

**STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
CITY OF DARLINGTON**

**AN ORDINANCE AMENDING THE CITY OF DARLINGTON CODE OF ORDINANCES
ARTICLE X - COMMERCIAL BUILDING APPEARANCE.**

BE IT THEREFORE ORDERED AND ORDAINED, by the City Council of the City of Darlington assembled this _____ day of _____, 2012 that Article 6 of the City of Darlington, South Carolina City Code is hereby amended to read as follows:

Sec. 18-250. Purpose and scope.

- (a) *Purpose.* It is the purpose of the provisions of this article to provide a just, equitable and practicable method whereby buildings or structures which, from any cause, diminish property values or detract excessively from the appropriate appearance of commercial areas within the city may be required to be repaired. The commercial areas are deemed by the city to require supplemental regulations because of their special economic importance. The provisions of this article are cumulative with and in addition to, any other remedy provided by law, including the current editions of standard codes adopted by the city.
- (b) *Scope.* The provisions of this article shall apply to all commercial buildings within the city.
(Code 1977, § 5-10001; Ord. No. 2001-05, 5-1-2001)

Sec. 18-251. Duties and responsibilities of owners and operators.

- (a) *Duties and responsibilities of the owner.* It shall be the duty and responsibility of the owner of the premises to see that said premises under the control of the owner are maintained to ensure that:
 - (1) *General duties and responsibilities.*
 - a. The exterior of the premises and structure(s) is in good repair and free from deterioration. In general, the term good repair shall mean that the structure(s) shall be free from cracked or broken glass; failed, failing or unattached gutter systems; failed or failing exposed wood elements that are either an architectural feature, a structural element, or placed on the structure for some other purpose; and/or other failed or failing plastic, metal, brick, stone or other building materials found on the exterior of the structure(s).
 - b. All structures and decorative elements or building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner.

- c. Structures at the rears of buildings attached or unattached to the principal structure, which are found by the city code enforcement officer to be structurally deficient, shall be properly repaired or demolished.
- d. All miscellaneous elements on building walls and roofs and surrounding premises which serve no useful or aesthetic purpose, such as empty electrical or other conduits, unused sign brackets, etc., shall be removed.
- e. If the building is to be used for storage, the contents shall be masked from the view of passers-by either by the use of window drapings or by using rear areas of the building for storage.
- f. If the building is empty or vacant, the owner shall maintain the building front in such a way as to prevent it from looking abandoned or cluttered and in such a way that it will better blend in with other structures in the area which are presently being occupied.

(2) *Specific duties and responsibilities.*

- a. *Walls.* Where a wall of a building has become exposed as a result of demolition of adjacent buildings, all doors, windows, vents or other similar openings exposed by the demolition must be either restored or closed with material of the type of compromising the wall. No protrusion or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall. The owner of record/occupant causing the exposure of the wall shall bear the obligation of compliance with this section within 90 days.
- b. *Windows.* All windows must be tightfitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or Plexiglas. All exposed woods shall be repaired and painted. All windows shall be maintained free of broken glass. Where a window glass larger than four square feet becomes cracked to an extent that the largest single portion of the window free of a crack is less than 80 percent of the total surface area of the window glass, the window glass shall be replaced by a pane free of cracks. All first floor openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame and glass, unless specifically approved by the design review board. Upper floor windows may be boarded or permanently closed if such an alteration can be accomplished without creating an unsightly appearance. This

body shall serve as an appeals board. Where the board approves the enclosure of the window the board shall approve the manner by which it will be enclosed.

1. *Exceptions for second story windows.* Other options such as using an inoperable glass insert; closed, complimentary painted wooden shutters; or inserting high quality public art shall be acceptable for second story window treatment.
 2. *Exceptions for alley windows.* Windows in alleys may be boarded up with complimentary painted panels.
 3. *Exceptions for back streets.* Windows in back streets may be covered with shutters.
- c. *Display window space.* The interior area of enclosed display window space(s) shall be maintained in a manner free of dirt and debris. If the display window space is not enclosed, the area measured from the bottom of the window to 24 inches inside the building shall be considered the display window space.
- d. *Painting.* All exterior surfaces which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed. All exterior surfaces which have been painted shall be maintained free of peeling and flaking. Where 25 percent or more of the aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted. An exception to this regulation may be granted by the city where the owner or owner representative, as a matter of design, maintains the underlying paint, advertising sign or art work in a satisfactory manner.
- e. *Awnings, advertising structures and materials.* All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. All nonoperative signs shall be repaired or shall, with their supporting members, be removed. In the event such signs, billboards, marquees or awnings are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed. In the event such awnings or marquees are made of cloth, plastic or similar material, such awnings or marquees shall be maintained so as not to show evidence of excessive tearing, ripping, cracking, unsightly fading, excessive discoloration or wear, or other holes, which diminish their function and cause unsightly conditions. The owner of an awning which has been removed may leave the supporting members in place for a period not to exceed six months if he plans to replace the covering.

- f. *Cornices.* All cornices shall be made structurally sound; and rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.
- g. *Downspouts.* Sheet metal gutters and downspouts shall be replaced or repaired as necessary and shall be neatly located and securely installed.

(b) *Relationship of duties and responsibilities to occupancy.* The provisions of this article that apply to the exterior or exterior components of a structure or building shall be complied with whether the structure or building is occupied or vacant. All unoccupied or vacant structures of buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation including roosting birds and accumulated debris in recessed entry ways.

(c) *Duties and responsibilities of operator.* It shall be the duty and responsibility of the operator to ensure that whenever the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the operator affected thereby shall, upon learning of such defect, provide notice to the owner.
(Code 1977, § 5-10002; Ord. No. 2001-05, 5-1-2001)

Sec. 18-252. Notice of violation.

(a) Whenever the city code enforcement officer or such other authorized official determines that there exists a violation of any provision of this article, he shall give notice of such violation to the person or persons responsible therefore or to their agent or representative and order compliance.

(b) Once the notice has been served, the person or persons responsible or their agent or representative shall have 30 days to present a justified, factual appeal to the design review board of the city if compliance to this article causes an undue financial difficulty or cannot be commenced because of other extenuating circumstances. As a result of this appeal, the board may grant a phased schedule or maintenance with completion and compliance to this article not to exceed 36 months.

(Code 1977, § 5-10004; Ord. No. 2001-05, 5-1-2001)

Sec. 18-253. Violations and penalties.

Any person, firm, corporation or agent who shall violate a provision of this article or after due notice shall fail to comply with orders issued by the city code enforcement officer under the terms and provisions of this article shall be charged with a misdemeanor.

(Code 1977, § 5-10004; Ord. No. 2001-05, 5-1-2001)

Sec. 18-254. Amendments.

The provisions and requirements of this article may, from time to time, be amended, supplemented, or changed as necessary by the council.
(Code 1977, § 5-10005; Ord. No. 2001-05, 5-1-2001)

Secs. 18-255 – 18-271. Reserved.

This Ordinance shall become effective upon its adoption.

DONE AND RATIFIED in Council assembled this _____ day of _____, 2012.

ANTHONY WATKINS
Mayor, City of Darlington

Ordinance No. _____

I approve the foregoing as to form.

NEWTON I. HOWLE, JR.
Attorney for the City of Darlington

ATTEST:

GLORIA PRIDGEN
City Clerk and Treasurer