

**ARTICLE 8**

**HEALTH AND SANITATION**

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Chapter 1 General Provisions

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**CHAPTER ONE**

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1 Amended by Ordinance 2000-5. Effective 10/24/00.

2 Amended by Ordinance 2009-10. Effective 11-3-09

3 Amended by Ordinance 2003-2. Effective 6/10/03.

4Created by Ordinance 2003-8. Effective 1/1/05. Amended by Ordinance 2004-8.  
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3 Amended by Ordinance 2005-9. Effective 11/8/05.

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**CHAPTER ONE**

**GENERAL PROVISIONS**

**Section 8-101 Definitions**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Where not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural. The word "shall" is always mandatory and not merely discretionary.

Collector means any person, firm, co-partnership, association or corporation licensed by the County of Charleston to collect solid waste and under contract with the Town to collect and transport solid waste within the Town to a facility licensed by and within Charleston County.

Dwelling Unit means any improved property located in Kiawah Island which is intended for use as a single-family detached dwelling, garden home or patio home, townhouse or multi-family dwelling.

Garbage means all accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in or storage of meats, fish, fowl, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies or germ-carrying insects or vermin; bottles, cans or food containers which due to their ability to retain water can serve as breeding places for mosquitoes and other water-breeding insects.

Household Trash means any and all accumulations of material from the operation of a home which are not included in the definitions of garbage, recyclables, yard debris and toxic solid waste. This includes accumulation of paper, sweepings, dust, rags, bottles, cans or other waste material of any kind which is attendant to residential housekeeping. It also includes bulky appliances, furniture, boxes, yard toys and bicycles.

Industrial Waste means any and all solid waste products generated by manufacturing, land clearing, building construction or alteration and public works type construction.

Lot means any subdivided parcel of land located in Kiawah Island which is intended for use as a site for a single-family detached dwelling, garden home or patio home, townhouse or multi-family dwelling.

Recyclables means all solid waste that is accepted by the County of Charleston at their recycling center in Charleston.

The center continuously changes the kind of solid waste they can accept. The items may be newspapers and their inserts; glossy magazines and catalogues; rinsed steel or tin food or beverage cans; rinsed plastic soda bottles, milk jugs, detergent and cosmetic bottles, all caps removed; rinsed aluminum beverage cans, aluminum pie plates and aluminum foil; rinsed and unbroken glass jars and bottles, lids removed.

Rental Agencies shall mean any for-profit entity or individual that manages and rents more than one rental unit located within the Town of Kiawah Island.

Rubbish means all non-putrescible solid waste (except body waste), including recyclables and yard debris.

Solid waste means any combination of garbage, yard debris, and recyclables resulting from residential activities within properties within the Town of Kiawah Island that is not disposable by means of a sewer system operated in accordance with State regulations.

Toxic Solid Waste means material defined by the S.C.D.H.E.C. as being toxic waste. Included in this category are paint; automotive tires, batteries, residual oil, gasoline and antifreeze; household cleaners, batteries; lawn and garden pesticides and herbicides; pool chemicals; flammable, corrosive or explosive compounds.

Unimproved Lot means any lot without a completed dwelling unit.

Yard Debris means any and all accumulations of grass clippings, grass, leaves, small trees, small shrubs, tree branches not exceeding four (4") inches in diameter and four (4') feet long, vines and other similar items generated by the maintenance of lawns, shrubs, gardens and trees from residential properties.

**Section 8-102      Town to Participate in Charleston County Solid Waste Management Plan**

Beginning January 1, 1996, the Town of Kiawah Island shall participate in the Charleston County Solid Waste Management Plan as required by the Code of Laws of South Carolina, 1976, as amended.

**Section 8-103      Town to Contract With Collector<sup>1</sup>**

The Town of Kiawah Island shall contract with one or more Collectors licensed by Charleston County to perform collection, removal and disposition of Garbage, Yard Debris, Recyclables, Solid Waste, Toxic Solid Waste, and Household Trash within the corporate limits of the Town. The Town will not contract to collect Industrial Waste. All other collectors, unless collecting for businesses or non-participating regimes, shall be prohibited from providing such services on Kiawah Island.

**Section 8-104      Collector to Collect, Remove and Dispose<sup>1</sup>**

The Collector with whom the Town has contracted shall be responsible for the collection, removal and disposal of all Garbage from the curb or backdoor and of each participating dwelling unit and all Yard Debris, Recyclables, and Household Trash from the curb of each non-regime Dwelling Unit. The Collector shall also be responsible for collection, removal and disposal of Yard Debris from each Unimproved Lot.

**Section 8-105      Mandatory Participation<sup>12</sup>**

Each residential dwelling unit owner shall participate in the solid waste, recycling, and yard debris collection system; provided, however, regimes and homeowner associations shall not participate in Yard Debris Collection. Each unimproved lot owner shall participate and will be assessed a basic fee which shall include yard debris collection, removal, and disposal.

**Section 8-106      Collector to Provide Uniform Containers<sup>1</sup>**

The Collector shall provide each Dwelling Unit with a uniform container for garbage and for those Dwelling Units that participate in the recycling service, the County shall provide a different color uniform container for Recyclables. The appropriate solid waste shall be placed in these containers for collection in accordance with a schedule published by the Town.

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<sup>1</sup> Amended by Ordinance 2000-5. Effective 10/24/00.

<sup>2</sup> Amended by Ordinance 2009-10. Effective 11-3-2009

**Section 8-107 Businesses Excluded From Participation**

No commercial business located within the Town may participate in the solid waste disposal system.

**Section 8-108 Scavenging, Dumping Prohibited**

It shall be unlawful for any person to dump, throw, drop, leave or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, on any property, including dumpsters, belonging to another, on or along any street, road, curb, sidewalk or right-of-way, except as required by the franchised solid waste collector. Nor shall any person throw or deposit any solid waste in any lagoon or stream, except during the maintenance of such waterways by authorized personnel. Nor shall any person throw or deposit any solid waste, other than that solid waste specifically authorized by the owner, in any dumpsters placed in public areas for use by Town residents, Town visitors or Town transient workers. For example, placing household garbage or yard debris in dumpsters specifically labeled for recyclables is unlawful. It shall be unlawful for any person to rummage through, remove or salvage items from or tamper with in any way solid waste placed at the curb of any property for collection by the authorized collector.

**Section 8-109 Toxic Solid Waste and Industrial Waste Prohibited<sup>1</sup>**

Toxic Solid Waste and Industrial shall not be included in household Garbage, Recyclables or Yard Debris. The Collector with whom the Town has contracted shall be responsible for the removal and disposal of all Toxic Solid Waste that is delivered to a central collection point during Town specified days of the year. Property owners and businesses may use the facilities provided by DHEC and Charleston County for the disposal of Toxic Solid Waste and Industrial Waste.

**Section 8-110 Rental Agency Reporting Requirements**

All rental agencies must provide the Town of Kiawah Island with a list of all rental properties managed by that agency. The list must also include the addresses of all such properties. This information must be updated on a quarterly basis. This information

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<sup>1</sup> Amended by Ordinance 2000-5. Effective 10/24/00.

when provided to the Town will be recognized as being of a

proprietary nature. Therefore, the Town of Kiawah Island will not disclose such information. The Town will use such information for the purpose of assisting the Town with the collection and disposition of solid waste within the Town of Kiawah Island, emergency evacuation or the enforcement of any other Town regulations.

**Section 8-111 Industrial Waste**

Industrial waste will not be collected by the Town's Collector. Upon request by the Town, businesses generating such waste must demonstrate in writing that they have made arrangements for the disposal of this waste in accordance with Town Codes, Charleston County Code and State and Federal law.

**Section 8-112 No Trees or Large Tree Prunings**

The Collector shall not collect trees or shrub and tree prunings greater than four (4) inches in diameter or four (4) feet in length.

**Section 8-113 Administrative Rules and Regulations**

The Town may adopt from time to time administrative rules and regulations for the purpose of implementing a uniform means for solid waste disposal including, but not limited to, the time and manner in which solid waste is to be placed at the curbs for collection.

**Section 8-114 Fees**<sup>1 2 4</sup>

- (1) The Town shall charge a fee against all Dwelling Units, regimes and Lots on an annual basis that is based upon the type of service to be provided. A regime, however, may be billed monthly if such action is mutually agreeable to the Town and the regime.
- (2) For non-payment of all or any part of the assessed solid waste collection service charges, the Town shall levy and collect a late penalty of two (2%) percent of the unpaid fee for each month or portion thereof after the due date until paid in full. If any solid waste collection service charge shall remain unpaid for sixty (60) days after its due date and the

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1 Amended by Ordinance 2000-5. Effective 10/24/00.

2 Amended by Ordinance 2003-2. Effective 6/10/03.

4 Amended by Ordinance 2005-9. Effective 11/8/05.

property owner has been duly notified of the pending charges, then the Town shall pursue the collection of the outstanding amount, plus accrued penalties and any associated costs incurred to collect the outstanding amount, using an appropriate collection method. If the town chooses to place a lien on a property, the provisions of Section 8-115 shall be followed.

**Section 8-115 Lien; Hearing Required to Raise Lien Amount of Charge**

(a) If the notice or notices prescribed by subsection (b) shall have been given and the hearing required pursuant thereto shall have been held, all solid waste collection service charges imposed by the Town pursuant to this article and not paid when due and payable shall constitute a lien upon the real estate to which the solid waste collection service concerned relates so long as the charges remain unpaid. It is the intention of the Town that in addition to such other rights and remedies as may be available to the governing body in law or in equity for the collection of such charges, the lien may be enforced by the governing body in the same manner and fashion as the lien of property taxes on real estate.

(b) Prior to the furnishing of any solid waste collection service for which the prescribed service charge shall pursuant to subsection (a) become a lien on the property affected and prior to any subsequent increase in any solid waste collection service charge, Town council shall hold a hearing on the proposed charges providing property owners an opportunity, if desired, to appear and be heard in person or by counsel before the Town council. Not less than ten (10) days' published notice of this public hearing shall be given in a newspaper of general circulation in the Town. Such notice shall state the time and place of the public hearing and shall notify property owners of the nature and quantum of the proposed service charges. Following such hearing, action shall be taken by the Town council and published notice of its decision shall be given in a newspaper of general circulation in the Town, not less than ten (10) days prior to the effective date of the charges. This notice shall set forth the charges being imposed in such a manner as to notify property owners thereof. Any property owner aggrieved by the action of the Town council may proceed by appeal in the court of common pleas for the Town, to have such court review the action taken by the Town council at which time the court will determine the validity and reasonableness of the solid waste service charge. Solid waste collection service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The appeal provided for herein shall be pursuant to the provisions of Chapter 7 of Title 18, of the South Carolina Code of

Laws, 1976, providing for appeals to the court of common pleas.

**Section 8-116 Penalties**

(a) If any of the matter or material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm, or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this chapter.

(b) Appointed Code Enforcement Officers shall have the authority to enforce all the provisions of this chapter and shall issue summons to violators of any provision to appear in the municipal court to answer to the charge of violation of the appropriate section of this chapter.

(c) Any violations of this chapter shall be a misdemeanor punishable by a fine of not less than Ten (\$10.00) Dollars or more than Five Hundred (\$500.00) Dollars and/or imprisonment for 30 days. Each day in violation shall be a separate offense.

**Section 8-117 Variances**

Any variances to the provisions of this Article must be requested in writing and will be considered on an individual basis by Town Council.

**Section 8-118 Rental Residence Requirements<sup>3</sup>**

Single-family rental residences shall subscribe to a twice per week backdoor trash collection service from May 1 through Labor Day. Trash receptacles shall be stored in an enclosed garage or screened enclosure or storage location whereby the receptacles are not visible from the street.

**Section 8-119 Personal Article Storage and Screening<sup>3</sup>**

Beach gear and other personal articles shall be stored in an enclosed garage or screened enclosure. Bicycles shall be stored in an enclosed garage, screened enclosure or neatly in bike racks.

Multi-family complexes shall provide adequate bicycle racks for overnight bicycle storage. All other gear shall be stored indoors or

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<sup>3</sup> Created by Ordinance 2003-8. Effective 1/1/05. Amended by Ordinance 2004-8. New effective date 4/1/05.

in provided storage closets.