

TITLE 13

PROPERTY MAINTENANCE REGULATIONS¹

CHAPTER

1. MISCELLANEOUS.
2. STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES.

CHAPTER 1

MISCELLANEOUS

SECTION

- 13-101. Health officer.
- 13-102. Clearance of lots.
- 13-103. Screening of junkyards.
- 13-104. Health and sanitation nuisances
- 13-105. Butchering to comply with state law.
- 13-106. Food service establishments.
- 13-107. Milk and milk products.

13-101. Health officer. The "health officer" referred to in this code shall be such city, county or state officer as the board of mayor and aldermen may appoint or designate to enforce applicable health and sanitation laws within the city; he shall have such powers and duties as are prescribed for the office in this code and in the general laws of the state. (1973 Code, § 10-1)

13-102. Clearance of lots. (1) The existence within the city of lots and parcels of land overgrown with noxious weeds or burdened with accumulations of rubbish and refuse are hereby declared to be a nuisance.

(2) It shall be unlawful for any person owning, leasing, occupying or having control of property in the city to permit or suffer weeds or other vegetation to grow, or trash, rubbish and refuse to accumulate on the property to such an extent that such a nuisance is created.

(3) In complying with subsections (1) and (2), it shall be unlawful to rake up, cut up or pile up weeds and rubbish that might interfere with the vision of vehicle operators or pedestrians or impair proper water drainage.

(4) Upon failure of any property owner, lessee or other person in charge of premises to comply with this section, it shall be the duty of the recorder to serve notice upon the owner, lessee, or other person in possession

¹Municipal code references
Animal control: title 10.

and control of the property that such a nuisance is declared, either by a representative of his office or by posting the notice on the property upon which the nuisance is declared and to give five (5) days in which to correct the conditions. (1973 Code, § 12-23)

13-103. Screening of junkyards. (1) Any person who shall have upon his premises more than three (3) disabled vehicles or is in the business of buying, selling, sorting, baling, processing or storing any type of scrap metal or other related items, shall be hereby classified as a junk dealer.

(2) Any person using property inside the city as a junk dealer shall be required to purchase from the office of the recorder a license authorizing him to act in the business of "junk." The cost of the license shall not exceed the amount set forth by the general law of the state.

(3) Any property used for the business of a junk dealer shall be required to be fenced in or around all of the properties used for such purposes. The fence shall be of such construction as to obscure the junkyard from public view and not less than six (6) feet in height.

(4) It shall be the duty of the recorder, upon the filing of a complaint either by his office or by owners or leasee of surrounding properties, to see that all the provisions of this section are carried out. (1973 Code, § 12-24)

13-104. Health and sanitation nuisances. It shall be unlawful for any person to allow premises owned by him or under his control to become a public health or sanitation nuisance because of a particular use or because of a failure to properly maintain the premises. (1973 Code, § 10-2)

13-105. Butchering to comply with state law. It shall be unlawful for any person to butcher any cattle, hog or sheep within the city unless the butchering is done in strict accordance with the applicable state laws, rules and regulations in effect at the time. (1973 Code, § 10-18)

13-106. Food service establishments. (1) Minimum standards adopted. The inspection of eating and drinking establishments within the city or its police jurisdiction, the issuing, suspension and revocation of permits for the operation of such establishments, the sale of adulterated, misbranded, or unwholesome food and drink and the enforcement of this section shall be regulated in accordance with the terms of the unabridged form of the 1962 edition of the U. S. Public Health Service Ordinance Food Service Sanitation Ordinance as set out in the Food Service Sanitation Manual, 1962 edition, published by the United States Public Health Service. Three (3) copies of which publication have been filed with the recorder in accordance with the provisions of state law.

(2) "Municipality," as used in code, defined. Wherever the term "municipality of . . ." shall appear in the food service code adopted in this chapter, it shall mean the City of Newport.

(3) Parenthetical expressions deleted from code. All parenthetical expressions referring to grading shall be deleted from the food service code adopted in this section.

(4) Amendments to code. The food service code adopted in this section is hereby amended as follows:

Section E, subsection 4, shall read as follows:

4. Toilet facilities: Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees, conforming with the requirements of the state department of public health. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be selfclosing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of nonwater-carried sewage disposal facilities have been approved by the health authority, such facilities shall be separate from the establishment and shall comply with the standards of the state department of public health. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

Section H, subsection 7, shall read as follows:

7. Penalties. Any person, firm or corporation violating any provisions of this code shall, upon conviction, be punished in accordance with the provisions of the general penalty clause of the Code of Ordinances of the City of Newport. (1973 Code, § 10-24--10-27)

13-107. Milk and milk products. (1) Milk code adopted; filing. The production, transportation, processing, handling, sampling, examination, grading, labeling and sale of all milk and milk products sold for the ultimate consumption within the city or its police jurisdiction, the inspection of dairy herds, dairy farms, and milk plants, the issuing and revocation of permits to milk producers, haulers and distributors, shall be regulated in accordance with the provisions of part I of the Grade A Pasteurized Milk Ordinance-1965 Recommendations of the United States Public Health Service, which is hereby adopted by reference. Three (3) copies of which code shall be filed in the office of the recorder.

(2) "Municipality," as used in milk code, defined. Whenever the term "municipality" is used in the milk code adopted in this division, it shall mean the City of Newport.

(3) Amendments to milk code. The milk code adopted in this division is hereby amended in the following respects:

Section I. Definitions. The following amendments are made to this section:

Subsection A. Milk. This subsection is amended to read as follows:

A. Milk. Milk is hereby defined to be the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows, which contains not less than eight and one-half percent (8 ½) milk solids-not-fat and not less than three and one-half percent (3 ½) milkfat. (Milkfat or butterfat is the fat of milk.)

Subsection D. Reconstituted or recombined milk and milk products. This subsection is deleted.

Subsection I. Fortified milk and milk products. This subsection is deleted.

Subsection O. Milk products. The first paragraph of this subsection is amended to read as follows:

O. Milk products. Milk products include cream, light cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table cream, sour cream, cultured sour cream, cottage cheese, creamed cottage cheese, half-and-half, sour half-and-half, cultured half-and-half, concentrated milk, concentrated milk products, skim milk, skimmed milk, lowfat milk, vitamin D milk and milk products, homogenized milk, flavored milk or milk products, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, and acidified milk and milk products.

Subsection X. Health authority. This subsection is amended to read as follows:

X. Health authority. The health authority shall mean the Director of the Coker County Health Department or his authorized representative. The term "health authority," wherever it appears in this code, shall mean the appropriate agency having jurisdiction and control over the matters embraced within this code.

Subsection EE. Cottage cheese. This subsection is added and shall read as follows:

Cottage cheese: Cottage cheese is the soft uncured cheese obtained by adding lactic-acid producing bacteria, with or without enzymatic action, to pasteurized skim milk, pasteurized lowfat milk or pasteurized reconstituted skim milk. It shall contain

not more than eighty percent (80%) moisture. Cottage cheese may be seasoned with salt.

Subsection FF. Creamed cottage cheese. This subsection is added and shall read as follows:

Creamed cottage cheese: Creamed cottage cheese is prepared by mixing cottage cheese with a pasteurized creaming mixture consisting of pasteurized cream and milk, dry milk products, concentrated skim milk, skim milk, or lowfat milk, to which salt, lactic acid, and flavor producing bacteria, rennet, lactic acid, citric acid, phosphoric acid or stabilizer may be added. The quantity of milkfat added in the creaming mixture shall be not less than four percent (4%) by weight of the finished creamed cottage cheese. Dry milk products or concentrated skim milk may be added, provided the amount of added solids does not exceed three percent (3%) of the weight of the creaming mixture. Creamed cottage cheese shall contain not more than eighty percent (80%) moisture.

Section 3. Permits. This section is amended by deleting therefrom the fourth paragraph, which commences with the words, "Upon written application" Any other references in the milk code providing for hearings before a permit may be suspended are similarly deleted.

Section 5. Inspection of dairy farms and milk plants. This section is amended by revising the last sentence of the first paragraph to read as follows:

"Any violation of the same requirement of section 7 on such reinspection shall call for a permit suspension in accordance with section 3, as amended, and/or court action."

Section 9. Milk and milk products which may be sold. This section is amended to read as follows:

"From and after February 12, 1970, only Grade A pasteurized milk and milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores or similar establishments; however, in an emergency the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown may be authorized by the health authority; in which case, such milk and milk products shall be labeled 'ungraded'."

Section 16. Penalty. This section shall be amended to read as follows :

"Any person who shall violate any of the provisions of this code shall be guilty of an offense and, upon conviction thereof, shall be punished as prescribed in penalty provisions of the Code of Ordinances of the City of Newport and such persons may be

enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation."

Section 17. Repeal and date of effect. This section is amended to read as follows:

"All ordinances and parts of ordinances in conflict with this chapter are hereby repealed, and this chapter shall be in full force and effect; upon its adoption and publication, as provided for by law." (1973 Code, §§ 10-33--10-35)

CHAPTER 2

STORAGE, ABANDONMENT AND IMPOUNDMENT OF VEHICLES

SECTION

- 13-201. Definitions.
- 13-202. Storage of vehicles on public property.
- 13-203. Abandonment of vehicles.
- 13-204. Wrecked or discarded vehicles.
- 13-205. Impoundment.
- 13-206. Notice of impoundment and repossession.
- 13-207. Disposition of unclaimed vehicles.
- 13-208. Penalties.

13-201. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Abandoned motor vehicle." A motor vehicle that is over four (4) years old and is left unattended on public property for more than thirty (30) days, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without consent of the owner or person in control of the property for more than forty-eight (48) hours.

(2) "Person." Any person, firm, partnership, association, corporation, company, or organization of any kind.

(3) "Property." Any real property within the city which is not a street or highway.

(4) "Vehicle." Any machine propelled by power other than human power designated to travel along the ground by use of wheels, tread, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. #03-01-14D, Jan. 2003)

13-202. Storage of vehicles on public property. No person shall use any street, sidewalk, alley, or other publicly owned property within the city for the purpose of storing vehicles. This chapter shall not be construed as affecting in any way the right of any person to park a vehicle temporarily in any space set aside and designated as a parking space for vehicles. Any vehicle which is permitted to remain on any street, sidewalk, alley, or other publicly owned property for a period of forty-eight (48) hours without being moved, shall be presumed to be stored in the meaning of this chapter. (Ord. #03-01-14D, Jan. 2003)

13-203. Abandonment of vehicles. No person shall abandon any vehicle on any property within the city or leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. #03-01-14D, Jan. 2003)

13-204. Wrecked or discarded vehicles. No persons in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any dismantled, partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than ten (10) days; and no person shall leave any such vehicle on any property within the city for a longer time than ten (10) days, except that this chapter shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. #03-01-14D, Jan. 2003)

13-205. Impoundment. The person designated by the board of mayor and aldermen is hereby empowered to remove any vehicle found in violation of this chapter to a safe and secure place designated by them for that purpose. (Ord. #03-01-14D, Jan. 2003)

13-206. Notice of impoundment and repossession. Whenever the person designated by the board of mayor and aldermen removes any vehicle, by authority of this chapter, they shall there upon undertake to determine the owner of such vehicle. Upon ascertaining the name of the owner, he shall give notice to them, by certified mail, return receipt requested, that the vehicle is being held. Any owner may thereupon present to the city manager or recorder sufficient evidence of ownership and upon payment of cost of removal of such vehicle, including notice and mailing costs and a reasonable cost not to exceed five dollars (\$5.00) per diem per day for the storage thereof, the same shall be released to the owner thereof. (Ord. #03-01-14D, Jan. 2003)

13-207. Disposition of unclaimed vehicles. In the event a vehicle removed from public property under this chapter is not claimed during the period of thirty (30) days from date of removal, the city recorder shall proceed to sell such vehicle at public auction for cash to the highest bidder and out of the proceeds of the sale, he shall first defray the expenses of the sale, the expenses of removal and storage of the vehicle and the remainder, if any, shall be deposited back into the clean-up of the City of Newport's Zoning, Building, and Codes Compliance budget. (Ord. #03-01-14D, Jan. 2003)

13-208. Penalties. Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punishable under the general penalty clause of this code. (Ord. #03-01-14D, Jan. 2003)