

CHAPTER 9

GARBAGE, REFUSE AND WEEDS^[1]

Article I. In General.

- Sec. 9-1. Definitions.
- 9-2. Duty of owner or occupant to keep lot clean.

Article II. Garbage and Refuse.

- Sec. 9-3. Garbage receptacles - Duty of occupant, etc. to furnish; specifications generally.
- 9-4. Placement of garbage receptacles.
- 9-5. Prohibition of garbage on streets.
- 9-6. Condition of garbage receptacles; replacement.
- 9-7. Tree trimming; lawn cutting, etc.
- 9-8. Removal of contractor's, etc., refuse.

Article III. High Grass and Rank Weeds.^[2]

- Sec. 9-9. Duty to remove from adjacent sidewalk.
- 9-10. Duty to remove from private premises.
- 9-11. Violations of chapter.

Article I. In General.

Sec. 9-1. Definitions.

For the purpose of this chapter, the following words shall have the meaning hereinafter set forth:

"Garbage" shall be held to include table and kitchen refuse, except dish water or waste water, ashes, and the daily waste from private residences such as rags, pieces of carpet,

bottles, tin cans, broken glass and sweepings, excluding, however, paper and scraps of paper. (9-52, SS 1)

"High grass" shall be considered to be grass growing indiscriminately and being a height of twelve inches or more from the ground.

"Rank weeds" shall be considered to include small plum trees growing in a plum thicket and any tree or shrub which is not being tended with a view of growing the same for beauty, shade or protection. (11-10-55, SS 2)

Sec. 9-2. Duty of occupant or owner to keep lot clean.

It shall be the duty of every tenant, lessee or occupant of a lot and in the event there is no tenant, lessee or occupant, then it shall be the duty of the owner of the leasehold interest in such lot, to cause such lot and the building thereon to be kept clean and sanitary. (9-51, SS 2)

Article II. Garbage and Refuse.

Sec. 9-3. Garbage receptacles - Duty of occupant, etc., to furnish; specifications generally.

It shall be the duty of every tenant, lessee or occupant of a lot, and if there be none such, then it shall be the duty of the owner thereof to cause the garbage therefrom to be placed in watertight receptacles, as many as may be necessary, having a capacity not exceeding one-half barrel. Such receptacles shall be provided with tight fitting covers with handles. (7-16-84)

Sec. 9-4. Placement of garbage receptacles for collection.

Garbage receptacles containing garbage shall be placed at the street entrance of a lot, just within the property line, for collection. (9-51, SS 2)

Sec. 9-5. Prohibition of garbage on streets.

No garbage shall be put on the streets of the Town and no empty garbage receptacle shall be allowed on the streets at any time. (9-51, SS 2)

Sec. 9-6. Condition of garbage receptacles; replacement.

The character of garbage receptacles used by residents of the Town and the sanitary condition thereof from time to time shall be subject to the approval of the Chief of Police and in the event he orders any such receptacle replaced on account of its unsanitary condition, the same shall be replaced by the tenant, lessee or occupancy within five (5) days of such order. (9-51, SS 2)

Sec. 9-7. Tree trimmings, lawn cuttings, etc.

A) Subject to the provisions contained in subsection B below, refuse, trash, tree trimmings, lawn cuttings, or other landscaping materials, from grounds adjoining private residences may be placed on the edge of the streets for removal by the Town; provided that no tenant, lessee, occupant or leaseholder shall put on the street for removal by the Town any amount of refuse that will impede the flow of traffic at any time. Loose refuse, such as leaves, lawn cuttings and pine needles, must be placed in bags or containers. Limbs must be placed in orderly piles and limbs must not exceed four (4') feet in length or four (4") inches in diameter. Refuse, in addition to organic debris, may include appliances and furniture. Nothing in this section shall require the Town forces to remove refuse from the streets unless so directed by the Chief of Police. (7-16-84)

B) Any contractor, subcontractor, landscaper, or hired worker when employed by any owner, tenant, or occupant of a premises located on the Town of Sullivan's Island, shall be responsible, and is required to remove all refuse, trash, tree and shrubbery cuttings and trimmings, lawn cuttings and any waste of landscaping materials from any premises where work was performed or provided.

Contractors, subcontractors, landscaper and hired workers and any owner, tenant, lessee, or occupant who has so hired a contractor, subcontractor, landscaper or hired worker is prohibited from placing refuse, trash, tree and shrubbery cuttings and trimmings, lawn cuttings and any other waste of landscaping materials on any right-of-way of the Town of Sullivan's Island or on any other lot or premises owned by the Town of Sullivan's Island.

Any contractor, subcontractor, landscaper or hired worker or any owner, tenant, lessee or occupant who has so hired a contractor, subcontractor, landscaper, or hired worker violating any term of this section shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed Five Hundred and No/1000 (\$500.00) Dollars and/or imprisonment not to exceed thirty (30) days, and, in addition, shall be required to remove at this/her expense all such refuse, trash, tree and shrubbery cuttings and trimmings, lawn

cuttings, and any other waste of landscaping materials. Every day which the violation continues and the refuse, trash, tree and shrubbery cuttings and trimmings, lawn cuttings, and any other waste of landscaping materials is not removed shall constitute a separate offense and shall be subject to a separate punishment.

Any part or parts of this Ordinance which shall be held to be unconstitutional shall not effect in any way the validity of the remaining parts of this Ordinance.

(5/15/01)

Sec. 9-8. Removal of contractors', etc., refuse.

Contractors' and builders' refuse, such as old lumber, rotted wood, brickbats, slats, old plastering, roofing, guttering, refuse sheet metal of every description, saw dust etc., shall not be classed as garbage or refuse for removal by the Town Forces, but shall be removed by the contractors or builders from whose work such refuse may have resulted. In case of inability to locate such contractors or builders, then such refuse shall be removed by and at the expense of the tenant, lessee, occupant or leasehold of premises in front of which, or on which, such refuse may be found. (9-51, SS 6)

Sec. 9-8.0 To Require Contractors, Subcontractors, and Hired Workers to Remove all Building Refuse from the work site.

Any contractor, subcontractor, or hired worker, when employed by any owner, tenant, or occupant of a premises located on the Town of Sullivan's Island, shall be responsible, and is hereby required to remove from the work site all refuse and building materials which was situated on the premises, and any building materials brought to the property not actually used in the repair/reconstruction/construction of the premises on the property. Such building materials shall include, but not be limited to old or new lumber, rotted wood, brick backs, slats, old plastering, roofing, guttering, bricks, siding, foundation, sheet metal, saw dust, building material containers, nails, or any storage of construction materials. Such materials shall not be considered garbage, and shall not be removed by town hired employees or agents. In the event the contractors, subcontractors, or hired workers fail to remove any of the above described building materials from the property, it shall be the responsibility of the owner, tenant, lessee, occupant, and/or the actual person hiring the contractors, subcontractors, or hired workers to remove the building materials from said property.

Contractors, subcontractors, and hired workers, and any owner, tenant, lessee or occupant who has so hired a contractor, subcontractor, or hired worker is prohibited from placing said building materials on any right of way of the Town of Sullivan's Island.

Any contractor, subcontractor, or hired worker violating terms of this section shall be guilty of a misdemeanor, and shall be punished by a fine not to exceed five hundred and 00/100 (\$500) Dollars, and/or imprisonment not to exceed thirty (30) days, and, in addition, shall be required to remove at his/her expense all such building materials.. Every day which violation fails to remove the building materials shall constitute a separate offense, and shall be subject to a separate punishment.

Additionally, any contractor, subcontractor, or hired worker convicted more than one (1) time for violation of this section shall have his license to work on the Town of Sullivan's Island revoked for a period of one (1) one year from the date of conviction of his second offense.

Any owner, tenant, lessee or occupant who hires a contractor, subcontractor, or hired worker to do repairs, improvements or demolition to property who violates the terms of this section shall also be guilty or a misdemeanor, and shall be subject to punishment by a fine not to exceed five hundred and 00/100 (\$500) Dollars and/or imprisonment not to exceed thirty (30) days, and, further, shall be required to remove at his/her expense all such building material. Every day which a violator fails to remove the building materials shall constitute a separate offense, and shall be subject to a separate punishment. (3-20-90; 9-23-97)

Article III. High Grass and Rank Weeds.

Sec. 9-9. Duty to remove from adjacent sidewalk.

It shall be the duty of the owner, agent of the owner, lessee, occupant or any person in possession of any lot, parcel, tract or piece of land, improved or unimproved, in the town to remove from the sidewalks abutting or adjoining such lot, parcel, tract or piece of land, all high grass, rank weeds, rubbish, refuse, and waste material of every kind, or other substance, object or condition which may endanger or injure the public health, public safety or public welfare, or obstruct such sidewalks and thereby endanger or injure persons traveling thereon. (11-10-55, SS 2)

Sec. 9-10. Duty to remove from private premises.[3]

It shall be the duty of the owner, agent of the owner, lessee, occupant or any person in possession of any lot, parcel, tract or piece of land to keep such lot, parcel tract or pieces of land free from all high grass, rank weeds, rubbish, refuse, and waste material of every kind, or other substance, object, object or condition which may endanger or injure the

public health, public safety, or public welfare. (11-10-55, SS 2)

Sec. 9-11. Violations of chapter.

Any person violating the terms of this Chapter shall be guilty of a misdemeanor and shall be punished as prescribed by Section 1-7, and in addition or in the alternative, shall be required to remove at his expense any threat to public health or safety or abate a nuisance, as provided in Chapter 13. (11-10-55, SS 4)

[1] As to scattering or spilling materials on streets, see SS14-19 of this Code.

[2] For authority of the Town to remove or have removed nuisances, dangers or menaces to health, see SS 5-7-30 and SS 5--7-80, Code of Laws of S. C., 1976.

[3] For similar state law, see SS5-7-80, Code of Laws of S.C., 1976.