

TOWN OF SHARON

ORDINANCE 15

AN ORDINANCE PERTAINING TO DERELICT BUILDINGS IN THE TOWN OF SHARON

BE IT RECOGNIZED that there exists within the Town of Sharon, SC certain dwellings and other structures which are unfit for human habitation and/or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and/or other conditions rendering such dwellings and/or structures unsafe or unsanitary, dangerous of detrimental to the health, safety or otherwise inimical to the welfare of the residents of the Town of Sharon, and that Town Council, pursuant to the authority set forth in Chapter 5, Title 26 of the Code of Laws of South Carolina, 1962, as amended, comprising Sections 36-501 through 36-511, does therefore enact this Ordinance.

Section 1. Whenever it is determined that any of the conditions exist as described above, the police powers of the Town of Sharon may be exercised to repair, close or demolish any such dwelling or other structure in the manner hereinafter provided.

Section 2. The powers to be exercised under this Ordinance shall be exercised by the Mayor or other designated representative.

Section 3. That whenever a complaint or petition is filed with the Mayor, or other designated representative, by any one of the council persons of the Town, or by at least five (5) residents of the Town, charging that any dwelling or other structure is unfit for human habitation, or whenever it appears to the Mayor, or other designated representative, (on his own motion) that any dwelling or other structure is unfit for human habitation, the Mayor shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties in interest in such dwelling or other structure a complaint in letter form stating the charges in that respect and containing a notice that a hearing will be held before Town Council not less than ten (10) days not more than thirty (30) days after the service of such complaint or letter; that the owner and parties in interest shall be given the right to file an answer to the complaint in letter form and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts of law or equity shall not be controlling in such hearings.

Section 4. That if, after such notice and hearing, the Town Council determines that a dwelling or other structure under consideration is unfit for human habitation, it shall be stated in writing, such writing to include the findings of fact in support of such determination, and this waiting shall be issued and caused to be served upon the owner of such property together with or in the form of an order

(a) if the repair, alteration or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within the time specified in such order, to repair, alter or improve such dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation, or

(b) if the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner then shall be required, within the time specified in the order, to remove or demolish such dwelling.

Section 5. If the owner fails to comply with the order to repair, alter or improve or to vacate and close the dwelling or other structure, the Mayor, or

other designated representative, may cause such dwelling or other structure to be repaired, altered or improved or to be posed on the main entrance of any dwelling or other structure so closed, a placard with the following words: “This building is unfit for human habitation, the use or occupation of this building for human habitation is prohibited and unlawful.”

Section 6. If such owner fails to comply with the order to remove or demolish the dwelling, the Mayor, or other authorized representative, may cause such dwelling or other structure to be removed or demolished forthrightly.

Section 7. That the amount of the cost of such repairs, alterations or improvements, vacating and closing or removal or demolition by the Town of Sharon shall be a lien against the real property upon which such cost was incurred, such lien to be entered up and enforced in the same manner as other liens.

Section 8. No part of the ordinance shall be construed in any way to impair or limit any and all powers of the Town of Sharon to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise.

Section 9. A dwelling or other structure is unfit for human habitation if conditions exist in such dwelling or other structure which are dangerous or injurious to health or safety of the occupants of such dwelling, the occupants or neighboring dwellings or other residents of the Town of Sharon. Such conditions may include the following, without limiting the generality of the foregoing: Defects therein increasing the hazards of fire, accidents or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, and any other conditions in any reasonable way relation to unfitness for human habitation as previously set forth.

Section 10. Complaints by letter or orders hereunder shall be delivered to and /or serve upon such persons either personally or by certified mail, but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the Mayor, shall make an affidavit to that affect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in this area. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the York Clerk of Court and such

filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Section 11. The Mayor, or other designated representative may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers in addition to others herein granted.

- (1) To investigate the dwelling or other structure conditions in order to determine which may be unfit for human habitation.
- (2) To administer oaths and affirmations, examine witnesses and receive evidence.
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the person or persons in possession.