

AN ORDINANCE

AN ORDINANCE TO ADD PROVISIONS TO THE GREENVILLE COUNTY CODE TO REGULATE TIRE BUSINESSES SELLING USED AND/OR WASTE TIRES IN THE UNINCORPORATED AREAS OF GREENVILLE COUNTY

Section 1. Findings. Greenville County Council finds that tires provide habitats for rodents, insects, and other vermin and serve as excellent breeding grounds for mosquitoes that carry diseases and present a fire hazard. Greenville County Council further finds that improperly stored used and waste tires are a nuisance that decreases property values and contributes to the decline of neighborhoods and the degradation of the environment. In order to provide for the health, safety, and welfare of the citizens of Greenville County, and to prevent the spread of disease and the creation of nuisances, Greenville County Council finds it necessary to regulate the storage, transportation, collection, processing, and disposal of used and waste tires.

Section 2. Definitions.

Tire Business - any place or establishment, in part or in whole, engaged in the business of selling tires or that generates waste tires and is occupied, used or maintained for the purpose of offering transporting, repairing, processing, storing, utilizing, and disposing of any and all types of tires.

Tire - a continuous solid or pneumatic rubber covering encircling the wheel of a motorcycle, automobile, truck, trailer, tractor, bicycle, or other vehicle.

Used tire for resale - a previously used tire that is suitable for use on a motor vehicle

Waste tire - a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect or that is deemed unfit for resale by a tire business. Waste tire also includes any tire that is destined for a tire disposer or processor, including a tire recapping facility.

Section 3. Prohibition.

Outdoor storage of used tires for resale is prohibited. Used tires for resale must be kept in an enclosed building which has a current Certificate of Occupancy and which is in compliance with the currently adopted Building and Fire Codes. A building used to store used tires must be located no closer to property lines than the minimum setbacks for structures outlined in the Zoning Ordinance or Land Development Regulations.

Outdoor storage of waste tires is prohibited. Waste tires for resale must be kept in an enclosed building which has a current Certificate of Occupancy and which is in compliance with the currently adopted Building and Fire Codes or in mobile containers used to transport waste tires. All mobile containers must be covered. All storage buildings or containers used to store waste tires shall be located no closer to property lines than the minimum setbacks for structures outlined in the Zoning Ordinance or as required in the Land Development Regulations within the unzoned areas of the county.

Storage containers used to store waste tires shall not be stacked and shall not exceed ten (10) feet in height from grade.

Any waste tire shall be rendered unusable and properly disposed of at an authorized tire disposal or recycling facility. It shall be unlawful for any person or tire business to cause, suffer or allow the dumping of tires at any place in Greenville County including without limitation, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or in or on any public or private property in the County or any waters in the County.

Section 3: Severability.

Should any word, phrase, clause or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

Section 4: Applicability:

This Ordinance shall apply in the unincorporated areas within the County of Greenville, South Carolina.

Section 5: Administration and Enforcement:

A. Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official or law enforcement personnel has reasonable cause to believe that there exists upon a premises a condition in violation of this ordinance, the code official or law enforcement personnel is authorized to enter the exterior premises at reasonable times to inspect or perform the duties imposed by this ordinance.

B. Notice of Violation.

Upon an initial violation, a person, firm, corporation or agent found to be in violation of the provisions of this ordinance shall be issued a Notice of Violation and given seven days to bring the property into compliance. Failure to comply after seven days' notice shall result in the issuance of a civil citation. A person, firm, corporation or agent found to be in violation shall only receive one seven-day grace period after the first Notice of Violation is issued.

It shall be sufficient notification to deliver the Notice of Violation to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified, and addressed to the person to whom the notice is directed or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

C. Violation Penalties.

Any person, firm, corporation or agent who violates a provision of this ordinance or fails to comply with any of the requirements thereof shall be subject to a civil penalty of fifty (50) dollars for each improperly stored tire on the location of the tire business, up to a maximum civil penalty up to \$2,000. Each day a violation continues is a separate offense.

An official authorized by Greenville County may deliver a civil citation to a person, firm, corporation, or agent who violates the provisions of this Code. The civil citation shall include the name and address of the violator; the nature of the violation; the location and time the violation occurred; the amount of the civil penalty assessed; and the defendant's right to stand trial before the Magistrate for the violation. A defendant may pay the penalty or elect to stand trial by giving the issuing agency written notice within 10 days of receipt of the citation of his intention to stand trial. The issuing agency shall then forward the request to the Magistrate's Court to schedule a hearing on the request.

In a proceeding for a civil violation a defendant may enter a plea of guilty, not guilty, or no contest. The court may render a verdict of "guilty" of the civil infraction or "not guilty" of the civil infraction. A defendant has 30 days from the date of a finding of "guilty" to appeal this matter to circuit court.

Upon adjudication of the case, the Magistrate may order the payment of the civil penalty. When a defendant has been found guilty of the violation and fails to pay the fine imposed by the court, the court may treat the failure as contempt of court.

Adjudication of a civil citation is not a criminal conviction for any purpose, and does not impose any of the civil disabilities imposed by a criminal conviction.

D. Removal by the County.

In the event a violation of this ordinance has not been corrected as required by the Notice of Violation, the county may enter upon such lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs) shall become a lien upon the property and shall be collected in the same manner as county taxes are collected.

E. Effective Date.

This ordinance shall become effective (6) months from the date of its passage.

DONE IN REGULAR MEETING THIS ___ DAY OF _____ 2015.

GREENVILLE COUNTY COUNCIL

Bob Taylor, Chairman
Greenville County Council

ATTEST:

Theresa B. Kizer
Clerk to Council

Joseph M. Kernell
County Administrator