COMMITTEE REPORT

March 14, 2018

**S. 833**

Introduced by Senator Goldfinch

S. Printed 3/14/18--S. [SEC 3/15/18 1:06 PM]

Read the first time January 9, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 833) 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, 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, page 1, by striking lines 30 through 35, in Section 4-9-30(18)(a), as contained in SECTION 1, and inserting therein the following:

/ unhealthy conditions that constitute a public nuisance; however:

(i) farmland, land used for the production of food, fiber, or other agricultural products, and archaeological resources to include artifacts, relics, burial objects, or material remains of past human life or activities are specifically 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 /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced January 9, 2018**

**Local Expenditure**

This bill amends current law by adding that county governments are authorized to adopt ordinances stating that owners 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 and unsightly material or conditions that constitute a public nuisance. Exemptions to this ordinance would include farmland, land used for the production of food, fiber, or other agricultural products, and archaeological resources to include artifacts, relics, burial objects, or material remains of past human life.

In addition, this bill authorizes county governments to provide by ordinance notification to the owner of conditions on a lot or property that need correction and require that the owner take action as necessary to correct the conditions. This bill also allows counties by ordinance to 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 of a lot or property and provide that not more than the actual cost of these corrections becomes a lien upon the real estate and is collectable as a county tax.

The Revenue and Fiscal Affairs Office (RFA) contacted twenty three counties regarding the expenditure impact of this bill. Horry County indicates that tasks assigned to the county by this bill can be absorbed within existing resources, and there will be no expenditure impact. No other county responses were received. While RFA only received one response, we expect that implementing this bill will not have a significant net impact on county budgets, and any expenses for clean-up can be recovered from the property owner.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**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, TO PROVIDE A PROCEDURE FOR ENFORCEMENT OF THE ORDINANCE, AND TO PROVIDE EXEMPTIONS.

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 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 and unsightly material, or conditions that constitute a public nuisance; however, farmland, land used for the production of food, fiber, or other agricultural products, and archaeological resources to include artifacts, relics, burial objects, or material remains of past human life or activities are specifically excluded from an ordinance enacted pursuant to this item; 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 these corrections 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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