

STATE OF SOUTH CAROLINA)
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 COUNTY OF LEXINGTON)
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 CITY OF CAYCE)
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ORDINANCE 2017-16
 Amending Article IV ("Rental, Non-Owner Occupied and Unoccupied Property Regulations") of Chapter 10 ("Buildings and Building Regulations") of the Cayce City Code

WHEREAS, the City Council previously adopted Article IV of Chapter 10 of the City Code to establish certain regulations relating to rental, non-owner occupied and unoccupied residential properties; and

WHEREAS, the Council, after public input and the recommendations of City staff, now desires to amend and clarify the Regulations to, among other things, change the language to substitute the word "registration" for the word "permit" throughout the Article since no physical permit is intended, and to remove the requirement for a listing of tenant names and contact information as a part of registration but to require certain tenant information upon specific request of the City,

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Article IV ("Rental, Non-Owner Occupied and Unoccupied Property Regulations") of Chapter 10 ("Buildings and Building Regulations") of the Cayce City Code is hereby amended to read as provided in the revised and substituted Article IV attached to this Ordinance.


This Ordinance shall be effective from the date of second and final reading.

DONE IN MEETING DULY ASSEMBLED, this 2 day of Jan, 2018



 Elise Partin, Mayor

ATTEST:



 Mendy C. Corder, Municipal Clerk

First Reading: 12-5-17

Second reading and adoption: 1-2-18

Approved as to form: 

 Danny C. Crowe, City Attorney

Chapter 10

Article IV. Rental, Non-Owner Occupied and Unoccupied Property Regulations

Sec. 10-80. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this Section. When terms are not defined, through the methods authorized by this Section, such terms shall have their ordinarily accepted meaning such as the context implies.

Non-Owner Occupied – A property that is occupied by someone other than the purchaser or owner of a property.

Occupant – A family as defined by the City of Cayce Zoning Ordinance or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense – any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into Pre-Trial Intervention, Alcohol Education Program or a determination of guilt by a court or a jury. For purposes of this ordinance, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance into a Pre-Trial Intervention Program, Alcohol Education Program, conviction, or a plea of guilty or no contest, collectively shall be deemed one offense.

Owner – any person, firm or corporation having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Residential Rental Unit – means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, or manager for the use and occupancy of that portion as a living facility. For purposes of this ordinance, the term rental unit is limited to single household dwellings, two household dwellings (duplex), three household dwellings (triplex), four household dwellings (quadraplex), townhouses, and boarding houses. . Exceptions shall be the following:

- a) Single, two, three, or four household dwelling within a horizontal property regime or;
- b) Dwellings occupied by individuals who are under a written contract to purchase the residence after the contract has been reviewed for validity of purchase by the City Attorney and the Director of Planning and Development.

Whenever the words “rental unit” are stated in this Article, they shall be construed as though they were followed by the words “or any part thereof.”

Townhouses – Dwelling units constructed in a series or group of attached units with property lines separating such units.

Unoccupied – Any property that lacks continued presence of human beings who have a legal right to be on the property, or where any substantial lawful residential occupancy or business operations has ceased for at least six months.

Violation – Breach of law.

Sec. 10-81. Rental, Non-Owner Occupied and Unoccupied Registration Required.

- a. No owner, whether a person, firm or corporation, shall operate any residential rental, non-owner occupied or unoccupied unit as defined in Sec. 10-80 unless that owner holds a current registration issued by the City of Cayce for the property named therein.
- b. Registrations are not transferable from any owner to another.
- c. The registration year shall begin on January 1st and end on December 31st.
- d. Renewals of registrations after April 15th will be considered late and will be assigned any late fees designated in this ordinance.
- e. The required registration fee as defined by Section 10-97 may be paid beginning January 1st but no later than the 15th of April each year.
- f. If the registration fee is not paid by April 15th then on April 16th the City of Cayce shall issue a Uniform Ordinance Summons to the property owner for appearance in Municipal Court.
- g. The Property Owner may be subject to other code enforcement action depending upon the circumstances.

Sec. 10-82. Application.

Applications to operate residential rental, non-owner occupied or unoccupied units and for renewal thereof shall be on a form provided by the City of Cayce. Such form shall set forth the owner's name, address, and telephone number, the unit address, the name of the person, firm, or corporation located within a seventy-five (75) mile radius of the City of Cayce responsible for the care and maintenance of the building, number of current occupants and additional information as outlined on the application for rental housing. Upon request from the City of Cayce, the owner or responsible party shall provide within 24 hours the names and contact information for each of the occupants, for City of Cayce use only.

Sec. 10-83. Issuance or Refusal of Rental, Non-Owner Occupied and Unoccupied Property Registration.

The City of Cayce shall issue a Rental Registration for rental, non-owner occupied or unoccupied properties to the applicant upon proof of the following:

- a) The property is in compliance with all applicable City Ordinances; and
- b) All fees have been paid as required by Section 10-97 of this Article.

Sec. 10-84. Property Owner, Person in Charge, and Occupant.

- a) A registration will not be issued or renewed to a person, firm, or corporation who does not either reside in or have an office within a seventy-five (75) mile radius of the City of Cayce, unless a Person in Charge is designated. The Person in Charge must reside in or have an office within a seventy-five (75) mile radius of the City and be able to act as the agent for the owner. The Director of Planning and Development shall be notified in writing if there is a change of owner or Person in Charge within fourteen (14) days of the change.

- b) The Property Owner, the Person in Charge, and Occupants shall maintain all residential rental, non-owner occupied or unoccupied units under their control, or in which they are located, in compliance with the City Codes.
- c) The Property Owner, the Person in Charge, and Occupants shall be liable for occupancy violations within rental, non-owner occupied or unoccupied residences of their control or in which they are located.
- d) For every residential rental, non-owner occupied or unoccupied unit, the Owner or Person in Charge shall be responsible for the repair and maintenance of the common areas of the dwelling and responding to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch. The Owner shall advise the tenants individually of the names, addresses, and telephone numbers of such Owner and/or Person in Charge.

Sec. 10-85. Reserved.

Sec. 10-86. Offenses and Assignment of Offenses.

- a) For purposes of this ordinance, offenses shall include any Federal or state, law or regulation or any City ordinance or regulation.
- b) Offenses shall apply towards revocation of the registration for residential rental, non-owner occupied or unoccupied units as follows:
 - (1) Single household dwellings, townhouses, and boarding houses. Offenses that occur anywhere on the property shall apply to the registered dwelling unit.
 - (2) Duplex, Triplex and Quadraplex:
 - (a) Offenses that occur within an individual unit shall apply to that unit.
 - (b) Offenses occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
 - (c) Offenses committed by the Property Owner and/or Person in Charge shall be assigned to both units.
 - (d) When a duplex is issued one registration at the request of the owner, any offense within any dwelling unit will be apply to the duplex.

Sec. 10-87. Requirement for Revocation Hearings

City Council shall hold Revocation Hearings as follows:

- (1) Occupancy. Violation of occupancy regulations shall be grounds for declaring the rental, non-owner occupied or unoccupied unit a nuisance property. A revocation hearing date will be established by City Council within 60 days of the offense. The Director of Planning and Development shall issue a notice by certified mail or any other means available to ensure delivery to the Property Owner and Person in Charge

noting the property is considered a nuisance property and pending a revocation hearing. A copy of this notice shall be maintained by the Director of Planning and Development.

(2) Other Offenses

(a) Warning Notice. A City of Cayce Codes Enforcement Officer shall send written notification to the Property Owner and Person in Charge of any violations of Federal or state law or regulation or any City ordinances or regulations that occur at properties governed by this Article. The Director of Planning and Development shall provide an advisory notice by first class, certified mail or any other means available to ensure delivery to the Property Owner and Person in Charge of any rental, non-owner occupied or unoccupied property whenever three offenses of the City of Cayce Code of Ordinances or regulations or any state or Federal law or regulations have occurred individually or in combination at the property within a twenty-four (24) month period. The twenty-four month period shall commence on the day of the first offense. This notice shall advise the Property Owner and Person in Charge that the property has been identified as a potential problem property and advise them of the consequences of continued offenses on this property. This notice shall be maintained by the Director of Planning and Development and made available as necessary.

(b) Notice of Revocation Hearing. When another offense occurs within twelve (12) months after the issuance of the warning notice, this shall be grounds to declare the rental unit a nuisance property. A revocation hearing will be established by City Council within 60 days of the last offense. The Director of Planning and Development shall issue a notice by certified mail or any other means available to ensure delivery to the Owner and the Person in Charge noting the property is considered a nuisance property and pending a revocation hearing. A copy of this notice shall be maintained by the Director of Planning and Development.

Sec. 10-88. City Council Hearing.

- (a) The written notice by the Director of Planning and Development for a revocation hearing shall be delivered by personal service, certified mail or any other means available and shall include the time and place at which the hearing is to be held which shall be at a regular or special Council meeting. The notice shall also contain a brief statement of the reasons for revocation hearing and a copy of the applicable provisions of the Code of Ordinances.
- (b) The Director of Planning and Development shall provide City Council with a written report outlining the circumstances for declaring the rental property as a nuisance property. All documents relating to the property shall be available prior to the hearing for review by all parties.

Sec. 10-89. Notice of Revocation

Upon City Council's decision, the Director of Planning and Development shall notify the Property Owner and/or the Person in Charge of the revocation by written notice sent by certified mail or delivered in person. The notice shall advise the Property Owner and/or the Person in Charge of the property address, the effective dates of the revocation, the

reason for the revocation, the effect of the revocation on the property, and penalties that can be imposed for violation of the revocation and appeal rights and procedures.

The Director of Planning and Development shall set forth the effective date of the revocation as and if modified by City Council in such manner so that revocation commences on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a one (1) year period. The Owner shall provide the Director of Planning and Development with a copy of the current lease to determine the appropriate dates. If no lease is provided then the Director of Planning and Development shall set the effective date as the first day following the annual registration renewal date. When there is no lease in force or when the lease or leases are for periods greater than one year, revocation shall commence upon the first day following the annual registration renewal date. Any additional offenses which occur between the revocation date and the commencement of revocation date shall automatically increase the revocation by three (3) months per offense.

Sec. 10-90. Effect of Revocation.

Upon the commencement of revocation, the property shall be secured and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the registration for such unit is revoked.

Sec. 10-91. Notification Exemption.

Residential rental, non-owner occupied or unoccupied properties are exempt from the notification requirements, as given in the Codes, when they have not obtained a valid registration as required by this ordinance. Properties operating without a valid registration shall receive one (1) written warning and twenty (20) working days to comply. If an owner is convicted of a violation of Section 10-81 of the City of Cayce Code of Ordinances, the property shall not be eligible for a registration for a period of six (6) months after the conviction.

Sec. 10-92. Defense.

When tenants are guilty of offenses resulting in a revocation notice, the Property Owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the Property Owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted, revocation proceedings will be reinstated by the City.

Sec. 10-93. Appeals/Revocation Hearing before City Council.

- (a) Any person aggrieved by a decision or a denial of a registration by the City of Cayce may appeal the decision to City Council by filing a written request stating the reasons for the grievance with the Director of Planning and Development within ten (10) days after the payment of the assessment under protest or notice of denial is received.
- (b) An appeal or a hearing on revocation shall be held by City Council within forty-five (45) days after receipt of a request for appeal or service of notice of revocation at a

regular or special meeting of which the Property Owner and/or the Person in Charge has been given written notice. At such hearing all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing. City Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be final.

Sec. 10-94. Change of Ownership.

Any person, firm, or corporation who has purchased or has a legally binding contract to purchase a property whose registration has been revoked pursuant to this Article under another owner, may apply for a new registration.

Sec. 10-95. Confidentiality.

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. Any inquiries regarding offenses resulting from enrollment into the Pre-Trial Intervention Program will be administered by the Chief of Police.

Sec. 10-96. Offenses.

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in Section 1-6. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for this Article.

Sec. 10-97. Registration Fee.

- a. The annual registration fee shall be \$0.
- b. Upon determination that a property owner has failed to obtain a registration, a late registration fee shall be assessed at \$100 for each year the residential rental, non-owner occupied, or unoccupied property has not been registered.
- c. All required fees shall be paid before a registration is issued.

Sec. 10-98. Severability.

The provisions of this Ordinance 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 Ordinance. It is hereby declared that the intent of the Council is that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Sec. 10-99. Occupancy Label Required.

- (a) Effective January 1, 2016, an Occupancy Label signed and issued by the Director of Planning and Development shall be affixed to one of the following locations as determined by the owner of the property: the interior side of the main door of the residence, or on the exterior surface of the refrigerator door, or on the wall or door immediately adjacent to the fire extinguisher. The Occupancy Label shall indicate the maximum numbers of occupants allowed in accordance with City Ordinances, address of the residence, date of issuance and signature of the property owner or responsible party. Removal of the label shall be cause for denial of a registration for the property.
- (b) Initial issuance of the Occupancy Label will be through first class mail to the owner of the property within 10 days of approval of the application.
- (c) Subsequent issuance of new Occupancy Labels will be done in conjunction with issuance of registrations for new properties after successful completion of the registration application.