



Quality of Life Court

October 3, 2019

What is a Quality of Life Court?

- Often referred to as Livability Court
 - Initiated by Mayor Riley in Charleston 2002
 - There are a few around the State, and Savannah, GA
 - Charleston, No. Charleston, Lancaster, Newberry, Greer (source: Wikipedia)
- A form of Municipal Court – think traffic court, or homeless court
 - Currently code cases are mixed in with everything else and they get lost in the shuffle
 - A Quality of Life Court will hear Code and Nuisance cases
 - Recognized by the South Carolina Supreme Court
 - Livability Court has been challenged on at least two occasions and prevailed
- From the City of Charleston – “Livability Court is an innovative way to handle age-old citizen concerns and quality of life issues. Previously, these types of cases were shuffled through the regular criminal court system, where, often times, they seemed insignificant. **However, these issues can have serious, detrimental effects on neighborhoods and communities when left unresolved.** Livability Court is devoted to such issues and will therefore promote healthy communities and good citizenship.”

Why a Quality of Life Court?

- ▶ Current process is lengthy.
- ▶ Many habitual violators take advantage of the process
- ▶ Harder and harder to gain compliance
 - ▶ Especially with property owners, and in particular absentee property owners
 - ▶ This issue is likely to continue as we grow
- ▶ Current process takes cases through the regular criminal court system – challenges in educating judges
 - ▶ Municipal code enforcement is a different animal
- ▶ Efficient abatement of nuisances is important to the Quality of Life of our City:
 - ▶ Ensure the public health, safety, and welfare of our residents, businesses, and visitors
 - ▶ Neglect of codes and property deters Economic Development
 - ▶ Poor property maintenance can be a contributing factor to crime
 - ▶ Good property maintenance practices will increase property values
 - ▶ First impressions mean a lot. Efficient abatement of nuisances improves the City's appearance.

Purpose of Quality of Life Court

- ▶ Moves nuisance cases through the system faster, and achieves greater compliance
 - ▶ We've all heard comments...why does it take so long?
- ▶ Property owner enters into an order with the Court to abate nuisance
 - ▶ Biggest difference.....current process is an administrative process until the Rule to Show Cause
 - ▶ Quality of Life Court places the process in the Court system
- ▶ Not intended as a revenue generator.....goal is to CURE these nuisances
 - ▶ Consistency, Uniformity, Responsiveness, and Enforcement (source: City of Charleston)

Quality of Life Court Process vs.....

- ▶ Municipal Court Summons delivered by Police officer & Code Inspectors (together if possible).
 - ▶ Informs property owner of nuisance and gives 20-days to abate or take steps to abate
 - ▶ Discretion is given to Police / Inspectors to issue a warning upon visit (intended for 1st time violators or special circumstances)
- ▶ Court held 2x a month
- ▶ Judge has discretion to continue case if/when defendant is showing good faith progress
 - ▶ Defendant needs to come to court prepared
 - ▶ Judges order allows staff to abate the nuisance and lien the property
 - ▶ Judge can fine defendant up to \$1,087 / day or 30-days
- ▶ 3 to 4 weeks vs. 6 months

UNIFORM ORDINANCE SUMMONS

31029 CITY OF MYRTLE BEACH, SC - VERSUS

Last Name			First Name			Middle Name			
Address									
City						State		Zip	
Age: _____			DOB: _____			Gender: _____		Race: _____	
HT: _____			WT: _____			EYES: _____			
HAIR: _____			DL/ID# _____			STATE: _____			

OFFICIAL ACTION INITIATED: <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> INFRACTION							
ORDINANCE #		DESCRIPTION OF ORDINANCE			BOND		
PLACE OF VIOLATION			DATE ISSUED		TIME ISSUED		
					AM		
					PM		
4-DIGIT #		OFFICER(S) NAMES		DATE OF TRIAL		TIME OF TRIAL	
						AM	
						PM	
COURT ADDRESS: 1101 Oak St., Myrtle Beach, SC 29577							

YOU HAVE BEEN ISSUED A WARNING FOR VIOLATION OF CITY ORDINANCE, (DETAILS ABOVE). VOLUNTARY COMPLIANCE WOULD BE APPRECIATED

For Official Use Only

Bond Received \$		Date		By	
Disposition					
Defendant Did Not Appear <input type="checkbox"/>		Appeared <input type="checkbox"/>		Date of Disposition / /	
Forfeited Bond <input type="checkbox"/>		Dismissed <input type="checkbox"/>		Nolle Prosequi <input type="checkbox"/>	
Pled	Nolo Contendere <input type="checkbox"/>		Guilty <input type="checkbox"/>		
Trial	Bench <input type="checkbox"/>	Jury <input type="checkbox"/>	Verdict	Guilty <input type="checkbox"/>	Not Guilty <input type="checkbox"/>
Fine \$	Suspended \$	Assessments \$	Amount Collected \$	STP	
Sentenced to Jail		Days		Community Service	
				PTI	

Name of Presiding Municipal Court Judge _____
 Certified Correct By: _____ Date: _____

REQUEST DISPOSITION - INDICATE THE DISPOSITION YOU DESIRE AND RETURN THIS SUMMONS OR A COPY WITH BOND PAYMENT:

FORFEIT BOND - NO COURT APPEARANCE
 BOND POSTED - TRIAL BY MUNICIPAL JUDGE
 BOND POSTED - TRIAL BY JURY

SIGNATURE OF DEFENDANT		DATE
I ACKNOWLEDGE RECEIPT OF THIS SUMMONS, (THIS IS NOT ADMISSION TO THE INFRACTION AND OR MISDEMEANOR ON MY PART)		

COMPLAINT NUMBER

COURT COPY

Rule to Show Cause Process – best case scenario - 6 months

August

- August 1-Receive Complaint. ← Process begins
- August 2-Investigate complaint and gather evidence.
- August 5-Mail Complaint, file lis pendens and schedule Building Official Hearing.
- August 21-Building Official Hearing.

September

- September 20-Reinspection of property for compliance, order title search.

October

- October 7- Receive title search, mail Notice of Failure to Comply to all parties in interest, schedule Rule-To-Show Cause Hearing.

November

- November 12-Rule-To-Show-Cause Hearing at the City Council meeting.
- November 19-Mail Rule-To-Show-Cause Motion to all parties in interest.

December

- December 9-Deadline for permits to be issued per City Council's Motion.
- December 10-Reinspect the property for compliance and/or commencement of work.
- December 11-Put scope of work out to bid.
- December 27-Award bid.

January

- January 6- Bid protest period expires. Notice to proceed issued to the successful bidder.
- January 31-Work completed by successful bidder. Bill the property owner. ← Nuisance abated

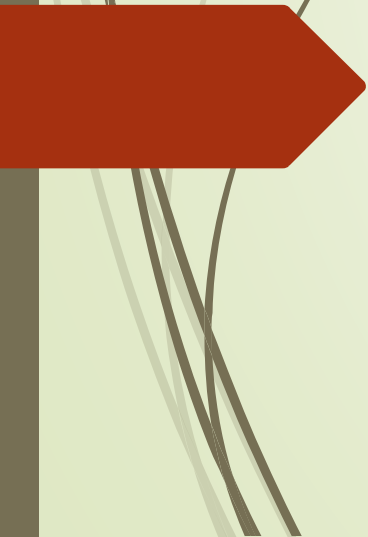
February

- Waiting period for property owner to reimburse the City.

March

- March 3- Deadline for reimbursement by the property owner.
- March 4-File a lien against the property.

Examples





424-11-02-0514

March 04, 2019



420-13-03-0050

February 07, 2019



443-15-02-0041

August 23, 2019



424-16-03-0007

May 9, 2019



Cases heard in Quality of Life Court

- Nuisances affecting public health
- Nuisances offending public decency, peace and order
- Nuisances affecting public welfare and safety
- Nuisances affecting public economy
- Abandoned vehicles
- Illegal dumping
- Noise complaints
- Grass, weeds, unkempt property
- Signage
- Zoning violations
- Fire Code violations
 - Already follows a Quality of Life Court path

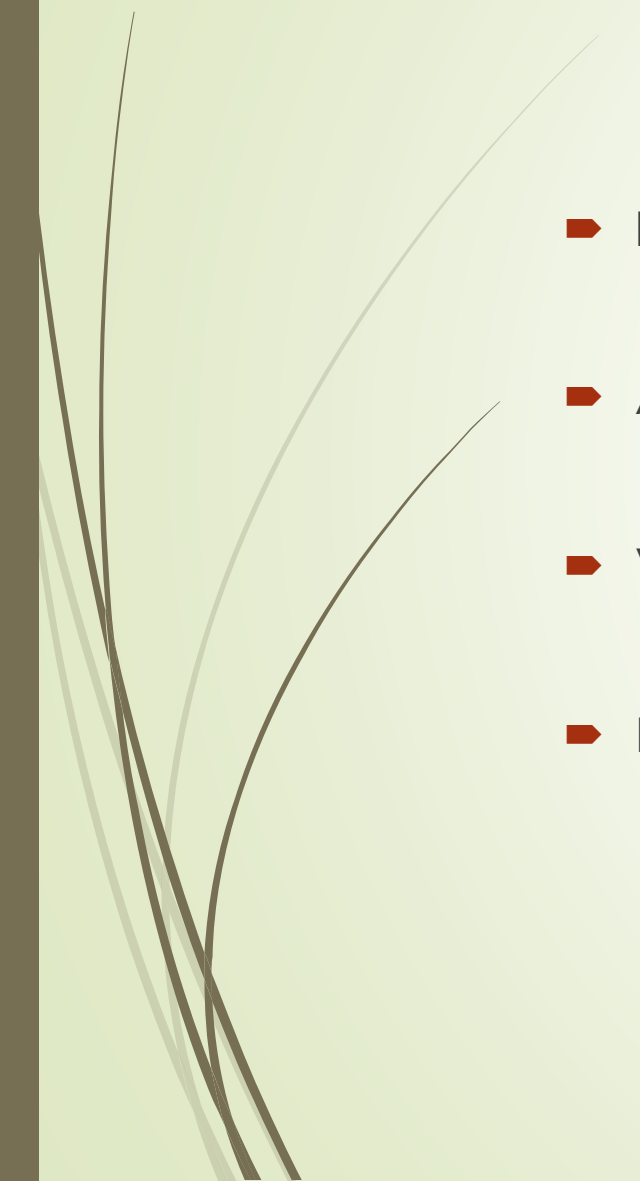


Fire Code Inspection Process

- ▶ Fire inspection
 - ▶ \$75 - \$300 (based on sq. feet of building) inspection fee per Budget Ordinance
- ▶ If violation found: 30-days to correct
- ▶ Re-inspection: Another 15-day if violation has not been addressed
 - ▶ \$100 re-inspection fee per Budget Ordinance
- ▶ Re-inspection: violation still has not been addressed
 - ▶ Municipal Court Summons
 - ▶ Up to \$1,087 fine / 30-days



Future Possibilities Could Include

- ▶ Inspections at change of occupancy
 - ▶ Addition of a quick response team for remediation
 - ▶ Vacant structure registration program
 - ▶ Rental registration program (City of Clemson)
- 



Next steps

- ▶ Establish Quality of Life Court through Resolution
 - ▶ Similar to Homeless Court
- ▶ Changes to the City Code of Ordinances
 - ▶ Mainly procedural changes
- ▶ Education, education, education
 - ▶ Staff and public