

CITY OF WOODRUFF
SPARTANBURG COUNTY, SOUTH CAROLINA
AN ORDINANCE RELATING TO THE LICENSING AND REGULATION OF
RESIDENTIAL RENTAL PROPERTIES WITHIN THE CITY OF WOODRUFF
THE CITY COUNCIL OF WOODRUFF ORDAINS:

Chapter 12, Section 1 of the following Woodruff City Code shall be added to read as:

SECTION 1
RENTAL HOUSING

Section

12-1-1 Purpose and Intent

12-1-2 Applicability

12-1-3 Powers and Duties of the Compliance Official

12-1-4 Definitions

12-1-5 Licenses

12-1-6 Inspection Criteria

12-1-7 Responsibilities of Owners and Applicants

12-1-8 Maximum Density

12-1-9 General Requirements

12-1-10 Minimum Standards for Basic Equipment and Facilities

12-1-11 Minimum Standards for Light and Ventilation

12-1-12 Dwellings Unfit for Human Habitation

12-1-13 Confidentiality

12-1-14 Severability

12-1-15 Penalties and Violations

12-1-16 Mediation and Arbitration

12-1-1: PURPOSE AND INTENT:

It is the purpose of this Ordinance to assure that rental housing in the City of Woodruff is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.

12-1-2: APPLICABILITY:

This ordinance applies to all residential rental dwelling units located within the City of Woodruff. Residential property units as defined by this ordinance include residential conventional construction single family and multi-family dwellings, modular homes, manufactured homes, mobile homes and apartment complexes. The provisions of this ordinance supplement but do not supersede Federal, State, or County regulations where applicable. Every residential rental dwelling

unit and its premises used whole or in part as a home or residence, for a family or person, shall conform to the requirements of this Ordinance irrespective of when such building was constructed, altered or repaired. All rental residential properties must have satisfactorily completed an inspection by the city compliance official and maintain current licensing for occupancy.

12-1-3: Duties and Powers of the Compliance Official

1. The City Compliance Official is hereby authorized to enforce the provisions of this Ordinance.

2. The City Compliance Official is authorized to inspect all rental dwelling units within the city limits of Woodruff, whether having a rental license hereunder or not. The inspection may include the building or structure containing the rental dwelling unit, the land upon which it is located and accessory uses or structures related to the rental dwelling unit. All inspections authorized by this section shall be limited to those which are done for the purpose of seeking compliance with this Ordinance , and shall take place only at reasonable hours or as may otherwise be agreed upon by the owner and the City Compliance Official. If entry is refused or not obtained, the compliance officer is authorized to pursue recourse as provided by law.

3. The City Compliance Official shall give written notice to the owner of any violations of this ordinance discovered during an inspection within seven days following an inspection; and establish a 30 day time frame for correction. The Compliance Official is authorized to permit one 30 day extension for compliance.

4. Upon notification from the owner to the City that correction(s) of any violation(s) have been completed, the city compliance official shall re-inspect the property within the following seven days where possible as to not give interruption to the current occupants, or the landlord's ability to collect rental income and/or conduct normal business activities. There would be no additional cost to the owner for the initial follow up inspection. Should another visit be required for verification of correction, then the owner would be charged the original fee a second time.

5. Liability: The Compliance Official, officer or employee charged with the enforcement of this ordinance , while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage occurring to persons or property as a result of any act required or permitted in the discharge of his/her official duties.

6. Emergency Inspections and Remediation:

1. Nothing in this ordinance shall limit or supplant the power of the compliance official under the terms of this ordinance to placard and order the vacation of a property which:

- (a) Is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public
- (b) Lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public

- (c) Nothing in this ordinance shall limit the right of the city to abate or remediate such emergency or nuisance by any other lawful means of proceedings.

7. The compliance official shall have the authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this ordinance; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this ordinance or the adopted codes and regulations of the city or state.

12-1-4: DEFINITIONS:

The following words, terms and phrases, when used in this Ordinance, shall have the following meanings:

Accessory structure: a subordinate detached building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary such main building or use.

Approved: when used in reference to the design and capabilities of physical systems of a dwelling, shall mean having passed the inspection of the city compliance inspector

Building: any structure built for support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

Certificate of Occupancy / Certificate of Compliance: For purposes of this ordinance these two terms are interchangeable.

Compliance inspection: The basic component for accountability for the purpose of licensing rental residential dwelling units within the city limits.

Compliance official: the City Building Official and/or the designated agents authorized to administer and enforce terms of this ordinance. For the purpose of this ordinance and its implementation, compliance official can be a certified building inspector, a code enforcement official, or a designated agent for the city administration and city council

Dwelling: A building or portion thereof, designated exclusively for residential occupancy, including single family dwellings, multi-family dwellings, modular homes, mobile homes, manufactured homes, and apartment or condominium complexes, but not intended to include hotels, motels, nursing homes, boarding houses or owner occupied residences.

Dwelling, Single-Family: A dwelling unit designed exclusively for occupancy by one (1) family.

1. Attached: A dwelling which is joined to another at one ore more sides by a party wall.

2. Detached: A dwelling unit not attached to another dwelling or structure or is entirely surrounded by open space.

Dwelling, Two-Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each. A two-family dwelling (duplex) with a separate rooming unit(s) shall be considered and classified as a multiple family dwelling.

Duplex: A two-family dwelling unit with one (1) unit above the other or side to side on the same level.

Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, resorts, tourist homes or travel trailers (RV's).

Expressed: written statement, to make known by written document as it relates to requirements, non conformance, or reporting between parties

Facility: For the purpose of this document, facility is a rented habitable dwelling unit

Family: An individual or two (2) or more persons related by blood, marriage, adoption or a group of not more than three (3) persons who need not be related by blood or marriage living together in a dwelling unit dependent upon the number of habitable rooms within the property. See 12-1-7 for maximum occupancy requirements

Garbage: animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Habitable building: any building or part thereof that meets minimum standards for use as a home or place of abode by one or more persons.

Habitable room: a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, unfinished basements (those without required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than 50 square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas in parts of the structure belowground level or in attics.

Heated water: water heated to a temperature of not less than 120 degrees Fahrenheit, or such lesser temperature required by government authority, measured at the faucet outlet.

Kennel means any person, group of persons, partnership, or corporation engaged in buying, selling, breeding, or boarding pet animals... i.e. five or more pets and/or animals at a residence are considered a Kennel and Kennels are prohibited inside the city limits unless specifically allowed per the City of Woodruff Zoning Ordinance. ”

Kitchen: a space which contains a sink with counter working space, reasonable space for installing cooking and refrigeration equipment and adequate space for the storage of cooking utensils.

Lease: an agreement to rent. For use as a verb, see Rent.

Occupant: any person (including the owner or operator) sleeping, cooking and eating in a dwelling unit or living and sleeping in a rooming unit.

License: document provided by the city administration to rental residential owners verifying that the annual registration of occupants is up to date and the property meets minimum habitability standards for occupancy

Operator: the owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Owner: any person who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling, dwelling unit, or rooming unit within the city as title holder, as employee or agent of the title holder, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual title holder shall be bound to comply with the provisions of this article to the same extent as the title holder.

Party Wall: A common wall which divides two (2) independent structures by a fire wall.

Permissible occupancy: the maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Plumbing: all of the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

Premises: a platted lot or part thereof or non-platted parcel of land occupied by any dwelling or non-dwelling structure, including any such building, accessory structure or other structure thereon.

Public hall: a hall, corridor or passageway for providing ingress and egress from a dwelling unit in a multi-family unit or apartment type complex to a public way and not within the exclusive control of one family.

Reasonable: not excessive nor extreme, logical, justifiable

Refuse: all organic and non-organic waste, including garbage and rubbish.

Rent: consideration paid for the use of premises, including, but not necessarily limited to, money, services and property. As a verb, the term "rent" means to get or give the use of premises in return for such consideration or any combination thereof. The term "rent" does not include arrangements whereby a relative occupies a dwelling for no consideration or for consideration that includes no more than maintenance of the dwelling or premises, and which arrangement is detailed and sworn to in affidavits filed by each adult occupant of the dwelling and each person who is an owner of the dwelling.

Rental dwelling: a building or portion thereof let for rent or lease, designed or used predominantly for residential occupancy of a continued nature, including single-family dwellings, attached or detached, and multiple-family dwellings, but not including hotels and motels.

Rental dwelling unit: a single residential accommodation let for rent or lease which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one family. Applicable county tax records indicate that the unit is classified as non-owner occupied and is taxed at the higher personal property tax rate of 6% for the county of Spartanburg, South Carolina. Where a private

garage or storage building is structurally attached, it shall be considered as a part of the building in which the dwelling is located.

Repair: to restore to a sound and acceptable state of operation, serviceability or appearance.

Rodent harborage: any place where rodents can live, nest or seek shelter.

Rubbish: solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, obsolete furniture, appliances, scrap metals, machinery, and similar materials including non-insured automobiles and junk cars or car parts.

Substandard dwelling: any dwelling which does not conform to the minimum standards established by city ordinances.

Supplied: paid for, furnished by, provided by or under the control of the owner, operator or agent of a dwelling. Whenever the terms "dwelling," "dwelling unit," "premises," and "structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Toilet: a toilet, sometimes referred to as a water closet with a bowl and trap made for the purpose of personal refuse, which is connected to the city water and sewer system or other approved water supply and sewer supply such as a septic system.

12-1-5: LICENSE:

A. License Required. No person, firm or corporation shall operate a rental dwelling unit without first having obtained a license to do so from the City as provided for in this Ordinance. Licenses shall be issued annually to owners of rental properties or their agents. A license must be obtained for each individual rental unit. (Ex. An apartment complex with 10 rental units would require 10 license)The licensing year begins on January 1st of each year and ends on the 31st of December of the same year. License renewals may be filed on or before December 15 prior to the expiration date. Licenses are not transferable from one owner to another. The annual licensing fee for rental residential units will be \$15.00 or as set by the city council of Woodruff beginning February 1, 2009 and will not change for the four year cycle ending February 1, 2013. The annual licensing fee will be deemed 'late' on February 1st of each year and carry with it a corresponding late fee of fifteen dollars (\$15.00) per month thereafter ending on April 31st. Property owners failing to comply with the conditions of this ordinance by the April 31st deadline will be responsible for full payment of licensing fees retroactive to January 1st, cost of a full compliance inspection, and other administrative costs related to missing this deadline.

B. Application shall be made to the City of Woodruff by the owner of the rental dwelling unit(s) or his/her designated agent. The owner/applicant shall supply:

1. The name, address and telephone number of the dwelling owner, the owning partners if a partnership and/or that of the corporate officers if a corporation.

2. The name, address and telephone number of the designated agent, if any.
3. The name, address and telephone number of the management representative, firm or absentee owner's legally authorized agent whom will address issues related to the rental residential unit.
4. The legal address of the dwelling.
5. The type of dwelling.
6. The type and number of dwelling units within the dwelling.
7. Specific Head of Household Name, names and number of all other occupants assigned as tenants. While licensing is an annual event, change of occupancy anytime during a licensing period will require notification and a change to the registered occupants of the dwelling.
8. An acknowledgement that the owner or designated agent and the tenant/occupant of the property have received a copy of this Ordinance.
9. Responsible party for all utilities

C. Residential Rental Licensing Fees.

1. License fees for renewal of licenses under this Ordinance shall be due on January 1st immediately prior to the license expiration date. In cases of new unlicensed dwellings, license fees shall be due upon initial application. In cases of licensing for periods of less than one (1) year, license fees shall be prorated monthly.
2. The amount of license fees shall be as set forth by the city council. Council shall reinstate this ordinance every four years and set the appropriate fees. The assigned fees shall not be changed without an amendment to said ordinance. Licenses are not transferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension of the license. Change of ownership of said property to owner occupied would not require any resubmission, but transfer to a new owner for the purpose of remaining a rental residential property would require a new registration by the new owner and a new inspection prior to occupancy.
3. Any change of status of a property listed and licensed with the city as a rental residential dwelling shall be cause to notify the compliance official and update the rental registry of the city.

D. Inspection Required. No license shall be issued or renewed under this Ordinance until the rental dwelling and its premises conform to the ordinances of the City of Woodruff and the laws of the State. (See Exception below) Determination of compliance will require an inspection of such dwelling and premises. Failure to schedule or allow such inspection shall be dealt with in the same manner as a violation of any other of the City approved Codes. Notices of interior inspections will be issued to owners or authorized representatives of the owners a minimum of twenty (20) days prior to the inspection date. Reasonable accommodations with the city compliance official for the inspection will be a matter of policy.

EXCEPTION: In the first year of enactment, licenses may be issued before the compliance inspection; with the knowledge to the owners that the property will be inspected within the following eighteen months.

For housing units within the city limits of Woodruff that presently are qualified annually by Spartanburg Housing Authority and rented to qualified Section 8 HUD occupants, the City of Woodruff will recognize Section 8 inspections as meeting the requirements of this rental residential inspection program. The annual licensing and registration will still be required, but the Section 8 inspection will satisfy the intended inspection criteria. Landlords will furnish a copy of the latest Section 8 inspection at the time of registration to exempt the required city inspection. Other inspections accepted in lieu of the City Inspection include;

1. Any HUD Inspection report
2. Mortgage Inspection –related reports
3. Freddie Mac assessment reports
4. Fannie Mae Form 4257
5. Other reports as approved by the code official

E. Posting of License. It is recommended, not mandated, that the license for every rental dwelling be conspicuously posted in the main entryway or easily accessible on location for rental residential dwelling units. Copies of licenses should be kept with the rental management firms, agents, or owners in the event the license is lost, destroyed, or otherwise unavailable upon request at the property location.

12-1-6: INSPECTION CRITERIA:

The City of Woodruff recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring registration and licensing of all residential rental units within the City so that orderly inspections can be undertaken. The inspection program will require the city compliance official to initially inspect every rental unit within the city limits during the first year to eighteen months of the program with the inspection fee applicable to the owner of said property or properties. Thereafter, the inspection cycle for the City of Woodruff rental residential inspection program will be every four years. Vacant properties can be inspected by request of the owner prior to new tenants occupying the property to alleviate hardships or scheduling conflicts with tenants.

If one or more of the following occur ; a new site inspection will be required to be performed by the city compliance official with the fee for inspection charged to the appropriate entity responsible for the action taken, whether owner, tenant, or administration:

- A. Such a unit has been abandoned by the owner or the owner of such unit cannot be found.
- B. The rental dwelling unit license has been suspended, revoked or denied.

C. Water, gas, sewer, or electric service to such unit has been discontinued and the property is still occupied by tenants for more than a seven (7) day time frame; regardless of the cause of cessation. Owners/agents shall not be in non-compliance when it is determined utility services or fees are contracted by the tenants in the tenants' name.

D. The unit is on a parcel of land which is on the list of delinquent taxes sale filed by the County Auditor with the court administrator of the district court pursuant to the South Carolina Tax Code.

E. The property has had a change of occupancy or residency without notification to the City of Woodruff or there is probable cause to believe that there exists within such unit one or more violations of the requirements of this ordinance.

F. The occupant's names are deemed to be different than those registered with the city through the licensing program or the number of occupants exceeds the maximum density allowable by this ordinance.

G. A written complaint or repeated documentation of ongoing complaints of loitering in and around rental properties, drug related activities, animal control issues regarding pets or unlawful kennels, uncleanness, sanitary issues from owners or occupants, or safety related concerns expressed by neighbors, neighboring properties owners or tenants themselves or a specific request for city administration, police, a SC State Agency or building inspection department to investigate the rental property. Written and signed complaints alleging property code violations will be kept on file for review by owners and compliance officials.

H. the Woodruff City Police Department has a particular dwelling unit under investigation for illegal activity and/or the tenants are arrested for illegal activity and evicted by the owner. . No additional inspection fee will be assessed an owner or landlord for inspections made as a part of a police investigation but non compliance issues identified during the investigation will be submitted to owners or landlords for compliance.

I. The unit is the subject of a pending notice of the City's intent to suspend or revoke the rental license.

12-1-7: RESPONSIBILITIES OF OWNERS AND OCCUPANTS:

No owner will allow nor any other person authorize occupancy of a rental dwelling unit unless the premises are clean, sanitary, fit for human occupancy, meet the minimum habitable standards of occupancy, and complies with all applicable legal requirements of the State and the City, including the following requirements:

A. License: The owner of a rental dwelling unit shall register the property with the city of Woodruff and obtain a license for occupancy of said property. .

B. Maintenance:

1. Shared or Public Areas: Every owner of a rental dwelling unit will maintain in a clean, sanitary and safe condition and require that the tenants maintain the premises in a clean, safe, and sanitary manner, and that the property does not become a nuisance to neighboring properties or rental units. This includes yards

and grounds, outbuildings, pet enclosures, and other visible areas of the property.

2. Occupied Areas: All occupants/tenants of a rental dwelling unit will maintain in a clean, sanitary and safe condition that part or those parts of the building and premises thereof that she/he occupies and controls.

C. Storage and Disposal of Garbage and Rubbish:

1. All occupants/tenants of a rental dwelling unit shall store and dispose of all their rubbish in a clean, sanitary and safe manner.

2. All occupants/tenants of a rental dwelling unit shall store and dispose of all their garbage and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner.

3. Every owner of a rental dwelling unit will insure that their properties are free of garbage, rubbish, or refuse accumulations for the sanitary and safe environment of their properties and neighboring properties. Discarded furniture or furnishings, wrecked or unlicensed vehicles, or appliances are prohibited from being stored openly on rental properties. Furniture intended for indoor use can not be placed in the yards or on the porches of rental properties. The above mentioned items must be properly disposed of or properly stored to promote and enhance the general welfare of the neighborhood, community and city.

D. Pest Control and Extermination:

Pest Extermination: The owner of any structure subject to inspection by this Ordinance shall be responsible for extermination within the structure prior to renting or leasing the structure.

After occupancy, the tenant of any structure subject to review by this Ordinance shall be responsible for the continued rodent and pest-free condition of the structure. (Exception): Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

E. Rodents Harborage:

a. No occupant of a rental dwelling unit shall accumulate boxes, lumber, tires, rubbish, scrap metal, or any similar materials in such a manner that may provide a rodent harborage in or about any dwelling unit or building. Stored materials shall be stacked neatly.

b. No owner or occupant of a rental dwelling unit shall store, place or allow to be accumulated, any materials that may serve as food for rodents in a site accessible to rodents.

F. Sanitary Maintenance of Fixtures and Facilities: Every occupant of a rental dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof

G. Minimum Heating Capability and Maintenance: In every rental dwelling unit, property owners are required to provide a heating system capable of maintaining the environment at sixty-five degrees Fahrenheit or such minimum temperature as required by IPMC guidelines. Heating capabilities are deemed mandatory

when outside temperatures fall to less than 65 degrees for two consecutive days during the year.

H. Minimum Exterior Lighting: The owner of a rental building shall be responsible for providing and maintaining effective illumination at all exterior doors, porches, or entry ways where feasible.

I. Driveways and Parking Areas: One (1) off-street parking space should be provided for each rental property where feasible. It is recommended that room for two automobiles be provided in a designated driveway, parking shed, etc. eliminating the need to park on the street in front of a property. Exceptions will be made for areas that have no back alley or no driveways such as the 400 block of Poole Street.

J. Yards: Every yard must be maintained to comply with the current city ordinances regarding yards and grounds. Upon initial licensing and inspection yards and grounds of rental properties must be maintained aesthetically comparable to surrounding properties.

K. Exterior Storage: Owners and occupants of rental dwelling units shall comply with the City's exterior storage requirements including buffer yards, privacy fencing and fencing for pet enclosures

L. Public Nuisances: Owners and occupants of rental dwelling units shall maintain their properties in such a clean, safe, and sanitary way as to not become a nuisance property.

Pets or Kennels deemed a public nuisance: It shall be unlawful for the owner of any dog, cat, fowl or other animal to keep or have within the city any such animal that:

- (1) Habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles;
- (2) Turns over garbage pails, damages gardens or public or private property, flowers or vegetables;
- (3) Barks, whines, crows or howls in an excessive, continuous or untimely fashion;
- (4) Trespasses on school grounds or private property;
- (5) Is maintained so as to cause unreasonable offense to the senses of another person by reason of noise, odor, filth, vermin or other causes.

M. Current Fees: The property owner will be responsible to have current all 'prior years' owner applicable property taxes, licensing fees, special assessments, interest, and utility fees upon licensing rental units with the city annually. Tenant related fees and costs will be the responsibility of the tenants themselves if not otherwise spelled out in the tenant/landlord contractual agreement. Licenses for rental dwellings will not be withheld or suspended from owners for unpaid fees, fines, or charges against a specific tenant.

N. Premises ID: Rental dwellings within the city limits must have the applicable house number posted. The posting should be with number no less than three (3) inches in height and not be obscured from view from the front of the property.

12-1-8: MAXIMUM DENSITY:

No person shall occupy nor permit or let to be occupied any rental dwelling unit for the purpose of living therein, which does not comply with the following requirements.

EXCEPTION: Occupancy prior to the adoption date of this ordinance.

The maximum permissible occupancy of any dwelling unit shall be determined as follows:

A. In no event shall the total number of occupants exceed two (2) times the number of habitable rooms in the dwelling unit. Hallways, bathrooms, kitchens, and porches can not be considered habitable rooms for occupancy density calculations. Bedrooms, living rooms, basements, or other spaces that can be converted to a bedroom space can be used for occupancy determinations. Owners shall specify the names of the actual residents authorized to reside in the residence upon licensing and shall stipulate the maximum number of occupants allowed in their properties.

B. With regard to animals and pets, see the Spartanburg County Animal Control standard which defines the maximum number of allowable pets within the city limits. Five or more pets within the confines of one property constitute a kennel by definition and kennels are currently not allowed in any residentially zones areas within the city limits of Woodruff. With regard to viscous animals, it will be prohibited from raising viscous animals for sale or otherwise within the confines of a rented dwelling or rented space within the city limits of Woodruff. Section 4-2 of the Spartanburg County Animal Control ordinance applies as Spartanburg Animal control is the authorized enforcement for the City of Woodruff.

12-1-9: GENERAL REQUIREMENTS:

No person shall occupy, as owner or occupant, or authorize another to occupy, any rental dwelling unit which does not comply with the following requirements, unless specifically exempt:

A. Minimum Ceiling Height: In order to qualify as habitable, rooms shall have a clear ceiling height of not less than seven feet six inches (7'6"); except, that in attics or top half stories used for sleeping, study, or similar activities, the ceiling height shall be not less than seven feet six inches (7'6") over at least one-half (1/2) of the floor area. In calculating the floor area of such rooms in attics or top half stories, only those portions of the floor area of the room having a clear ceiling height of five feet (5') or more may be included.

Minimum ceiling height for bathrooms or restrooms of dwellings constructed prior to 1960 will take into consideration the age of the dwelling and its original design features but the recommended height is a seven feet (7') average for the room. Mobile home ceiling heights will conform to the original specifications of the property but shall not be less than seven feet (7') for the purpose of rental residential dwellings.

B. Bathrooms and restrooms: Every rental dwelling unit must have an operational bathroom or water closet compartment intended for the use by the occupants of the residence with hot and cold running water in the bathtub or shower module and lavatory/sink, toilet in working condition hooked to the city sewer system or septic system on property, a lockable door for privacy and can not be utilized as a habitable room for the purpose of calculating the maximum occupancy of a rental dwelling unit. A bathroom can not be used as the only passageway between habitable rooms within a rental dwelling and can not be accessible directly from the outside for use as a means of ingress or egress.

C. Foundations, Exterior Walls and Roofs: The foundation, exterior walls, and exterior roof shall be substantially watertight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation element shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portion of the walls or to the interior spaces of the building. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All exterior wood surfaces, other than decay resistant woods, will be protected from the elements and decay by paint or other protective covering or treatment. If the exterior surface is unpainted or determined by the compliance official to be paint blistered, the surface will be painted. If the exterior surface of the pointing of any brick, block or stone wall is loose or has fallen out, the surface will be repaired.

D. Windows, Doors and Screens: Every window, exterior door, and other exterior openings will be substantially tight and shall be kept in sound condition and repair. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain, wind, vermin and rodents from entering the building. Every open-able window must open at 50% and should be supplied with 16 mesh screens during the insect season, unless central air conditioning system is in place and shall be equipped with an approved lock if located less than six feet (6') above adjacent grade.

E. Floors, Interior Walls and Ceilings: Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of loose, warped, protruding or rotted flooring materials. Every interior wall and

ceiling shall be free of holes and large cracks and loose plaster and shall be maintained in a tight, weatherproof condition. The floor of every toilet room, bathroom, and kitchen shall have an impervious nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition.

F. Rodent proof: Every structure and the premises upon which it is located shall be maintained in a rodent free and rodent proof condition. All openings in the exterior walls, foundations, basements, ground or first floors, and roofs, which have a one-half inch (1/2") diameter or larger opening, shall be rodent proofed in an approved manner. Basements or cellars that are utilized as habitable areas will be paved with concrete or other rodent impervious material. Crawl spaces should be free of moisture and free of accumulations of rubbish or garbage or any material that would harbor or propagate the infestation of rodents.

G. Fences: All fences shall consist of metal, wood, masonry, or other decay resistant material. Fences shall be maintained in good condition both in appearance and in structure. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. This section includes pet enclosures also.

H. Landscaping: Every property on which a rental dwelling stands shall be maintained in a clean and orderly manner consistent with prevailing community standards and in compliance with ordinances already in place within the city limits of Woodruff.

I. Safe Building Elements: Every foundation, roof, floor, exterior and interior wall, ceilings, inside and outside stair, every porch and balcony, and every appurtenance thereto, shall be safe to use and capable of supporting loads required by the occupancy. Sections R315 and R316 of the international residential codes can be used as guidelines for guards and handrails.

J. Functionality of appliances, equipment, and services: Every appliance, piece of equipment or utility service (water, gas, electrical) supplied by the property owner to the tenant will be installed and maintained and shall function effectively in a safe, sound, and working condition.

This includes kitchen appliances, water heaters, heating systems, and security systems. Working open fireplaces or fireplaces with wood heaters or gas logs or inserts must have chimneys and flues in good working condition.

K. Discontinuance of Service or Facilities: No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required under this chapter, to be removed, shut off or discontinued from any occupied building or portion thereof, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. Landlords who retain the utility services in their name as a part of

their rental residential agreements must follow the formal eviction process before discontinuing any services essential to the quality of life for the tenants.

12-1-10: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES:

No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit for the purposes of living, sleeping, cooking and eating therein which do not comply with the following requirements:

A. Kitchen Facilities:

1. Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which is connected to an approved sewer system.
2. Every dwelling unit shall have an approved kitchen sink in good working condition and properly connected to an approved water supply system, and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
3. Every dwelling unit shall have cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping, and a counter or table for food preparation. Said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction and furnished with surfaces that are easily cleaned and that will not impart any toxic or deleterious effect to food.
4. Every dwelling unit that provides appliances with the property shall have a stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at or below forty degrees Fahrenheit (40°F), which are properly installed with all necessary connections for safe, sanitary and efficient operation. Provided, that such stove, refrigerator or similar device need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide same upon occupancy, in which case, sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

B. Toilet Facilities: Within every rental dwelling unit there shall be a non-habitable room designated as a bathroom, toilet, or water closet which is equipped with an approved toilet in good working condition. Such room shall have an entrance door which affords privacy. Said toilet shall be equipped with easily cleaned surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the toilet to be operated properly, and shall be connected to an approved sewer system.

C. Lavatory Sink: Within every rental dwelling unit there shall be an approved lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close

proximity to the door leading directly into the room in which the said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system.

D. Bathtub or Shower: Within every rental dwelling unit there shall be an uninhabitable room which is equipped with an approved bathtub or shower in good working condition. Such room shall have an entrance which affords privacy. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system.

E. Stairways, Porches and Balconies: Every stairway inside or outside of a rental dwelling and every porch or balcony shall be kept in safe condition and sound repair. Stairs, handrails and guards shall conform to the IRC/IBC.

F. Access to Rental Dwelling Unit: Access to or egress from each rental dwelling unit shall be provided without passing through any other rental dwelling unit.

G. Building Security: Doors, Windows and hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. Doors providing access to a dwelling unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch.

12-1-11: MINIMUM STANDARDS FOR LIGHT AND VENTILATION:

No person shall occupy, as owner/occupant, or let to another occupy, any rental building or rental dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

A. Habitable Room Light and Ventilation: Except where there is supplied some other device affording adequate ventilation and approved by the compliance official, every habitable room shall have at least one window facing directly outdoors which can be opened easily. One-half (1/2) of the required window area shall be open-able for ventilation purposes.

B. Uninhabitable Room Ventilation: Every bathroom and water closet compartment requires ventilation. A window or ventilation system is required in each bathroom for compliance to this ordinance.

C. Electric Service, Outlets and Fixtures: Every rental dwelling unit and all public and common areas shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in good and safe working condition, and which shall be connected to a source of electric power in a manner prescribed by the ordinances, rules, and regulations of the City and by the laws of the State. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures shall be as follows:

1. Every habitable room shall have a minimum of two wall type electrical convenience outlets; however one ceiling and type fixture may be supplied in lieu of one required electric outlet.

2. Every bathroom, kitchen, laundry room, and furnace room shall contain at least one (1) supplied ceiling or wall type electric light fixture, and every bathroom, kitchen, and laundry room shall contain at least one (1) electric convenience outlet. If the convenience outlet is within six (6) feet of the water source it must be equipped with a GFI circuit.

3. A convenient switch or equivalent device for turning on a light in each rental dwelling unit shall be located near the point of entrance to such unit.

D. Smoke and Carbon Dioxide/Monoxide Protection: Every level of every rental dwelling unit shall provide an operational smoke detection device. Rental units that heat or cook with gas must have a workable carbon dioxide/monoxide detection device in place in the hallway and kitchen area along with smoke detectors in the following areas:

1. One per level if multi-storied or hallway
2. One per bedroom
3. One per kitchen

12-1-12 DWELLINGS UNFIT FOR HUMAN HABITATION:

A. Any rental dwelling or rental dwelling unit which is damaged, decayed, dilapidated, unsanitary, unsafe, or vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any rental dwelling, rental dwelling unit or rooming unit has been declared unfit for human habitation, the compliance official will order the dwelling, dwelling unit or rooming unit vacated within a reasonable amount of time and shall post a placard on the dwelling, dwelling unit or rooming unit indicating that it is unfit for human habitation and any operating license previously issued for such dwelling shall be suspended pending final determination for occupancy.

B. It shall be unlawful for such rental dwelling or rental dwelling unit to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the compliance official. Re-inspections of formally declared 'un-inhabitable' properties will be performed within seven days

of the notice to the compliance official from the property owner or agent that the non-conformance has been remedied. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling or rental dwelling unit. The declaration will be removed by the city compliance official upon a satisfactory re-inspection of the dwelling.

C. The owner of any rental dwelling or rental dwelling unit which has been declared unfit for human habitation, or which is otherwise vacant , shall make the dwelling or dwelling unit safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. This could entail boarding up windows and doors or other remedies deemed appropriate by the owner.

D. If a rental dwelling unit has been declared unfit for human habitation and the owner has not remedied the defects within one hundred and eighty (180) days the dwelling may be declared a hazardous building and treated consistent with the provisions of local and State statutes for removal of the property for the public good. Boarding of windows and doors in Section “C” above does not negate this requirement.

12-1-13 CONFIDENTIALITY:

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

12-1-14 SEVERABILITY:

The provisions of this article are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this article. It is hereby declared that the intent of the council is that this article would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

12-1-15 PENALTIES AND VIOLATIONS:

Any person who knowingly or un-knowingly violates any provision of this ordinance, who provides false or misleading information or who maliciously attempts to defraud the city compliance official or City of Woodruff shall be guilty of a misdemeanor, punishable as prescribed by State law. The City may elect alternative enforcement through civil penalties or through the City’s administrative enforcement policies and procedures.

Every license issued to the owner/agent of a residential dwelling under the provisions of this ordinance is subject to suspension or revocation by the City

should the licensed owner or the owner's duly authorized agent fail to operate or maintain the licensed dwelling or unit therein consistent with the provisions of the Ordinances of the City and the Laws of the State. The procedures for appealing a revocation or suspension of a license shall follow the City's administrative enforcement proceedings as authorized by the City Code.

12-1-16 APPEALS.

MEANS OF APPEAL

1. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Housing and Construction Board of Appeals , provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code/ordinance or the rules legally adopted there-under have been incorrectly interpreted, the provisions of this code/ordinance do not fully apply, or the requirements of this code/ordinance are adequately satisfied by other means, or that the strict application of any requirement of this code/ordinance would cause an undue hardship.
2. Disqualification of member. A board member shall not hear an appeal in which that member has a personal, professional or financial interest.
3. Secretary. The city manager shall designate a qualified person to serve as secretary to the board . The secretary shall file a detailed record of all proceedings in the office of the city clerk.
4. Compensation of members. Compensation of members shall be determined by city council.
5. Notice of meeting. The board shall meet upon notice from the chairman , within 20 days of the filing of an appeal, or at stated periodic meetings.
6. Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.
7. Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
8. Postponed hearing. When the a quorum of the board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

9. Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

10. Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

11. Administration. The code official shall take immediate action in accordance with the decision of the board .

12. Court review. Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the city clerk.

13. Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Section 2

This Ordinance shall be implemented in two stages. The annual rental residential registration and exterior property inspection beginning February 1 , 2009 and the interior compliance inspection process to begin on February 1, 2010 and will be in full force and effect from and after its passage by the City Council of Woodruff, SC., and publication according to applicable laws of SC. Initial first year licensing /registration fee shall be based upon 11 month pro-rated amount of thirteen dollars and seventy-five cents (\$13.75).

Brad Burnett
Mayor

William A. Arnold
Council Member

Toni Sloan
Council Member

Kenneth Gist
Council Member

Tony Kennedy
Council Member

Mattie Norman
Council Member

James Smith
Council Member

Attest TO:

FIRST READING: December 29, 2008

SECOND READING: January 26, 2009

Public Hearing : December 29, 2008