

Chapter 11

NUISANCES*

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ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance means any act of any person or corporation whereby the health or life of any individual may be endangered, injured, or impaired, or which causes any disease.

(Code 1979, § 10-301)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Reserved.

Editor's note—Ord. No. 09-12-05RO, adopted Sept. 12, 2005, repealed § 11-2 in its entirety. Former § 11-2 pertained to abatement and derived from Code 1979, § 10-302.

Sec. 11-3. Refusal to abate.

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

(Code 1979, § 10-303)

Secs. 11-4—11-20. Reserved.

ARTICLE II. WEEDS AND TRASH*

Sec. 11-21. Reserved.

Editor's note—Ord. No. 09-12-05RO, adopted Sept. 12, 2005, repealed § 11-21 in its entirety. Former § 11-21 pertained to accumulation of matter prohibited and derived from Ord. of June 22, 1981.

Sec. 11-22. Abatement—Notice issued.

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

(Ord. of 6-22-81; Ord. No. 95-11-13-AN, 11-13-95)

***Cross references**—Buildings and building regulations generally, Ch. 4; solid waste generally, Ch. 14.

State law reference—Municipality may provide property owners to keep property clean and free of unhealthy material, S.C. Code 1976, § 5-7-80; noxious weeds and plants as determined by the agriculture commissioner, S.C. Code Reg. 5-584.

Sec. 11-23. Reserved.

Editor's note—Ord. No. 09-12-05RO, adopted Sept. 12, 2005, repealed § 11-23 in its entirety. Former § 11-23 pertained to abatement—appeal and derived from Ord. of June 22, 1981; Ord. No. 95-11-13-A, adopted Nov. 13, 1995; and Ord. No. 07-2-00AZ, adopted June 10, 2000.

Sec. 11-24. Same—Assessed as tax.

Should any property owner fail to keep such property cleared, the town may cause the property to be kept cleared and in a sanitary condition for health purposes or cleared for fire protection. The cost of keeping such property cleared shall be an assessment against the property owner, and the expense shall be added to the annual tax levied and shall be collected by the town in the same manner as the annual property tax.

(Ord. of 6-22-81)

Sec. 11-25. Dumping or leaving on private property.

It shall be unlawful for any person, without written permission, to dump or leave trash, refuse, or garbage on property belonging to another in the town.

(Code 1979, § 10-408)

Sec. 11-26. Weed control.

Intent: It is not the intent of this section to create a hardship on persons or entities whose property is planted with typical lawn type grasses and is normally maintained adequately. At times of rapid growth, many grasses may produce "chicken feet" or seed pods that may exceed the maximum legal height in less than two weeks.

- (1) It shall be the duty of every owner, tenant or person in charge for any real property located within the town to at all times cut and mow the grass, weeds and undergrowth on his lot and in the space between the property line and the curb line in the front, in the rear and alongside thereof, so that neither the grass, weeds nor undergrowth shall grow to a height greater than 18 inches, other than trees, shrubbery, flowers or other ornamental plants. The duty to cut and mow grass, weeds and undergrowth shall not apply to the following:
 - a. Land which is being tilled and farmed on an annual basis.
 - b. Undeveloped woodlands in a natural state, except for lots which have been cut within the last three years after receiving notice from the building official or police department.
 - c. Vacant lots within a subdivision, except when such properties abut residence or public rights-of-way, a minimum 40-foot strip shall be cleared and maintained from the adjoining residence or edge of paved road. Where such clearing of the 40-foot strip results in more than 50 percent of the lot being cut, then the entire lot shall be required to be cut.

- d. *Rough areas.* Rough areas include areas of extreme grade, creek banks or gulleys that cannot be safely maintained without specialized equipment.
- e. Elderly or disabled residents, at their legal residence who may apply to council for a temporary waiver of this section until suitable arrangements for compliance have been secured.

- (2) Whenever any weeds, undergrowth or vines grow to such density as to constitute a haven for rats, snakes or other vermin on any real property within the town and become a menace to public health or the neighborhood, the owner, tenant, or person in charge of such property shall remove such growth upon being notified by the building official or his representative, or a police officer.

(Ord. No. 09-12-05NA, 9-12-05)

Sec. 11-27. Accumulations prohibited and declared a nuisance.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a vehicle that:

- (1) Is not operable,
- (2) Does not display a lawful and/or current license tag, and
- (3) Does not have current liability insurance thereon.

This section excludes bona fide classic automobiles currently undergoing restoration and are covered with a factory made automobile cover. (Reference section 16-35.)

Burned building means a building that has been fully or partly burned and left open and is a safety hazard to the general public and unsightly to the neighborhood.

(b) It shall be unlawful for the owner, tenant or person in charge of any real property in the town to permit or cause the accumulation or presence of any rubbish, rubble, trash, litter, bricks, concrete, scrap lumber, building debris, refrigerators, offal, stagnant water, washing machines, clothes dryers, stoves, abandoned motor vehicles, torn down or burned building or other matter deleterious to good health and public sanitation. Any such accumulations or presence of such material is hereby declared to be a nuisance.

(Ord. No. 09-12-05NA, 9-12-05)

Sec. 11-28. Notice to abate nuisance.

(a) It shall be the duty of the building official or police department to serve or cause to be served a "courtesy warning citation" upon the owner, tenant or person in charge of any premises on which weeds, grass and undergrowth, other than trees, shrubbery, flowers or other ornamental plants, are permitted to grow to a height exceeding 18 inches and also upon the owner, tenant or person in charge of property on which there is an accumulation or presence of rubbish, rubble, trash, litter, bricks, concrete, scrap lumber, building debris,

refrigerators, offal, stagnant water, washing machines, clothes dryers, stoves, abandoned motor vehicles, torn down or burned buildings or other matter deleterious to good health and public sanitation. Such notice shall allow the owner, tenant, or person in charge of the premises a minimum of 14 days in which to remove or have removed the violations. If the owner, tenant, or person in charge cannot be located to be served personally, service shall be made by posting a copy of the summons on the subject property and mailing a copy to the person at the address on the town's property tax records.

(b) If such owner, tenant, or person in charge of the premises has been previously served a "courtesy warning citation" for nuisance abatement for the same property during the same calendar year, then such owner, tenant, or person in charge of the premises shall be issued a "town ordinance citation".

(c) A "courtesy warning citation" provides a minimum of fourteen days notice and also, requires that the owner, tenant, or person in charge of the property must appear in person for a hearing before the building official or police chief or designee at the time and date as prescribed in the "courtesy warning citation". At this hearing the owner, tenant, or person in charge of the property must present proof that the nuisance has been abated. Failure to appear at this hearing will result in the owner, tenant, or person in charge of the property being served a "town ordinance citation" to appear in the Central Municipal Court at Central Town Hall.

(d) After hearing the owner, tenant, or person in charge of the property, the building official or police department may revise, modify or abandon the proposed action.
(Ord. No. 09-12-05NA, 9-12-05)

Sec. 11-29. Failure to comply with notice.

If the owner, tenant or person in charge of any real property fails to comply with the "courtesy warning citation", the building official or police department shall serve or cause to be served a "town ordinance citation" to appear in the Central Municipal Court at Central Town Hall. If the owner, tenant, or person in charge of any real property does not abate the nuisance after receiving the "town ordinance citation", the town may institute proceedings to have a private contractor remove the nuisance and/or have the municipal court enforce the penalties and recover costs expected for violations.

(Ord. No. 09-12-05NA, 9-12-05)

Sec. 11-30. Penalty for failure to abate nuisance.

(a) After failure of the owner, tenant or person in charge of any real property to abate any specified nuisance after notification by the building official or police department, it shall be the duty of the building official or police department to initiate proceedings in municipal court against the owner, occupant, tenant or person in charge of any real property. Upon conviction of a violation such owner, tenant or person shall be punished by a fine of not more than \$500.00 (plus any cost that may have been expended to correct the nuisance) and/or 30 days in jail.

(b) Each and every 14-day period following the initial "courtesy warning citation" which any owner, tenant, or person in charge of any real property in the town permits a violation to continue to exist shall constitute a separate offense.

(Ord. No. 09-12-05NA, 9-12-05)

Sec. 11-31. Correction by town costs.

(a) In addition to the penalties in section 11-30, when an owner, tenant, or person in charge of any real property fails to comply with the "town ordinance citation" notice and conditions of this article, the town, acting by and through the building official or police department, may provide for the removal of conditions that constitute a violation by a private contractor. The contractor shall be licensed and provide proof of insurance.

(b) The total amount of the cost thereof, including a fee of \$30.00 shall be charged to the owner, and may be recovered in municipal court, unless the property owner elects to have the town clean the lot and have the bill sent to him.

(Ord. No. 09-12-05NA, 9-12-05)

Secs. 11-32—11-40. Reserved.

ARTICLE III. NOISE*

Sec. 11-41. Loud or disturbing prohibited.

The creation and continuation of any loud, disturbing, and unnecessary noises is hereby prohibited. It shall be unlawful for any person to cause, make, or contribute to creating any

***Cross references**—Unlawful noises by animals, § 3-28(4); regulation of musical devices, §§ 9-1—9-3.

loud or disturbing noise of such character, intensity, or duration as to be detrimental to the life or health of any citizen. The acts described in this article, among others, are declared to be loud, disturbing, annoying, and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive.

(Code 1979, § 11-412)

Sec. 11-42. Blowing horns.

The sounding or blowing of any horn or signal device or any automobile, motorcycle, motorbus, or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control or is in motion; the creation by means of any signal device of any loud or harsh noise; and the sounding of such device for any unnecessary period of time shall be prohibited.

(Code 1979, § 11-412(a))

Sec. 11-43. Radios, phonographs, televisions, etc.

The playing of any radio, phonograph, piccolo, television, or any musical instrument in such a manner or with such volume as to annoy or disturb any person; or the playing of such instrument in such manner as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other residence is unlawful.

(Code 1979, § 11-412(b))

Sec. 11-44. Pets.

The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity is prohibited.

(Code 1979, § 11-412(c))

Sec. 11-45. Use of vehicle.

The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or used or repaired in such a manner as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting, or other disturbing noises is prohibited.

(Code 1979, § 11-412(d))

Sec. 11-46. Blowing whistles.

The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger is unlawful.

(Code 1979, § 11-412(e))

Sec. 11-47. Exhaust discharge.

To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motorboat engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is prohibited.

(Code 1979, § 11-412(f))

Sec. 11-48. Devices using compressed air.

The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced, is prohibited.

(Code 1979, § 11-412(g))

Sec. 11-49. Building operations.

The erection, including excavation, demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the chief of police, is prohibited.

(Code 1979, § 11-412(h))

Sec. 11-50. Near schools, churches, etc.

The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court while the same is in session; or adjacent to any church during church services, which interferes with the work or worship in any such place or institution, provided that signs must be displayed in such streets indicating that the place or institution is a school, church, library, or court is prohibited.

(Code 1979, § 11-412(i))

Sec. 11-51. Loading and unloading operations.

The creation of loud and excessive noises in connection with loading or unloading any vehicle; or opening and destroying bales, boxes, crates, and containers is forbidden.

(Code 1979, § 11-412(j))

Sec. 11-52. Bells or gongs.

The sounding of any bell or gong, attached to any building or premises which disturbs the quiet or repose of any person in the vicinity thereof is prohibited.

(Code 1979, § 11-412(k))

Sec. 11-53. Hawking, peddling, or soliciting.

Shouting, loud talking, crying, or soliciting by peddlers, hawkers, solicitors, and vendors, which disturbs the quiet and peace of the neighborhood, or any person therein, is forbidden.

(Code 1979, § 11-412(l))

Cross reference—Licenses and business regulations generally, Ch. 9.

Sec. 11-54. To attract attention.

The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention to any performance or event, show, sale, or the display or advertisement of merchandise by the creation of noise is prohibited.

(Code 1979, § 11-412(m))

Sec. 11-55. Loudspeakers or amplifiers on vehicles.

The use of any mechanical loudspeakers or amplifiers on trucks, airplanes, or other vehicles for advertising or other purposes, except by special permission of the mayor, is prohibited.
(Code 1979, § 11-412(n))

Cross reference—Traffic and motor vehicles generally, Ch. 16.

Sec. 11-56. Business noises at night near residences.

The operation of any garage, filling station, auto repair business, taxicab business, plant, store, factory, or other place of business, between the hours of 8:00 p.m. and 7:00 a.m., in such a manner as to create loud and disturbing noises of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace, or repose of any person in any dwelling, hotel, boardinghouse, or other type of residence is prohibited.
(Code 1979, § 11-412(o))

Secs. 11-57—11-75. Reserved.

ARTICLE IV. JUNKYARDS*

Sec. 11-76. Prohibited.

No junkyard, whether for automobiles, machinery, or other junk equipment shall be operated, and no license shall be issued for such a business, provided this section shall not apply to junk dealers who maintain their businesses in a completely enclosed building.
(Code 1979, § 11-514)

Secs. 11-77—11-85. Reserved.

ARTICLE V. LOITERING

Sec. 11-86. Loitering for the purpose of drug-related activity.

(a) *Prohibited.* It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place, in a manner and under circumstances, manifesting the purpose to engage in drug-related activity contrary to any of the provisions of S.C. Code 1976, title 44, chapter 53, article 3, as amended.

***Cross references**—Licenses and business regulations generally, Ch. 9; solid waste generally, Ch. 14; traffic and motor vehicles generally, Ch. 16.

State law reference—Similar provisions, S.C. Code 1976, § 57-27-10 et seq.

(b) *Determination.* Among the circumstances which may be considered in determining whether such purpose is "manifested" are:

- (1) Such person is a known unlawful drug user, possessor or seller. For the purpose of this section, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in S.C. Code 1976, title 44, chapter 53, article 3, as amended, or such person has been convicted of any violations of any of the provisions of that law or substantially similar laws of the city, or a person who displays physical characteristics of drug intoxication or usage, including, but not limited to, dilated pupils, glassy eyes, slurred speech, loss of coordination or motor skills, or a person who possesses drug paraphernalia as defined in S.C. Code, § 44-53-110.
- (2) Such person has been given due notice, either verbal or written on any occasion prior to any arrest, within one block of the area where the arrest occurred, or such person is currently subject to an order or term of probation prohibiting his or her presence in a high drug activity geographic area.
- (3) Such person behaves in such a manner as to raise a reasonable suspicion that such person is engaging or is about to engage in an unlawful drug-related activity, either sale or purchase, including by way of example only, such person acting as a "lookout" or flagging down vehicles or pedestrians.
- (4) Such person is physically identified by the officer as a member of a gang or association which has as its principal purpose illegal drug activity.
- (5) Such person transfers small objects or packages for currency or any other thing of value in a furtive fashion which would lead the officer to believe or ascertain that a drug sale has or is about to occur.
- (6) Such person takes flight upon the appearance of a police officer.
- (7) Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity.
- (8) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
- (9) Any vehicle involved is registered to a known unlawful drug user, possessor, seller or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(c) *Penalty.* Any person who violates the provision of this section is guilty of a misdemeanor and upon conviction shall be imprisoned for up to 30 days or be subject to a fine of not more than \$500.00 or both.

(Ord. No. 96-06-10-LDR, 6-10-96)

Sec. 11-87. Possession of drug paraphernalia.*(a) Definition.*

Paraphernalia means an instrument, device, article, or contrivance used, designed for use or intended for use in ingesting, smoking, administering or preparing marijuana, hashish, hashish oil, cocaine, crack cocaine, heroin, morphine, amphetamines, methamphetamines, or any other controlled substance and shall not include cigarette papers and tobacco pipes unless in proximity or in direct location of drugs, but shall include, but not be limited to the following:

- (1) Metal, wooded, acrylic, glass, stone, plastic, or ceramic crack, marijuana or hashish pipes with or without screens, hashish heads or punctured metal bowls;
- (2) Water pipes designed for the use or intended for use with marijuana, hashish, hashish oil, heroin, crack cocaine, or cocaine;
- (3) Carburetion tubes and devices;
- (4) Smoking and carburetion masks;
- (5) Roach clips;
- (6) Separation gins designed for use or intending for use in cleaning marijuana;
- (7) Cocaine spoons and vials;
- (8) Chamber pipes;
- (9) Crack vials;
- (10) Carburetor pipes;
- (11) Electric pipes;
- (12) Air driven pipes;
- (13) Chillums;
- (14) Bonges;
- (15) Ice pipes or chillers;
- (16) Scales designed for use or intended for use in weighing controlled substances;
- (17) Any part of a hypodermic needle or syringe except as may be authorized by the laws of the state;
- (18) Plastic bottles with carburetion holes and/or punctured metal or foil bows;
- (19) Small plastic bags used for the sale and distribution of controlled substances.

(b) Prohibition.

- (1) It shall be unlawful for any person to advertise for sale, manufacture, possess, sell, or deliver, or to possess with intent to deliver, or sell paraphernalia.

- (2) In determining whether an object is paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. The proximity of the object to controlled substances;
 - c. The existence of any residue of controlled substances on the object;
 - d. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object as to a direct violation of law shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
 - e. Instructions, oral or written, provided with an object concerning its use;
 - f. Descriptive materials accompanying the object, which explain or depict its use;
 - g. National and local advertising concerning its use;
 - h. The manner in which the object is displayed for sale;
 - i. Whether the owner or anyone in control of the object is a legitimate supplier of like in related times to the community, such as a licensed distributor or dealer of tobacco products;
 - j. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
 - k. The existence and scope of legitimate use for the object in the community;
 - l. Expert testimony concerning its use.

(c) *Penalties.* Any person who violates the provisions of this section shall, in addition to any civil penalties which may be applicable under the laws of the state, upon conviction thereof, be fined not more than \$500.00, plus a state assessment fee, but not less than \$100.00, or imprisoned for no more than 30 days, but not less than ten days for both.

(Ord. No. 9-12-05DP, 9-12-05)

Sec. 11-88. Public drunkenness; influence of narcotics.

It shall be unlawful for any person to appear upon the streets of the town or any other public place in the town while drunk or under the influence of liquor, opiates, narcotics or any other drug or alcoholic beverage or while feigning to be drunk, intoxicated or under the influence of liquor, opiates, narcotics or any other alcoholic beverage or drug.

(Ord. No. 09-12-05PDIN, 9-12-05)

Sec. 11-89. Public drunk/disorderly conduct.

It shall be unlawful for anyone to appear or to be on the streets of the town in any public place in the town while under the influence of intoxicating beverage or drug or while conducting himself/herself in a disorderly manner or feigning to be drunk, intoxicated or under the influence of liquor, opiates, narcotics or any other alcoholic beverage or drug.

(Ord. No. 09-12-05PDDC, 9-12-05)

Sec. 11-90. Excessive acceleration/de-acceleration of a motor vehicle.

No person shall start/stop a motor vehicle using excessive acceleration/de-acceleration creating loud noises or spinning/sliding of tires and shall, at all times, keep such motor vehicle under proper control within the limits of the town.

(Ord. No. 09-12-05AD, 9-12-05)

Sec. 11-91. Disturbing the peace.

It shall be unlawful for any person to engage in any malicious mischief or boisterous, tumultuous, disorderly, indecent, immoral, or riotous conduct of any kind, or do any act or thing which creates any disturbance within the town, or which disturbs the peace, good order, quiet, or tranquility of said town.

(Ord. No. 09-12-05DTP, 9-12-05)

Sec. 11-92. Fighting.

It shall be unlawful for any person to engage in, aid, abet, or encourage in any fight within the limits of the town.

(Ord. No. 09-12-05F, 9-12-05)