

TRASH AND LITTER CONTROL ORDINANCE

(86/11)

Article 1. General Provisions

Section 1.1. Definitions

The following words and terms when used in this Chapter shall have the meaning respectively ascribed to them in this Section:

Bulk consists of bulky wastes, including appliances, furniture, and mattresses, large auto or boat parts and tires.

Container is a watertight receptacle made of metal, heavy-duty plastic, or material of similar strength with a tight-fitting cover for storage and disposal of solid waste.

Garbage consists of all perishable refuse, household rubbish, including paper, boxes, rags, plastic and cloth, glass, bottles, cans and any similar waste, and small dead animals.

Litter is any quantity of solid waste which is not properly disposed of.

Private Property includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

Public Property includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between sidewalk and street, lanes, alleys, public rights of way, public parking lots, school grounds, housing project grounds, vacant lots, parks, beaches, publicly-owned recreation facilities, waterways and bodies of water.

Solid Waste means garbage, refuse, litter, rubbish, or any materials resulting from industrial, commercial, agricultural or residential activities not disposable by means of a sewerage system operated in accordance with State regulations.

Trash consists of all ashes, yard rubbish, such as leaves, grass, bushes, vines, large pieces of metal, bricks, stones and dirt, trees and branches, and stumps.

Unsightly growth of property is any growth of grass, bushes, shrubs, trees, weeds, vines, leaves, etc. which will or is likely to constitute a nuisance or health hazard. This provision does not apply to any agricultural activity.

Section 1.2. Pedestrians and Motorists (Provisions in this Section are not intended to replace provisions of Section 16-11-700 of the Code of Laws of South Carolina, 1976, as amended, which Section is hereby incorporated by reference.)

(a) It shall be unlawful for any person to throw, discard, place or deposit solid waste in any manner or amount on any public or private property within Beaufort County except in containers or areas lawfully provided therefor.

(b) In the prosecution charging a violation of Subsection (a) from a motor vehicle, proof that the particular vehicle described in the Complaint was the origin of the solid waste, together with proof that the Defendant named in the Complaint was at the time of such violation the registered owner of said vehicle, shall constitute in evidence a presumption that the registered owner was the person who committed the violation.

(c) It shall be the duty of every person distributing commercial handbills, leaflets, posters, flyers or any other advertising and information material to take whatever measures may be necessary to keep such materials from littering public or private property.

(d) To help prevent or reduce litter by pedestrians, motorists and property owners, such publicly patronized or used establishments and institutions as may be designated by Beaufort County shall provide, regularly empty, and maintain in good condition adequate containers that meet standards prescribed by this Ordinance. This requirement shall be applicable to, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools, colleges or other institutions.

Section 1.3. Control of loose materials.

(a) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose materials by truck or other motor vehicle within Beaufort County unless said material is covered and secured in such a manner as to prevent litter on public and private property.

(b) The duty and responsibility imposed by Subsection (a) shall be applicable alike to the owner of the truck or other vehicle or the operator thereof, or the person, firm, corporation, institution or organization from whose residence or establishment the materials originated.

(c) In the prosecution charging a violation of Subsection (a), lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

Section 1.4. Loading and unloading operations.

(a) Any owner or occupant of any establishment or institution where packing and unpacking, and/or loading and unloading of materials at exterior locations take place, shall provide suitable containers there for the disposal and storage of such materials and shall make appropriate arrangements for the collection and disposal thereof.

(b) Furthermore, it shall be the duty of the owner or occupant to remove at the end of each working day any materials which could be considered litter that have not been containerized at these locations.

Section 1.5. Construction, renovation or demolition projects.

(a) This Ordinance shall make enforceable those provisions contained in the standard A.I.A. Contract between an owner and contractor governing responsibility for litter and construction debris.

(b) It shall be the duty and responsibility of the owner, agent or contractor to have on construction sites adequate containers or organized temporary storage areas for the retention of debris until its timely disposal by running or hauling to an approved disposal area.

Section 1.6. Commercial material containerization and removal.

(a) All establishments, businesses and institutions such as, but not limited to, restaurants and schools, which generate materials for collection shall use containers to accommodate the normal volume of materials generated therein between collections.

(b) It shall be the responsibility of an establishment, institution or business to make appropriate arrangements for collection and disposal of all solid waste generated by the business or its customers.

Section 1.7. Keeping property clean.

(a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments or other lodging points.

(b) It shall be unlawful to sweep or push litter from buildings, or property, on to strips in street, sidewalks, or storm drainage ditches.

(c) It shall be the duty of every non-resident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter.

(d) If any owner, agent, occupant or lessee fails to remove litter from any private property, Beaufort County shall be authorized to serve written notice to the owner or appointed agent to correct said violation within five (5) days. Failure to comply shall constitute grounds for prosecution.

(e) It shall be unlawful for the owner or owners of any property in Beaufort County (other than municipalities) to disobey or fail to comply with any provisions of this chapter.

Section 1.8. Abandoned motor and recreational vehicles, including boats. Sections 56-5-5810 through 56-5-5950 of the Code of Laws of South Carolina, 1976, as amended, are hereby incorporated by reference.

(a) No person shall abandon any motor or recreational vehicle, or a boat, on any public street or public grounds or upon any private property without the owner's permission.

(b) For the purposes of this section, a vehicle shall be determined to have been abandoned in the following circumstances:

It is partially dismantled or wrecked; or it is incapable of self-propulsion or being moved in the manner for which it was originally intended; or

Manufacturer's serial plates, motor vehicle identification numbers, license number plates and any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or

The vehicle is more than seven years old and does not bear a current license plate; or

The registered and legal owner of record disclaims ownership or releases his rights thereto; and

It is left on property owned or operated by the County for a period of more than forty-eight (48) hours; or

It is left on private property without the consent of the owner, occupant or lessee thereof for a period of more than twenty-four (24) hours; or

It is left on any public street or highway for a period of over forty-eight (48) hours.

Article 3. Special Provisions

Section 3.1. Correction of certain violations - lien.

(a) If an owner or agent fails to comply with the written notice and/or citation to correct a violation of Section 1.7, and said violation is determined to be a threat to the health and safety of the citizens of the County of Beaufort, Beaufort County shall utilize employees of Beaufort County or any other person employed for that purpose to go upon the property, to correct the conditions thereupon existing.

(b) The amount of the cost of correcting the conditions on said property or for the removal of any litter, or other unhealthy or unsightly materials or any other actions reasonably taken by Beaufort County to abate the same or to remove the threat to the public's health and safety shall be a lien against the real property upon which such cost was incurred. All costs incurred by the County in preparing, recording, collecting, and satisfying said lien shall be included therein including, but not limited to, reasonable attorney's fees, costs and disbursements.

(c) This article in no way is meant to conflict with Article 2 of this Chapter or to override any of the provisions of Article 2.

This ordinance shall become effective upon ratification.

Ratified in Beaufort County this 8th day of December, in the Year of Our Lord, 1986.

Attest:

Beaufort County Council

Terzaire R. Rainey
Clerk to Council

By: Martha K. Baumberger
Martha K. Baumberger, Chairman

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