

ORDINANCE NO.: 2008-068

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,
Chapter 14, Offenses and Miscellaneous Provisions, Article VIII,
Abandoned Refrigerators and Other Hazardous Containers*

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BE IT ORDAINED by the Mayor and Council this 28th day of January, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article VIII, Abandoned Refrigerators and Other Hazardous Containers, to read as follows:

Sec. 14-241. 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:

Abandon means the throwing away on vacant property, junk heaps, trash piles, or debris accumulations of a refrigerator or any other like act which would constitute abandonment thereof.

Dangerous exposure or access means the placing of a refrigerator not in use in a garage, barn, outbuilding, porch, yard, lot or other portion of premises where children or other persons may come upon it and may be attracted to it.

Refrigerator means an icebox, ice chest, freezer, refrigerator, cooler, or other like closed cabinet, box, or device that seals off or impedes the free circulation of air in and through the interior of the cabinet, box, or device.

Sec. 14-242. Interpretation of article.

The provisions of this article shall be liberally construed to effect the remedy intended and prevent loss of lives of children and other persons. Any refrigerator which is abandoned or found to be in a condition of dangerous exposure or access as defined in this article is hereby declared to be an immediate and extremely dangerous threat to the public health, safety and welfare, especially to children, and is hereby declared to be a public nuisance requiring immediate abatement.

Sec. 14-243. Latches and locks to be removed.

It shall be unlawful for any person to abandon, dangerously expose or afford access to, or to cause or permit to be abandoned or dangerously exposed or access afforded to, any refrigerator unless the door thereto has been removed from such refrigerator or unless the latch or lock holding each door thereof shut is dismantled or removed so that the door may be opened by any child or person from within by simply pushing on it. Jamming or obstructing the lock or latch shall not be sufficient compliance with this section. The lock or latch must be removed or dismantled so that accidental latching or locking is impossible.

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Sec. 14-244. Responsibility for compliance.

The duty of complying with the provisions of this article is imposed alike on the owner of the refrigerator and the owner or any occupant of the premises where an abandonment or dangerous exposure or access occurs.

Sec. 14-245. Inspection of premises.

The city building official, the chief of the police department, the chief of the fire department, or other proper city official or employee shall have full power and authority to inspect any and all premises located within the city limits for the purpose of enforcing the terms of this article. If the owner of the refrigerator or the owner or any occupant of the premises where an abandonment or dangerous exposure or access occurs cannot be immediately contacted to immediately abate, the City building official, the chief of the police department, the chief of the fire department or other proper city official or employee, after consultation with and concurrence by the city manager, shall have full power and authority to enter the property to abate pursuant to Sec. 14-243 of this article.

Sec. 14-246. City authorization to immediately modify or remove.

Where the city building official, the chief of the police department, the chief of the fire department, or other proper city official or employee finds a refrigerator in violation of Sec. 14-243, that person shall have full power and authority to immediately take any and all actions necessary to ensure that the refrigerator is either modified or removed from the premises so that the risk of loss of life of children and other persons is eliminated. Removing a refrigerator found in violation of Sec. 14-243 should only be employed where no other practical and effective remedy will eliminate the risk of loss of life of children and other persons. Where circumstances warrant the removal of a refrigerator, the city is under no obligation to save, return, or compensate the owner of the refrigerator.

Requested by:

Planning & Development Services
OBO the Code Enforcement Task Force



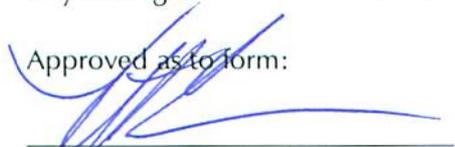
MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 1/7/2009

Final Reading: 1/28/2009

ATTEST:


City Clerk