

ORDINANCE NO. 2025 - 06

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE ENTITLED "BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES", TO ESTABLISH ARTICLE XV. "VACANT AND ABANDONED RESIDENTIAL, COMMERCIAL AND INDUSTRIAL BUILDING REGISTRATION".

WITNESETH

WHEREAS, the City of Florence is committed in advancing its efforts, as recommended within the Comprehensive Plan, to ensure the health, safety, and welfare of the residents of the City of Florence; and

WHEREAS, the City of Florence will establish a registration for all vacant and abandoned buildings, including residential, commercial, and industrial; and

WHEREAS, the City of Florence has the unique role to make Florence more attractive for investment and must first undertake efforts to stabilize and improve the integrity of our neighborhoods and commercial areas; and

WHEREAS, this ordinance will provide the City the authority to assist in the remedy of vacant and abandoned buildings that are impacting the community; and

WHEREAS, pursuant to S.C. Code of Laws 6-9-60, the City of Florence previously adopted codes the South Carolina Building Codes Council has recognized as optional, to include property maintenance; and

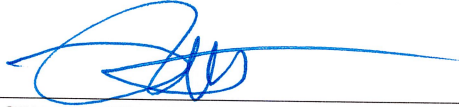
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Florence in meeting duly assembled that:

a. City Code Sections 4-970 through 4-982 of Chapter 4, Article VIII, are hereby adopted and such language prescribed on Exhibit A attached hereto is hereby incorporated into said section in form thereof.

b. This Ordinance shall become effective upon its approval and adoption by the City Council of the City of Florence.

ADOPTED this 10 day of March, 2025

Approved as to form:




CITY ATTORNEY



LETHONIA BARNES
MAYOR

ATTEST:



CASEY MOORE
MUNICIPAL CLERK

EXHIBIT A

Article XV. Vacant and Abandoned Residential, Commercial and Industrial Building Registration

Sec. 4-970. - Definitions.

It is the purpose of the provisions of this code to establish procedures for identification and registration of vacant and/or abandoned residential, commercial and industrial buildings; determining the responsibilities of owners of vacant and/or abandoned residential, commercial and industrial buildings; and providing for administration, enforcement, and penalties.

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

Citation: means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance, including any violations of the International Property Maintenance Code, as adopted by the City of Florence.

Multifamily building: means a building that includes three or more dwelling units, which is not designed as townhomes or multiplex buildings. Multifamily also means two or more residential units that are located on the upper floors of a mixed-use building. For the purposes of this article a multifamily building shall follow the requirements of a commercial building.

Occupancy violation: means a violation of the permitted number of persons that may occupy a single-family or multi-family residential unit as defined by the City of Florence Unified Development Ordinance.

Offense: means 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 article, 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: means any person, firm, corporation, or legal entity having a legal or equitable title in the property; or recorded in the official records of the state, county or municipality as holding title.

Person: means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises: means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.

Residential building: means a building that is established for residential occupancy. For purposes of this article, the term "residential building" may be a single-family detached dwelling unit(s), single-family attached dwelling unit(s), duplex, townhouse, and multi-unit structures used for residential purposes.

Secure: a building or portion of a building is closed or locked for entry by normal means other than boarding.

Unoccupied: A building which is not being used for legal occupancy.

Vacant Building: Any residential, commercial or industrial structure built for occupancy of residential, commercial or industrial uses that is unoccupied for more than sixty (60) days, are not being actively managed for lease or sale, and have active code violations.

Violation: means breach of law, except, for the purposes of this section, any laws related to Chapter 25 of Title 16 of the Code of Laws of South Carolina.

Sec.4-971. - Vacant and Abandoned Building Categorical Classification Standards.

The following classification standards apply to a building or a portion of a building, and include but are not limited to the following:

1. Category I. No current code violations on the structure or the premises.
 - a) The building is secure, not boarded.
 - b) The building is structurally sound with no code violations.
 - c) The premises is maintained in compliance with Section 4, Article VIII. Property Maintenance Code of the City of Florence.
2. Category II. Minimal code violations.
 - a) The building is secure and boarded in compliance with Section 4, Article VIII. Property Maintenance Code of the City of Florence.
 - b) The building is structurally sound with minor code violations.
3. Category III. Severe code violations.
 - a) The building is harboring feces of bats, rodents, birds, or other vermin such as but not limited to droppings, parasites, fungus, harmful bacteria, unsanitary conditions and hazardous odors detrimental to the life, health and safety of the public.
 - b) Structural deficiencies are evident.
 - c) History of criminal activity.
 - d) Illegally occupied.

Sec.4-972. – Registration of vacant and/or abandoned residential, commercial and industrial buildings.

1. Except as provided in Section 4-972(2) below, all vacant and abandoned buildings shall be registered with the Code Enforcement Department within forty-five (45) days of becoming vacant as defined in Section 4-970 of this ordinance. Registration is valid for twelve (12) months and must be renewed annually from date the building became vacant.
2. Buildings are exempt from registration upon notification that one or more of the items below are applicable to the property:
 - a. Buildings that are actively being marketed for sale or rent. Must be maintained to minimum code for the duration on the market. The property shall be listed on a multiple listing service (MLS) information, an equivalent service provider similar to the MLS or published advertisements offering the property on the market up to one (1) year, longer by appeal to the City Manager or it's appointee;
 - b. Buildings that are actively being renovated and have an active building permit with the City of Florence.

- c. Buildings that serve as a primary residence in which the owner is away for an extended period of time for work, vacation, military or medical reason. Building and property must be maintained to minimum code;
 - d. Buildings that fall under the classification of Category I [and Category II](#), as defined within Section 4-971 of this code.
 - e. Government owned buildings; and/or
 - f. Buildings that are structurally deficient that have been ordered by the city to be demolished and removed, in which the owner has provided consent to the city to demolish, and the city has accepted the consent. Liens are to be placed against the property to cover the cost of demolition pursuant to Section 4, Article 1 of the City of Florence Code of Ordinances.
3. If the building is vacant [and abandoned](#) at the expiration of any registration period, the owner shall re-register such building and pay the applicable annual registration.
4. The owner registering a vacant [and abandoned](#) building shall supply the following information on an authorized form provided by the Code Enforcement Department:
 - a. Name, address, and telephone number of the owner;
 - b. Name, address and telephone number of any responsible party, if applicable;
 - c. Name, address and telephone number of any local agent or representative of the owner, required if the owner's residence or business address is more than forty-five (45) miles from vacant building;
 - d. Name, address and telephone number of all persons with any legal interest in the property, building or premises including mortgagees and successors in interest;
 - e. Legal description and tax parcel identification number of the premises on which the building is situated;
 - f. The common address of the building;
 - g. Date on which the building became vacant along with any supporting documentation; and
 - h. Vacant building plan in accordance with Section 4-973.
5. Following the registration of the vacant [and abandoned](#) building, the City of Florence Building Department representative and/or other authorized representative(s) shall conduct a complete inspection of the property and premises to determine any code violations or nuisances and report such findings to the Code Enforcement Division in order to verify the vacant building category.
 - a. A status report will be provided to the owner of the building with the findings and current condition of the property.
 - b. It will include any found violations and assign a category to the building.
6. All vacant [and abandoned](#) buildings must remain secure and/or boarded in accordance with Section 4, Article 1 of the City of Florence Code of Ordinances as adopted and amended by the City of Florence City Council. Notwithstanding any provision of this code it shall be unlawful for any person to cover the window or door openings of any building with any material other than materials conforming with the provisions of the latest edition of the International Building Code, Property Maintenance Code and related codes as approved and amended by the South Carolina Building Codes Council without first obtaining a City of Florence building permit and/or approval from the City of Florence Design Review Board for buildings located within the designated Overlay Districts.

7. Owner shall post "No Trespass" placards on the premises.
8. Vacant and abandoned building owners must designate a responsible local representative ("agent") if their place of residence or business is more than forty-five (45) miles from the vacant building. The responsible local representative shall act as agent for the property owner for purposes of accepting legal service; however, the vacant building owner remains personally liable in criminal prosecutions for code violations. The responsible local representative must be available at the number listed at all times in the event of an emergency.
1. **Sec. 4-973. – Vacant and Abandoned Building Plan.** When a building is registered as required by this article, the owner shall submit, or cause to be submitted, for approval a vacant building plan. The plan shall contain the following:
 - a. The reasonably expected period of vacancy;
 - b. A plan to make the building ready for occupancy with sufficient detail regarding the proposed repair and/or rehabilitation of the building to enable the City of Florence authorized representative(s) to determine the adequacy of such plan;
 - c. A notarized letter of written consent by the owner allowing city officials to enter and inspect the premises for the period in which the vacant building plan is in effect;
 - d. For buildings or structures which are identified as being or containing public nuisances, then the vacant building plan shall contain a plan of action to remedy such public nuisances;
 - e. For each required plan, a time schedule shall be submitted identifying a date of commencement of repair and/or rehabilitation and schedule for completion of repair and/or rehabilitation for each building or structure identified nuisance;
 - f. When the owner proposes to occupy, sell, lease or demolish the vacant building, then the owner shall submit a plan and time schedule for such action; and
 - g. A plan of action to secure, monitor and maintain the building and premises thereof in conformance with the provisions of this section.
2. If the property is subject to a vacant and abandoned building plan and the plan has been properly approved by city officials, the transferee is subject to the terms of the vacant building plan. The transferee may apply to the city to be released from the requirements of the vacant and abandoned building plan.
3. Donation of the premises to the jurisdiction. In the event the owner elects to donate the premises in lieu of the Vacant and Abandoned Building Plan, such donation may be made to the jurisdiction upon review and approval by the City Manager. The City of Florence shall obtain ownership and clear title to the property within 90 days, unless otherwise directed by the City Manager, or the Codes Enforcement Officer shall proceed with the action outlined within Section 4-975 of this ordinance.

Sec. 4-974. – Vacant and Abandoned Building Fees.

1. Annual registration fees are based on the number of years that a building has been vacant (after the effective date of this section). All fees are due at the time of registration or renewal. The fees are as follows for all-residential structures:
 - a. Initial registration: \$250.
 - b. First annual renewal: \$500.
 - c. Second annual renewal: \$750.
 - d. Third annual renewal: \$1,000.
 - e. Each year thereafter: \$1,250.

For commercial and industrial structures the fees are as follows:

- a. Initial registration: \$500
 - b. First annual renewal: \$1,000
 - c. Second annual renewal: \$2,000
 - d. Third annual renewal: \$3,000
 - e. Each year thereafter: \$4,000
2. An annual compliance inspection fee of fifty dollars (\$50) is required on all vacant and abandoned buildings. The fee shall be paid at the time of registration.
 3. Upon determination of a vacant and abandoned building that hasn't been registered in accordance with this section, additional penalties may apply in addition to the fees due at time of registration or renewal in accordance to Section 4-975.
 4. Delinquent registration fees shall be applied as a lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly applied for an appeal pursuant to Section 4-978, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect the unpaid debt.
 5. If a vacant and abandoned building becomes occupied within sixty (60) days following an annual registration date and remains occupied for at least six (6) months, the owner of the vacant and abandoned building can appeal to have the most recent annual registration fee refunded. This excludes any fees from penalties, initial registration, or compliance inspections.

Sec. 4-975. - Enforcement and penalties.

1. Upon determination that a vacant and abandoned building owner has failed to register or update information in accordance with this section, an administrative penalty of five hundred dollars (\$500) in addition to the registration fee will be assessed if not in compliance within thirty (30) days after notice.
2. Failure by the owner to submit a vacant and abandoned building plan or comply with a vacant and abandoned building plan that has been approved by the city under this section or pay the fees as required under this section is a violation of the code and may be remedied by any of the following:
 - a. An administrative penalty of five hundred dollars (\$500); or
 - b. Acquisition of the property by eminent domain in accordance with state law.

Sec. 4-976. – Notice and Method of Service.

1. Any notice called for in this ordinance shall be in accordance with Section 107.2 of the IPMC, which provides as follows:
 - a. Be in writing.
 - b. Include a description of the real estate sufficient for identification.
 - c. Include a statement of the violation or violations and why the notice is being issued.
 - d. Include a correction order allowing a reasonable time to make repairs and improvements required to bring the unit into compliance.
 - e. Inform the property owner or responsible representative of the right to appeal.
2. Method of service of any notice shall be in accordance with Section 107.3 of the IPMC, which provides as follows:
 - a. Delivered personally; or
 - b. Sent by certified or first-class mail addressed to the last known address; or

- c. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Sec. 4-977. – Appeal.

1. Any person directly affected by a decision or notice issued under this article shall have the right to appeal to the Construction Maintenance Board of Adjustment and Appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. The time to appeal shall be extended for ten (10) days if an informal conference with the Codes Enforcement official has been requested and scheduled within the initial twenty (20) day period.
2. An application for the appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.
3. The membership, term of members, quorum, appeal procedure, and decisions of the Construction Maintenance Board of Adjustment and Appeals shall be in accordance with Chapter 4, Article 2 of the City of Florence Code of Ordinances.
4. The Codes Enforcement officer shall provide notice of the final decision within five (5) days of the date of the decision.
5. In the event the determination by the Codes Enforcement officer that the structure is vacant and/or abandoned or any part thereof is upheld on appeal, the Construction Maintenance Board of Adjustment and Appeals shall provide the owner a determined amount of time to cure the violation.
6. In the event the owner fails to cure after losing the appeal, the public officer shall proceed with the actions outlined within Section 4-976 of this section.

Sec. 4-978. – Criminal Penalties.

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 the City of Florence Code of Ordinances. Each day of violation may be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

Sec. 4-979. – Release of liability of responsible representative.

In the event the responsible representative has exercised due diligence in performance of its responsibilities under this ordinance, but the property owner is not cooperating, the responsible representative may resign as the responsible representative of said owner and provide notice to the owner and City of Florence. The notice of resignation must confirm the current contact information of the owner. The responsible representative should consequently not have any violations assigned to the properties he or she represents. The responsible representative shall be precluded from representing said owner for a period of six (6) months. The City of Florence shall recognize this action and find the responsible representative was diligent and took reasonable steps to perform its duties under this ordinance.

Sec. 4-980. - 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.

Sec. 4-981. - Existing rights unaffected.

Nothing contained in this article is intended to affect the rights and responsibilities of property owners or tenants under the laws of the United States of America or the State of South Carolina as outlined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

Sec. 4-982. - Effective date.

The provisions of this section shall become effective ~~July 1st, 2025~~ January 1st, 2026.

Sec. 4-983 – 4-999. Reserved
