trash, debris and graffiti.
4. Maintenance of the structure in continuing compliance with all applicable codes and regulations.
5. Prevention of criminal activity on the premises including but not limited to use and sale of controlled substances, prostitution, criminal street gang activity, loitering, or trespassing.

113.3.4 Natural Disasters. If the structure is vacant due to fire, flood, earthquake, or other form of natural disaster and the owner is actively pursuing assistance for demolition, rehabilitation, or restoration of the structure and/or premises from local, state or federal assistance programs or from insurance agencies.

113.4 Rehabilitation.

The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the city shall cause the boarded structure to be rehabilitated for occupancy within six (6) months after the building is boarded and shall comply with Section 113.3.

113.5 Boarded-Up Structures.

The owner of any boarded structure whether boarded by voluntary action of the owner or as a result of enforcement activity by the city shall ensure that the structure is boarded to board-up standards provided in Section 113.6. In no case shall a structure remain boarded for a period more than six (6) months.

Exception: Commercial structures when the City determines that it is in the public interest and the owner provides substantial evidence to the reasonable satisfaction of the code official that the structure complies with Section 113.3.

113.6 Standards for Boarding a Vacant Structure.

The boarding of a vacant structure shall be according to the specifications approved by the code official.

112.6.1 Structures Abated by City. If the City boards the vacant structure, the structure may be boarded in a manner which is determined to adequately prevent unauthorized entry or vandalism. All costs of boarding shall be recovered pursuant to the procedures in Section 108.2.

113.7 Notice Procedures for Vacant, Unsecured, or Boarded Structures.

Whenever the code official determines that a vacant, unsecured, or boarded structure exists, a notice shall be sent to the owner or responsible party in accordance with Section 107.

113.7.1 Trespass Notice. The code official may also require the owner of the property to post "No Trespassing" signs on the property and sign a letter with the City of Rock Hill Police Department authorizing the department to enforce no trespassing on the premises.

113.8 Continuing Nuisance.

When the owner of a boarded or vacant structure fails to maintain the property in accordance with this section or when repeated violations of this section occur for the same property, the code official may seek other remedies as provided by this code, local ordinances or state law including but not limited to demolition of the structure.

113.9. Emergency Hazard Abatement.

When any open structure constitutes such an imminent threat to life, limb or property such that it must be secured, closed or barricaded and compliance with other provisions of this Code becomes infeasible as determined by the code official, the code official may summarily secure, close, or barricade the structure without prior notice to the property owner. All costs of boarding shall be recovered pursuant to the procedures in Section 108.2.

Secs. 10-204 - 10-210. Reserved.

Exhibit C

ARTICLE V. COMMUNITY IMPROVEMENT AND LITTER CONTROL

Sec. 10-231. Property to be kept clean
Sec. 10-232. Overgrown property
Sec. 10-233. Receptacles to be provided at parking areas.
Sec. 10-234. Construction sites.
Secs. 10-235 - 10-290. Reserved

Sec. 10-231. Property to be kept clean

It shall be unlawful for any owner, agent, occupant or lessee of property within the city to:

- (1) Deposit garbage in any but flyproof and watertight receptacles.
- (2) Place garbage, refuse or trash or cause the discharge of sewage or any other organic filth into or upon any place in such manner that transmission of infective material to human beings may result therefrom.
- (3) Place outside of any building any discarded furniture, icebox, refrigerator, stove, water heater or other major appliances, machinery, equipment, junked vehicle parts, mattresses or building material or any accumulation of trash and refuse which is not completely enclosed within a building, except as allowed in section 17-64 for trash collection by city forces.
- (4) Sweep or push litter from buildings, property or sidewalks into streets, sidewalks and storm drains. Sweepings shall be picked up and put into household or commercial receptacles.
- (5) Allow the accumulation of loose or trapped litter at such locations as fences, wall bases, grassy or planted areas, borders, embankments or other similar collecting points. Owners, agents, occupants or lessees whose properties include a city right-of-way shall be responsible for keeping up to and including the curb and gutter or street line free of litter.

Sec. 10-232. Overgrown property

- (a) *Improved property.* It shall be unlawful for any owner or occupant of a business building, single dwelling or multiple dwelling, or any property improved for residential or commercial use, to allow weeds, grass or similar vegetation to grow to a height of twelve (12) inches or more. Such height constitutes a hazard or nuisance, real or potential, for harborage of vermin, accumulation of litter and debris or other unsightly or injurious conditions. The following shall be exempt from this requirement:
- (1) Any premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use and which is properly attend;
 - (2) Wooded portions of rear or side yards where standard mowing equipment cannot maneuver because of density, except that any twenty (20) foot strip adjacent to developed property or streets must have weeds, grass and vines maintained below the height limitation and providing such lot is not otherwise in violation of the provisions of this chapter; or
 - (3) Unimproved lots on which new permitted construction work is taking place and during such time as the actual construction is in progress, except for a ten (10) foot strip adjacent to any developed property, road or right-of-way.
- (b) *Unimproved property.* Vacant lots which abut developed property or public streets shall be subject to an eighteen (18) inch height limitation on weeds and grass on any twenty (20) foot strip adjacent to such developed property and/or streets. The same exemptions shall apply as set forth in subsection (a) of this section.
- (c) *Nuisances.* Notwithstanding subsections (a) and (b) of this section, if any of the following conditions exist on any portion of a lot or parcel of any size, improved or unimproved, then such lot or parcel shall be deemed a nuisance and a detriment to health and safety:
- (1) The lot contains any accumulation of debris, rubbish, junk, tree debris, tires or any type of refuse.
 - (2) The lot contains weeds or other growth which encroaches onto a public sidewalk or roadway within ten feet above

the level of the sidewalk or fourteen (14) feet of the street.

- (3) The lot contains evidence of the harboring of unlawful activity.
- (d) *Abatement.* It shall be the duty of the owner of any such lot or parcel in violation of this section, including abutting owners of alleys in violation thereof, to abate the unlawful condition. Owners and occupants of properties which abut an alley shall be responsible up to the center point of such alley. Owners and occupants of properties which include a public street right-of-way shall be responsible up to and including the curb and gutter or street line.
- (e) *Compliance.* It shall be unlawful for any owner of any lot or parcel of land within the city to permit the conditions set forth in this section to exist or continue, after notice thereof.

Sec. 10-233. Receptacles to be provided at parking areas.

All parking lots and establishments with parking lots shall provide refuse receptacles distributed within the parking area at a rate of one receptacle for every 20,000 square feet of parking area or fraction thereof. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or the manager of the parking lot to collect the refuse and trash deposited in such containers and store this material in an approved location for collection. It shall be the obligation of all persons using parking lot areas to use such refuse receptacles or containers for the purposes intended, and it shall be unlawful for any person to dump, scatter or throw upon such parking lot area any refuse, garbage or trash of any kind.

Sec. 10-234. Construction sites.

It shall be unlawful for any construction and/or demolition contractor to fail to control loose debris, paper, building material waste, scrap building material, employee lunch/coffee break discards and other trash produced by those working on a site. All such material shall be contained by the end of each working day and the site shall be kept in a reasonably clean and litter-free condition. The number and type of refuse receptacles, bulk containers, detachable containers or other approved method of containing waste material shall be determined by the size of the job. Dirt, mud, construction materials or other debris deposited upon any public property or neighboring private property as a result of the construction or demolition shall be immediately

removed by the contractor. Construction sites shall be kept orderly at all times.

Secs. 10-235 - 10-290. Reserved