COMMITTEE REPORT

March 21, 2018

**H. 3896**

Introduced by Reps. Duckworth, Kirby, Johnson, Hardee, Hosey, Crosby, Arrington, Daning, V.S. Moss, Elliott, Bales, Bannister, Bennett, Dillard, Hamilton, G.R. Smith, Willis, Murphy, Stavrinakis, McCoy, McGinnis, Hewitt, Jefferson, Williams and McEachern

S. Printed 3/21/18--H.

Read the first time March 7, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3896) to amend Section 4‑9‑30, as amended, Code of Laws of South Carolina, 1976, relating to powers of a county government, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the amending words and inserting:

/ SECTION 1. Section 4‑9‑30 of the 1976 Code is amended by adding at the end:

“(18)(a) to provide by ordinance that the owner of a lot or property in the county, whether residential or commercial, shall keep that lot or property clean and free of rubbish, debris, and other unhealthy conditions that constitute a public nuisance; however,

(i) land zoned for farming and agriculture, land used for the production of food, fiber, or other agricultural products, and archaeological resources to include artifacts, relics, burial objects, property designated as historically significant, or material remains of past human life specifically are excluded from an ordinance enacted pursuant to this item; and

(ii) an ordinance enacted pursuant to this item must not be solely for aesthetic purposes; and

(b) to provide by ordinance for notification from the designated county official to the owner of conditions needing correction; provide for a hearing before a hearing officer as designated in the ordinance, that hearing to determine if the owner needs to take action to correct the conditions; provide that the property owner may appeal the order to the county council within sixty days of the order; provide that the property owner may appeal to the administrative law court within thirty days of a final county council determination; provide that the property owner may appeal a final determination of the administrative law court to the circuit court to conduct a trial de novo within fifteen days of the final determination of the administrative law court; provide the terms and conditions under which an employee of the county or a person employed for that purpose may go on the property to correct the conditions after all appeals are exhausted or in the absence of any appeals provided in this section; and provide that not more than the actual cost of correcting the conditions becomes a lien upon the real estate and is collectable as a county tax.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 4‑9‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS OF A COUNTY GOVERNMENT, SO AS TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ADOPT BY ORDINANCE THE REQUIREMENT THAT A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER SHALL KEEP A LOT OR OTHER PROPERTY CLEAN AND FREE OF RUBBISH AND TO PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 4‑9‑30 of the 1976 Code, as last amended by Act 113 of 1999, is further amended by adding at the end:

“(18)(a) to provide by ordinance that the owner of any lot or property in the county, whether residential or commercial, shall keep that lot or property clean and free of rubbish, debris, and other unhealthy and unsightly material or conditions that constitute a public nuisance; and

(b) to provide by ordinance for notification to the owner of conditions needing correction, require that the owner take action as necessary to correct the conditions, provide the terms and conditions under which an employee of the county or a person employed for that purpose may go on the property to correct the conditions, and provide that not more than the actual cost of such becomes a lien upon the real estate and is collectable as a county tax.”

SECTION 2. This act takes effect upon approval by the Governor.

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