

AN ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NO. 4801, RELATING TO THE PROPERTY MAINTENANCE CODE OF THE COUNTY OF GREENVILLE TO REVISE SECTION 106 “VIOLATIONS” TO PROVIDE THAT VIOLATIONS OF THE PROPERTY MAINTENANCE CODE ARE CIVIL INFRACTIONS, AND TO PROVIDE THE PROCESS FOR ADJUDICATION OF VIOLATIONS.

BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Section 106 of the Property Maintenance Code of the County of Greenville SC, hereinafter referred to as “this code,” is hereby amended as follows:

“Section 106 Violations:

106.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 ~~Prosecution of Violation~~ Civil Citation. A person who fails to bring the property into compliance as specified in the Notice of Violation may be issued a civil citation by the codes official. The civil citation shall include the name and address of the violator, the nature of the violation, the location and time the violation occurred, and the amount of the civil penalty assessed. The accused may pay the penalty or elect to have a trial before the magistrate by giving written notice to the codes official within 10 days of receipt of the citation of his intention to stand trial. If the accused fails to file notice of his intention to stand trial for the violation and fails to pay the penalty for the violation within 30 days after receipt of the citation, the codes official shall request adjudication of the case through magistrate’s court. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor as determined by the local jurisdiction. A person who is adjudicated to be in violation of a notice of violation served in accordance with Section 107 shall pay a civil penalty as prescribed in Section 106.4. If the notice of violation is not complied with, the code official shall may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected in the same manner as County taxes are collected.

106.4: Violation Penalties. ~~Any person, firm, corporation or agent, who shall violate the provisions of this ordinance or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, or continued.~~

Any person found to be in violation of this code shall be fined, by civil penalty, an amount not more than two hundred dollars for a first offense violation. Before being charged with a second violation, the person must be given seven calendar days to remedy the violation.

(2) A person found to be in violation of this code may be fined a civil penalty of not more than two thousand dollars per violation for a second or subsequent offense. Each day a violation continues constitutes a separate offense.

(3) If a violator fails to pay the civil penalty after adjudication, the magistrate may treat the failure as contempt of court.

(4) Adjudication of a violation of this code is not a criminal conviction.

106.5 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises.”

Section 2. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ATTEST:

Regina McCaskill
Clerk to Council

Herman G. Kirven, Jr., Chairman
Greenville County Council

Joseph M. Kernell
County Administrator