

SPECIAL MEETING OF FLORENCE CITY COUNCIL

MONDAY, FEBRUARY 22, 2010 - 6:00 P.M.

CITY-COUNTY COMPLEX, CITY COUNCIL CHAMBERS, ROOM 605

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance to the American Flag

III. APPEARANCE BEFORE COUNCIL

Mr. Anthony Toney, Commissioner, International Basketball League – to give Council a report on the Basketball League and the impact it may have on the City.

IV. PUBLIC HEARING

To receive public input regarding the proposed changes to Section 4-210 through 4-225, Section 9-24 through 9-39, and Section 4-2.1 of the City of Florence Code of Ordinances.

V. INTRODUCTION OF ORDINANCES

a. Bill No. 2010-05 – First Reading

An Ordinance to amend Section 4-2.1 of the City Code to update and streamline the processes within the City for the identification and abatement of unsafe commercial buildings.

b. Bill No. 2010-06 – First Reading

An Ordinance to amend Sections 4-210 through 4-225 of the City Code to update and streamline the processes within the City for the identification and handling of dwellings unfit for human habitation.

c. Bill No. 2010-07 – First Reading

An Ordinance to amend Sections 9-24 through 9-39 of the City Code to update and streamline the processes within the City for the identification and abatement of nuisances.

VI. REPORT TO COUNCIL

a. Appointments to Housing Board of Adjustments and Appeals

VII. ADJOURN

FLORENCE CITY COUNCIL MEETING

DATE: February 22, 2010
AGENDA ITEM: Public Hearing
DEPARTMENT/DIVISION: Community Services

I. ISSUE UNDER CONSIDERATION

A Public Hearing will be held at 6pm on February 22, 2010 to receive input on the proposed changes to Section 4-210 through 4-225, Section 9-24 through 9-39, and Section 4-2.1 of the City of Florence Municipal Code of Ordinances.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

City staff met with members of the Florence City Council on February 27, 2009 and October 5, 2009 to discuss potential changes to the stated ordinances. On October 5, 2009, City Council instructed staff to specifically address changes in the City of Florence Municipal Code of Ordinances concerning the following:

1. The process for the identification and handling of dwellings unfit for human habitation. (Section 4-210 through 4-225)
2. The process for the identification and abatement of nuisances. (Section 9-24 through 9-39)
3. The process for the identification and abatement of unsafe commercial buildings. (Section 4-2.1)
4. The duties and powers of the Housing Board of Adjustments and Appeals.

III. POINTS TO CONSIDER

1. Staff has met with members of the community regarding the proposed ordinance changes and made revisions to the proposed changes based on those discussions.
2. Staff presented all members of the Florence City Council with a copy of the proposed ordinance changes on January 25, 2010.


IV. OPTIONS:

1. Approve the requested changes.
2. Deny the requested changes.
3. Suggest alternative changes.
4. Defer
5. Accept as information.

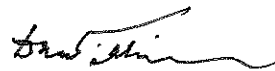
V. PERSONAL NOTES:

VI. ATTACHMENTS:

None.

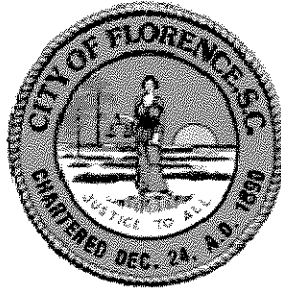


Scotty Davis
Director of Community Services



David N. Williams
City Manager

V. a.
Bill No. 2010-05
First Reading



BILL NO. 2010-05

Bill No. 2010-05 - Sponsored by: Mayor Wukela

A BILL TO: A Bill to amend Section 4-2.1 of the City Code to update and streamline the processes within the City for the Identification and Abatement of Unsafe Commercial Buildings.

Filed: January 20, 2010

First Reading Proposed: February 22, 2010

Introduced and Read First time: February 22, 2010

Second Reading Given: March 8, 2010

ORDINANCE NO. 2010- _____

AN ORDINANCE TO AMEND SECTION 4-2.1 OF THE CITY CODE TO UPDATE AND STREAMLINE THE PROCESSES WITHIN THE CITY FOR THE IDENTIFICATION AND ABATEMENT OF UNSAFE COMMERCIAL BUILDINGS.

WHEREAS, S. C. Code Ann. §5-7-30 (1976) grants to municipalities the authority to abate nuisances and the city has the authority to protect the public from exposure to dangers associated with unsafe commercial buildings within the boundaries of the city; and

WHEREAS, it appears to Council that the fair and efficient identification and abatement of unsafe commercial buildings within the city requires ordinance provisions that clearly define unsafe commercial buildings and establish a fair and efficient process for enforcing the prohibition regarding unsafe commercial buildings ;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence that Section 4-2.1 of the City Code for Florence, South Carolina be, and are hereby, amended to read verbatim and provide as follows:

Sec. 4-2.1. Unsafe commercial buildings.

(a) *Definitions.*

(1) For the purpose of this section, the term “*unsafe commercial buildings*” shall include, but not be limited to, any commercial building, shed, fence, or other man-made structure wherein one (1) or more of the following conditions exist:

(i) Any structure, or part of a structure wherein the means of ingress and egress into the structure is of inadequate size or is not designed to provide exit, entry or internal movement in the event of fire or emergency; or

(ii) Any structure, or part of the structure, that has been damaged by fire, flood, earthquake, wind or other natural occurrence to the extent that the structural integrity of the structure, is less than the requirements of the Standard Building Code for New Structures; or

(iii) Any structure, or part of a structure, that as a result of natural decay, deterioration or dilapidation is in such a condition after inspection that there exists a danger, as determined by the building official, of structural collapse; or

(iv) Any structure, or part of a structure, that is in such condition to constitute a public nuisance as defined in §9-24 et seq. of the City Code; or

(v) Any structure, or part of a structure, that as a result of abandonment, dilapidation, obsolescence or, as it relates to the particular use of the structure, to become unsafe, unhealthy, or unsightly.

(2) *Business Days* means Monday through Friday.

(3) *Enforcement Officer* means a law enforcement officer, code enforcement official, or city employee or official as maybe designated in writing by the city manager to enforce the provisions of this division.

(4) *Person* means any landlord, property owner, manager, lessee, tenant, individual, group, association, corporation, partnership, trust, estate, or receiver having the capacity to sue or be sued.

(b) *Unsafe Commercial Buildings Prohibited and Unlawful.* No person or entity shall create any unsafe commercial building in the city, and no person shall, by failure to act, permit a unsafe commercial building to occur or continue on any real property under such person's control, whether the person's control is by recorded or unrecorded instrument or permission.

(c) *Inspection of Buildings.*

(1) Enforcement officers shall have the authority to inspect all commercial buildings within the City, whether occupied or not, in order to investigate to determine whether such commercial buildings are unsafe. Inspections of commercial buildings may be conducted by the enforcement officer or his designee due to any of the following reasons:

(i) A complaint from a tenant that the unit is unsanitary,

unsafe, has excessive utility bills, water leaks, or structural defects, which the owner/manager has refused to remedy.

- (ii) External building or yard inspections would lead a reasonable person to believe that the interior of the commercial buildings might also have sanitary, structural, or safety violations.
- (iii) A report from an independent third party, such as DSS case workers, electric or gas company technicians, law enforcement personnel, or other persons that they have personally seen safety, structural, or sanitary violations at the commercial buildings .
- (iv) Whenever any commercial buildings within the City makes application with the Water Department of the City to have water turned on or to have the name on such the water account for such unit changed, the Codes Enforcement Department of the City will be notified of such application and will inspect the commercial buildings to investigate to determine whether such commercial buildings is unsafe.

(c) *Institution of Criminal Process and Penalty or Other Enforcement.*

(1) As a result of the public nature of the dangers posed by the existence of an unsafe commercial building as determined by an enforcement officer or other appropriate governmental official, enforcement of this chapter's provisions may be accomplished upon the institution of criminal process by way of a municipal ordinance summons or warrant made only by an enforcement officer or appropriate government official. Each day a violation continues constitutes a separate misdemeanor offense subject to a fine up to \$500 and/or imprisonment up to thirty days for each offense. The enforcement officer issuing a municipal summons under the provisions of this section shall place on the summons the amount of the fine, and the municipal summons shall give to the accused party the right to either pay the fine through forfeiture of the bond amount or appear in the municipal court at the time and place specified to litigate the offense and/or penalty.

(2) A municipal ordinance summons as described herein shall be

served on the accused individual by personal service as attested to on an Affidavit of Service signed by an enforcement officer as defined herein.

(3) In its discretion, the city may elect to use other applicable code sections pertaining to remediation and abatement of a nuisance utilizing the provisions of §§9-27, 9-30, 9-31, and 9-32 of the City Code.

This Ordinance shall be effective immediately upon its passage on second reading.

ADOPTED THIS ____ DAY OF _____, 2010.

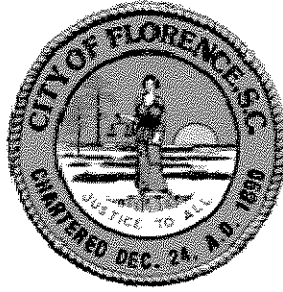
Stephen J. Wukela
Mayor

Approved as to form:

Attest:

James W. Peterson, Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk



BILL NO. 2010-06

Bill No. 2010-06 - Sponsored by: Mayor Wukela

A BILL TO: A Bill to amend Sections 4-210 through 4-225 of the City Code to update and streamline the processes within the City for the Identification and Handling of Dwellings Unfit for Human Habitation.

Filed: January 20, 2010

First Reading Proposed: February 22, 2010

Introduced and Read First time: February 22, 2010

Second Reading Given: March 8, 2010

ORDINANCE NO. 2009- _____

AN ORDINANCE TO AMEND SECTIONS 4-210 THROUGH 4-225 OF THE CITY CODE TO UPDATE AND STREAMLINE THE PROCESSES WITHIN THE CITY FOR THE IDENTIFICATION AND HANDLING OF DWELLINGS UNFIT FOR HUMAN HABITATION.

WHEREAS, S. C. Code Ann. §5-7-30 (1976) grants to municipalities the authority to abate nuisances and §31-15-10, et seq specifically provides for a mechanism for municipalities to deal with dwellings unfit for human habitation; and

WHEREAS, it appears to Council that the fair and efficient identification and enforcement mechanisms for handling dwellings unfit for human habitation within the city requires ordinance provisions that clearly define dwellings unfit for human habitation and establish a fair and efficient process for enforcing the prohibition regarding dwellings unfit for human habitation;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence that Sections 4-210 through 4-225 of the City Code for Florence, South Carolina be, and are hereby, amended to read verbatim and provide as follows:

BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

DIVISION 2. DWELLINGS UNFIT FOR HUMAN HABITATION*

Sec. 4-210. Definitions.

The following terms as used in this division, shall have the respective meanings ascribed to them:

Dilapidation: A dilapidated dwelling is one that does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well-being of the occupants. Such a dwelling has one or more critical defects, or has a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding, or is of inadequate original construction. The defects are either so critical or so widespread that the structure should be extensively repaired, rebuilt, or torn down. Critical defects include: holes, open cracks, or rotted, loose or missing material (clapboard siding, shingles, bricks, concrete, tile, plaster or floorboards) over a large area of the foundation, outside walls, roof, chimney or inside walls, floors or ceilings; substantial sagging of floors, walls or roof; and extensive damage by storm, fire or flood. To be classified as dilapidated on the basis of intermediate defects, a dwelling must have such defects in

sufficient number or extent that it no longer provides safe or adequate shelter. Inadequate original construction includes: shacks, huts or tents; structures with makeshift walls or roofs, or built of packing boxes, scrap lumber or tin; structures lacking foundations (walls rest directly on the ground); structures with dirt floors; barns; garages or other places not originally intended for living quarters and inadequately converted to such quarters.)

Dwelling: Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Enforcement Officer: A code enforcement official or city employee or official as may be designated in writing by the city manager to enforce the provisions of this division.

Housing Board of Adjustments and Appeals: A board appointed as set forth in § 4-214 herein, and shall have the powers described in this division in addition to any other powers granted to such board by any other ordinance or act of the city.

Owner: The holder of the title in fee simple and every mortgagee of record.

Parties in interest: All individuals, associations, corporations, and other entities who have interests of record in a dwelling and any who are in possession thereof.

Sec. 4-211. Findings of fact.

The city finds that there exist in the city dwellings which are unfit for human habitations due to:

- (1) Dilapidation;
- (2) Defects increasing the hazards of fire, accidents or other calamities;
- (3) Lack of ventilation, light or sanitary facilities;
- (4) Other conditions rendering such dwellings unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the city.

Sec. 4-212. Authority.

The city deems it necessary to exercise its police powers to repair, close or demolish any such dwelling in the manner herein provided, pursuant to the provisions of section 31-15-10 et seq., Code of Laws of South Carolina 1976, as amended.

Sec. 4-213. Powers of enforcement officer generally.

Enforcement officers are hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this division, including the following powers in addition to others herein granted:

- (1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;
- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to other persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees, with the approval of the city manager, as such officer deems necessary to carry out the purpose of this division;
- (5) To delegate any of such officer's functions and powers under this division to such officers and agents as such officer may designate.

Sec. 4-214. Housing Board of Adjustments and Appeals and the Powers of Said Board.

- (1) There is hereby created a board to be known as the Housing Board of Adjustments and Appeals which shall consist of five (5) members appointed by City Council pursuant to the following:
 - (a) All members of the Board shall be residence of the City of Florence.
 - (b) In appointing the members, Council will take into consideration, but not be bound by, the desire to have a real estate broker; a physician; an architect, engineer or general contractor; and a building materials dealer on the Board.
 - (c) Members of the Board shall be appointed for four- year terms, except that on the initial appointment, one shall be appointed for a two- year term, two shall be appointed for three - year terms, and two shall be appointed for four - year terms.
 - (d) Any member of the Board shall be subject to removal or replacement by City Council at any time for cause provided the basis for the determination of "cause" shall be stated during a public hearing before the City Council.

- (e) Any vacancy on said Board shall be filled by City Council for the unexpired term of such vacancy.
 - (f) The members of said Board shall serve without compensation.
- (2) As soon as practical after their appointment, the members of the Housing Board of Adjustments and Appeals shall meet and organize by electing a Chairman, Vice-Chairman, and Secretary. Thereafter, officers of the Board shall be elected by the members at the first annual meeting of the Board.
 - (3) The Board of Adjustments and Appeals shall meet at regular intervals to be determined by the Chairman, but in any event, the Board shall meet within thirty days after notification of a Notice of Appeal has been received. Reasonable notice of the place, time, and date of such meeting shall be given to all members of the Board and all interested parties in each case to be heard by the Board.
 - (4) All minutes of the Board Meetings shall be public records, and the secretary of the Board shall keep all records and perform such additional duties as the Board may deem proper.
 - (5) The Housing Board of Adjustments and Appeals shall have the power and duty to consider and determine appeals filed pursuant to §4-221 and §9-31 of this City Code, and may carry out its orders through the enforcement officer or such other officers and agents as the City Manager may designate. It shall have all of the powers which the city may grant a commission as set forth in Chapter 15 of Title 31 of the Code of Laws of South Carolina 1976, as amended.
 - (6) In considering and determining appeals before it, the Housing Board of Adjustments and Appeals shall determine whether the action before it complies with the true intent and meaning of this code and whether any code provisions, or regulations promulgated thereunder, have been misconstrued or wrongly interpreted. In addition, the Board may, in appropriate cases where the application of the requirements of this code within a time period specified for the performance of any action required hereunder is found by the Board to cause undue hardship to an owner or a party in interest as defined herein, permit one or more extensions of time, not to exceed 120 days each from the date of such decision of the Board. Applications for additional extensions of time shall be heard by the Board, provided, however, that such request for additional extensions of time shall be filed with the enforcement officer not less than 30 days prior to the expiration of the current extension or allotted time for the performance of the action required.
 - (7) The Board shall not consider an appeal of a case where it is previously considered an appeal of a case involving the same premises unless the applicant for the appeal shall first convince the Board that the condition of the premises at issue has been

significantly improved since the time of the last appeal.

- (8) The Housing Board of Adjustments and Appeals shall establish its own rules for procedure for the accomplishment of its duties and functions, provided that such rules shall not be in conflict with the provisions of this code or the laws of the State of South Carolina.
- (9) All decisions of the Housing Board of Adjustments and Appeals that will have the effect of altering the application of any provisions of this code by the enforcement official or modifying any order of the enforcement official shall specify the manner of such variance or modification, the condition upon which it is made, and the specific reasons therefore. Every decision of the Board shall be in writing and shall indicate the vote of the members of the Board regarding the decision. A copy of all decisions of the Board shall be promptly filed in the office of the Enforcement Official and shall be open to public inspection. The secretary shall notify the appellant or applicant in writing of the final action of the Board.

Sec. 4-215. Inspections of Dwellings; Filing of petition; Notice and hearing.

- (1) Enforcement officers shall have the authority to inspect all dwellings within the City, whether occupied or not, in order to investigate to determine whether such dwellings are unfit for human habitation. Inspections of dwellings may be conducted by the enforcement officer or his designee due to any of the following reasons:
 - (a) A complaint from a tenant that the unit is unsanitary, unsafe, has excessive utility bills, water leaks, or structural defects, which the owner/manager has refused to remedy.
 - (b) External building or yard inspections would lead a reasonable person to believe that the interior of the dwelling might also have sanitary, structural, or safety violations.
 - (c) A report from an independent third party, such as DSS case workers, electric or gas company technicians, law enforcement personnel, or other persons that they have personally seen safety, structural, or sanitary violations at the unit.
 - (d) Whenever any dwelling within the City makes application with the Water Department of the City to have water turned on or to have the name on such the water account for such unit changed, the Housing Department of the City will be notified of such application and will inspect the dwelling to investigate to determine whether such dwelling is unfit for human habitation.
- (2) Whenever a petition is filed with the enforcement officer by an official of the city or department head having duties relating to health, fire or building regulations or to any other activities concerning dwellings in the city or by at least five (5) residents of the

city charging that any dwelling is unfit for human habitation, or whenever it appears to the enforcement officer (on such officer's own motion) that any dwelling is unfit for human habitation, the enforcement officer shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and all parties of interest in such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the enforcement officer or such officer's designated agent at a place therein fixed not less than ten (10) days, nor more than thirty (30) days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the codes enforcement officer. In addition to determining whether the dwelling is unfit for human habitation and whether to issue an order to repair or demolish

Sec. 4-216. Order to repair, vacate, remove or demolish.

If after such notice and hearing, the codes enforcement officer determines that the dwelling under consideration is unfit for human habitation, such officer shall state in writing the findings of act in support of such determination and shall issue and cause to be served upon the owner thereof an order:

- (1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling (which reasonable cost is hereby determined as fifty (50) percent or less of the value of the dwelling), requiring the owner, within the time specified in the order to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation;
- (2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling (which reasonable cost is hereby determined as fifty (50) percent or less of the value of the dwelling) requiring the owner within the time specified in the order to remove or demolish such dwelling.
- (3) In determining the amount of time to specify in the order for repair or demolition, the enforcement officer shall consider all relevant factors, including , but not limited to the amount and of the work required and the ability of the owner to complete the work. The time specified will normally be no less than thirty (30) days and no more than ninety (90) days. After the issuance of the initial order, an owner or person in interest may apply for one additional extension of time not to exceed ninety (90) days. Such an application shall be heard by the enforcement officer; provided, however, that such request for an additional extension of time shall be filed with the enforcement officer not less than ten (10) days prior to the expiration of the current allotted time for the performance of the action required. In making a decision on such

a request for an additional extension of time, the enforcement officer will determine whether the performance of any action required under the order will cause undue hardship to an owner or a party in interest. In appropriate cases, where the application of the requirements of this code within the time prescribed by the first order is found by the enforcement officer to cause undue hardship to an owner or a party in interest as defined herein, the enforcement officer may extend the time allowed to comply with the order to a total of one hundred eighty (180) days from the date of the original order.

- (4) In order to assist owners and parties in interest who are experiencing undue financial hardship creating an inability to respond to orders issued hereunder, the city will maintain a list of charitable organizations willing to offer assistance in completing the work needed, and this list shall be made available to such owners and/or parties in interest found to be experiencing undue financial hardship creating an inability to respond to orders issued.

Sec. 4-217. Effect of failure to obey order; lien created.

- (1) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the enforcement officer may cause such dwelling to be repaired, altered or improved or to be vacated and closed. The enforcement officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."
- (2) If the owner fails to comply with an order to remove or demolish the dwelling, the city manager may cause the dwelling to be repaired, removed or demolished, and the city manager may, in a reasonable and prudent matter, direct the expenditure of public resources to repair, remove or demolish the dwelling.
- (3) The amount of the cost of such repairs, alterations or improvements, vacating and closing or removal or demolition by the codes enforcement officer shall be alien against the real property upon which such cost was incurred. The cost of such actions shall include an administrative assessment of \$250, any attorney fees and costs incurred in processing of the nuisance as described herein, plus the actual cost of labor and materials expended in the public abatement action. The person shall be served with a Notice of Assessment within seven days after the completion of the abatement. The notice of assessment shall include the administrative fee and a statement of public cost, attested to by affidavit, and shall be issued and served as provided for in Section 4-219 of the City Code upon the person responsible for payment, and the notice shall call for payment to be made within thirty days of the date of service. Upon expiration of the thirty day period, if the amount has not been paid in full or contested utilizing the appeal mechanism described in Section 4-222 below, the city manager may cause a lien in the amount to be filed in the clerk of court and the finance director for the city. The lien shall be of record in the county

courthouse and the finance director shall note it in the book of liens until such amount has been paid or recovered or otherwise released. The lien shall be collectable in the same manner and shall have the same priority as municipal taxes. Collection of the lien by way of recovery or foreclosure may be instituted by the city attorney on behalf of the city. Additionally, the City of Florence, South Carolina, is a claimant agency as defined in the Setoff Debt Collection Act, SC Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Florence. The city may utilize those procedures to collect any delinquent debts owed to the city as a result of abatement activities under this code section.

- (4) In the event the owner fails to comply with an order to remove or demolish the dwelling, the city may as an alternative to removing or demolishing the dwelling as allowed in this section issue a municipal ordinance summons or warrant made only by an enforcement officer or appropriate government official. Each day a violation continues constitutes a separate misdemeanor offense subject to a fine up to \$500 and/or imprisonment up to thirty days for each offense. The enforcement officer issuing a municipal summons under the provisions of this section shall place on the summons the amount of the fine, and the municipal summons shall give to the accused party the right to either pay the fine through forfeiture of the bond amount or appear in the municipal court at the time and place specified to litigate the offense and/or penalty.

Sec. 4-218. Conditions essential for making dwelling fit for human habitation.

- (1) The enforcement officer may determine that a dwelling is unfit for human habitation if such officer finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or welfare of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city.
- (2) Without limiting the generality of the foregoing, the following conditions are hereby declared essential to make a dwelling fit for human habitation:
 - (a) Inside running water connected to a kitchen sink, and to a lavatory or laundry sink, and to a bathtub or shower, and to a toilet, all connected to the public sewer or other disposal approved by the health authorities and the city;
 - (b) Adequate screens and glass panes for all doors and windows;
 - (c) Fireplaces, flues or other provisions for heating to afford reasonable comfort;
 - (d) A window in each living room and bedroom which opens not less than forty-five (45) per cent of its area and can be effectively opened and closed

as a means of ventilation, unless the house is equipped with central air conditioning;

- (e) Electrical wiring system connected and installed in accordance with the electrical regulations of the city;
- (f) Privacy for toilet and tub or showers, effectively ventilated;
- (g) The roof, flashing, exterior walls, basement walls, floors and all doors and windows exposed to the either constructed and maintained so as to be reasonably weather-tight and watertight, and sound and safe, and capable of affording privacy;
- (h) Any construction standard set forth under the Standard Housing Code or any other ordinance or regulation of the city setting forth construction and safety standards.

Sec. 4-219. Service of complaints and orders.

Complaints or orders issued by an enforcement officer pursuant to this division shall be served as follows:

- (1) The city shall determine the individual, firm or corporation who, from the records in the county tax assessor's office, appears to be the titled owner of the property and shall cause the complaint or order to be served upon such individual, firm, or corporation utilizing the following methods:
 - (a) Personal service as attested to Affidavit of Service by an enforcement officer as defined herein; or
 - (b) Copy mailed to such owner at the address maintained by the county tax assessor's office by United States Certified Mail, Return Receipt Requested; or
 - (c) In the event the City is unable to perfect service utilizing any of the methods described above, the City shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once per week, for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in physical possession of such property on which it is alleged that such public notice exists, or, if there is no individual in physical possession thereof, the city shall cause a copy of the complaint or order to be posted at such structure, location, or premises.
 - (d) The city shall also determine from the office of the Clerk of Court the identity of any lien holder with respect to said property, and the city shall cause a

written notice to be served upon such lien holder by United States Mail, Return Receipt Requested, utilizing the address of the lien holder as noted on the lien document in the clerk's office.

- (e) The notice of any order to the owner and lien holder, if any, shall state clearly and concisely the findings of the city with respect to the existence of a dwelling unfit for human habitation. The notice shall further provide the following information:
 - (i) The names, telephone numbers, and addresses for use in contacting the city;
 - (ii) A clear statement that, unless the owner thereof shall cause the completion of the required action pursuant to the order, the action may be completed by the city at the expense of the owner, and the city may recover all public cost by establishing and filing a lien, assessing an administrative fee and recovering attorney's fees incurred and the cost of establishing a lien against the property; and
 - (iii) Inform them of their rights to appeal.

Sec. 4-220. Disposition of proceeds from sale of materials.

If a dwelling is removed or demolished by the codes enforcement officer, such officer shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition; and any balance remaining shall be deposited in the circuit court by the codes enforcement officer, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

Sec. 4-221. Appeals to Housing Board of Adjustments and Appeals - Filing; Contents.

Any person receiving an order from the enforcement officer may within fifteen (15) days following the date of such notice enter an appeal in writing to the Housing Board of Adjustments and Appeals, Such appeal shall state the location of the property, the date of the notice of violations and the number of such notice. The appellant must state the variance or modification requested, the reasons thereof, and the hardship or conditions upon which the appeal is made. No appeal filed later than fifteen (15) days after the date of such notice shall be acted upon by the Housing Board of Adjustments and Appeals unless the enforcement officer shall consent thereto.

Sec. 4-222. Appeals to Housing Board of Adjustments and Appeals - Notice, Conduct of hearing; Action of Board.

- (1) The Housing Board of Adjustments and Appeals shall notify the appellant at least seven (7) days in advance of the date of a hearing on the appeal stating the time and

place of such hearing.

- (2) The Housing Board of Adjustments and Appeals may consider any matter contained the record of the enforcement officer and may take any additional testimony that may be offered by the appellant or the enforcement officer, The rules of evidence prevailing in courts of law or equity shall not be controlling in appeals or hearing before the housing board of adjustments and appeals.
- (3) After such hearing on appeal, the Housing Board of Adjustments and Appeals shall report its findings of fact in support of its determination on the issues, which may affirm, modify or reject the findings of fact, determination and order of the enforcement officer, and shall cause such to be served upon the appellant owner.
- (4) The Housing Board of Adjustments and Appeals may establish its own rules of procedure provided such are not in conflict with this division or the laws of the state.
- (5) In considering and determining appeals before it, the Housing Board of Adjustments and Appeals shall determine whether the action before it complies with the true intent and meaning of this code and whether any code provisions, or regulations promulgated thereunder, have been misconstrued or wrongly interpreted. In addition, the Board has the specific authority to review decisions made by the enforcement officer regarding the amount of time specified in the order pursuant to §4-216(3), and the Board shall be governed by the provisions of §4-216(3) in its review.
- (6) The Board shall not consider an appeal of a case where it is previously considered an appeal of a case involving the same premises unless the applicant for the appeal shall first convince the Board that the condition of the premises at issue has been significantly improved since the time of the last appeal.

Sec. 4-223. Appeals to Housing Board of Adjustments and Appeals -To stay order of enforcement officer.

The enforcement officer shall not take any action on an order issued by such officer for a seven (7) day period to allow the owner time to appeal to the Housing Board of Adjustments and Appeals. An appeal to the Housing Board of Adjustments and Appeals shall operate as a stay of the order of the enforcement officer until the appeal is heard and the Board has issued its order.

Sec. 4-224. Appeal to court.

Any person affected by this division shall have the right to appeal to a court of competent jurisdiction within sixty (60) days from any order of the codes enforcement officer or within sixty (60) days from any order from the housing board of adjustments and appeals as provided in section 31-15-70, Code of Laws of South Carolina 1976, as amended. Any order of the housing board of adjustment and appeals shall state that the owner has a right to appeal to a court of the state of competent jurisdiction as provided in such section of the Code of Laws of South Carolina. Should

any owner file a petition under this section, the codes enforcement officer shall from that time until the issue is resolved stay any further action on such officer's part with regard to the dwelling in question.

Sec. 4-225. Provisions declared supplemental.

The provisions of this division shall not abrogate the powers of any other department of the city, or repeal any criminal ordinance, but shall be in addition to and supplementary of any other provisions of this Code.

This Ordinance shall be effective immediately upon its passage on second reading.

ADOPTED THIS ____ DAY OF _____, 2010.

Stephen J. Wukela
Mayor

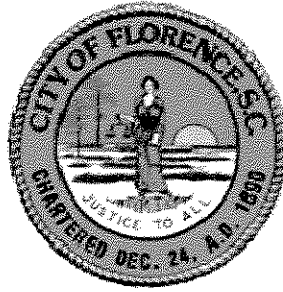
Approved as to form:

Attest:

James W. Peterson, Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk

V. c.
Bill No. 2010-07
First Reading



BILL NO. 2010-07

Bill No. 2010-07 - Sponsored by: Mayor Wukela

A BILL TO: A Bill to amend Sections 9-24 through 9-39 of the City Code to update and streamline the processes within the City for Identification and Abatement of Nuisances

Filed: January 20, 2010

First Reading Proposed: February 22, 2010

Introduced and Read First time: February 22, 2010

Second Reading Given: March 8, 2010

ORDINANCE NO. 2010-_____

AN ORDINANCE TO AMEND SECTIONS 9-24 THROUGH 9-39 OF THE CITY CODE TO UPDATE AND STREAMLINE THE PROCESSES WITHIN THE CITY FOR THE IDENTIFICATION AND ABATEMENT OF NUISANCES.

WHEREAS, S. C. Code Ann. §5-7-30 (1976) grants to municipalities the authority to abate nuisances; and

WHEREAS, it appears to Council that the fair and efficient identification and abatement of nuisances within the city requires ordinance provisions that clearly define nuisances and establish a fair and efficient process for enforcing the prohibition regarding nuisances;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Florence that Sections 9-24 through 9-39 of the City Code for Florence, South Carolina be and are hereby amended to read verbatim and provide as follows:

DIVISION 2. NUISANCES

Sec. 9-24. Definitions

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

Abate means repair, replace, remove, destroy, or otherwise remedy the condition in question by such means, in such time, in such a manner, and to such an extent as the enforcement officer or Housing Board of Adjustments and Appeals shall determine to be in the best interest of the public, taking into account all facts and circumstances.

Business Days means Monday through Friday.

Enforcement Officer means a law enforcement officer, code enforcement official, or city employee or official as maybe designated in writing by the city manager to enforce the provisions of this division.

Graffiti means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, engraved, or otherwise affixed to any surface of public or private property by any graffiti temperament, to the extent that the graffiti was not authorized in advance of the owner or occupant of the property, or, despite advanced authorization.

Housing Board of Adjustments and Appeals means the Board created and appointed pursuant to the provisions of Section 4-214 of the City Code.

Industrial Wastes means all liquid and water-borne solid, liquid or gaseous waste resulting in industrial manufacturing, food processing operations, processing of any natural resource or mixture of such wastes with water or domestic sewage.

Person means any landlord, property owner, manager, lessee, tenant, individual, group, association, corporation, partnership, trust, estate, or receiver having the capacity to sue or be sued.

Premises means any building, lot, parcel, real estate, land, or portion of land, whether improved or unimproved, occupied or unoccupied, including adjacent parking.

Public Nuisance means those conditions or events which constitute an unreasonable interference with the rights of the public in general and, where in a public place, where the public congregates, or where the public is likely to come within the range of influence within the senses, a person unlawfully does an act or omits to perform a duty, which act or omission does any one of the following:

- (1) Annoys, injures, subverts or endangers the public's order, economy, resources, safety, help, welfare, comfort, repose, or offends public decency;
- (2) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any waters, public places, or public ways.

Structure means anything constructed, built, or planted upon, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which structure requires location on the ground or is attached to something having a location on the ground.

Sec. 9-25. Specific Nuisances.

(A) *Nuisances affecting public health.* The following are hereby declared to be nuisances affecting public health, unless they fall into the specific exceptions listed in subparagraph (10) below:

- (1) All decayed or unwholesome food products of food waste not properly contained either inside or outside for more than 24 hours before pick-up.
- (2) Litter, debris, trash, or refuse which is not placed within the appropriate container;
- (3) All pools of stagnant water or vessels holding stagnant water in which mosquitos can breed, excluding required retention ponds;
- (4) Swimming pools which either (i) are empty, excluding such pools that are completely and effectively covered, or (ii) contain liquids and/or debris which are not bacteriologically, chemically, or physically safe for swimming or other intended uses.
- (5) Animal carcass not buried or disposed of in a lawful and sanitary manner within 24 hours after death of the animal;
- (6) Leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner;
- (7) Leaves or other growth of weeds, grass, vines, briars, or other vegetation upon private or public property and all other vegetation at any stage of maturity which:
 - (i) exceeds twelve inches in height, except for healthy trees, shrubs, or plants grown in a tended and cultivated garden or plot; or
 - (ii) regardless of height, harbors, conceals or invites rodents, pests, or vermin or deposits of refuse, gives off noxious odors or constitutes a fire or traffic hazard;
- (8) Damaged or diseased limbs or trees to the extent they cause potential injury to the public at large due to eminent structure

failure;

(9) Deliberate placement or discharge into any part of a stormwater drainage system of: untreated sewage; sewage solids; processed wastewater; refuse; explosive or combustible liquid, solid, or gas; oils, greases; industrial water or other polluted water except where a federal, state, or local permit for connections, discharge or disposal has been obtained prior to the event; waters or waste containing toxic or poisonous wastes to constitute a hazard to humans, plants or animals or to cause corrosion, discoloration, or deposition on real or personal property; or any solid or viscous substances in such quantities or such size capable of causing obstruction to the flow in the stormwater drainage system or other interference with the proper operation of the drainage system of the city.

(10) The conditions described above shall not be considered “nuisances affecting public health” if they fall into the following specific exceptions:

- (i) Industrial refuse temporarily stored within a delineated storage area for purposes of reuse or disposal;
- (ii) Building rubbish temporarily stored within a delineated, confined storage area on construction sites during construction;
- (iii) Sites approved by the State of South Carolina as sanitary landfills, provided such sites comply with the state’s rules and regulations regarding landfills; and
- (iv) Salvage or junk operations carried on in full compliance with Chapter 21 of this Code.

(B) *Nuisances Offending Peace and Order.* The following are hereby declared to be public nuisances affecting public peace and order when such violations are of a continual, reoccurring or constant nature; provided, however, that no person shall be held liable or no structure shall be declared a nuisance in the event that such person does not generate, enable or contribute to the occurrence of unlawful behavior by a management policy or practice, personal conduct, lack of control or supervision, absence or ineffectiveness of

security, or other factors:

(1) Any structure, whether commercial or residential, where gambling devices, slot machines, punch boards, and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by applicable law.

(2) Any structure, whether commercial or residential, operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state, or local law.

(3) Any structure, whether commercial or residential where intoxicating liquors are manufactured, sold, bartered, or given away in violation of federal, state or local law, or where intoxicating liquids are kept for sale, barter, or distribution in violation of federal, state, or local laws.

(4) Any structure, whether commercial or residential where acts of sale, possession, or distribution of control substances occur in violation of federal, state, and local law.

(C) *Nuisance affecting public welfare and safety.* The following are hereby declared to be public nuisances affecting public welfare and safety:

(1) All trees, hedges, signs or other obstructions, or any portion of the same, so located on private property as to prevent persons driving vehicles approaching an intersection of streets from having a clear, safe view of traffic approaching such intersection.

(2) All trees, hedges, signs, or other obstructions, or any portion of the same, so located on private property which prevents a clear and unobstructed view of a fire hydrant, fire department connection or other fire detection device or directional identification signage pertaining to the above, from a public way.

(3) Any obstruction, erosion or depression which poses

potential hazard to vehicles or pedestrians using a right-of-way on private property where the public is invited or permitted to traverse for commercial purposes.

(4) All wires, strings, ropes, or lighting contrivances over streets, alley ways, or public grounds which are not authorized or permitted by the city or which are strung so that the lowest portion is less than thirteen and one half feet above the surface of the ground.

(5) All explosives, flammable liquids, and other substances stored in any manner in any amount other than that manner or amount permitted by law.

(6) All hanging signs, awnings, canopies, and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance.

(7) Any motor vehicle that is unregistered, inoperable, derelict, or abandoned on any highway or right-of-way, or other public or private property, unless such vehicle is stored inside of a building or protected from the elements by way of a complete covering.

(8) All structures found to be an "Unsafe Commercial Building" under §4-2.1 of this Code;

(D) *Nuisances affecting public economy.* The following are hereby declared to be public nuisances affecting the public economy:

(1) All structures bearing graffiti as defined herein;

(2) All businesses or commercial enterprises operating within the City without a valid, current, and properly displayed business license; and

(3) All premises continually not in compliance with applicable licensing, zoning, and land use laws.

Sec. 9-26. Other Nuisances

The enumeration of specific nuisances in this ordinance shall not be deemed to make lawful any other act or condition declared to be a nuisance by any

other city ordinance, state law, federal law, or court decision.

Sec. 9-27. Reporting Emergencies and Emergency Action - Summary Abatement

Any person who directly observes a nuisance posing an emergency threat to the public health or safety or to the environment shall immediately report the incident to the police department or fire department and shall provide any information requested by the enforcement officer needed to investigate or abate the potential emergency. If any nuisance exists in such a condition so as to be menacing to the public health, peace, or safety that it is necessary that it be summarily abated, the enforcement officer, after consultation with and concurrence from the city manager, may proceed to abate the nuisance without a hearing.

Section 9-28. Nuisances Prohibited and Unlawful

No person shall create any public nuisance in the city, and no person shall, by failure to act, permit a public nuisance to occur or continue on any real property under such person's control, whether the person's control is by recorded or unrecorded instrument or permission. Additionally no person will permit a public nuisance to occur involving any personal property under such person's control.

Section 9-29. Institution of Criminal Process and Penalty

(A) The public nature of a public nuisance must be determined by an enforcement officer or other appropriate governmental official. Enforcement of this chapter's provisions may be accomplished upon the institution of criminal process by way of a municipal ordinance summons or warrant made only by an enforcement officer or appropriate government official. Each day a violation continues constitutes a separate misdemeanor offense subject to a fine up to \$500 and/or imprisonment up to thirty days for each offense. The enforcement officer issuing a municipal summons under the provisions of this section shall place on the summons the amount of the fine, and the municipal summons shall give to the accused party the right to either pay the fine through forfeiture of the bond amount or appear in the municipal court at the time and place specified to litigate the offense and/or penalty.

(B) A municipal ordinance summons as described herein shall be served on the accused individual by personal service as attested to on an Affidavit of Service signed by an enforcement officer as defined herein.

(C) In its discretion, the city may elect to use other applicable code sections pertaining to remediation and abatement of nuisance.

Section 9-30. Public Abatement-Notice and Service

(A) If a person fails or refuses to discharge the duty imposed by Section 9-28, the city may concurrently serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance must be achieved within the time specified in the notice.

(B) The city shall determine the individual, firm or corporation who, from the records in the county tax assessor's office, appears to be the titled owner of the property and shall cause a written notice of public nuisance to be served upon such individual, firm, or corporation utilizing the following methods:

(1) Personal service as attested to Affidavit of Service by an enforcement officer as defined herein; or

(2) Copy mailed to such owner at the address maintained by the county tax assessor's office by United States Certified Mail, Return Receipt Requested; or

(3) In the event the City is unable to perfect service utilizing any of the methods described above, the City shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once per week, for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in physical possession of such property on which it is alleged that such public notice exists, or, if there is no individual in physical possession thereof, the city shall cause a copy of the notice posted at such structure, location, or premises.

(C) The city shall also determine from the office of the Clerk of Court the identity of any lien holder with respect to said property, and the city shall cause a written notice to be served upon such lien holder by United States Mail, Return Receipt Requested, utilizing the address of the lien holder as noted on the lien document in the clerk's office.

(D) The aforesaid notice to the owner and lien holder, if any, shall state clearly and concisely the findings of the city with respect to the existence of a public nuisance. The notice shall further provide the following information:

- (1) The names, telephone numbers, and addresses for use in contacting the city;
- (2) A clear statement that, unless the owner thereof shall cause the abatement of the nuisance pursuant to the order's contained in the city's notice, the public nuisance shall be abated by the city at the expense of the owner;
- (3) Inform them of their rights to appeal;
- (4) The city's right, if it has to abate the condition, to assess an administrative fee and to recover all public cost, including attorney's fee and the cost of establishing a lien against the property.

Section 9-31. Abatement by Owner

Within thirty (30) days after the service of the notice of abatement of nuisance as described above, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance. The owner, agent of the owner or individual in possession of the affected property shall file a written statement with the department establishing that no nuisance exists any longer, and such written statements shall be filed within the thirty day extension described above, the owner, agent of the owner, or individual in possession of the affected property shall file a written statement on the department establishing that no nuisance exists any longer, and such written statement shall be filed within the thirty day period mentioned above.

Section 9-32. Abatement by City; Liability for cost of abatement; court action.

In the event the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, or in the event of summary abatement as provided for in Section 9-27 above, the city manager may, in a reasonable and prudent matter, direct the expenditure of public resources to abate the nuisance condition. The cost of such abatement shall include an administrative assessment of \$250, any attorney fees and costs incurred in processing of the nuisance as described herein, plus the actual cost of labor and materials expended in the public abatement. The person shall be served with a Notice of Assessment within seven days after the completion of the abatement. The notice of assessment shall include the administrative fee and a statement of public cost, attested to by affidavit, and shall be issued and served as provided for in Section 9-30 above upon the person responsible for

payment, and the notice shall call for payment to be made within thirty days of the date of service. Upon expiration of the thirty day period, if the amount has not been paid in full or contested utilizing the appeal mechanism described herein, the city manager may cause a lien in the amount to be filed in the clerk of court and the finance director for the city. The lien shall be of record in the county courthouse and the finance director shall note it in the book of liens until such amount has been paid or recovered or otherwise released. The lien shall be collectable in the same manner and shall have the same priority as municipal taxes. Collection of the lien by way of recovery or foreclosure may be instituted by the city attorney on behalf of the city. Additionally, the City of Florence, South Carolina, is a claimant agency as defined in the Setoff Debt Collection Act, SC Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the City of Florence. The city may utilize those procedures to collect any delinquent debts owed to the city as a result of abatement activities under this code section.

Section 9-33. Appeal Procedures

Within fifteen (15) days after the service of the notice of abatement of nuisance as described above, the owner, agent of the owner, or individual in possession of the affected property may file a written statement of appeal with the department appealing the finding by the Enforcement Official regarding the existence of a nuisance.

(1) The appeal shall be heard at a hearing conducted by the Housing Board of Adjustments and Appeals as established in §4-214 of this Code. Said board may amend or modify the notice of nuisance and/or order, it may extend the time for compliance with the city's order regarding abatement by the owner to such date as the majority of said board may determine.

(2) The hearings allowed under this section shall be held as soon as practical, but in any event, not later than thirty calendar days following receipt by the city of the written demand. Additionally, the individual shall provide to the individual making the written demand for a hearing at least two day's notice of the hearing, and said notice shall advise the individual making the demand of the time and location of the hearing and the right to present evidence and to be represented by counsel at such hearing. The hearing shall be informal, and the decision of the housing board of adjustments and appeals, as described below, shall be final.

(3) The owner, agent, agent of the owner, occupant, and lienholder, if any, of the subject property shall be given the opportunity to present evidence to said board during the course of the hearing.

(4) In those instances where the nuisance has been abated by the city pursuant to §9-32 herein, and the purpose of the hearing demanded is to address the cost of abating the nuisance and the fees charged therein, the appeals board shall have the discretion to waive the cost and fees associated with the abating of the nuisance in whole or in part, if, in the course of the hearing reviewing the decision, the appeals board finds that any of the following did not conform to the provisions of this article;

- (1) The notice to remove the nuisance;
- (2) The work performed in abating the nuisance;
- (3) The computation of the charges and fees associated with the abatement of the nuisance.

This Ordinance shall be effective immediately upon its passage on second reading.

ADOPTED THIS _____ DAY OF _____, 2010.

Stephen J. Wukela
Mayor

Approved as to form:

Attest:

James W. Peterson, Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk

VI. a.
Appointments to Boards
and Commissions

FLORENCE CITY COUNCIL

DATE: February 22, 2010

AGENDA ITEM: Report to Council

DEPARTMENT/DIVISION: City Council

ISSUE UNDER CONSIDERATION:

To fill the vacancies on the Housing Board of Adjustments and Appeals Board.

Revised 06/30/09

HOUSING BOARD OF ADJUSTMENTS AND APPEALS

The Board shall consist of five (5) members, composed of one real estate broker, one physician, one architect, engineer or general contractor, one building materials dealer, and one member at large from the homeowners of the governed area. The board shall be appointed by the City Council.

In the event it would not be possible to fill the membership of the board in all categories listed above, the council may select the remaining membership from business and professional residents of the governed area.

Of the members first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, one (1) for a term of three (3) years, and thereafter they shall be appointed for terms of four (4) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the city council, render any such member liable to immediate removal from office.

APPOINTEES

TERM TO EXPIRE

Mr. David Aubrey Richardson, Jr., Chairman
Assistant Solicitor, 12th Judicial Circuit
180 N. Irby Street, MSC-Q
Florence, SC 29501
(W) 843-665-3091
2137 Pathway Court
Effingham, SC 29541
(H) 843-407-4122
W/M

Mrs. Teresa Myers Ervin
Registered Nurse, Realtor
McLeod Health
555 E. Cheves Street
Florence, SC 29506
(W) 843-260-6537
926 Gladstone Street
Florence, SC 29501
(H) 843-667-8780
B/F



**APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA**

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) Collins, Peggy M.		County Florence	Council District
Residential Address 602 Cherokee Road		City Florence	State South Carolina
Mailing Address		City	State South Carolina
Your Occupation - Title Real Estate Broker		Business Phone 843 667 4156	Residence Phone 843 662 0103
Employer Name Prudential Segars Realty		E-Mail Address peggy@thecollinateam.com	
Employer Address 419 South Coit Street		City Florence	State South Carolina
			Zip Code 29501

General Qualifications

Are you a resident of the City? Yes No How Long? 6 years

Why would you like to serve?
To aid in the fiduciary responsibilities for the citizens of Florence
and to enhance the community for all.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
No

Are you involved in any Community Activities? If so, please list:
Cooks for Christ

What are your goals and objectives if appointed to the Commission/Board? I would like to see the abandoned properties and lots around town cleaned up to make the area a safer place and to enhance the beauty of Florence. I also want to make sure that the true intent and meaning of the Housing Codes or any of its regulations have not been misconstrued or wrongly interpreted. I certify that the information above is true and correct. Information on this form will be considered public information.

Peggy Collins
Signature

3/3/09
Date

RETURN COMPLETED FORM TO:
Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY	
Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) DAVIS, ROGER ALLEN		County FLORENCE	Council District
Residential Address 615 ASCOT DR.		City FLORENCE	State South Carolina
Mailing Address		City	Zip Code 29501
Your Occupation - Title PHYSICIAN		Business Phone 843-665-1335	Residence Phone 843-465-1535
Employer Name		E-Mail Address rod1118091.msn.com	
Employer Address		City	State South Carolina
			Zip Code

General Qualifications

Are you a resident of the City? Yes No How Long? _____

Why would you like to serve?
TO IMPROVE THE COMMUNITY AT LARGE

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO.

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
NO

Are you involved in any Community Activities? If so, please list:

What are your goals and objectives if appointed to the Commission/Board?
TO INSURE FAIR + BALANCED PROCEEDINGS

I certify that the information above is true and correct. Information on this form will be considered public information.

Roger A. Davis M.D.
Signature

March 2, 2009
Date

RETURN COMPLETED FORM TO:
Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) GILBERT KELLY DOZIER		County FLORENCE	Council District AT LARGE DIST.
Residential Address 716 RICE HOPE COVE		City FLORENCE	State South Carolina
Mailing Address P.O. BOX 102		City FLORENCE	State South Carolina
Your Occupation - Title BUSINESS OWNER (President)		Business Phone (843)662-0123	Residence Phone (843)667-0167
Employer Name GILFO, INC.		E-Mail Address	
Employer Address 275 WEST DARLINGTON STREET		City FLORENCE	State South Carolina
			Zip Code 29501

General Qualifications

Are you a resident of the City? Yes No How Long? 28 YEARS

Why would you like to serve?

I believe that (with this appointment) I will be able to help provide a service that will go a long way in helping to create a better living and business environment in the City of Florence

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
(NO)

Served on Board of Directors for PDRTA

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

Served on Board of Directors for PDRTA

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

(NO)

Are you involved in any Community Activities? If so, please list:

At present none outside of my church.

What are your goals and objectives if appointed to the Commission/Board?

To help to remove as soon as possible and as much as possible any blighted properties that are unfit for human habitation

I certify that the information above is true and correct. Information on this form will be considered public information.

Gilbert Kelly Dozier
Signature

March 10, 2009
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	3-10-09
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>Housing Board of Appeal</i>			
Your Name (Last, First, Middle) <i>Kennedy, James D.</i>		County	Council District
Residential Address <i>1108 Laverance Drive</i>	City <i>Florence</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>
Mailing Address <i>same P.O. Box 6441</i>	City <i>Florence</i>	State <i>South Carolina</i>	Zip Code <i>29502</i>
Your Occupation - Title <i>Contractor (self employed)</i>	Business Phone <i>667-1970</i>	Residence Phone <i>Same</i>	
Employer Name	E-Mail Address <i>James Kennedy54@gmail.com</i>		
Employer Address	City	State <i>South Carolina</i>	Zip Code

General Qualifications

Are you a resident of the City? Yes No How Long? *45 years*

Why would you like to serve?

I have a long love for my city and a life-time of experience in carpentry and construction.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

NO

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

NO

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

NO

Are you involved in any Community Activities? If so, please list:

Weed and Seed

What are your goals and objectives if appointed to the Commission/Board?

To be dependable, fair, concerned and honest

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature 

Date *March 27, 2009*

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence, City County Complex AA,
180 N. Irby Street, Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<i>4-2-2009</i>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>Housing Board of Adjustments and Appeals</i>			
Your Name (Last, First, Middle) <i>LAWHON JAMES (JA) MARION</i>		County <i>Florence</i>	
Residential Address <i>510 Ridgewood Dr</i>		City <i>Florence</i>	State <i>South Carolina</i>
Mailing Address <i>P.O. Box 3964</i>		City <i>Florence</i>	State <i>South Carolina</i>
Your Occupation - Title <i>Land Developer + Home Builder</i>		Business Phone <i>229-6671</i>	Residence Phone
Employer Name <i>Self-employed - Professional Builders + statewide Investors</i>		E-Mail Address	
Employer Address <i>P.O. Box 3964</i>		City <i>Florence</i>	State <i>South Carolina</i>
		State <i>South Carolina</i>	Zip Code <i>29502</i>

General Qualifications

Are you a resident of the City? Yes No How Long? *15 yrs*

Why would you like to serve?

To help panels serving now out to make a helping difference and fair to everyone

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

no

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

no

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

no

Are you involved in any Community Activities? If so, please list:

no -

What are your goals and objectives if appointed to the Commission/Board?

To be fair to everyone, to see everyone is treated the same, no matter what color, sex or age

I certify that the information above is true and correct. **Information on this form will be considered public information.**

James M Lawhon Jr
 Signature

Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
 City of Florence
 City County Complex AA
 180 N. Irby Street
 Florence, SC 29501
 Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	<i>12-2-2009</i>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <i>HOUSING BOARD OF ADJUSTMENTS AND APPEALS</i>			
Your Name (Last, First, Middle) <i>ERVIN, TERESA MYERS</i>	County <i>FLORENCE</i>	Council District <i>Dist. 1</i>	
Residential Address <i>926 GLADSTONE ST.</i>	City <i>FLORENCE</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>
Mailing Address <i>926 GLADSTONE ST.</i>	City <i>FLORENCE</i>	State <i>South Carolina</i>	Zip Code <i>29501</i>
Your Occupation - Title <i>REGISTERED NURSE & REALTOR</i>	Business Phone <i>843-260-6537</i>	Residence Phone <i>843-667-8780</i>	
Employer Name <i>MCLEOD HEALTH & CENTURY 21 KING INC</i>	E-Mail Address <i>teresamervin@gmail.com</i>		
Employer Address <i>555 E. CHEVES ST.</i>	City <i>FLORENCE</i>	State <i>South Carolina</i>	Zip Code <i>29506</i>

General Qualifications

Are you a resident of the City? Yes No How Long? *46 yrs.*

Why would you like to serve?
I would like to serve because I love being a part of Florence, S.C. It is my desire to see Florence grow and prosper.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO, I DO NOT.

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO, I HAVE NOT.

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
I AM NOT CURRENTLY IN A POSITION WITH ANY ORGANIZATION OR BOARD, BUT IN 1997 I WAS IN THE NW FNC AS SECRETARY AND THE GROUP RECEIVED CDBG FUNDS.

Are you involved in any Community Activities? If so, please list:
I AM A MEMBER OF THE NORTH WEST FLORENCE NEIGHBORHOOD COMMUNITY WATCH GROUP. I AM AN ASSOCIATE MINISTER AT SOUTHWEST BAPTIST CHURCH. A MEMBER OF WFHS BAND BOOSTERS

What are your goals and objectives if appointed to the Commission/Board?
To assist with the facilitation of equitable appeals regarding vacant and abandoned properties, while improving the City of Florence.

I certify that the information above is true and correct. Information on this form will be considered public information.

Teresa Ervin
 Signature

03-17-09
 Date

RETURN COMPLETED FORM TO:
 Office of the City Clerk
 City of Florence, City County Complex AA,
 180 N. Irby Street, Florence, SC 29501
 Fax: 843-665-3110

FOR OFFICE USE ONLY	
Received:	<i>3-19-09</i>
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) PHELAN, LEO HAID	County FLORENCE	Council District	
Residential Address 1814 STRICKLEN DR	City FLORENCE	State South Carolina	Zip Code 29505
Mailing Address 1814 STRICKLEN DR	City FLORENCE	State South Carolina	Zip Code 29505
Your Occupation - Title RETIRED	Business Phone	Residence Phone (843) 665-6177	
Employer Name	E-Mail Address PHELANSC@BELL.SOUTH.NET		
Employer Address	City	State South Carolina	Zip Code

General Qualifications

Are you a resident of the City? Yes No How Long? _____

Why would you like to serve?
TO ASSIST MY COMMUNITY IN SOLVING SAFETY & APPEARANCE PROBLEMS

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
NO

Are you involved in any Community Activities? If so, please list:
KINDERMERE HOMEOWNERS ASSN.
FLORENCE GUARDIAN AD LITEM PROGRAM

What are your goals and objectives if appointed to the Commission/Board?
TO MAKE FLORENCE A SAFER & MORE ATTRACTIVE COMMUNITY

I certify that the information above is true and correct. Information on this form will be considered public information.

Leo Haid Phelan
Signature

February 8, 2010
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: Housing Board of Adjustments And Appeals			
Your Name (Last, First, Middle) Richardson, Jr., David, Aubrey		County Florence	
Residential Address 2137 Pathway Ct.		City Effingham	
Mailing Address Same		City Effingham	
Your Occupation - Title Assistant Solicitor		Business Phone 843-665-3091	
Employer Name 12th Judicial Circuit Solicitor's Office		E-Mail Address DaRich81@aol.com	
Employer Address 180 N. Irby St MSC-Q		City Florence	
		State South Carolina	
		Zip Code 29501	

General Qualifications

Are you a resident of the City? Yes No How Long? 10 mths

Why would you like to serve?

To improve ~~the~~ aesthetics and safety in the City of Florence

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

No

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

No

Are you involved in any Community Activities? If so, please list:

Currently acting as President of a temporary board for the neighborhood ass. of "Womack Gardens" in hopes to establish the neighborhood association

What are your goals and objectives if appointed to the Commission/Board?

To act in the best interest of the city, specifically with regard to crime/ gang prevention

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature

2-3-09
Date

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	2-9-09
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: <u>Housing Board of Adjustments and Appeals</u>			
Your Name (Last, First, Middle) <u>Shelley, Betty</u>		County <u>Florence</u>	Council District <u>2</u>
Residential Address <u>427 S. Warley Street</u>		City <u>Florence</u>	State <u>South Carolina</u>
			Zip Code <u>29501</u>
Mailing Address <u>427 S. Warley Street</u>		City <u>Florence</u>	State <u>South Carolina</u>
			Zip Code <u>29501</u>
Your Occupation - Title <u>Secretary</u>		Business Phone	Residence Phone
Employer Name <u>Carolina Comfort Systems</u>		E-Mail Address <u>bettyshelley2@aol.com</u>	
Employer Address <u>919-D South Cashua Dr.</u>		City <u>Florence</u>	State <u>South Carolina</u>
			Zip Code <u>29501</u>

General Qualifications

Are you a resident of the City? Yes No How Long? _____

Why would you like to serve?
To see a better Florence

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:
NO

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:
NO

Are you involved in any Community Activities? If so, please list:
President Timed Park Neighborhood Association

What are your goals and objectives if appointed to the Commission/Board?
assist city leaders in improving property values and making a safer, cleaner Florence. Improve quality of living.

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature Betty Shelley

Date October 6, 2009

RETURN COMPLETED FORM TO:
Office of the City Clerk
City of Florence, City County Complex AA,
180 N. Irby Street, Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: BOARD OF HOUSING ADJUSTMENTS & APPEALS			
Your Name (Last, First, Middle) SINGLETARY		County FLORENCE	Council District
Residential Address 508 OAK ST.	City FLORENCE	State SC South Carolina	Zip Code 29506
Mailing Address P.O. Box 12064	City FLORENCE	State SC South Carolina	Zip Code 29504
Your Occupation - Title RETIRED	Business Phone	Residence Phone 843-317-6920	
Employer Name N/A	E-Mail Address		
Employer Address N/A	City	State South Carolina	Zip Code

General Qualifications

Are you a resident of the City? Yes No How Long? **30**

Why would you like to serve?

I WANT TO MAKE A DIFFERENCE FOR THE RESIDENTS OF THE CITY

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

NO

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

NO

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

NO

Are you involved in any Community Activities? If so, please list:

NO

What are your goals and objectives if appointed to the Commission/Board?

MY GOALS TO MAKE SURE THE RIGHTS OF EVERY CITIZEN IS MET.

I certify that the information above is true and correct. **Information on this form will be considered public information**

Signature

[Handwritten Signature]

Date

5/20/09

RETURN COMPLETED FORM TO:

Office of the City Clerk
City of Florence
City County Complex AA
180 N. Irby Street
Florence, SC 29501
Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	



APPLICATION FOR BOARDS AND COMMISSIONS
CITY OF FLORENCE
SOUTH CAROLINA

Board or Commission for which you are applying: HOUSING BOARD OF ADJUSTMENTS + APPEALS.			
Your Name (Last, First, Middle) VANADIA, JOSEPH M		County Florence	Council District 1
Residential Address 319 REVELL DR. APT C	City Florence	State South Carolina	Zip Code 29501
Mailing Address 319 REVELL DR. APT C	City Florence	State South Carolina	Zip Code 29501
Your Occupation - Title Fire Fighter - CAPT.	Business Phone	Residence Phone 496-6915	
Employer Name City of Florence		E-Mail Address JUANADIA@AOL.COM	
Employer Address 144 E. Palmetto ST.	City Florence	State South Carolina	Zip Code 29506

General Qualifications

Are you a resident of the City? Yes No How Long? 2 mo.

Why would you like to serve?

I HAVE AN EXTENSIVE BACKGROUND IN BUILDING CONSTRUCTION, I OWN A SMALL CONTRACTING BUSINESS, AND I WOULD LIKE TO HELP MAKE FLORENCE A BETTER CITY.

Do you presently serve on any Commissions/ Boards of the City/ County/ State? If so, please list:

JOINT COUNCIL OF FIRE SERVICE PERSONNEL. (STATE LEVEL)

Have you formerly served on any Commissions/ Boards of the City/ County/ State? If so, please list:

N/A

Are you currently in a position of responsibility with an organization or board that has received or is seeking funding from the City of Florence? If so, list the position and date:

N/A

Are you involved in any Community Activities? If so, please list:

What are your goals and objectives if appointed to the Commission/Board?

TO ASSIST CITY OFFICIALS + THE COMMUNITY IN RESOLVING THE PROBLEM OF DILAPIDATED HOMES + PROPERTY

I certify that the information above is true and correct. Information on this form will be considered public information.

Signature

Date

10/24/09

RETURN COMPLETED FORM TO:

Office of the City Clerk
 City of Florence
 City County Complex AA
 180 N. Irby Street
 Florence, SC 29501
 Fax: 843-665-3110

FOR OFFICE USE ONLY

Received:	
Appointed to:	
Date:	