



COUNTY OF LEXINGTON, SOUTH CAROLINA

ORDINANCE #12-02

AN ORDINANCE CREATING A PROPERTY MAINTENANCE ARTICLE

Pursuant to the authority granted by the Constitution of the State of South Carolina and General Assembly of the State of South Carolina, be it ordained and enacted by the Lexington County Council as follows:

Amendments to the Buildings and Building Regulations Chapter of the Lexington Code of Ordinances are to be considered that would create a Property Maintenance Ordinance.

[Add the following Article to *Chapter 14 - BUILDINGS AND BUILDING REGULATIONS*]

ARTICLE VII – PROPERTY MAINTENANCE

Section 14-651 – Intent

Section 14-652 – Standards

Section 14-653 – Scope of Regulations

Section 14-654 – Right of Entry

Section 14-655 – Penalty for Violation of this Article

Section 14-651 – Intent

The purpose of this Article is to protect and enhance the character, appearance, and image of Lexington County through appropriate maintenance of property and structures, with the additional benefit of protecting property values and improving the safety of its residents by averting the formation of objectionable and illicit activities in neighborhoods.

Section 14-652 – Standards

- (a) *Swimming Pools* – Swimming pools, spas, and similar structures above ground, on ground, or in ground, shall be maintained in a safe, clean, and sanitary condition, to prevent stagnant water, which is conducive to the harboring or breeding of mosquitoes or other insects.
- (b) *Grass, Weeds, and Uncultivated Vegetation* – Premises and exterior property in the immediate vicinity of structures shall be maintained free from excessive weeds and uncultivated vegetation. Grassed areas are also to be maintained and not allowed to grow uncontrolled to an average height of twelve (12) inches. These provisions do not apply to flower beds or gardens, vegetables, seasonal and ornamental grasses, wetlands, woodlands and forested areas, areas within fifteen (15) feet of a stream or

pond, and land actively cultivated in crop production or engaged in farming or animal husbandry. These requirements are to be monitored most closely in higher density residential neighborhoods, but also apply to non-residential property.

- (c) *Portable Storage Units* – Structures and containers used for temporary storage shall be used only in a transitory manner if they are visible from the adjoining property or public roadway. It shall be unlawful for any person or entity to place, permit the placement of, or allow a Portable Storage Unit to remain on a parcel in this manner in excess of sixty (60) days in any calendar year. These Storage Units shall be no larger than eight feet high by eight feet wide by sixteen feet long and shall not be considered an accessory structure. Dumpsters used for the collection of construction debris and storage units used by homebuilders and contractors as part of a construction project are not considered Portable Storage Units in the context of this paragraph. The owner and/or occupant of any parcel on which a Portable Storage Unit is placed shall be responsible for ensuring that the Unit is maintained in good condition – free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, holes, or breaks.

- (d) *Structural Disrepair and Maintenance* – Structures shall be maintained so that they are structurally sound and in a safe condition. They shall also be kept from deteriorating to a condition of disrepair and abandoned appearance. Vacant properties are to be maintained as if occupied. Once any needed insurance and/or arson investigations have been completed on a structure, it shall either be razed or be part of a rebuilding process within four (4) months.

Section 14-652(d) above could be deleted completely because there is already a portion of Chapter 14 devoted to “Unsafe Buildings.” However, that Section may need updating to add some definitions and, if desired, expand the scope to include structural disrepair and maintenance.

Section 14-653 – Scope of Regulations

The provisions of this Article shall only apply where the 2010 Census dwelling unit density of an entire Census Tract is greater than 85 units per square mile, or where the dwelling unit density of an entire Census Block Group is greater than 135 units per square mile. In those identified Census Tracts and Block Groups the requirements of this Article shall apply in the following manner:

- (a) To all non residential properties, and
- (b) To all residential properties where the 2010 Census Block dwelling unit density is greater than 180 units per square mile. Because Census topology follows roads instead of property lines, where a portion of a neighborhood or subdivision meets this density threshold, the provisions of this Article shall apply to the entire neighborhood or subdivision.

Section 14-655 – Penalty for Violation of this Article

The violation of any section of this Article shall constitute a misdemeanor. Any person, firm, or corporation who violates this Article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than the maximum allowable penalty within the jurisdiction of the Magistrate’s Court.

This Ordinance shall take effect _____, 2012.

Enacted the _____ day of _____, 2012

William B. Banning, Sr., Chairman

ATTEST:

Diana W. Burnett, Clerk

First Reading: _____
Public Hearing: _____
Second Reading: _____
Third & Final Reading: _____
Filed w/Clerk of Court: _____