

This is a follow-up letter on behalf of the homeowners in the sub divisions Myrtle Beach Golf and Yacht Club (about 1100 households), Cyprus Plantation (about 500 households), and Rivers Reach (about 40 households) concerning the problems caused by the lack of maintenance of the currently closed Heron Point Golf Course owned by Condo World and Heron Point Golf Club Limited Partnership.

Since my letter of April 29, 2016 several things have happened:

- Horry County Stormwater Manager Eric Hasara and Deputy Stormwater Manager Thom Roth visited and inspected parts of the stormwater system on Heron Point Golf course on May 12, 2016. Unfortunately their visit has had no effect on the issues that confront our communities. Maintenance, drainage/stormwater runoff, flooding, and health issue problems, caused by the standing water in the unmaintained drainage ditches still plague our communities. This is a drainage system of retention ponds and ditches that were constructed in 1985-1987. This system services not only Myrtle Beach Golf & Yacht Club, but also Cameron Village, Rivers Reach, parts of Cyprus Plantation and all the additional stormwater runoff of the new Interstate 31 and Highway 707 projects.
- On several days on or around May 10, 2016 an employee of the golf course mowed a 50 foot perimeter, mowing the outer edge of most holes on the Heron Point Golf course. The tee boxes, fairways, traps and greens remain uncut and overgrown with tall weeds.

When Heron Point Golf Club was closed, owners Roy Clyburn and Jerry Spearman told MBG&YC's property manager the Golf Course owners would do ditch maintenance on a minimal basis and continue to do landscaping cutting the full course at least 3 times per year. To date the actions taken have been:

- **Partial** cuttings on June 6, 2015, July 21, 2015, mid September 2015 and May 10, 2016
- **NO** ditch maintenance

The lack of maintenance has created a true emergency/safety problem for all communities bordering Bay Road and Enterprise Road. Stormwater runoff which by design is channeled through our unmaintained drainage system, backed up, causing flooding that closed Bay Road and numerous streets in Cameron Village.

A serious health issue is also associated with the continued lack of maintenance of the drainage system. Standing stagnant water is now collecting in the ditches. Standing water is where mosquitoes breed. With the documented presence of the mosquito born Zika virus, and many other known pathogens, lack of maintenance is creating a serious health issue for the entire Burgess Community.

At a MBG&YC Homeowners Association meeting, homeowners were told by Horry County Councilman, Gary Loftus, that the closed golf course would be cut 3 times per year and county health standards would be met. This has never happened. Why not?

A mechanism exists in the **Code of Ordinances Horry County, Chapter 10 - GARBAGE, TRASH AND REFUSE, Sec. 10-19. - Weeds and debris; maintenance requirements.** It states:

- (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)

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)

Why is the county not enforcing its own code? Why have they/you not applied the penalties as spelled out in this code?

The **entire** course needs to be cut. The weeds in the fairway are over 4 feet tall! On June 03 an alligator was photographed on holes 9 and 10. Alligators have also been seen hiding in these weeds on holes 15, 16 and 18. I have included pictures to substantiate these observations.

We as homeowners demand that you enforce Horry County Codes. The time is now to do something to expedite the maintenance process until the litigation instigated by CondoWorld (Clyburn)/Heron Point (Spearman) against Myrtle Beach Golf & Yacht Homeowners Association is resolved.

Respectfully,
James P. McGowan
VP MBG&YC HOA