

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ORDINANCE NUMBER 22-06

AN ORDINANCE TO SUPPLEMENT THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY ADDING NEW SECTIONS NUMBERED SEC. 6-60, ET SEQ. TO A NEW ARTICLE IV OF CHAPTER 6 TO PROVIDE FOR THE REPAIRING, CLOSING, OR DEMOLISHING OF UNFIT DWELLINGS AND PROVIDING A MECHANIZM FOR THE RECOUPMENT OF COSTS SO INCURRED

BE IT ORDAINED by the Dorchester County Council, duly assembled that the Code of Ordinances, Dorchester County, South Carolina is hereby supplemented by adding new sections numbered Sec. 6-60, et seq. to a new Article IV of Chapter 6, which shall read as follows:

ARTICLE IV - UNFIT DWELLINGS

Sec. 6-60 - Authority.

The provisions of this article are adopted pursuant to the authority conferred by S.C. Code Ann., § 31-15-310 et seq., 1976, as amended.

Sec. 6-61 - Definitions.

For the purposes of this article:

- (a) "County" shall mean that area comprising Dorchester County other than municipalities;
- (b) "Public officer" shall mean the office or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by such ordinance;
- (c) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record;
- (d) "Parties of interest" shall mean all individuals, association, corporation and others who have interests of record in a dwelling and any who are in possession thereof; and
- (e) "Dwelling" shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Sec. 6-62 - Unfit dwelling, generally.

Whenever the County Administrator or his designated representative(s) finds that there exist in the County dwellings which are unfit for human habitation due to:

- (f) Dilapidation;
- (g) Defects increasing the hazards of fire, accidents or other calamities;
- (h) Lack of ventilation, light or sanitary facilities;
- (i) Disrepair;
- (j) Structural defects;
- (k) Uncleanliness;
- (l) Extreme or structural deterioration so as to render dwelling unsafe; or
- (m) Other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the county,

the county may exercise its police powers to repair, close or demolish any such dwelling.

Sec. 6-63 - Powers and duties.

The County Administrator or his designated representative(s) may exercise such powers and duties as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following powers in addition to others herein granted:

- (a) To investigate the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation;
- (b) To administer oaths and affirmations, examine witnesses and receive evidence;
- (c) 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 persons in possession;
- (d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinance; and
- (e) To delegate any of his functions and powers under this article to such officers and

agents as he may choose.

Sec. 6-64 - Investigation and complaint.

- (a) Whenever a complaint or petition is filed with the County Administrator or his designated representative(s), by at least five residents of the county, charging that any dwelling is unfit for human habitation or whenever it appears to the County Administrator or his designated representative(s), on his own motion, that any dwelling is unfit for human habitation, the County Administrator or his designated representative(s) shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and all parties of interest in such dwelling, a complaint or notice in letter form, stating the charges and that a hearing may be held before the County Administrator or his designated representative(s), not less than ten days nor more than 30 calendar 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 and to appear in person or otherwise and give testimony at the place and time fixed in the complaint or a mutually agreed upon time as determined by the owner, all parties of interest and the County Administrator or his designated representative(s).
- (b) If, after such notice and hearing, the County Administrator or his designated representative(s) determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order.

Sec. 6-65 - Order to owner, service of notice, complaint, or order and owner's answer.

- (a) The order shall contain, but not be limited to, the following information:
 - (1) The street address and legal description of the building, structure or premises.
 - (2) A statement indicating the building or structure has been declared unfit by the building official, and a detail documenting the conditions determined to have rendered the building or structure unfit under this article.
 - (3) If the building or structure is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the County Administrator or his designated representative(s).
 - (4) If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and

continued to completion within such time as the County Administrator or his designated representative(s) further determines.

- (b) Notice, complaints or orders issued under this article shall be delivered to and/or served upon such persons either personally or by certified mail, return receipt requested, but if the whereabouts of such persons is unknown and cannot be ascertained by County Administrator or his designated representative(s) in the exercise of reasonable diligence, the County Administrator or his designated representative(s) shall make an affidavit to that effect and the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in the County. 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 the complaint or order shall also be filed with the clerk of court of the county in where the dwelling is located and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

Sec. 6-66 - Necessary action by owner.

- (a) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling ("reasonable cost" being not over 50 percent of the fair market value of the dwelling), the owner shall be required, within the time specified in the order, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or
- (b) If the repair, alteration or improvement of the dwelling cannot not be made at a reasonable cost in relation to the value of the building ("reasonable cost" being not over 50 percent of fair market value), the owner shall be required, within the time specified in the order, to remove or demolish such dwelling.

Sec. 6-67 - Failure to comply.

- (a) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the County Administrator or his designated representative(s) may cause such dwelling to be repaired or to be vacated and closed. In addition, the County Administrator or his designated representative(s) may cause to be posted on the main entrance of any dwelling 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."
- (b) If the owner fails to comply with an order to remove or demolish the dwelling, the County Administrator or his designee may cause such dwelling to be removed or demolished.

Sec. 6-68 - Appeal.

Any person affected by an order issued by the County Administrator or his designated representative(s) may, within 60 days after the posting and service of the order, petition the Circuit Court for an injunction, restraining the County Administrator or his designated representative(s) from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction, restraining the County Administrator or his designated representative(s) pending the final disposition of the cause. Hearings shall be held by the court on such petitions within 20 days or as soon thereafter as possible and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings, the findings of the County Administrator or his designated representative(s) as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the County Administrator or his designated representative(s) shall be entitled to recover any damages for action taken pursuant to any order of the County Administrator or his designated representative(s) or because of compliance by such person with any order of the County Administrator or his designated representative(s).

Sec. 6-69 - Extension of time.

The County Administrator or his designated representative(s) may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition pursuant to this article. All requests for extension of time must be in writing.

Sec. 6-70 - Recovery of costs.

The amount of the costs of such repairs, alterations or improvements or the removal or demolition by the county shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as county taxes.

Sec. 6-71 - Power of county to declare nuisance.

Nothing in this article shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings, criminal proceedings or otherwise.

Sec. 6-72 - Sale of materials of removed or demolished dwelling.

If a dwelling is removed or demolished by the County Administrator or his designated representative(s) he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Circuit Court by the County Administrator or his designated representative(s) shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

Sec. 6-73 - Article provisions are cumulative.

Nothing in this article shall be construed to abrogate or impair the powers of the courts or any department of any municipality in the county to enforce any provisions of its charter or its ordinance or regulations, or to prevent or punish violations thereof and the powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

This Ordinance shall be effective upon third and final reading.

Except as specifically Supplemented herein, the Dorchester County Code of Ordinances shall remain in full force and effect.


Approved and adopted on this 18th day of April 2022.



William R. Hearn, Jr., Chairman
Dorchester County Council

First Reading: March 07, 2022
Second Reading: April 04, 2022
Public Hearing: April 04, 2022
Third Reading: April 18, 2022

ATTEST:


Tracey L. Langley, Clerk of Council