

CHAPTER 6

HEALTH AND SANITATION

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Article I

Nuisance Abatement

§ 6-101. *Unhealthy, unsightly, or noxious condition; nuisance.*

It shall be unlawful for any person to allow property under his ownership or control to be kept in an unhealthy, unsightly, or noxious condition by reason of the existence thereon of rubbish, debris, vegetation, weeds, water, foul or noxious effluvia, structural material, equipment, vehicle, or any other substance; and such unhealthy or unsightly condition constitutes a public nuisance. Conditions which constitute a public nuisance include, but are not limited to, the following:

1. Deposit of trash, garbage, waste, or debris on private or public property in other than approved disposal containers;
2. Accumulation of water in which mosquitoes may breed;
3. Growth of vegetation or accumulation of materials which provide a harbor or breeding place for rodents or other pests;
4. Growth of noxious weeds or growth of weeds or underbrush in excess of one foot in height on vacant or improved property;
5. Growth of vegetation, other than lawn grass, in the area between a sidewalk and street curb;
6. Growth of vegetation in excess of three feet in height within ten feet of a street intersection;
7. Growth of vegetation encroaching upon adjoining property, a sidewalk or street which interferes with pedestrian or vehicular travel;
8. A dilapidated structure which is unfit for habitation, or which provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance use or sale;
9. Unauthorized production, transportation, storage, or discharge of fumes, dust, smoke, noise, chemicals, toxic materials, waste, or other materials which pose a threat to public health or safety;
10. Any condition which is conducive to the transmission of communicable disease or which increases the hazard of fire;
11. A junked or abandoned, unlicensed, inoperable, and unsecured motor vehicle which provides a harbor or breeding place for insects or rodents; or
12. A dilapidated fence adjacent to a street or alley.
13. Unkept portable toilets during construction or otherwise.

§ 6-102. *Notice and hearing on abatement of nuisance.*

a. The clerk-treasurer or enforcement official designated by council shall serve written notice by certified mail upon the owner, or his agent, and the occupant of property upon which conditions exist in violation of this article requiring that the conditions be corrected or removed within fifteen (15) days.

b. The notice shall state that, upon written request received prior to the expiration of fifteen (15) days, the clerk-treasurer or designated enforcement official will conduct a hearing at which the requesting party may appear or be represented for the purpose of determining the applicability of this article to the property.

c. After the hearing the clerk-treasurer or designated enforcement official shall issue a written order containing findings and conclusions, and specifying a time in which any corrective action must be taken, which shall be served by certified mail upon the party requesting the hearing.

§ 6-103. *Failure to abate unlawful.*

It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. The clerk-treasurer or designated enforcement official may issue an ordinance summons or seek an arrest warrant for violation of this article.

§ 6-104 *Abatement; lien.*

Upon failure of the responsible party to abate a nuisance as required by notice or order, the clerk-treasurer or designated enforcement official may go onto the property and correct or remove the conditions constituting a nuisance. The costs of abatement shall be a lien on the property and shall be assessed against the property owner and collected in the same manner as property taxes.

(State law reference: S. C. Code 1976, §§ 5-7-30, 5-7-80)

Article II
Animals and Fowl

§ 6-201. *Animals and fowl prohibited.*

It shall be unlawful for any person to keep hogs, pigs, cows, horses, goats, sheep or chickens within the town.

§ 6-202. *Intergovernmental agreement for animal control.*

Animal control within the town is provided by Richland County pursuant to an intergovernmental service contract which provides that the town will adopt an ordinance compatible with county animal control regulations. The following sections in this article are adopted to conform to county regulations in effect in 2003, Richland County Code § 5-1 through § 5-15.

§ 6-203. *Definitions.*

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal care officer shall mean any person employed by the county to enforce the animal care program.

Animal care shelter shall mean the City of Columbia animal shelter.

At large shall mean a pet running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person keeping or harboring a pet.

Pet shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Under restraint shall mean a pet that is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of such owner or keeper by means of a leash or other similar restraining device.

§ 6-204. *County rabies vaccination tags.*

It shall be unlawful for the owner of any pet to fail to provide any pet over six (6) months of age with a current rabies vaccination tag, showing that such pet(s) have been vaccinated by a licensed veterinarian. Any pet owner who moves into the town for the purpose of establishing residency shall have thirty (30) days in which to obtain a current rabies vaccination tag or provide proof thereof.

§ 6-205:

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§ 6-206. *Dangerous or vicious animals.*

a. No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: [1] sides six (6) feet high, or [2] a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

b. For the purposes of this section a dangerous or vicious animal shall be defined to be any one of the following:

1. Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or
2. Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or
3. An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

c. Any animal which has been determined to be a dangerous or vicious animal may be impounded and may not be redeemed unless such redemption is authorized by the county animal care department.

§ 6-207. *Running at large; restraint.*

a. All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered.

b. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, or lure courses shall not be considered "at large."

§ 6-208. *Removal of excrement.*

The owner of every pet shall be responsible for the removal of any excretions deposited by his or her pet on public walks and ways, recreation areas, or private property other than that of the owner.

§ 6-209. Impounding.

a. Any animal found within the town in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The animal care department may, thereafter, humanely destroy impounded animals not redeemed within five (5) days.

b. The county may transfer title of all animals held at its shelter after the legal detention period has expired and its owner has not claimed the animal.

c. Immediately after impounding a pet wearing a rabies tag or a county license tag, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflecting its disposition.

d. Any animal found "at large" may be impounded by the animal care officer and may not be redeemed by its owner unless such redemption is authorized by the county animal care department, with assurance from the owner that proper care and custody will be maintained.

§ 6-210. Redemption.

a. The owner or keeper of any pet that has been impounded under the provisions of this article, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of a fee as follows:

1. For a pet which has been properly inoculated, licensed, and neutered or spayed, the fee shall be ten dollars (\$10.00).

2. For other pets the fee shall be ten dollars (\$10.00) plus the appropriate license fee, the charge for rabies inoculation and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted, and no pet will be released without proof of inoculation. The requirement of spaying or neutering may be waived if the owner meets the criteria under the exceptions provisions in § 6-205(a).

b. In addition to the redemption fee, an impound fee of twenty dollars (\$20.00) and a board fee of seven dollars (\$7.00) per day per pet shall be paid by the owner or keeper when a pet is redeemed.

c. The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

§ 6-211. Adoption.

a. Any animal impounded under the provisions of this article may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

b. Any animal surrendered to the shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

c. All adult pets adopted from the shelter shall be spayed or neutered, and inoculated against rabies.

d. Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

§ 6-212. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall notify the county animal care department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal shelter in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner cannot be contacted within five (5) hours. If the pet is in severe pain it may be destroyed immediately.

§ 6-213. Nuisance animals.

a. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

b. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

1. Failure to exercise sufficient restraint necessary to control an animal as required by § 6-207.

2. Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
3. Failure to maintain a dangerous animal in a manner other than that which is described in § 6-206.
4. Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.
5. Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.
6. Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
7. Maintaining an animal that is diseased and dangerous to the public health.
8. Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles or vehicles.

c. An animal that has been determined to be a habitual nuisance by the animal care department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

d. Every female animal in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

§ 6-214. *Abandonment.*

It shall be unlawful for any owner to abandon or otherwise fail to provide for the care or humane disposal of an animal in the town.

§ 6-215. *Interference with animal control officers.*

It shall be unlawful for any person to interfere with, hinder or molest an animal care officer in the performance of his or her duty or seek to release any pet in his or her custody without his or her consent.

§ 6-216. *Complainant's identification to remain confidential.*

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential to the agency receiving the report unless the complainant authorizes the release of his or her identity.

§ 6-217. *Sale of Pets.*

- a. No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.
- b. No person shall offer a pet as an inducement to purchase a product, commodity or service.
- c. No person shall sell, offer for sale or give away any pet under seven (7) weeks of age, except as surrender to a municipal or county animal shelter or to a licensed pet rescue organization.
- d. Licensed pet shops, commercial kennels, municipal or county animal shelters, and licensed pet rescue organizations are exempt from the requirements of this section.

Article III

Water and Sewer

§ 6-301. *Public water required.*

All residential and commercial structures occupied within the town shall be connected to the public water system. Private wells may only be used for animals and irrigation and/or hvac water source heat pump systems.

§ 6-302. *Drought response.*

The public water system in the town is owned and operated by the City of Columbia, and water service is subject to the authority of the Columbia City Manager to restrict use of water during a drought or other condition affecting the water supply pursuant to § 22-71 of the Columbia City Code. Water customers in the town are required to comply with conditions of water use imposed in accordance with the standards in that ordinance which are incorporated herein by reference. Application for variance shall be made to the Columbia City Manager. Failure to comply with those conditions communicated to the town by the Columbia City Manager constitutes a misdemeanor.

§ 6-303. *Public sewer required.*

All residential and commercial structures occupied within the town shall be connected to the public sewer system. It shall be unlawful to use an existing septic tank or to install a new septic tank within the town.

§ 6-304. *Existing septic tank declared a nuisance.*

It shall be unlawful for any person to maintain, possess or permit to continue any septic tank or septic tank system within the town. A septic tank is declared to be a health hazard and a public nuisance which shall be removed from service in accordance with DHEC regulations.

Article IV

Tree Regulations

§ 6-401. *Dead or partially uprooted trees.*

No person owning any real property within the town shall permit to stand any tree that is dead or partially uprooted. Any such tree is declared to be a nuisance and detrimental to the health, safety, and comfort of the inhabitants of the municipality. The clerk-treasurer shall serve the owner of the tree with a notice, in writing, that the tree must be removed within five (5) days from service of the notice. Failure to comply with the notice is a misdemeanor. Each day of violation is a separate offense.

§ 6-402. *Permit required for tree removal.*

a. It shall be unlawful for any person to fell, injure, or destroy any living tree within the corporate limits which is twelve (12) inches or larger in diameter at a point thirty-six (36) inches from the ground without first obtaining a permit as provided in this article.

b. It shall be unlawful for any person to fell, injure, or destroy any living dogwood or other native flowering tree within the corporate limits which is three (3) inches or larger in diameter at a point thirty-six (36) inches from the ground without first obtaining a permit as provided in this article.

§ 6-403. *Petition for permit.*

A petition for a permit as required in § 6-402 shall be filed by the owner of the tree with the clerk-treasurer, who shall mark the petition with the date of receipt and filing. The petition will be in the form as provided by the clerk-treasurer. The petition must state the number, location and size of trees to be removed, the reason for removal, and specifications for proposed replacement trees, if any.

§ 6-404. *Action and report on petition.*

a. The clerk-treasurer shall promptly deliver the petition to the town council or its designated representative. Council or its representative shall promptly consider the petition and shall investigate all facts and circumstances relating to the proposed tree removal, conduct a hearing after ten day notice to the applicant, and promptly grant or deny the petition in writing. In the event of denial by council's representative, petitioner may request a hearing before council. At the hearing, council's representative shall report his findings and recommendations, and petitioner may make known the merits of his petition and rebut council's representative's report. Council shall thereafter render its final written decision on the petition.

b. Factors to be considered by council or its representative in acting on the petition shall include condition, location and size of trees to be removed; location of proposed improvements on the property; nature and location of remaining trees; impact of removal on the remainder of the property and on adjacent property; proposed replacement trees; zoning and character of the neighborhood; aesthetic impact; impact on development plans; and factors unique to the property.

§ 6-405. *New construction sites.*

No permit is required for the removal of trees within the actual location of a building for which a person holds a valid building permit as prescribed in Chapter 4.

Article V
Garbage and Refuse

§ 6-501. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Article:

"Construction Materials" means any material such as lumber, brick, plaster, gutters, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

"Garbage" means the by-product of animal or vegetable food-stuffs resulting from the handling, preparation, cooking and consumption of food, or other matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

"Trash" is dry solid waste matter.

"Refuse" is a collective term that encompasses all of the solid wastes for the community.

§ 6-502. Administration; fees.

- a. The town refuse service provider shall administer refuse removal by contract with customers pursuant to the terms of a franchise agreement granted by town council.
- b. The fees charged for residential and commercial garbage and trash collection shall be set forth in the franchise agreement approved by town council for refuse removal. Customer billing shall be the responsibility of the refuse service provider.

§ 6-503. Refuse containers; recycling containers.

- a. Refuse containers for residential and commercial uses must be securely covered metal or plastic containers of not more than 32 gallon capacity. All household garbage shall be placed in the refuse containers with the tops closed to prevent odor or spillage. Bulk containers for commercial refuse must be approved by the service provider. Open refuse areas or containers are prohibited.
- b. Materials to be recycled shall be placed in a location accessible for backyard pickup. Recycling bins shall be used for paper only. Other items such as tin or aluminum cans, plastic containers (rinsed out with tops off), and corrugated cardboard shall be placed in a bag beside the recycling bin. No glass will be collected for recycling.

§ 6-504. Residential collection.

The owner or occupant of property shall provide at least one (1) approved container for each single-family dwelling. It shall be unlawful for any person to remove, damage or interfere with access to a refuse container, or to scatter waste from a container.

§ 6-505. Commercial collection.

Commercial establishments shall utilize approved containers as necessary for the amount of solid waste generated. These containers will be positioned at the establishments so as to permit waste collection in the most expeditious manner.

§ 6-506. Special waste collection surcharge.

Any residential or commercial establishment requiring handling of special or prohibited waste shall be subject to a surcharge set by the refuse service provider.

§ 6-507. Condition of containers.

It shall be unlawful for any person to damage, destroy, deface or remove from the premises any refuse container. Markings and identification devices on the containers except as placed or specifically permitted by the town, are expressly prohibited and shall be regarded as damage to the containers. The occupant or residence owner shall keep refuse containers reasonably clean and free of water.

§ 6-508. Placement of garbage containers for collection.

It shall be the responsibility of the occupant or owner to place refuse in approved containers for collection at the time and in the manner as provided in this ordinance. All residential containers shall be kept in the rear of the residence, or on the side of the residence behind shrubbery or other suitable screening such that the container is not readily visible from the street. Containers must be accessible for collection. Containers in locked fences, enclosed areas not readily accessible, or in yards with vicious animals will not be emptied.

§ 6-509. Tree limbs, leaves, yard trash.

a. The property owner shall be responsible for removal and disposal of tree trunks, limbs, leaves and stumps cleared from the property within ten (10) days after cutting.

b. The property owner shall be responsible for removal and disposal of all debris from lot clearing and all debris from major lot cleaning resulting in waste of more than 165 gallons displacement per week.

c. All tree limbs, branches, underbrush, hedge trimmings, leaves, pine straw, grass and other yard waste resulting from normal yard maintenance shall be placed at the street curb for collection. Yard waste of size and weight that will fit in plastic trash bags must be secured in plastic bags or curbside containers. Tree branches to be collected shall be no greater than four inches in diameter and four feet in length. Special exceptions must be approved by the town service provider and will be subject to a surcharge set by the service provider.

d. Yard trash and garbage shall not be mixed in the same container.

§ 6-510. *Building materials, appliances, etc.*

A refuse container shall not be used as a depository for brick, blocks, rocks, ashes, acids or any other item destructive to the container from weight or corrosive action, or residue from residential or commercial construction. A contractor, carpenter, builder, or the property owner must remove all trash incident to construction or alteration at his own expense. Furniture, appliances, tires, stumps and single objects weighing more than 40 pounds will not be collected by the town service provider and shall not be placed on the street for pickup except at times specifically designated by written notice from the town. The town service provider may contract with an owner to remove such material at any time for a negotiated fee.

§ 6-511. *Extent of service.*

Garbage pickup, trash collection and recycling pickup shall each be provided once weekly when feasible.

§ 6-512. *Removal of dead animals.*

Dead animals shall not be placed in refuse containers. Owners of dead animals shall be responsible for their removal and disposal.

§ 6-513. *Hazardous waste.*

The owner shall be responsible for removal and disposal of hazardous materials or unidentified materials that may be hazardous. Common hazardous materials include, but are not limited to, used engine oil and filters, vehicle batteries, paint, acids, alkalis, solvents, pesticides, herbicides, infectious waste, poisons, explosives, gasoline, fuel oil, and other liquid petroleum products. The refuse service provider may collect paint cans that are completely dried out with lids off, and household chemical agent containers that have been triple rinsed and aerated. Approved hazardous materials may be disposed of by the owner in county collection facilities or by contract with the town refuse service provider.

§ 6-514. *Littering.*

It shall be unlawful for any person to deposit any confetti, paper, container, waste, or rubbish of any kind upon any sidewalk, street, park or public place, vehicle, or private premises in the town, except in designated litter receptacles.