

Garbage, Trash and Refuse – Chapter 10, Horry County Code

Sec. 10-15. Accumulation, collection or transportation.

(a) *Accumulation and storage of garbage and refuse.* No owner, occupant, tenant or lessee of an public or private premises shall permit the accumulation upon their premises of any garbage, debris or rubbish creating a health hazard or permit the storage or accumulation on any premises of solid waste, litter or rubbish, as defined herein, in such a manner as to create unsanitary conditions, fire hazards, offensive or obnoxious odors, insect-breeding places, harboring places for rodents or to be a nuisance to the public or in anyway adversely affect the health, safety, sanitation and welfare of the public.

(b) *Solid waste collection and transportation equipment requirements.* The requirements for equipment used in the collection and transportation of solid wastes are as follows:

(1) All vehicles used in the collection and transportation of solid waste within the county shall be kept in a sanitary manner and shall be so constructed as to prevent leakage or blowing of solid waste in transit.

(2) The body of the vehicle shall be wholly enclosed or shall be at all times in transit kept covered with an adequate cover or canvas cover provided with eyelets and rope for tying down or any other approved method which will prevent leaking, falling, blowing or spillage. The operator or owner of the offending vehicle shall be personally responsible for any violation of the section.

(3) All refuse vehicles may be inspected at any reasonable time by duly authorized law enforcement officers of the county, and the correction of any deficiencies will be the responsibilities of the collector.

(4) Failure of any driver or operator of any motor vehicle to cover and secure any loose material, which is being transported or hauled upon the streets or other public rights-of-way in the county so as to cause such material to blow, fall, spill or drop and thereby litter any street or other property within the county shall constitute a violation of this article.

(5) Any person operating a vehicle from which glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon the public road or highway, shall immediately cause the public road or highway to be cleaned of all glass or objects and shall pay any costs for the cleaning thereof.

(c) *Dumping garbage and rubbish, etc., on open lots prohibited.* No garbage, refuse, abandoned junk, solid waste or other offensive material shall be dumped, thrown onto or allowed to remain on any lot or space within the unincorporated portions of Horry County. This includes those defined materials which were in place before enactment of this article.

(d) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.

(e) *Responsibility of owners and agents.* It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth, as defined herein. This requirement applies not only to removal of loose litter, but to materials that already are or become trapped at locations such as fences and wall bases, grassy and planted areas, borders, embankments, ditches and other lodging points. All developed and residential property and all property within one hundred (100) feet of any developed or residential property shall be trimmed to within fifty (50) feet of street rights-of-way and adjacent property lines where possible.

(f) *Exceptions for large parcels.* Property used for farming activities and any parcel or tract of property equal to or exceeding five (5) acres shall be exempt from the weed control provisions of this article are exempt from the provisions of this chapter; provided, that any property within one hundred (100) feet of any residence or commercial establishment on such a tract shall not be exempted and shall be maintained in accordance with all provisions of this article.

(g) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.

(Ord. No. 50-01, § 1, 7-10-01)

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Sec. 10-16. Disposal generally.

(a) *Unlawful dumping.* It shall be unlawful for any person, firm, business entity, or corporation to throw, dump or cause to be dumped, whether from a vehicle or otherwise any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or any other form of solid waste anywhere in the unincorporated area of the county except as may be permitted by county regulations at a permitted sanitary landfill without the express approval by action of the county council under such terms and conditions as may be invoked from time to time by the council.

(b) *Permissive dumping of certain materials.* The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of sand, dirt, broken bricks, concrete blocks or broken concrete pavement or other suitable materials which would not create a nuisance or health hazard; provided, the owner or owners of the property on which such material is dumped meet state health and environmental department requirements; and further provided that said materials are not incorporated with any other type of materials which would create a nuisance or cause a health hazard.

(c) *Effect of identification of unlawful dumping.* If any of the material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to, received by or to have been the property of any person prior to its being dumped as prohibited therein, such identification shall be presumptive prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this chapter.

(d) *Responsibility for litter from vehicles.* When litter is thrown from a vehicle or allowed to escape therein, the driver will be held responsible for the improper disposal of the litter, regardless of who throws the litter.

(e) *Boat ramps, public boat landings, public campsites, public recreation centers, etc.* It shall be unlawful for any person or persons to violate subsection (a) of this chapter as it relates specifically to those areas such as, but not limited to, boat ramps, public boat landings, public campsites and public recreation areas which are located within the unincorporated areas of Horry County or the adjacent waters of the same.

(f) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of section 10-42 of this chapter.

(Ord. No. 50-01, § 1, 7-10-01)

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Sec. 10-42. Enforcement; penalties.

(a) *Enforcement agent.* The duty of administering the provisions of this chapter shall be conferred upon the Horry County Department of Environmental Services and its authorized agents.

(b) *First offense.* Any person who is found to be in violation of any provisions of this chapter shall be guilty of a misdemeanor and upon conviction for a first offense be fined no less two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00) and up to thirty (30) days in jail. In lieu of cash payment, a minimum of forty (40) hours of community service, as defined in section 10-42(d), based upon five dollars (\$5.00) per hour may be performed for a first offense.

(c) *Second and subsequent offenses.* Any person who is found to be in violation of any provisions of this chapter shall be guilty of a misdemeanor and upon conviction for a second and subsequent offense be fined no less than five hundred dollars (\$500.00) and no less than fifteen (15) days or more than thirty (30) days in jail. Also, a minimum of one hundred (100) hours of community service, as defined in section 10-42(d), must be served in addition to any other penalty imposed.

(d) *Mandatory litter removal authorized.* In addition to the other punishments authorized by this section, in the discretion of the court in which conviction is obtained, the person may be directed by that court to pick up and remove from any public place or any private property, with prior permission of the legal owner upon which it is established by competent evidence that litter has been deposited by someone other than the legal owner of the property, all litter deposited on the place or property by anyone. This shall constitute the community service specified herein.

(e) *Injunctive relief for future violations authorized.* In addition to the above penalties, the county council or its duly appointed representative may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person or governmental unit or agency of any act which is prohibited by any provisions of this chapter.

(f) *Injunctive relief authorized for imminent danger.* In the event that any property, any occupant of a property or any citizen is in danger is threatened by probable imminent danger because of an apparent violation of this chapter, the county attorney and/or person in danger may in addition to other remedies, request injunction, mandamus or other appropriate legal action or proceedings to prevent such unlawful occurrence or to correct or to abate the violation.

(g) *Continuing violations.* Each day that any person is found to be in violation of any provisions of this chapter after sufficient notification to abate shall constitute a separate violation.

(h) *Violations deemed a public nuisance.* Any violations of any of the provisions of this chapter are deemed a threat to the health and/or safety of the public and are hereby deemed public nuisance.

(Ord. No. 50-01, § 1, 7-10-01)

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Sec. 10-19. - Weeds and debris; maintenance requirements.

(a) *Duties of owners and occupants.* No person shall permit their property to serve as a breeding place for mosquitoes, as a refuge for rats and snakes, as a collecting place for trash and litter or a fire hazard. Any of the herein described conditions is declared to be a common nuisance. It shall be the duty of the fee simple owner and/or the occupant of real property to cut and remove all grass, weeds and other ground-cover vegetation as often as necessary to comply with this provision so that grass, weeds or other ground-cover vegetation shall not grow above a height of twelve (12) inches; in addition, drainage ditches, ponds and pipes shall be kept clear of litter, debris, weeds and brush that may block the flow of water and pose a flooding threat to surrounding properties or provides mosquito breeding habitat.

(b) *Removal by county.* If weeds, decaying vegetation, debris or dilapidated structures existing on any property are not removed pursuant to this section, the county may seek a court order to compel the owner and/or occupier to abate the nuisance or it may proceed with its own resources or by contracting with another to abate such nuisance, keeping account of the expenses of the abatement and such expense shall be charged and payable by the owner and/or occupant of the property.

(c) *Lien on real property.* The charge for compelling the owner and/or occupier to abate the nuisance or the county's abatement of the nuisance shall constitute a lien upon the property. The county administrator shall send, or cause to be sent, a bill for such charges to the owner or occupier of the property. The county administrator shall also file a statement of the lien against the owner of the property in the office of the county clerk of court. Such lien shall be indexed in the mortgage books as maintained from time to time for the county and the statement shall contain a legal description of the property, a statement that a nuisance was abated in conformity with this article, the date the nuisance was abated, the expenses and costs incurred for the abatement, a statement that such amount incurred for expenses and costs shall bear interest at the legal rate from the date of filing of the notice of lien and notice that the county claims a lien for the stated amount.

(d) *Penalties.* The penalties for violation of this section shall be punishable under the provisions of [section 10-42](#) of this chapter.

(Ord. No. 50-01, § 1, 7-10-01; Ord. No. 65-09, § 1, 9-1-09)