

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )  
 )  
CITY OF TEGA CAY )

ORDINANCE 477

**AN ORDINANCE ADOPTING THE 2012 INTERNATIONAL MAINTENANCE CODE**

**WHEREAS**, the City of Tega Cay is primarily a residential community that prides itself on its unique charms and beautiful streetscapes; and

**WHEREAS**, it is in the best interest of the city to protect the property values and while at the same time protecting the health, safety and welfare of its citizenry; and

**WHEREAS**, the City seeks to regulate and govern the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and

**WHEREAS**, the City of Tega Cay may deem it necessary for some buildings and structures to be condemned and unfit for human occupancy and use, and the demolition of such existing structures may be necessary within its jurisdictional limits.

**NOW, THEREFORE, BE IT ORDAINED**, that the City Council of the City of Tega Cay hereby adopts and enacts the 2012 edition of the International Property Maintenance Code that shall become effective upon the passage of the second reading of this ordinance.

**SECTION 1.** That a certain document, three (3) copies of which are on file in City Hall, being marked and designated as the *International Property Maintenance Code*, 2012 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Tega Cay, in the State of South Carolina for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the offices of the City of Tega Cay are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2.** The following sections of the code are hereby revised:

- 1) *Section 101.1* shall be amended to: These regulations shall be known as the

International Property Maintenance Code of the City of Tega Cay, hereinafter referred to as "this code";

- 2) *Section 103.5* shall be amended to: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in an appropriate fee schedule that shall be established by City Council with the passage of the annual budget, which may be changed from time to time;
- 3) *Section 107.1* shall be amended to: In the event that a property owner is deemed to be a repeat and habitual offender, the Zoning Administrator may immediately issue a citation and cause such owner to correct the violation or show cause in the Municipal Court.
- 4) *Section 112.4* shall be amended to: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the minimum amount as allowed by State Law or more than the maximum allowed by State Law;
- 5) *Section 302.4* shall be amended to: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens;
- 6) *Section 304.14* shall be amended to: During the period from April 1<sup>st</sup> of each year to October 31<sup>st</sup> of each year every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum sixteen (16) mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition;
- 7) *Section 602.3* shall be amended to: Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 31<sup>st</sup> of each year to May 1<sup>st</sup> of each year to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.
- 8) *Section 602.4* shall be amended to: Indoor occupiable work spaces shall be supplied with heat during the period from October 31<sup>st</sup> of each year to May 1<sup>st</sup> of each year to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

**SECTION 3.** The International Property Maintenance Code adopted herein is amended by adding the following chapter:

*Chapter 9: Maintenance of Vacant and Boarded Structures*

**901.1** *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.

**901.2 *Enforcement and Remedies for Violation.*** A structure that is boarded or vacant in violation of this chapter 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 Tega Cay 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.

**901.3 *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.

**901.3.1 *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.

**901.3.2 *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.

**901.3.3 *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:

- a) Maintenance of landscaping and plant material in good condition.
- b) Maintenance of the exterior of the structure including but not limited to paint and finishes in good condition.
- c) Prompt and regular removal of all exterior trash, debris and graffiti.
- d) Maintenance of the structure in continuing compliance with all applicable codes and regulations.
- e) 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.

**901.3.4 *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.

**901.4 *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 901.3.

**901.5 *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 901.6. 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 901.3.*

**901.6 *Standards for Boarding a Vacant Structure.*** The boarding of a vacant structure shall be according to the specifications approved by the code official.

**901.6.1 *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.

**901.7 *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.

**901.7.1 *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 Tega Cay Police Department authorizing the department to enforce no trespassing on the premises.

**901.8 *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.

**901.9 *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.

**SECTION 4. *Constitutionality.*** That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Tega Cay hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 5.** That nothing in this legislation or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

**SECTION 6.** That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect at the date and time of its final passage and adoption.

**SECTION 7.** The International Property Maintenance Code, including state-adopted amendments and modifications, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina Department of Labor, Licensing and Regulation Building Codes Council, 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, including amendments and modifications and succeeding editions of this code or succeeding amendments or modifications to this code, shall become effective within the City of Tega Cay on the date specified as the effective date by the State of South Carolina. Prior to such effective date, the existing code standard, as applicable, 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 maybe cited as “the property maintenance code”.

**FIRST READING: October 20, 2014**

**SECOND READING: November 17, 2014**

*Enacted this 17<sup>th</sup> day of November 2014, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.*

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*[Signatures Page to Follow]*