

**Code of Ordinances of the Town of West Pelzer**

Adopted and Published in 2021 by Order of the Town of West Pelzer

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CURRENT OFFICIALS

of the

TOWN OF

WEST PELZER, SOUTH CAROLINA

\_\_\_\_\_

Blake Sanders

*Mayor*

\_\_\_\_\_

James Riddle, Sr.

Pat Alexander

Johnny Rogers

Vicki Farmer

*Town Council*

\_\_\_\_\_

Paula Payton

*Town Clerk/Town Administrator*

\_\_\_\_\_

Carey Murphy

*Town Attorney*



## **PREFACE**

This Code constitutes a recodification of the general and permanent ordinances of the Town of West Pelzer, South Carolina.

Source materials used in the preparation of the Code were the 2001, 1999 and 1991 Code and ordinances subsequently adopted by the Town Council.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been provided catch lines to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

### **Chapter and Section Numbering System**

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

### **Page Numbering System**

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation that represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

### **Looseleaf Supplements**

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

ORDINANCE NO. 2021-0105-1

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF WEST PELZER, SOUTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL:

Section 1. The Code entitled "Code of Ordinances of the Town of West Pelzer, South Carolina," published by Municipal Code Corporation, consisting of chapters 1 through 62, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 1, 2005, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine by not exceeding \$500.00, or imprisonment not exceeding 30 days, or both. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

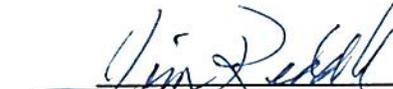
Section 6. This ordinance shall be effective after second reading of Town Council.

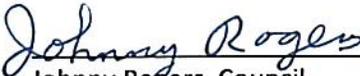
DONE AND RATIFIED IN COUNCIL, DULY ASSEMBLED THIS 16<sup>TH</sup> DAY OF FEBRUARY 2021.

  
\_\_\_\_\_  
Blake Sanders, Mayor

  
\_\_\_\_\_  
Pat Alexander, Council

\_\_\_\_\_  
Vicki Farmer, Council

  
\_\_\_\_\_  
Jim Riddle, Council

  
\_\_\_\_\_  
Johnny Rogers, Council

  
\_\_\_\_\_  
Paula Payton, Town Clerk

## Chapter 1 - GENERAL PROVISIONS

### Sec. 1-1. - Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections constitute and are designated as the "Code of Ordinances of the Town of West Pelzer, South Carolina," and may be so cited. They may also be cited as the "West Pelzer Town Code," "Town Code," or the "Town Code."

### Sec. 1-2. - Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code, as far as they are the same as those ordinances existing at the time of the adoption hereof, shall be considered as a continuation thereof and not as new enactments.

### Sec. 1-3. - Severability of parts of Code.

It is hereby declared to be the intention of the mayor and council, that if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code since the same would have been enacted without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

### Sec. - 1-4. Catchlines or catchwords of sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

### Sec. 1-5. - Definitions.

In the construction of this Code and all other ordinances, the following definitions shall be observed, unless the context clearly requires otherwise:

**Administrator.** The term "administrator" means the official appointed by the Mayor to that position. He shall also have the title of town administrator.

**And, or.** The term "and" may be read as "or" and the term "or" may be read as "and" where the sense requires it.

**Bond.** When a bond is required, an undertaking in writing shall be sufficient.

Business district. The term "business district" means the territory contiguous to and including a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Town. The term "town" means the Town of West Pelzer, South Carolina, in all of its ramifications.

Clerk. The term "clerk" means the municipal clerk as provided in S.C. Code 1976, § 5-7-220. However, the title may be used interchangeably with the term "clerk," "town clerk" or, if one person holds both positions, "clerk/treasurer."

Code. The term "Code" means this Code, as the context indicates.

Computation of time. The term "computation of time" means the time within which an act is to be done and is computed by excluding the first day and including the last day, and if the last day is Sunday or a legal holiday, that shall be excluded.

Corporate limits. The term "corporate limits" means the legal boundary of the Town of West Pelzer.

Council, mayor and council and town council. The term "council," "mayor and council" or "town council" means the mayor and council of the Town of West Pelzer, as defined in the S.C. Code 1976, § 5-11-20.

County. The term "county" means the County of Anderson.

Court. The term "court" means the municipal court of the Town of West Pelzer.

Day. The term "day" means a period of 24 hours.

Delegation of authority. The term "delegation of authority" means that whenever a provision or section of this Code appears requiring the head of a department of the town to do some act or make certain inspections, it shall be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly dictate otherwise.

DHEC. The term "DHEC" means the South Carolina Department of Health and Environmental Control.

Domestic animal. The term "domestic animal" means any of the various animals (for example, horses or sheep) domesticated so as to live and breed in a tame condition.

Emergency vehicle. The term "emergency vehicle" means vehicles of the fire and police departments, ambulances and/or emergency vehicles of public service corporations as are designated or authorized by SCDOT or by the council.

Interpretation. The term "interpretation" means in the interpretation and application of any provision of this Code, it shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Junk. The term "junk" means old iron, glass, paper or other waste that may be used in some form again; secondhand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance, including abandoned automobile parts or abandoned vehicles.

Junkyard. The term "junkyard" means a yard or area used to store sometimes resalable junk.

Keeper and proprietor. The terms "keeper" and/or "proprietor" mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Livestock. The term "livestock" means animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

May. The term "may" is permissive.

Mayor. The term "mayor" means the mayor of the Town of West Pelzer.

Month. The term "month" means a calendar month, unless defined otherwise.

Municipality. The term "municipality" may be used interchangeably with the term "town" and shall mean the entire area within the corporate limits of the Town of West Pelzer.

Name of mayor and council, administrator and other officers. The terms "mayor and council," "administrator and other officers" shall be construed as though the words "of the Town of West Pelzer" were added.

Nontechnical and technical words. The terms "nontechnical and technical words" shall apply to the usage of such words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. See the section pertaining to rules of construction in section 1-6.

Oath, swear, sworn. The terms "oath," "swear," "sworn" mean and shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be the equivalent to words "affirm" and "affirmed" and vice versa.

Or, and. The terms "or" and "and" shall be used interchangeably, if the sense requires it.

Owner. The term "owner" means and includes, when applied to a building or land, any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The term "person" means and includes a corporation, firm, partnership, association, organization and any other group as a unit, as well as an individual or individuals.

Personal property. The term "personal property" means and includes every species of property, except real property, as defined in this section.

Preceding and following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" means and includes real and personal property.

Public place. The term "public place" means any park, cemetery, schoolyard or open space adjacent thereto, including all other properties owned or controlled by public authority.

Real estate and real property. The terms "real property" and "real estate" mean and include lands, tenements and hereditaments.

Residence. The term "residence" means the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed as his residence.

Residence district. The term "residence district" means territory contiguous to and including a street not comprising a business district when the property on such street for a distance of 300 feet or more is in the main improved with dwellings or dwellings and buildings in use with residences.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

SCDOT. The term "SCDOT" means the South Carolina Department of Transportation.

Seal. The term "seal" means the corporate seal of the town, as may be adopted by the council.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means any portion of a street between the curblines, or the lateral lines of a roadway where there is no curb and the adjacent property line intended for the use of pedestrians.

Signature and subscription. The terms "signature" and "subscription" mean a mark, when a person cannot write.

State. The term "state" means the State of South Carolina.

State references. Whenever reference is made, for example, to S.C. Code 1976, § 5-7-10, it shall be construed to refer to the Code of Laws of South Carolina 1976, section 5-7-10, as amended, or whatever section is cited.

Street. The term "street" means and includes streets, avenues, boulevards, highways, roads, alleys, lanes, bridges, and all other public thoroughfares and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the council.

Tax collector. The term "tax collector" means the designated town official or organization that collects a municipal tax or fee.

Tenant and occupant. The terms "tenant" and "occupant" mean and when applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

Treasurer. The term "treasurer" means the municipal clerk/treasurer, if appointed separately from the town clerk.

Writing and written. The terms "writing" and "written" mean and include printing and any other mode of representing words and letters.

Year. The term "year" means a 12-month period beginning with January 1 and ending on December 31, unless otherwise designated (i.e., fiscal year).

#### Sec. 1-6. - Rules of construction.

As used in this Code and all ordinances, in all cases in which the spirit and intent may require it, the following shall apply:

- (1) Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.

- (2) All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
- (3) All words importing the present tense shall apply to the future, also.

Sec. 1-7. - General penalty; continuing violations.

Whenever in this Code or in any ordinance, resolution, rule, regulation or order promulgated by any agency or officer thereof under authority duly vested in him, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, where no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding 30 days, or both; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses. Each day any violation of this Code or any ordinance, rule or regulation shall continue shall constitute a separate offense.

State Law reference— Similar provisions, S.C. Code 1976, § 14-25-65.

Sec. 1-8. - Liability of corporations, their agents, etc.

- (a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.
- (b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this Code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

Sec. 1-9. - Effect of repeal or expiration of ordinance.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

Sec. 1-10. - Amendments to Code.

- (a) All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or

any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following, but not necessarily the exact language: "That section \_\_\_\_\_ of the Town Code is hereby amended to read as follows:...." The new provisions may then be set out in full as enacted, the text and numbering system to be consistent with this Code.
- (c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Town Code is hereby amended by adding a section, to be numbered \_\_\_\_\_ which section shall read as follows:...." The new section shall then be set out in full. The sections of the ordinance may be renumbered to accomplish such intention.
- (d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

Sec. 1-11. - Unauthorized alterations or tampering with Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby.

Sec. 1-12. - Prosecution where different penalties exist.

In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the municipality, the prosecuting officer may elect under which to proceed. Not more than one recovery shall be had against the same person for the same offense.

Sec. 1-13. - Municipal seal.

The municipality shall have a common seal, to be in the custody of the clerk. The seal shall be affixed to all official documents of the municipality as may be directed by the council.

Sec. 1-14. - Certain ordinances, rights, etc., not affected by Code.

- (a) Nothing in this Code, or the ordinance adopting this Code, shall affect:
  - (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
  - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issuance of any bonds of the municipality or any evidence of the municipality's indebtedness, or any contract or obligations assumed by the municipality;

- (3) The administrative ordinances or resolutions of the municipality not in conflict with the provisions of this Code;
- (4) Any ordinance or resolution fixing salaries of officers or employees of the municipality, unless superseded;
- (5) Any appropriation ordinance or resolution;
- (6) Any right of franchise granted by the council to any person, firm or corporation;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, paving, widening, vacating, etc., any street or public way in the municipality;
- (8) Any ordinance or resolution establishing and prescribing the street grades of any streets in the municipality;
- (9) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
- (10) Any ordinance or resolution dedicating or accepting any plat or subdivision in the municipality, or providing regulations for the same;
- (11) Any ordinance annexing property to the municipality;
- (12) Any zoning ordinance or amendments thereto, and any ordinance establishing a board of zoning appeals, board of architectural review, or planning commission, including joint commissions;
- (13) Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures;
- (14) Ordinances or resolutions prescribing traffic regulations for specific locations, prescribing through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not inconsistent with this Code;
- (15) Any ordinance or resolution fixing utility rates and charges, or concerning the establishment and operation of municipal utility services and departments;
- (16) Any ordinance of agreement with another political subdivision;
- (17) Any ordinance concerning issuance of tax anticipation notes or other debt;
- (18) Any ordinance regarding a board of trustees of firemen's insurance and inspection fund, or concerning membership in the state firemen's association and duties accompanying said membership;
- (19) Any other ordinance or resolution, or part thereof, which is of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect;

and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances and resolutions are on file in the municipal clerk's office.

Sec. 1-15. - Supplementation of Code.

- (a) By contract or by town personnel, supplements to this Code may be prepared and printed whenever authorized or directed by the municipality council. A supplement to the Code shall

include all substantive permanent and general parts of ordinances passed by the municipality council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, when necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code;

but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

Sec. 2-1. - Form of government.

Pursuant to the S.C. Code 1976, the form of government for the town shall be the Mayor-Council form.

Sec. 2-2. - Composition and election of council.

- (a) The town council shall be composed of a mayor and four councilmembers, all of whom shall be residents of the Town and elected by the qualified electors at an election as provided by article III of this chapter.
- (b) The mayor shall be elected at large.
- (c) The members of council shall be elected at large.

State Law reference— Methods of election of council, S.C. Code 1976, § 5-15-20.

Sec. 2-3. - Oath of office required.

The mayor, each member of the council and other officials when required, shall take the following oath before entering upon the duties of their respective offices, to-wit:

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

As mayor (councilman, judge, police officer, etc.) of the Town of West Pelzer I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected (or appointed). So help me, God.

Sec. 2-4. - Terms of office of mayor and council.

The mayor and all members of council shall be elected for four-year, staggered terms.

State Law reference— Terms of office of mayor and councilmembers, S.C. Code 1976, § 5-15-40.

Sec. 2-5. - Compensation; increases; actual expenses.

- (a) Mayor. The mayor shall be paid an annual salary (\$2,400) as is determined from time to time by ordinance, in accordance with state law.
- (b) Councilmembers. Each member of council shall be paid an annual salary (\$1,200) as is determined from time to time by ordinance, in accordance with state law.
- (c) Compensation increases. Increases in compensation shall not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it shall become effective for all members.
- (d) Expense reimbursements. The mayor and members of the council may receive payment for actual expenses incurred in the performance of their official duties, when supported by official expense vouchers.

State Law reference— Salaries and expenses of mayor and councilmembers to be determined by ordinance, S.C. Code 1976, § 5-7-170.

Sec. 2-6. - Duties of the mayor.

The duties of the mayor shall be as set forth in section 2-174.

Sec. 2-7. - Mayor pro tempore; duties.

- (a) Immediately after any general election of the council, the council shall elect from its membership a mayor pro tempore for a term of not more than two years.
- (b) He shall act as mayor during the absence or disability of the mayor.
- (c) In case of a vacancy in the office of mayor, the mayor pro tempore shall serve until a successor is elected.

State Law reference— Mayor pro tempore elected by council, S.C. Code 1976, § 5-7-190.

Sec. 2-8. - Standard codes.

Standard codes, technical regulations, business license ordinances and zoning ordinances may be cited in this Code by reference and copies thereof shall be made available by the clerk for distribution or for purchase at a reasonable price.

State Law reference— Adoption of technical codes in ordinances, S.C. Code 1976, § 5-7-280.

Sec. 2-9. - Fees for maintenance of town services; schedule of rates and fees.

- (a) Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in exhibit 1, entitled, schedule of rates and fees.
- (b) The exhibit is hereby made a part of this Code as if fully set forth herein, and filed in the office of the town clerk.
- (c) All changes to exhibit 1 shall be made by ordinance.

Sec. 2-10. - At-will employment policy.

- (a) All employees of the Town are employed at-will and may resign or be discharged from employment at any time, except appointed positions which may be discharged by Council.
- (b) Only the mayor and town council shall have the right to enter into contracts for other than at-will employment on the town's behalf. Any contract for other than at-will employment must:
  - (1) Be in writing;
  - (2) Be executed by the mayor;
  - (3) Specify the duration of the employment;
  - (4) Specifically state that the contract is being created pursuant to the mayor and town council's authority under this section.

Sec. 2-11. - Freedom of Information policy for the town. REVIEW WITH APPENDIX A

- (a) Verbal Freedom of Information Act requests.
  - (1) Verbal FOIA requests shall be limited by S.C. Code 1976, § 30-4-30(d) to only the following public documents:
    - a. Minutes of meetings of the public body for the preceding six months;
    - b. All reports identified in S.C. Code 1976, § 30-4-50(A)(8) for at least the 14-day period before the current day "which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where the report contains information exempt as otherwise provided by law, the law enforcement agency exempt as otherwise provided by law, the law enforcement agency may delete that information from the report"; and
    - c. Documents identifying persons confined for the three months prior to the current date.
  - (2) Verbal FOIA requests for the aforementioned information may be made to the clerk to council or the West Pelzer Police Department records division between the hours of 8 a.m. and 5 p.m. Monday to Thursday Friday 8am and 12pm, excepting public holidays in accordance with S.C. Code 1976, § 30-4-30(a) of the Act. Copies of any such documents that are requested shall be charged based on the fee schedule contained herein.
- (b) Written freedom of information act requests.
  - (1) All written FOIA requests shall either be hand-delivered or sent by first class mail addressed to the town administrator or his/her designee. No electronic mail or facsimiles shall be accepted. Requests which are estimated to require two or more hours of staff time for research shall be accompanied by a deposit of \$20.00 in the form of cash, cashier's check, or money order to

defray costs in the event the person making the request fails to pay for copies and prorated wages of the staff collecting and copying the documents. Any balance remaining after copy and staff wage costs are assessed shall be refunded. If the total cost exceeds the \$20.00 deposit, no documents shall be released until such time as the difference is remitted. All minor requests which are estimated to take less than two hours of staff time shall not be required to be accompanied by deposit, and shall be charged based on the fee schedule herein. Minor request which are less than 15 minutes may have all fees waived at the discretion of the town administrator or his/her designee. No FOIA request shall be honored for any person who has failed to reimburse the town for the costs associated with prior FOIA requests until such time as they remit the amount that is in arrears. Fees are posted on website

- (2) The Town Clerk or his/her designee shall, within 15 business days of receipt of the written request, notify the person making such request of his determination of the availability of the specific record(s) or document(s) requested, and the estimated cost of assembling and copying the specific record(s) or document(s). Such determination shall constitute the final opinion of the town as to the public availability of the requested public record(s) or document(s).
- (3) If the requested public records or documents are available and are not exempt from disclosure pursuant to the provisions of S.C. Code 1976, § 30-4-40, the fee charged for assembling and copying the records or documents shall be as listed on the Town's website.

Note: Information of a personal nature where the disclosure thereof would constitute unreasonable invasion of personal privacy is exempt from disclosure pursuant to S.C. Code 1976, § 30-4-40(a)(2) of the Code.

Secs. 2-12—2-38. - Reserved.

## ARTICLE II. - MEETINGS OF COUNCIL

Sec. 2-39. - Meetings; time and location; open to public.

- (a) The regular meetings of the council shall be held at 6:00 p.m. in the town hall on the first Tuesday of each month unless changed by a majority vote of members present at any regular or special meeting.
- (b) Special meetings of the council may be held on the call of the mayor or a majority of members of the council. The town clerk shall post the notice and the agenda on the bulletin board at least 24 hours prior to a special meeting and give notice to all available members of council, persons, organizations and news media that request notification.
- (c) All regular and special meetings shall be open to the public.

State Law reference— Freedom of Information Act, S.C. Code 1976, § 30-4-19 et seq.

Sec. 2-40. - Special meetings.

Special meetings may be held:

- (1) Whenever called by the mayor in cases of emergency;
- (2) When, in the judgment of the mayor, the good of the municipality requires it; or
- (3) By a majority of the members of council.

Sec. 2-41. - Notice of meeting change.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the Freedom of Information Act.

Sec. 2-42. - Work sessions.

- (a) The town council may have work sessions as permitted by the South Carolina Freedom of Information Act and this Code, at such times and in such places as may be deemed necessary and in the public interest by the mayor or any member.
- (b) Work sessions may be called in the same manner as special meetings.
- (c) No formal vote shall be taken upon any matter under discussion at any such work session, but an informal polling of members may be made if desired by any member.

Sec. 2-43. - Executive sessions.

- (a) By majority vote in a public meeting, the council may hold executive sessions as permitted by the South Carolina Freedom of Information Act, at such times and places as the council may deem necessary and in the public interest.
- (b) No vote or formal action may be taken in the executive session.
- (c) Minutes of executive sessions shall not be taken unless required by a majority vote of the council. Minutes of executive sessions shall not be public records.

Sec. 2-44. - Mayor to preside; absence of mayor and mayor pro tempore.

- (a) The mayor shall preside at all council meetings.
- (b) The mayor pro tempore shall preside in the absence of the mayor.
- (c) In the absence of both the mayor and mayor pro tempore the duties of the mayor shall be performed by such member of the council as the council may designate.

Sec. 2-45. - Agenda.

- (a) Matters to be considered by the council at a regular meeting shall be placed on a written agenda publicly posted by the town clerk at least 24 hours prior to the meeting.
- (b) The deadline for agenda item request shall be 5pm on the Thursday preceding the meeting.
- (c) Matters not on the agenda may be considered upon request of a member, unless two members object.

Editor's note— An agenda, for regularly scheduled meetings, must be posted on a bulletin board at town hall at least 24 hours prior to such meetings as required by S.C. Code 1976, § 30-4-80(a). This same section applies to called, special or rescheduled meetings.

Sec. 2-46. - Voting requirements.

- (a) All actions of the council shall be by majority vote of the members present at a public meeting, including suspension of a rule of order; provided, however, that an ordinance amending rules of order shall be adopted by a majority of the members serving. No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast.
- (b) Every member of the council present, including the mayor or presiding member, shall vote on every question except when required to refrain from voting by state law.
- (c) A roll call vote may be required by any member of the council.
- (d) The vote on every question shall be recorded in the minutes.
- (e) No member of the council may leave a council meeting or work session without permission of the presiding officer.

Sec. 2-47. - Voting; quorum; mayor to vote.

- (a) A majority of the total membership of the council shall constitute a quorum for the purpose of transacting council business.
- (b) A show of hands or a voice vote shall be sufficient to record votes. During the voting, no member may leave the council chamber, without permission of the presiding officer.
- (c) A member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum.
- (d) Every member of the council, including the mayor, shall vote on every question, except when required to refrain from voting by state law.
- (e) The mayor may make a motion or second a motion without vacating the chair.
- (f) The clerk shall record the results of each vote on every question in the minutes.
- (g) Minutes shall not be considered the official record of a meeting until approved by the council.

Sec. 2-48. - Expression of position on matters; minutes recorded.

- (a) Any member desiring to express a position on a matter shall have his reasons for voting for or against any measure recorded in the minutes, at his request.
- (b) Any member desiring to express a position on a matter may do so by presenting the position in writing to the council not later than the next regular meeting.
- (c) The clerk shall keep the minutes of all the public meetings of the council, which shall be a matter of permanent public record. At each regular monthly council meeting, the minutes of the previous meeting shall be presented for approval. Minutes shall not constitute the official record of a meeting until approved by the council.
- (d) The minutes shall be published and distributed to the councilmembers within 15 days of the meeting.

Sec. 2-49. - Mayor; interested member not to vote.

Neither the mayor nor any member of the council shall vote on any question of a private nature in which he is personally or financially interested.

State Law reference— Use of official position or office for financial gain, S.C. Code 1976, § 8-13-700.

Sec. 2-50. - Motions of council.

- (a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any member of the council.
- (b) A motion to reconsider must be made by a member who voted with the majority and it shall be made at the same or next succeeding meeting.
- (c) A substitute motion may be made only for purposes of restating and clarifying a pending motion and amendments; it may not be used to introduce a new or alternative proposal.
- (d) Amendments to motions shall be voted upon prior to voting on the motion.
- (e) A motion shall be made and seconded before debate or commentary by a member may begin. The member making the motion may make a very brief explanation of the purpose of the motion. If there is no second to the motion, commentary or discussion shall not be permitted and the motion fails.
- (f) The presiding officer shall restate the motion without commentary, before asking for a vote and without commentary after the vote.

Sec. 2-51. - Motions; not debatable.

The following motions shall be without debate:

- (1) To adjourn;
- (2) To lay on the table;

- (3) To read any paper;
- (4) To take the yeas and nays for the previous question; and
- (5) To reconsider.

Sec. 2-52. - Motions; precedence during debate.

- (a) When a question is under debate, no motion shall be received except a motion:
  - (1) To adjourn;
  - (2) To lay on the table;
  - (3) For the previous question;
  - (4) To postpone to a certain day;
  - (5) To commit, to amend or to postpone indefinitely.
- (b) The above motions shall have precedence in the order in which they are set forth.

Sec. 2-53. - Reconsideration.

A motion to reconsider shall not be entertained unless it be made by a member of the council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.

Sec. 2-54. - Rules of order.

Except as otherwise required by state law or this Code, all proceedings of the council shall be governed by Robert's Rules of Order, Newly Revised 10th Edition. The town attorney shall act as parliamentarian. Questions of order shall be decided by the mayor without debate, subject to an appeal to the council.

Sec. 2-55. - Unlawful to interrupt meetings.

It shall be unlawful for any person to interrupt the proceedings of the council, the municipal court or any other official body while in session.

Sec. 2-56. - Appearance of citizens.

Any citizen of the town may speak at a regular meeting on a matter pertaining to municipal services and operation, with the exception of personnel matters. He shall sign an agenda list maintained by the clerk prior to the meeting and state the subject and purpose for speaking. Each person who gives such notice may speak at a time designated by the mayor and shall be limited to a three-minute presentation.

Sec. 2-57. - Decorum.

- (a) No member shall make any comments on the motives of other members or statements of a personal nature regarding other members. All comments will be confined to the merits of the matter being considered.
- (b) No member shall make any comments regarding prior actions of the council or councilmembers, unless the same matter is currently pending. However, no member shall make comments regarding how other members previously voted or comment regarding a matter of their motivations even if the same or a similar matter is currently pending.
- (c) No member shall make statements or presentations regarding a matter that is not pending if two members object.
- (d) No member shall make comments questioning how a member or members voted on a current matter or implying any ill effects of a vote.
- (e) When a point of order is called, all discussion or commentary shall cease immediately and a ruling made by the presiding officer. If an appeal is made to the full council, all discussion and commentary shall cease until the appeal is resolved.

Sec. 2-58. - Ordinances; required.

- (a) The council shall act by ordinance in all matters required by law to be done by ordinance, in order to:
  - (1) Adopt or amend an administrative code or ordinances, create, alter or abolish any municipal department, office or agency;
  - (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for the violation thereof;
  - (3) Appropriate funds and adopt a budget;
  - (4) Grant, renew or extend franchises, licenses or rights in public streets, or in public property, and close abandoned streets, after public newspaper notice and public hearing;
  - (5) Levy taxes, assess property for improvements or establish charges for services;
  - (6) Annex areas into the municipality;
  - (7) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and
  - (8) Amend or repeal any ordinance.
- (b) In all other matters, the council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

State Law reference— Acts of municipal council required to be done by ordinance, S.C. Code 1976, § 5-7-260.

Sec. 2-59. - Proposal; public inspection; introduction.

- (a) The mayor or any member of the council may propose an ordinance. A proposed ordinance shall be referred to the town attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances.
- (b) After an ordinance is in proper form, the town attorney shall send it to the clerk to be held for public inspection.
- (c) An ordinance shall be deemed to be introduced when it appears on an agenda, or is added to an agenda, for a public meeting of the council and its title is read.

Sec. 2-60. - Ordinances to be introduced in writing; form.

Every proposed ordinance shall be numbered, introduced in writing and in the form required for final adoption which shall include:

- (1) A number to be assigned by the town clerk;
- (2) A title briefly describing the contents;
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate;
- (4) An enacting clause as set forth in section 2-62;
- (5) The provisions of the ordinance including section numbers in the ordinance to be codified or when an existing ordinance is to be amended, when appropriate;
- (6) The effective date of the ordinance, and approval as to form by the town attorney, when requested;
- (7) Space for dates of first and second readings and public hearings, as appropriate;
- (8) Space for the signature of the mayor or, in the absence of the mayor, the presiding member of the council. The clerk shall attest the adoption;
- (9) A repealing provision, when appropriate; and
- (10) Citation of any ordinance repealed.

State Law reference— Form and procedure for passing ordinances, S.C. Code 1976, § 5-7-270.

Sec. 2-61. - Enacting clause of ordinances.

The enacting clause of all ordinances shall be, in substance, as follows: "Be it ordained by the mayor and council of the Town of West Pelzer, South Carolina:"

Sec. 2-62. - Enactment of ordinances; six days between readings.

- (a) An ordinance must be prepared in writing and introduced in the form required for final adoption as required by section 2-61.

- (b) No ordinance shall be adopted until it shall have been read two times and on two separate days with at least six days between each reading.
- (c) Emergency ordinances may be adopted on one reading, without notice or hearing, by affirmative vote of two-thirds of the members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate and shall expire automatically on the 61st day following its enactment.
- (d) The introduction and reading of any ordinance may be by the reading of the title only unless a member of the council requests a full reading.
- (e) After the introduction of an ordinance, any member of the council may request a public hearing which shall be held if approved by a majority of the members present. The hearing shall be set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.
- (f) Any ordinance may be amended on the final reading.
- (g) Upon final adoption by vote of the council, an ordinance shall be signed by the mayor or presiding member of council and attested by the town clerk, who shall file the original in the town's book of ordinances.

Sec. 2-63. - Notation of amendments or repeals in ordinance book.

The clerk shall write on the first page of every ordinance, subsequent to entry in the ordinance book, if the same shall be amended or repealed, as the case may be, the words "amended," or "repealed" with a reference on the ordinance in the ordinance book as to where the amending or repealing ordinance can be found.

Sec. 2-64. - Original to be entered in book of ordinances.

The clerk shall enter in an ordinance book the original copy of all ordinances passed by the council. The book shall be known as the "Ordinance Book," as required by the 1976 South Carolina Legislature, bearing Ratification No. 718.

Sec. 2-65. - Codification.

- (a) Except those ordinances adopted by reference and maintained in separate volumes, all ordinances amending this Code and any other ordinances or portions of ordinances, as may be required by the council, shall be codified at least annually in this Code.
- (b) Copies shall be available for public inspection and purchase at reasonable cost.

State Law reference— Codification of ordinances, S.C. Code 1976, § 5-7-290.

Sec. 2-66. - Emergencies; powers of the mayor.

- (a) Emergency ordinances shall conform to the provisions of S.C. Code 1976, § 5-7-250(d) and section 2-63(c).
- (b) A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.
- (c) In the event that a state of emergency is deemed necessary, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the council.
- (d) The mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the council and to specific hours of the day or night. Policemen, firemen, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits shall be exempt from the curfew.

State Law reference— Passage and expiration of emergency ordinances, S.C. Code 1976, 5-7-250(d).

Sec. 2-67. - Resolutions; introduction.

- (a) A voice motion by a member of the council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the clerk in the council minutes.
- (b) A resolution proposed in writing shall be introduced in the same manner as an ordinance.
- (c) Written resolutions may be in a form similar to ordinances and approved by the town attorney, when requested.

Sec. 2-68. - Adoption of resolutions.

Written or oral resolutions may be adopted on one reading, unless a public hearing is set by majority vote of the councilmembers present.

Sec. 2-69. - Committees; hearings.

- (a) The council may appoint a special committee to assist in or hold a public hearing for the council at any time upon any matter pending before it.
- (b) The minutes or reports of hearings held by such committees shall be filed with the clerk as public records.
- (c) The calling and conducting of committee meetings and hearings shall be in compliance with the Freedom of Information Act.

Sec. 2-70. - Committee reports.

- (a) Committee reports to the council shall be in writing and signed by a majority of the committee.
- (b) Any report involving the expenditure of money shall include the amount to be expended, or an approximation thereof, and the reasons therefor.

Sec. 2-71. - Order of reports.

Reports of committees shall be rendered as the presiding officer may determine.

Secs. 2-72—2-102. - Reserved.

### ARTICLE III. - MUNICIPAL ELECTIONS

Federal law references—South Carolina municipalities are covered jurisdictions under Voting Rights Act of 1965, 28 CFR 51, Appendix; covered jurisdictions must obtain federal preclearance of voting changes, 42 USC 1973c; procedure for submitting changes to U.S. attorney general, 28 CFR 51.20 et seq.

State Law reference— Nominations and elections for municipal offices, S.C. Code 1976, § 5-15-10 et seq.; election law, S.C. Code 1976, § 7-1-10 et seq.; functions, powers and duties of municipal election commission, S.C. Code 1976, § 5-15-100; composition and terms of members of municipal election commission, S.C. Code 1976, § 5-15-90; political activities prohibited by members of local election commissions, S.C. Code 1976, § 7-13-75; qualifications for office, dual-office-holding, S.C. Const. art. XVII, § 1A; no property qualifications; duelists prohibited, S.C. Const. art. XVII, § 1B.

Sec. 2-103. - Election laws of the state to govern.

All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.

Sec. 2-104. - Election commission.

Pursuant to the Section 5-15-45, South Carolina Code, 1976, as amended, and Ordinance 2009-0511 by the Town of West Pelzer, the Town transfer the authority to the Anderson County Registration and Election Commission and the Anderson County Registration and Election staff to conduct the Town of West Pelzer municipal elections scheduled for November of odd numbered years, on behalf of the Town, and the Municipal Election Commission pursuant to the terms and conditions included in the appendices.

Sec. 2-105. - Districts; residency of councilmembers; at large election.

- (a) Residency of members required. Members of the council shall reside in the Town of West Pelzer, but they shall be elected at large.
- (c) Mayor elected at large. The mayor shall be elected at large.

Sec. 2-106. - Council elections.

All regular council elections shall be held on the second Tuesday in November in each odd numbered year.

Sec. 2-107. - Oath of candidacy.

Each candidate shall sign an oath of candidacy that shall be obtained from the election commission or its designated representative.

Sec. 2-108. - Voting hours; polling place.

Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the West Pelzer Fire Department.

State Law reference— Hours that polls are open, S.C. Code 1976, § 7-13-60.

Sec. 2-109. - Nonpartisan and runoff method; tie votes; contested.

- (a) As prescribed in S.C. Code 1976, § 5-15-62, election results shall be determined under the nonpartisan election and runoff election method.
- (b) If any election results in a tie, the election commission shall conduct a runoff election two weeks following that election to break the tie.
- (c) Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

Sec. 2-110. - Special elections.

Special elections, when required, shall be scheduled by the election commission. Public notice of such elections shall be given at least 60 days prior thereto, and the other provisions of this article, as appropriate, shall apply.

Sec. 2-111. - Party affiliation prohibited.

No political party or affiliation shall be placed on the ballot for any candidate.

Sec. 2-112. - Candidates filing.

Candidates shall file at the office of the town clerk during regular office hours, at least 60 days prior to the election.

Sec. 2-113. - Filing fees.

A filing fee of \$50.00 shall be required of candidates for mayor. For the council, the fee shall be \$25.00.

Sec. 2-114. - Certification of election commission nominees.

The town clerk shall certify the eligibility of municipal election commission nominees at least 30 days prior to the election.

Sec. 2-115. - Public notice required.

Public notice of all municipal elections shall be given at least 60 days prior to such elections, as required by law.

State Law reference— Public notice of elections, S.C. Code 1976, § 5-15-50.

Sec. 2-116. - Write-in votes permitted.

Electors shall be permitted to cast write-in votes.

State Law reference— Write-in votes, S.C. Code 1976, § 7-13-1380.

Sec. 2-117. - When qualified; assuming office.

- (a) Newly elected officials shall not be qualified until at least 48 hours after the closing of the polls.
- (b) Newly elected officials shall assume office on January 1, following their election, unless the office is contested.
- (c) Members of the council shall continue to serve until their successors have been duly elected and qualified.

Sec. 2-118. - Qualifications for voting.

Every citizen of the town shall be entitled to vote in all municipal elections, if he is or has:

- (1) Reached the age of 18 years and upwards;
- (2) Resided in the corporate limits for 30 days previous to any municipal election;
- (3) Registered for county, state and national elections;
- (4) Not labored under disabilities named in the constitution of 1895 of this state.

State Law reference— Qualifications and registration of electors, S.C. Code 1976, § 7-5-110 et seq.

Secs. 2-119—2-149. - Reserved.

#### ARTICLE IV. - OFFICERS, DEPARTMENTS AND PERSONNEL

Sec. 2-150. - Authority to establish town offices.

- (a) The Mayor may create and establish such town offices, departments and sections, as it may deem proper for the orderly and efficient government of the town.
- (b) All employees shall retain their offices or positions, unless suspended or removed by appropriate action.

Sec. 2-151. - Compensation.

The compensation, as appropriate, of all appointed officers and employees shall be fixed by the Mayor and incorporated in the annual budget.

Sec. 2-152. - Resisting or interfering with officials or employees.

It shall be unlawful for any person to resist or interfere with any municipal officer or employee in the discharge of his official duties.

Secs. 2-153—2-172. - Reserved.

#### ARTICLE V. - TOWN COUNCIL AND MAYOR

Sec. 2-173. - Town council.

- (a) Basis for powers. Pursuant to S.C. Code 1976, § 5-7-160, all powers of the municipality are vested in the town council, except as otherwise provided by law.

(b) Duties and appointments. The council shall provide for the performance of all duties and obligations imposed upon the town by law and shall appoint the:

- (1) Town Clerk/Treasurer
- (2) Town attorney (see article VIII of this chapter).
- (3) Judge

Sec. 2-174. - Mayor.

Irrespective of any duties set forth in this Code, the mayor shall have the following duties, responsibilities and powers:

- (1) Powers conferred by council. The mayor shall have no other responsibility, authority or power apart from that conferred upon him by members of the council;
- (2) Chief executive. The mayor shall be chief executive officer and the town's representative and spokesman at official functions on the local, county and state level;
- (3) Preside over council meetings. The mayor shall preside over meetings of the council;
- (4) Special meetings. The mayor may call special meetings of the council;
- (5) Policies and ordinances. The mayor shall vote with the council on all matters involving policies and ordinances;
- (6) Promotion of economic growth. The mayor shall work with the county planning and development board in promoting economic growth for the town;
- (7) Provision of services. The mayor shall work with other county and state agencies which provide services to the town;
- (8) Designation of municipal judge. The mayor shall designate a municipal judge in case of temporary absence, sickness or disability of the regular municipal judge.

Secs. 2-175—2-201. - Reserved.

ARTICLE VI. - TOWN ADMINISTRATOR (Reserved)

ARTICLE VII. - MUNICIPAL CLERK/TREASURER

State Law reference— Appointment and duties of clerk, S.C. Code 1976, § 5-7-220; clerk to file certificate of existence of fire department, S.C. Code 1976, § 23-9-380.

Sec. 2-236. - Duties, responsibilities and powers.

The municipal clerk/treasurer shall be appointed by the town council. He/She is hereby designated a department head of the town and shall direct all functions and personnel relating to the financial affairs of funds of the town. He shall:

- (1) Enter into a bond in such sum as may be required with such surety company as shall be approved by the council for the faithful performance of duties;
- (2) Be hereby designated ex officio clerk of the council. The clerk shall give notices of meetings, post agenda, attend regular and special meetings, record votes of the council, keep minutes of the council meetings and perform such other duties as may be assigned;
- (3) Record and cause collection of all claims and accounts that may be due and payable to the town;
- (4) Receive all money belonging to the town; except MCF, which are collected by the Clerk of Court;
- (5) Issue all licenses and badges for which provision may be made;
- (6) Pay all bills owed by the town when approved by the council;
- (7) Deposit funds in a bank designated by the council;
- (8) Make statements of the financial condition of the town as ordered by the council;
- (9) Keep account of all money and accounts and report to the council;
- (10) Give notice to all members of the council of special meetings;
- (11) Perform such other duties as may be required by the council.

Secs. 2-237—2-265. - Reserved.

#### ARTICLE VIII. - TOWN ATTORNEY

State Law reference— Appointment or election of municipal attorney, S.C. Code 1976, § 5-7-230.

Sec. 2-266. - Appointment.

The council shall appoint a lawyer to serve as town attorney who shall be of good and reputable standing and a member of the bar association of the county.

Sec. 2-267. - Experience required.

The town attorney shall have had a minimum of two years' experience, prior to appointment.

Sec. 2-268. - Duties.

The town attorney shall:

- (1) Attend all meetings of the council, unless excused thereby;
- (2) Act as parliamentarian;
- (3) Propose and review ordinances, resolutions and documents presented to the council, when requested to do so;
- (4) Give opinions upon questions of municipal procedure, form and law to any member of the council and other municipal officials, when requested to do so;
- (5) Prosecute all cases before the municipal court when a jury trial is demanded or the defendant is represented by an attorney, when requested by the chief of police;
- (6) Defend the town against all civil suits.

Sec. 2-269. - Tenure.

The town attorney shall hold office for four years or until his successor is appointed and qualified.

Sec. 2-270. - Position not to be construed as meaning officer.

The town attorney shall not be considered an officer of the town.

Secs. 2-271—2-288. - Reserved.

ARTICLE IX. - FINANCE

Sec. 2-289. - Fiscal year.

The fiscal year shall begin on July 1 and shall end on the last day of the month of the following June.

Sec. 2-290. - Budget and accounting year.

The fiscal year also shall constitute the budget and accounting year.

Sec. 2-291. - Annual budgets.

- (a) The council shall adopt annually, prior to the beginning of the fiscal year, operating and capital budgets for the operation of town government.
- (b) The budget shall list the sources of anticipated revenue, including taxes necessary to meet the financial requirements of the budgets adopted.

- (c) The budget shall further provide for the levy and collection of taxes necessary to meet all budget requirements except as provided by other revenue sources.
- (d) Before the beginning of the budget year, the head of each office or department shall submit a general fund and utilities budget work program for the ensuing year to the Mayor, for subsequent submission to the council.

State Law reference— Budget adoption procedure, S.C. Code 1976, § 6-1-80; budget must be adopted by ordinance, S.C. Code 1976, § 5-7-260.

Sec. 2-292. - Capital budget and capital projects.

Annually, the Town Council shall prepare a capital budget prior to the new fiscal year. For such purpose, the heads of each office or department, may be required to submit, in such detail as may be required, estimates of expenditures and such other supporting data together with estimates of all capital projects pending or which such department head believes should be undertaken within the budget year and within the next five succeeding years.

Sec. 2-293. - Budget summary to council and taxpayers.

A budget summary shall be included in the proposed budgets and shall be in sufficient detail and summarized, as to income and expenditures, in such manner as to present to council and taxpayers a simple and clear understanding of the budget.

Sec. 2-294. - Anticipated revenues and expenditures of all utilities.

The anticipated revenues and proposed expenditures of all utilities shall be stated in a separate section of the budget. All provisions relating to the preparation and administration of the budget shall apply to the budget of the utility.

Sec. 2-295. - Contingent expenses.

Separate provisions may be included in the budget for contingent expenses for the administration, operation and maintenance of the town.

Sec. 2-296. - Tax levy to be stated; clerk to notify county.

- (a) The council shall provide for the levy and collection of taxes and identify in the budget the tax rate for the ensuing year.
- (b) It shall be the duty of the town clerk to notify the appropriate county officials of the annual tax millage rates.

Sec. 2-297. - Appropriations shall lapse.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Sec. 2-298. - Failure to adopt the budget.

Should the council fail to adopt a budget by ordinance for the next fiscal year, on or before its beginning, the budget as initially proposed to the council shall be effective until a new budget for the ensuing year is finally adopted.

Sec. 2-299. - Emergency appropriations.

In the absence of unappropriated available revenues to meet emergency appropriations, the council may authorize by ordinance the issuance of notes, which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

Sec. 2-300. - Public inspection; public hearing.

- (a) Upon final adoption, the budget shall be in effect for the budget year. The budget and all supporting schedules shall be a public record in the office of the town clerk and open for public inspection during regular office hours.
- (b) Pursuant to S.C. Code 1976, § 6-1-80, as amended, and prior to its adoption, the council shall determine a place and time for a public hearing on the budget.
- (c) Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one newspaper of local general circulation.
- (d) The notice shall be given not less than 15 calendar days in advance of the public hearing and must be a minimum of two columns wide with a bold headline and shall contain all the information required by S.C. Code 1976, § 6-1-80.

Sec. 2-301. - Budget changes.

After the conclusion of a public hearing, the council may insert new items or may increase, decrease or delete the items of the budget. Should the total proposed expenditures be increased, the council shall also increase the total anticipated revenues by an amount at least equal to such proposed total expenditures, except for items of capital outlay to be financed through sources not listed or contained in the budget.

Sec. 2-302. - Certification of budget; filing.

A permanent copy of the budget, as finally adopted and attested by the town clerk, shall be filed in the office of the clerk.

Sec. 2-303. - Appropriation of amounts for intended purposes only.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

Sec. 2-304. - Regular financial reports.

The administrator shall furnish to the council regular financial statements of all receipts and disbursements as provided in article VI of this chapter.

Sec. 2-306. - Returned checks; fee.

- (a) All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee for each such check.
- (b) Such fee shall be as set forth in the schedule of rates and fees as available for review at the town hall.

Sec. 2-307. - Disbursements to be by check; signatures.

All disbursements, other than for petty cash, shall be by check and signed by the clerk/treasurer or the mayor or his/her authorized designee.

Sec. 2-308. - Audit; requirements.

- (a) Prior to the end of each fiscal year, the Mayor shall designate a certified public accountant, a public accountant or firm of such accountants who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the council.
- (b) Such accountant shall have no direct or indirect personal interest in the fiscal affairs of the municipality or of any of its officers.
- (c) He shall, within specifications approved by the council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

State Law reference— Council required to provide for annual audit, S.C. Code 1976, § 5-7-240.

Sec. 2-309. - Borrowing in anticipation of collection of taxes.

The council may, during each calendar year, borrow money for its current expenses and pledge the taxes becoming payable during such calendar year for the payment of any moneys so borrowed.

Sec. 2-310. - Payment of notes.

The power and obligation of the council to pay notes issued by it pursuant to this article shall be unlimited, and the council may levy ad valorem taxes on all the taxable property within the corporate limits for the payment of such notes and interest thereon, without limitation of rate or amount. The full faith and credit of the municipality shall be pledged for the payment of the principal and interest on any notes issued, pursuant to this article.

Secs. 2-311—2-338. - Reserved.

ARTICLE IX. – COURT CLERK (*Reserved*)

*The Court Clerk is responsible for the maintenance of all court records, collection of all court collected fines as fees, and preparation of disbursements to local, county, and state organizations as deemed appropriate and necessary by the Judge.*

ARTICLE X. - PROCUREMENT POLICY

State Law reference— Political subdivisions required to adopt procurement regulations S.C. Code 1976, § 11-35-50; procurement and intergovernmental relations, S.C. Code Reg. 19-445.2155.

*Note: As part of the Appendices, the Town of West Pelzer has additional internal purchasing policies that aide in regulating project budgets and annual spending.*

Sec. 2-339. - Central purchasing system.

- (a) A competitive purchasing system is hereby created for the town, and it shall operate within the general authority of the town council. The Mayor will have the authority and responsibility to approve all purchasing procedures and regulations dealing with the organization and operation of the town's purchasing system, and shall assure himself that such procedures and regulations are in accordance with the objectives and policies set forth herein. It shall be the responsibility of the administrator to perform all duties associated with procurement of products and services purchased by the town.
- (b) The Mayor may institute reports necessary to permit analysis of suppliers performance, negotiate and approve all blanket and routine small purchase orders, consolidate purchases of like items, analyze prices paid for materials, equipment and services and generally define the means to obtain savings and to coordinate the purchasing process.

Sec. 2-340. - Official's responsibilities.

- (a) It is the policy of the town that officials involved in the procurement process shall, at all times:
  - (1) Promote the interests of the town and remain loyal to the town in all dealings;
  - (2) Strive to obtain the maximum value for each dollar spent;
  - (3) Avoid unethical, dishonest, prejudicial and unfair practices;
  - (4) Promote courtesy and trust among buyers, vendors and all town officials;
  - (5) Respect the confidential nature of the procurement process;
  - (6) Fully familiarize themselves with the products and services purchased by the town; and
  - (7) Perform all duties to the best of their ability, in accordance with all relevant federal, state and local laws.
- (b) The authority and responsibility for procurement rests solely with the Mayor or his/her designee. Since the proper handling of all administrative and business activities inherent in the procurement process is vital to the success of the town's central purchasing system, only those persons authorized, from the initiation through the consummation of any transaction, take part in the process.
- (c) In order to buy successfully, the mayor or his/her designee must be completely familiar with basic procurement factors, including, but not limited to:
  - (1) General information concerning items and/or products purchased, the design, purpose for which products and/or services are used, and the length of time for delivery;
  - (2) Knowledge of general business conditions and specific commodity trends;
  - (3) Current information concerning the cost of products and/or services;
  - (4) Knowledge of whether a commodity is stocked or must be produced per order; and
  - (5) Familiarity with the use of cost analysis to determine whether or not prices being paid are fair and just.

Sec. 2-341. - Purchasing policy.

- (a) The mayor shall have sole authority to conduct and conclude all negotiations affecting purchase price, terms and delivery. Participation by department heads in this process must be conducted under the auspices of and with the full knowledge of the Mayor.
- (b) Delegation of purchasing activities by the mayor is allowed when such serves the best interest of the town.
- (c) Salesmen may be received in the various departments of the town with prior approval from the mayor. No commitment of funds, however, is allowed without written approval.

- (d) All purchases shall be made using a printed price list, informal bid, formal bid, state contract, or general services administration contract. Any other method must have the approval of the town council prior to the initiation of the procurement process.
- (e) The mayor shall receive copies of all correspondence with suppliers and vendors in order to maintain continuity in all purchasing processes and negotiations.
- (f) All using agencies of the town shall file with the mayor or his/her designee detailed requisition of estimates of their requirements of supplies, materials, equipment and contractual needs. The administrator shall examine each requisition and shall have the authority to question and revise as to quantity, quality, brand or estimated cost in order that the best interest of the town may be served. The administrator shall consult with the department head of the requisitioning agency prior to making any revisions.
- (g) In cases of extreme emergency, an exception to the above provisions may be made with the understanding that a department head placing an emergency order assumes full responsibility for completing the purchasing process in accordance with this article, and shall provide, on the next working day, a requisition explaining in full the nature of the emergency.

Sec. 2-342. - Employee-vendor relationships.

- (a) It shall be the policy of the town that all employee contacts with vendors and/or their representatives be conducted in a manner consistent with the propriety maintained in all town business relationships. All suppliers and contractors doing business with the town shall be reliable firms whose integrity and business ethics are without question. It is, however, inevitable that, from time to time, representatives of firms with whom the town has little or no experience, through various means, may attempt to obtain preferential treatment or to defraud the town, such shall result in the immediate cessation of all dealings between the town and such firms.
- (b) All employees, irrespective of their offices or departmental activities, whose duties require contact with such firms must be alert to the possibility that they personally and/or the town may be compromised by unethical or dishonest activities. In order to avoid such situations, all employees are hereby advised that the following conduct in business relationships with outside firms and/or their representatives is contrary to the policy of the town:
  - (1) Acceptance of gratuities, the value or nature of which may have the effect of obligating the town or the employee to the donor;
  - (2) Solicitation of any gratuity irrespective of its value;
  - (3) Solicitation or acceptance of a loan of money, merchandise or equipment;
  - (4) Preferential treatment of former town employees, friends, relatives or other persons for whom such treatments may result in:
    - a. A detriment to the town; or
    - b. The unfair advantage to any vendor or contractor in the relationship to others similarly situated;
  - (5) Performance of work or services in remuneration by town employees for vendors, contractors or organizations and/or their representatives;

- (6) Having or obtaining financial interest in vendor or contractor organizations making it possible for the employee to afford preferential treatment to such organizations or gain personally;
- (7) Any action, not specifically mentioned above, which may result in or reasonably be expected to result in:
  - a. A detriment to the town; or
  - b. The unfair advantage to any vendor or contractor in the relationship to others similarly situated.

## Chapter 6 - ANIMALS

State Law reference— Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S. C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S. C. Code 1976, § 47-3-70.

### ARTICLE I. - IN GENERAL

Sec. 6-1. - Definition; application.

- (a) In this chapter, the term "animals" means and includes all brute creatures, domestic pets and livestock.
- (b) All regulations shall apply within the municipal limits.

Sec. 6-2. - Cruelty to animals.

#### 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal includes all brute creatures.

State law reference: "Animal" defined, SC Code 1976, 47-1-10.

#### 2. Enforcement.

It shall be the duty of all sheriffs, deputy sheriffs, state constables, and police officers to prosecute all violations of the provisions of this article which shall come to their notice or knowledge and, if possible, to have the ill-treated or injured animal in evidence at the trial of the case in the municipal court.

#### 3. Acts and knowledge of agents imputed to corporations.

For the purposes of this article, the acts and knowledge of agents and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations shall be held to be the acts and knowledge of such corporations.

State law references: Acts of agents imputed to corporations, SC Code 1976, 47-1-20.

#### 4. Ill-treatment of animals generally.

(a) Whoever overloads, overdrives, overworks, ill-treats, deprives of necessary sustenance, shelter or inflicts unnecessary pain or suffering upon any animal or causes these things to be done, whether the person is the owner of the animal or has charge or custody of it, for every offense, is guilty of a misdemeanor.

(b) Whoever tortures, torments, needlessly mutilates, cruelly kills or inflicts excessive or repeated unnecessary pain or suffering upon any animal or causes the acts to be done for any of the offense is guilty of a misdemeanor.

(c) The provisions of this section do not apply to fowl, accepted animal husbandry practices of farm operations, the training of animals or the practice of veterinary medicine.

State law references: Ill-treatment of animals, SC Code 1976, 47-1-40

#### 5. Cruel treatment.

Every owner, possessor or person having the charge or custody of any animal who:

(1) Cruelly drives or works the animal when unfit for labor;

(2) Cruelly abandons the animal;

(3) Carries the animal or causes the animal to be carried in or upon any vehicle or otherwise in an unnecessarily cruel or inhumane manner; or

(4) Knowingly or willfully authorizes or permits the animal to be subjected to unnecessary torture, suffering or cruelty of any kind; shall, for every such offense, be guilty of a misdemeanor.

State law reference: Cruelty to animals, SC Code 1976, 47-1-50.

#### 6. Lien for penalty, fines and costs imposed for violation

All penalties, fines and costs imposed for violations shall constitute liens upon the animal cruelly used and may be enforced by the sale of such animal at public auction, after not less than two days advertisement under the direction of the municipal judge. The surplus proceeds of such sale, after the payment of such penalties, fines, costs and the costs of the advertisement and sale, shall be paid to the owner of such animal, upon demand made by him upon the city clerk and treasurer at any time within 60 days after such sale.

7. Leaving animal to die in public place.

Any person being the owner or possessor or having charge or custody of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a street or other public place for more than three hours after he receives notice that it is left disabled, shall be guilty of a misdemeanor.

State law references: Abandonment of dying or injured animal in a public place, SC Code 1976, 47-1-70.

8. Destruction of abandoned infirm animal.

Any agent or officer of the state department of health and environmental control or police officer or officer of the SC Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

State law references: Destruction of abandoned infirm animal, SC Code 1976, 47-1-80.

9. Custody of animal and vehicle upon arrest of person in charge; expenses to constitute lien.

When any person arrested is, at the time of such arrest, in charge of any animal or any vehicle drawn by or containing any animal, any agent or officer of the SC Society for the Prevention of Cruelty to Animals or of any society incorporated for that purpose may take charge of such animal and of such vehicle and its contents and deposit the animal and vehicle in a safe place of custody or deliver the animal and vehicle into the possession of the city police who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a lien thereon.

State law references: Custody of animals of people arrested, SC Code 1976, 47-1-120.

10. Enforcement of lien.

The lien provided in section 9 may be enforced by the sale of the property at public auction, after not less than two days advertisement, by order of the municipal judge. The surplus proceeds of such sale, after the payment of such expenses and of the costs of advertisement and sale, shall be paid to the owner of the animal or vehicle referred to in such section upon demand made by him upon the city clerk and treasurer at any time within 60 days after such sale.

11. Issuance of search warrant.

When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy state constable, or police officer to search such building or place. No such search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

State law references: Issuance of search warrants, SC Code 1976, 47-1-50.

Sec. 6-3. - Running at large prohibited.

It shall be unlawful for any person to allow any domestic animal to run at large on the public streets or in public places.

Sec. 6-4. - Food, water, exercise, space and shelter.

- (a) No owner or keeper shall fail to provide animals with wholesome food, water, sufficient exercise, adequate space and shelter from the weather.
- (b) No person shall cause or allow any place where an animal is kept or may be kept to become unclean or unwholesome.

Sec. 6-5. - Disposing of dead animals.

- (a) It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural or other cause to permit such dead animal to remain for a longer period than may be necessary under the circumstances to remove such dead animal. Under no condition shall any such animal remain longer than 24 hours.
- (b) Any dead animal not so removed within 24 hours shall be removed at the expense of the person in whose possession the animal died, when requested to do so by town officials.

Sec. 6-6. - Waste provisions.

The owner or keeper shall dispose of all bodily waste of animals.

Sec. 6-7. - Resisting or hindering authorities and others.

It shall be unlawful for any person to resist, hinder or oppose any person acting under his authority in the performance of any of the duties imposed upon him by this chapter.

Sec. 6-9. - Police powers.

When such killing may be necessary for the protection of any person or property, the members of the police department are hereby authorized to take and confine or destroy any dangerous animals of any kind.

Secs. 6-10—6-44. - Reserved.

## ARTICLE II. - DOGS

Sec. 6-45. - 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:

At large means off the premises of the owner.

Dog means and includes all members of the canine family four months of age or older, including foxes and other canines.

Owner means any person owning, keeping or harboring a domestic animal.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Pet means all domestic animals, including but not limited to dogs and cats and is intended to mean both male and female.

Private premises means and includes any dwelling, house, structure or building designed or used either wholly or in part for private residential or business purposes whether inhabited or temporarily or continuously uninhabited or vacant.

Sec. 6-46. - Running at large prohibited.

No dog may run at large beyond the premises of its owner.

Sec. 6-47. - Barking, howling, etc.

1. It shall be unlawful for any person, firm or corporation to own, keep or harbor any dog or domestic animal which is loud, continued, or frequent barking, howling, or yelping, or other loud or excessive noise common to its species, shall annoy or disturb any neighbor, person or person; provided, however, this section shall not apply to any animal shelter, humane society, pet store, or veterinary clinic. It shall furthermore be unlawful for any person, firm or corporation to take any direct or intentional act which shall cause, or have the intent to cause, any dog or domestic animal to bark, howl, yelp or make loud or excessive noise, or to otherwise cause unreasonable physical distress to such dog or domestic animal by harassing said dog or domestic animal or by trespassing upon the premises where such dog or domestic animal is located.

2. To constitute a violation under Section 1 herein, the phrase "excessive noise" shall be defined as any noise which lasts for a period of more than thirty minutes continuously. It shall not be a violation of Section 1 of this Ordinance if the dog or other domestic animal making noise is doing so due to

harassment or injury to the dog or domestic animal or due to a trespass upon the premises where the dog or domestic animal is located whether the trespasser be human or animal.

3. For the purposes of the Ordinance, the term “neighbor” shall mean an individual residing in a residence structure which is within two hundred feet (200’) of the residence or location of the offending dog or domestic animal, and who states that he or she will testify in Court under oath to said dog or domestic animal making excessive noise, as defined in Section 2 herein. Any complainant under this Ordinance shall be required to identify himself or herself by name, address, and telephone number, and provide any other additional information requested by the animal control officer reasonably necessary to establish a violation hereunder.

4. No person shall be convicted at trial of violating this Ordinance unless two or more witnesses who do not reside at the same address testify under oath to the offending behavior of which the person on trial has been accused, or unless there is other evidence corroborating the testimony of a single witness.

5. The West Pelzer Chief of Police may, at his or her sole discretion, recommend mediation or other reasonable corrective measures to resolve a dispute between a person accused of violating this Ordinance and the complainant. Any such recommendation or recommendations shall be in addition to and shall not preclude any other remedy provided by this Ordinance.

(Code 2010-0913.1)

Sec. 6-48. - Dangerous or vicious dogs.

It shall be unlawful for the owner, manager, keeper or resident of the town to keep or harbor any vicious, unruly, dangerous or bad-tempered dog within the town limits, whether vaccinated against rabies or not.

- (1) Dogs evidencing an abnormal inclination to attack or bite persons or other animals without provocation shall be conclusively presumed to be dangerous or vicious dogs.
- (2) Any dangerous or vicious dog found running at large within the town after the owner thereof has previous knowledge or notice that such dog is dangerous or vicious may be killed by any police officer or animal control worker of the town without the officer or worker having to catch or impound such dog.
- (3) This section shall apply, but not be limited to, the raising and/or training of security and/or attack dogs.
- (4) This section shall not apply to dogs used by law enforcement agencies.

(5) The owner of any such vicious, unruly or bad-tempered dog shall keep the dog confined on his own land or the lands leased, occupied or controlled by such person in such a manner that such dog shall not be able to reach any person or animal not then on the lands owned, leased, occupied or controlled by the owner or such dog. Any vicious, unruly or bad-tempered dog not so confined or

restrained shall be and is hereby declared to be a public nuisance and may be impounded and disposed of, and its owner or keeper shall be punished under the applicable sections of this article.

Sec. 6-49. - Female dogs in heat.

It shall be the duty of the owner, or any person having the control of any bitch to securely confine her and keep her concealed from view while she is in heat or proud.

Sec. 6-50. - Condition of dogs and pens; number of dogs.

- (a) All owners of dogs shall keep dog pens in a sanitary condition. No owner shall be permitted to keep a diseased, mangy, badly sick or injured dog or other pet unless the same shall be under the care of a registered veterinarian. It is not a requirement that a dog have a pen (eg. Dog that resides inside the residence).
- (b) No more than three dogs, four months of age or older, shall be allowed per household or residence.

Sec. 6-51. - Rabies; inoculation.

Rabies symptoms and inoculations shall conform to S.C. Code 1976, § 47-5-60.

State Law reference— Required annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60; notice to health department of animal suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S.C. Code 1976, § 47-5-60.

Sec. 6-52. - Animal hospitals and veterinarians exempted.

The provisions of this article shall not apply to animal hospitals or kennels which now, or hereafter, may be maintained and operated by licensed veterinarians on locations approved by the county board of health.

Secs. 6-53—6-79. - Reserved.

### ARTICLE III. - LIVESTOCK

Sec. 6-80. - Defined; prohibited; at large; seizure authorized.

- (a) The term "livestock" shall mean animals kept or raised for use or pleasure, especially farm animals kept for use and profit.
- (b) The term poultry shall mean chicken or like birds, raised for use or pleasure and kept for use or profit.

- (c) No livestock, including swine, and goats shall be kept within the corporate limits.
- (d) It shall be the duty of the chief of police and town policemen to seize all such animals found running at large, and to impound them in some convenient place.

Sec. 6-81. - Slaughterhouse, etc., prohibited.

No person shall be licensed or allowed to establish, in any manner or form, any butchery, pen, slaughterhouse or abattoir within the corporate limits.

Article III. Chickens

Sec. 6-82. Purpose

- A. The purpose of this ordinance is to allow ownership of chickens on single-family residential property.

Sec. 6-83. Permit and Fee Requirements

- A. No person shall keep chickens on said premises within the Town of West Pelzer without first obtaining and completing an approved application. Completed applications are to be submitted to Town Hall during regular business hours with a non-refundable annual fee of twenty-five dollars\$25.00

Sec. 6-84. General Provisions

- A. No more than ten 5 domesticated female chickens (hens) shall be kept or maintained on lots with single-family dwellings only. No roosters shall be allowed.
- B. Domesticated chickens must be confined in a fully enclosed coop not less than 18” in height off of the ground and with a minimum floor area of two (2) square feet per chicken, connected to a run of not less than nine (9) square feet for one bird, twelve (12) square feet for two birds, sixteen (16) square feet for three birds, or eighty (80) square feet for ten birds. The total coop and run area shall not exceed 300 square feet.
- C. Coops must be constructed in a uniform manner of material that provides complete enclosure and protection from potential predators and varying elements.
- D. Coops must be constructed to provide proper ventilation.
- E. Chicken runs must be constructed of fencing material that prevents potential predators from getting in and prevents chickens from escaping.

F. The coop and run must be free draining so that there is no accumulation of excrement and shall be cleaned regularly of all excrement to prevent odor and unsanitary conditions.

G. Coops must be located in the rear yard of single-family residences and must meet accessory building setbacks as per the Town of West Pelzer Zoning Ordinance. In addition to accessory setback requirements, coops and runs shall be located at least fifty (50) feet from the nearest residence other than that of the owner.

H. No person shall slaughter chickens on the premises. It shall be unlawful to raise chickens for commercial purposes or to sell eggs laid by chickens kept within the Town of West Pelzer.

#### Sec. 6-85. Enforcement

A. The Town of West Pelzer is authorized and directed to enforce the provisions of this chapter. He/she may delegate his/her powers and duties to assistants and safety personnel as may be warranted. The Town of West Pelzer will perform initial inspections, annual inspections, and follow-up inspections as pursuant to written complaints.

B. Complaints shall be made in writing and provided to the Town of West Pelzer during normal business hours.

(Code 2014-0522)

Secs. 6-86—6-109. - Reserved.

#### ARTICLE IV. - BIRD SANCTUARY

Sec. 6-110. - Established.

The entire area embraced within the corporate limits is hereby designated a bird sanctuary.

#### Chapter 10 - BUILDINGS AND BUILDING REGULATIONS

State Law reference— Mandatory adoption of certain nationally recognized codes, S.C. Code 1976, § 6-9-60; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes amendment procedure, S.C. Code Reg. 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; municipality may not enforce national building code provisions regulating farm

structures, S.C. Code 1976, § 6-9-65(B); municipal responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

#### ARTICLE I. - IN GENERAL

Sec. 10-1. - Technical codes adopted; enforcing officials.

- (a) The following codes, together with the current amendments thereto as approved by the state building codes council, relating directly to building and safety standards, are hereby adopted by reference as though they were copied herein fully:
- (1) Current International Building Code;
  - (2) Current International Residential Code for One and Two Family Dwellings;
  - (3) Current International Plumbing Code;
  - (4) Current International Mechanical Code;
  - (5) Current International Fuel Gas Code;
  - (6) Current International Fire Code;
  - (7) Current National Electrical Code.
- (b) Within the codes adopted in subsection (a) of this section, when reference is made to the duties of certain officials named therein, the town official with corresponding duties shall be the responsible official to enforce the provisions of said codes.

Sec. 10-2. - Conflict between standard codes and this Code.

In the event any provisions of the building codes adopted in section 10-1 are in conflict with other provisions of this Code, the more restrictive provision shall prevail.

Sec. 10-3. - Standards for construction not otherwise regulated.

The construction of any and all buildings not provided for in this chapter shall be in accordance with the recognized plans approved by the insurance commissioner and subject to the supervision and approval of the inspector.

Sec. 10-4. - Minimum time required for inspection prior to issuance of permit.

The utility department and building department have at least 48 hours to inspect a lot prior to an applicant being issued a permit to begin construction on that lot.

Sec. 10-5. - Inspections; not limited; final inspection.

The inspector of buildings may make as many inspections as he deems necessary during the construction, repair or removal of a building and when the work is completed, he shall make a final inspection and issue a certificate stating that the work complies with this chapter together with description of said work.

Sec. 10-6. - Fee for certificate of compliance.

- (a) Before issuing a certificate of compliance regarding construction, removal or repair of a building, the inspector of buildings shall charge and collect a fee therefor.
- (b) Such fee shall be as set forth in the "schedule of rates and fees" as shown on exhibit 1, which is available for review at the town hall.

Sec. 10-7. - Biannual inspections of buildings

Every six months the fire chief or his deputy shall/may make an inspection of every building of the town, and for such purpose he or his deputy may enter any building without molestation by anyone.

Sec. 10-8. - Defective work, unsafe or decayed conditions; compliance mandatory.

Whenever the building official or his/her deputy finds any defect in work being performed pursuant to this chapter, or any unsafe or decayed condition of any building, he shall notify the owner thereof to comply with the law, and it shall be the duty of the said owner to comply.

Sec. 10-9. - Dangerous, unsafe, defective building to be posted.

Any building found by the building official or his deputy to contain defects, or to be dangerous for any reason, shall have posted on the exterior thereof, a notice denoting its dangerous or defective character.

Sec. 10-10. - Noncompliance with notice a violation.

- (a) If the owner of a building shall fail to comply with the law within a reasonable period of time after the notice provided for in section 10-13 is posted, he shall be deemed guilty of a violation of this Code and shall be fined.
- (b) Such fine shall be as set forth in the "schedule of rates and fees" as shown on exhibit 1, which is available for review at the town hall.

Sec. 10-11. - Condemnation, removal of unsafe buildings.

The owner or agent of any premises upon which there may be any unsafe structure, wall or building, shall be summoned to appear before the building inspector at a time and place to be fixed in said summons, to show cause, if any, why such unsafe or dangerous structure, wall or building should not be condemned and taken down and removed. If no sufficient cause can be shown, the inspector shall condemn such structure, wall or building and order the owner or agent thereof to take down and remove the same within a fixed time. If said owner or agent shall fail or refuse to obey said order within the time so fixed, the inspector shall cause such unsafe or dangerous structure, wall or building to be taken down and removed at the expense of the owner or agent thereof, which expense shall be recoverable in any court of competent jurisdiction.

State Law reference— Dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.

Sec. 10-13. - Posting of address numbers.

Upon a dwelling or building having been assigned its respective number or numbers, the owner, occupant or agent shall be required to display the assigned numbers in accordance with the following provisions:

- (1) Residential numbers must not be less than three inches in height and business numbers must not be less than four inches in height. Numbers shall be made of a durable and clearly visible material that is in contrasting color to the building.
- (2) Numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be clearly viewed from the street line. Whenever the building is more than 50 feet from the street line or when the numbers at the door are not clearly visible from the street line, the number must be placed near the walk, driveway or common entrance to the building, and upon a mailbox, gate, post, fence or other appropriate place so as to be easily read from the street line.
- (3) Whenever any principle dwelling or building is erected or located in the town subsequent to the effective date of the ordinance from which this article is derived, it will be the duty of the owner to obtain the correct address for their property from the E-911 assignment of addresses office for the county, in the Old Anderson County Courthouse, and to immediately post the number to the building as provided herein. No building permit shall be issued for any dwelling or building until the owner has obtained the official address from the E-911 assignment of addresses office.

Secs. 10-14—10-41. - Reserved.

ARTICLE II. - ELECTRICITY

Sec. 10-42. - Wiring to conform to electrical code.

The electrical wiring of houses, buildings and other structures, for lighting and other purposes shall conform to the regulations prescribed by the electrical code adopted in section 10-1.

Sec. 10-43. - Enforcement of electrical code.

The building official and his deputy, or the designee appointed by the mayor shall enforce the electrical code adopted in section 10-1.

Sec. 10-44. - Use without registering or metering prohibited.

No person shall tamper with, attempt to adjust, injure or molest with intent to bypass, cross wire, jump or use any other means of obtaining electric power without the amount obtained being registered on a meter placed for the purpose of registering or metering the amount of electricity used.

Sec. 10-45. - Damaging posts, wires, fixtures, etc., of electric light company, plant or system.

It shall be unlawful for any person to cut, strike or shoot or otherwise injure any posts with insulators of any telephone or telegraph company within the corporate limits of the town, or cut or shoot at, strike or throw at any electric light, post, wire, insulator, globe, burner or other fixture or appurtenances of any electric light company, plant or system established or to be established in the town.

Secs. 10-46—10-63. - Reserved.

### ARTICLE III. - UNSAFE BUILDINGS

Sec. 10-64. - Legislative authority.

S.C. Code 1976, §§ 5-7-80, 5-25-110 et seq., and 31-15-10 et seq., provides for the adoption of ordinances to abate unsafe buildings at the local level, to enhance the protection of public health and safety. This article is enacted pursuant to the authority thereof.

Sec. 10-65. - 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:

Unsafe buildings means:

- (1) Structures which do not provide adequate egress, constitute a fire hazard or are otherwise dangerous to human life or which, in relation to existing use, constitute a hazard to safety or health.
- (2) Buildings with inadequate maintenance, dilapidation, obsolescence, abandonment or other conditions rendering such buildings unsafe or unsanitary, dangerous or detrimental to the health, safety, morals or general welfare of the citizens of the town.

Sec. 10-66. - Procedures.

All unsafe buildings or structures shall be corrected by repair, rehabilitation or demolition in accordance with the procedures set forth herein.

- (1) Whenever the inspector of buildings finds, is notified of or a petition is filed by at least five residents of the town charging that any building or structure or portion thereof is unfit or unsafe, as defined herein, he shall give the owner, agent or person in control of such building or structure written notice, stating the defects found to exist.
- (2) The notice shall require the owner, within a reasonable time, to either complete the specified repair or improvement, or to demolish and remove the building or structure or unsafe portion thereof. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the inspector.
- (3) The inspector shall cause to be posted at each entrance to such building a notice substantially as follows: "This building is unsafe and its use or occupancy has been prohibited by the Town of West Pelzer." Such notice shall remain posted until the required repairs are made or demolition is completed.
- (4) It shall be unlawful to remove such notice without written permission of the inspector or for any person to enter the building except for the purpose of making the required repairs or demolishing the building. If any person shall remove any notice which has been affixed to any building as set forth herein, he shall be guilty of a misdemeanor.
- (5) Any person, firm or corporation failing or refusing to comply with the provisions of this article, after notice, shall be deemed guilty of a misdemeanor for each day such building continues in such condition after notice.
- (6) Nothing in this article shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.
- (7) The inspector is authorized hereby to exercise such powers as may be necessary or convenient to effect the purposes and provisions of this article including but not limited to the following powers:
  - a. To investigate unsafe buildings or structures to determine which buildings or structures therein are in violation of this article;
  - b. To enter upon the premises for the purpose of making examinations; provided however, such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

- c. To appoint and fix the duties of any party deemed necessary to ensure the purposes of this article are accomplished.
- (8) If the unsafe conditions continue after the above remedial measures have been taken, the inspector shall issue and cause to be served a complaint upon the owner, every mortgagee of record and all parties in interest seeking injunctive relief, mandamus, condemnation, removal, demolition or other appropriate proceedings to prevent, correct or abate any violation or any threatened violation of this article.
- (9) After notice and hearing by the appropriate court, should the town be authorized or should it elect to repair, alter, vacate, close, remove or demolish an unsafe building or structure, all costs associated therewith shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.
- (10) If the town contracts with a third party not employed by the town to do the repair, removal or demolition work permitted by this article, the town shall solicit bids for the work in conformity with the procurement code of the town.

Sec. 10-67. - Cumulative provisions.

- (a) Nothing herein shall be construed to abrogate or impair the powers of the courts or any department of the town to enforce any provisions hereof or to prevent or punish violations thereof.
- (b) The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

Secs. 10-68—10-91. - Reserved.

#### ARTICLE IV. - WEEDS AND SIMILAR NUISANCES

State Law reference— Municipal authority to require property be free of unhealthy conditions, S.C. Code 1976, § 5-7-80; municipal authority to abate nuisances, S.C. Code 1976, § 5-7-30.

Sec. 10-92. - Weeds, trash, abandoned equipment.

- (a) Purpose - To preserve the visual and aesthetic qualities of the Town of West Pelzer; to encourage techniques that preserve the environment, enhance the quality of life, and reduce risk associated with the health, safety, and good order of the town.
- (b) Applicability - The requirements of the forthcoming sections shall apply to all lands within the Town of West Pelzer, whether developed or undeveloped and include all land uses.
- (c) Weeds Defined - Weeds as used in this Chapter shall mean not only such noxious weeds as are enumerated by the South Carolina Department of Natural Resources (SCDNR) and the South Carolina

Department of Transportation (SCDOT), but also such useless and troublesome plants that are commonly known as weeds to the general public. Trees, shrubs, cultivated areas, including, but not limited to beds of ornamental grasses, ferns, fruits, vegetables, herbs, spices, flowers, or wildflowers are specifically excluded from this definition.

(d) Nuisance - Any weeds or grass growing upon any lot as defined in Section 1-2, including the lands between the curb line of the street and the property line of a private properties to a height great than one (1) foot, or which are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the Town; excluding storm sewer holding ponds, storm sewer drainage areas, surface water drainage area, wet lands, shoreline vegetation, nature preserve and other unplatted property.

(e) Report of Violation and Notice to Remove- Any person aggrieved by the presence of a grass, lawn, or weed area in violation of the “Weed and Grass Ordinance of the Town of West Pelzer” may report such growth to the Chief of Police

When these conditions exist, it should be the duty of the Chief of Police or appropriate employee to serve a notice on the owner or occupant of the lot or parcel of land, ordering the owner or agent to have the weeds or grass cut and removed within ten (10) business days after the service of the notice, and also stating that in case of non-compliance, the cutting and removal will be done by the Public Works department at the owner’s expense. The notice shall be served by posting the notice of violation in a conspicuous place upon the land or premises and may serve the notice of violation in person or by certified registered mail. If the inspector is informed or has reason to believe that the owner of record does not reside on the subject property, or if the subject property is unoccupied, the notice of violation shall be posted in a conspicuous place upon the land or premises and sent by certified or registered mail to the owner of record’s last known address as shown on the Anderson County Tax Records.

(f) Removal by Town - Upon the failure of the owner, occupant or agency to comply with the provisions of the aforementioned notice, and after the expiration of ten (10) business days, the Chief of Police or appointed employee shall cut and remove the weeds and grass, and determine the cost of the cutting and removal and charge the owner of the premises for that amount. The final cost amount shall be determined by using actual operating fuel cost, employee hours, and equipment cost and maintenance. A report of the final cost shall be made to the Town Council at the next regular scheduled meeting at which time any persons objection shall be heard. All collected monies shall be used to reimburse the Town of West Pelzer for actual removal cost.

(g) Grievances by Property Owner and/or Occupant - Any owner who is aggrieved by the decision of the Zoning Administrator that a property is in violation of the “Weed and Grass Ordinance of the Town of West Pelzer may, within ten (10) business days of service of the notice of violation, appeal to the Zoning Administrator by submitting a written statement setting forth the grounds for the appeal. The Zoning Administrator shall make a finding based on the appeal based on the written statement provided by the property owner/occupant. Until the decision is made, no action shall be taken pursuant to Section 1-5.

Should any persons failure to remove weeds be directly associated with physical disabilities, the Zoning Administrator shall make a finding based upon a written statement by the owner or occupant of property in violation. All said parties will then reach a resolution to remove weeds and grass in question.

(h) Cost Assessed - If no objection is made or if the Mayor shall find that the work was properly done, then the amount of cost shall be reported to the Town Clerk, and the Town Clerk shall cause the cost to be assessed, levied and collected in one payment. Failure to comply shall result in assessment or actual cost to be levied and collected on future Town taxes.

(i) Abatement of public nuisance; serving notice - Whenever the zoning administrator or his designee shall determine that a public nuisance is such an imminent peril to the health or safety of the public or to public or private property and that the time required to follow the procedures outlined in section 10-94 would seriously threaten the health or safety of the public or create injury to public or private property, the zoning administrator or his designee may order forthwith the abatement of such nuisance in the form of a notice to be served on the party or parties responsible for the public nuisance, requiring that the public nuisance be eliminated within 72 hours or else the party or parties responsible shall be guilty of a misdemeanor. The town may use town forces or it may employ contractors when, after 72 hours, the party or parties responsible have not acted in accordance with the town's notice. Thereafter, all proceedings required by section 10-94 shall be held. The town may at its option bill the owner directly for such costs (including inspections, administration, labor and equipment costs) and if not paid in full within 90 days the cost will be added to the ad valorem taxes on such property.

(j) Chief of Police, or designated Town Official, to investigate and enforce this article.

(a) Enforcement. It shall be the duty of the zoning administrator or his designee to enforce this article. He may enforce the provisions of this article by the inspection of the property, investigation of complaints and observance of persons who violate any of its provisions. He may enter at any reasonable time upon public or private property to investigate conditions related to the matters covered by this chapter.

(b) Notice of violation. The zoning administrator or his designee shall be empowered to issue a written notice when any provisions of this article have been violated. Such notice shall:

- (1) Allow ten days from its receipt for performance of any act it requires;
- (2) Specify the manner in which the violation may be corrected; and
- (3) State that noncompliance may result in further legal action, provided however, that where it appears that the same owner, occupant or person responsible has been given notice for the same violation at the same location within the previous 12 consecutive months, such requirements of a ten-day waiting period may be waived and legal action commenced immediately.

(c) Appeal. Within five days following receipt of the notice, any person receiving such notice, believing that the literal application of this article will cause undue hardship or has been misconstrued, may file a written appeal with the zoning administrator or his designee showing extenuating circumstances and a good faith effort on the part of the applicant. After reviewing the

appeal the zoning administrator or his designee may at his discretion allow an extension in time or other relief deemed appropriate.

(d) Noncompliance. In the event that any person receiving such notice fails or refuses to correct the violation within the time prescribed such person shall be deemed in violation of this article.

(e) Violation and penalty. Such violation shall be a misdemeanor, punishable by penalty as prescribed in section 1-7. In the event such violation has not been corrected within ten days as set forth above, the town or its agents may go upon the property to correct the violation and the town shall bill the owner directly for such costs (including inspection, administration, labor and equipment costs) and if not paid in full within 90 days, the town shall add the costs to the ad valorem taxes on such property.

(k) Procedure for notification of violations - Service of notice to violators of this article shall be as follows:

- (1) By delivering personally to the owner of the property or the person responsible;
- (2) By depositing the notice in the U.S. Postal Service addressed to the owner or person responsible at his last known address with the postage prepaid thereon and certified; or
- (3) In the event service of notice cannot be obtained in either of the above methods, by posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises where the violation has occurred and published once a week for three weeks in a newspaper of general circulation in the town such information as is necessary to inform an owner or person responsible of the location of the premises and type of offense.

Secs. 10-96—10-114. - Reserved.

Secs. 10-116—10-143. - Reserved.

#### ARTICLE VI. - LANDLORD RESPONSIBILITY

Sec. 10-144. - Property owner of real estate responsible for trash when tenant's lease terminates.

The property owner of any and all real estate offered for rent in the town limits, shall upon the termination of the rental agreement either by expiration of lease, termination of the rental agreement and/or by eviction, be responsible for the proper disposal of any and all trash remaining.

Sec. 10-145. - Trash or debris on property; responsibility of property owner; a nuisance violation.

The property owner/landlord shall be held fully responsible and accountable for any health, safety, nuisance violation created by any remaining trash or debris of previous tenants.

Sec. 10-146. - Applicable and enforceable; notices, procedures, and penalties.

All notices, procedures and penalties as prescribed by the Code shall be applicable to and enforceable against any and all said property owners who offer their property for rent within the town limits.

## Chapter 14 - BUSINESSES AND BUSINESS REGULATIONS

### ARTICLE I. - IN GENERAL

Secs. 14-1—14-13. - Reserved.

Sec. 14-14. - Denial of license.

The License official shall deny a license to an applicant when the license official determines:

- (1) The application is incomplete, contains a misrepresentation false or misleading statements, evasion or suppression of a material fact; or
- (2) The activity for which the license is sought is unlawful or constitutes a public nuisance per se or per accidents; or
- (3) The applicant or prior licensee or the person in control of the business has been convicted of an offence under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- (4) The applicant or prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business; or
- (5) The applicant or prior licensee or the person in control of the business is delinquent in the payment to the municipality of any tax or fee; or
- (6) The license for the business has been suspended or revoked in the previous license year. A decision of the license official shall be subject to appeal to council as herein provided. Denial shall be written with reason stated.

Secs. 14-15—14-18. - Reserved.

### ARTICLE II. - BUSINESS AND PROFESSIONAL LICENSES

Note - Any questions relating to the ordinance or amendments to it should be addressed to the mayor or the town clerk in whose office the ordinance is filed.

State Law reference— Business license fees authorized for municipalities, S.C. Code 1976, § 5-7-30; governing body may impose or increase business license tax, S.C. Code 1976, § 6-1-315.

Sec. 14-19. - Business license ordinance incorporated by reference.

The provisions of the business and professional license ordinance of the town, as amended, are incorporated by reference as if set forth herein.

Sec. 14-20. - Administration of article.

The responsibility for administering this article is hereby vested in the Town Clerk.

Sec. 14-21. - Business license must be posted; exceptions.

All licenses must be posted in a conspicuous place in the licensee's place of business and upon demand of any authorized official of the town shall produce same.

Sec. 14-22. - License fee as condition of conducting business.

No person shall in any manner whatsoever be engaged in, prosecute, carry on or solicit for any business, occupation, trade, pursuit, calling or profession, either in whole or in part, within the municipality without first having paid a special business license fee in accordance with the schedule therefor, or such license fee as may be fixed by the town council, for the privilege of carrying on such business, occupation, trade, pursuit, calling or profession within the municipality.

Sec. 14-23 - Business license for owners of rental dwellings.

The owners and operators of rental dwellings are required as follows:

- (1) To obtain from the clerk of the Town of West Pelzer an annual business license as prescribed by the Code of Laws of the Town of West Pelzer Article II, Business and Professional Licenses.
- (2) Every person commencing said business of owning and operating rental dwellings shall in a like manner obtain a license before entering said business.

(Ord. No. 522, 8-5-2014)

Secs. 14-24—14-49. - Reserved.

ARTICLE III. - MOTELS, BOARDINGHOUSES, RESTAURANTS

State Law reference— Municipal authority to regulate hotels, restaurants, etc., for public health, comfort, and convenience, S.C. Code 1976, § 45-3-10.

Sec. 14-50. - Unlawful to defraud.

It shall be unlawful for any person, firm or corporation to obtain credit at any place where food is served, or accommodations are provided, by false pretense or any fraudulent device or, after obtaining

food, accommodations or credit therefrom, to surreptitiously remove himself or his baggage therefrom and thereby defrauding the owner.

State Law reference— Similar provision, S.C. Code 1976, § 45-1-50.

#### Sec. 14-51. – Mobile Food Vending

- (a) PURPOSE: To regulate the operation of all mobile food vendors engaging in the sale and/or distribution of prepared food to any persons within corporate limits of the Town of West Pelzer, for the benefit of the health and general welfare of all persons.
- (b) IN ADDITION TO OBTAINING A BUSINESS LICENSE, no persons or business entities operating a mobile food vending business shall engage in the sale and/or distribution of prepared food to any persons within the corporate limits of the Town of West Pelzer without having first obtained a Mobile Food Vendor Permit issued by the Town of West Pelzer and paid the applicable fee for same.
- (c) No such permit shall be issued until the Applicant has fully completed the Mobile Food Vendor Permit Application with all required documents as enumerated thereon on a form as issued by the Town of West Pelzer and submitted same to the Town Clerk for review and approval. Upon determining that said application has been properly completed and submitted and upon further determining that the Applicant has a valid business license issued by the Town of West Pelzer, the Town Clerk shall issue said permit to the Applicant.
- (d) A full permit and application is available from the Town Clerk.

#### Chapter 18 - FIRE PREVENTION AND PROTECTION

##### ARTICLE I. - IN GENERAL

Secs. 18-1—18-18. - Reserved.

##### ARTICLE II. – ADMINISTRATION

Sec. 18-19. - Designation of fire department.

The fire department is hereby authorized and is hereby designated as the West Pelzer Fire Department – Station 6. The Town of West Pelzer has a mutual aid agreement with Anderson County for management and operations of said department.

Sec. 18-20. - Responding to alarms; right-of-way.

All motor equipment of the fire department, law enforcement agencies, other emergency vehicles and the vehicles of firefighters shall have the right-of-way over all other vehicles, when responding to an alarm.

Secs. 18-20—18-56. - Reserved.

ARTICLE III. - PROHIBITED ACTS

Sec. 18-57. - Failure to obey lawful orders; obstructions.

- (a) Failure to obey lawful orders of any fire or police official at the scene of any fire shall constitute a misdemeanor.
- (b) To interfere with or obstruct the activities of any fire department member while acting in his official capacity or when proceeding to a fire shall constitute a misdemeanor.

Sec. 18-58. - Unlawful use of fire hydrants.

It shall be unlawful for any person to use fire hydrants of the town for any purpose other than that of fighting fires, or to otherwise tamper with a fire hydrant.

Sec. 18-59. - Parking; obstructing fire equipment.

It shall be unlawful to park a vehicle within 20 feet of a fire hydrant or otherwise cause any obstruction to fire equipment at a fire.

Sec. 18-60. - Crossing of established fire lines; prohibited.

Crossing or passing within fire lines established by authorized officials at a fire, unless authorized to do so by such officials, is hereby declared a misdemeanor.

Sec. 18-61. - Unlawful obstruction of emergency vehicles responding to an alarm.

It shall be unlawful to obstruct motor equipment of the fire department, law enforcement agencies, other emergency vehicles and the vehicles of firefighters.

Sec. 18-62. - Bystanders following fire equipment.

- (a) No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where any fire apparatus has stopped in answer to an alarm.
- (b) Bystanders shall stay a safe distance away as determined by the officer in charge.

State Law reference— Similar provision, S.C. Code 1976, § 56-5-1960.

Sec. 18-63. - Riding fire trucks.

It shall be unlawful for any person, who is not a member of the fire department, to ride upon any fire truck without permission from the fire chief.

Sec. 18-64. - Driving over the fire hose.

It shall be unlawful for any person, without permission of the fire chief, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the fire department.

State Law reference— Similar provision, S.C. Code 1976, § 56-5-3850.

Sec. 18-65. - Unauthorized use of fire equipment.

It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the fire department without the express consent of the fire chief. The term "equipment" shall mean all vehicles, firefighting apparatus, supplies, facilities or other belongings of the fire department.

Sec. 18-66. - Burning trash; leaves; bonfires.

Open burning of any material other than leaves, tree branches, and yard trimmings originating on the premises of private residences and burned on those premises shall be unlawful. This limitation does not apply to campfires or other recreational burning. Recreational burning must be managed at all times.

- (a) Any such burning of leaves, tree branches, and yard trimmings shall only be allowed on the first and third Saturdays of each month and first and third Wednesday of each month beginning November 1<sup>st</sup> of each year through the following March 31<sup>st</sup>. No such open burning of leaves, tree branches and yard trimmings is allowed from April 1<sup>st</sup> through October 31<sup>st</sup> of each year.
- (b) No such open burning of leaves, tree branches, and yard trimmings shall begin before 9:00am and no such fires shall be started after 3:00pm nor shall any leaves, tree branches, or yard trimmings be added to any such first after 3:00pm. All such fires shall be fully extinguished by 5:00pm on the same day that any such fires were started.
- (c) Any such open burning of leaves, tree branches, or yard trimmings shall be monitored at all times by a person who is eighteen (18) years of age or older until said fire is completely extinguished.

Sec. 18-67. - Fire hazard upon lots.

- (a) Prohibited conditions. It shall be unlawful for any person, including an owner, tenant or occupant to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.
- (b) Notification of action. The fire chief, or his authorized agents, shall notify any person of a violation of this section and require proper action or precautions.
- (c) Violation. Any person, who shall fail, within seven calendar days of such notice, to eliminate said fire hazard, upon conviction, shall be guilty of a misdemeanor.

Sec. 18-68. - Duty to furnish reports to council.

The fire chief and the secretary of the department may furnish reports to the council when requested to do so.

Secs. 18-69—18-98. - Reserved.

ARTICLE IV. - REPORTING FALSE ALARMS

Sec. 18-99. - Unlawful to give false alarms.

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any other manner, communicating falsely to the fire department that an emergency exists.

State Law reference— Similar provision, S.C. Code 1976, § 16-17-570.

Sec. 18-100. - 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:

False alarm means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenance or the negligence of the owner or lessee of the fire alarm system or of his employees or agents. This provision shall include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the fire alarm user or his agent, or anyone causing alarm or excitement that proves to be unfounded.

Fire alarm systems means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.

Fire alarm user means a person, firm, partnership, association, corporation, company or organization of any kind that is in control of any building, structure or facility where a fire alarm system is present.

Year means a 12-month period beginning with January 1 and ending on December 31.

Secs. 18-101—18-130. - Reserved.

ARTICLE V. - FIREWORKS

Sec. 18-131. - Fireworks displays; permits; requirements.

Any person who desires to hold a fireworks display shall first obtain a permit from the fire chief or his/her designee (Anderson County). The manufacturer or wholesaler supplying the fireworks display material shall retain one copy of the permit and the person putting on the display shall retain one copy. One copy shall be forwarded to the state fire marshal's office.

State Law reference— Local permits for fireworks displays, S.C. Code 1976, 23-35-60; permits and general requirements for fireworks displays, S.C. Code Reg. 71-8305.4.

Sec. 18-132. - Toy caps and similar devices excepted.

The term "fireworks" shall not include toy paper pistol caps which contain less than 0.25 grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sales, and use of these items shall be permitted at all times.

State Law reference— Similar provision, S.C. Code 1976, § 23-35-30.

Sec. 18-133. - Exceptions; railroad, public and private transportation, etc.

Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the state or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

State Law reference— Similar provision, S.C. Code 1976, § 23-35-40(2)—(6).

Sec. 18-134. - Permissible fireworks.

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "class B special fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

State Law reference— Similar provision, S.C. Code 1976, § 23-35-40(1).

Sec. 18-135. - Fireworks that are permissible for sale.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks as enumerated in S.C. Code 1976, § 23-35-10.

Sec. 18-136. - Unlawful acts.

It shall be unlawful:

- (1) No person discharging any fireworks shall be under the influence of any alcohol, or any controlled substance, or any combination thereof; and
- (2) Any person discharging any fireworks shall be at least 18 years of age or older, and if not at least 18 years of age or older, shall be under the direct "sight and sound" supervision of a parent, legal guardian or other adult person responsible for the care and custody of said minor child; and
- (3) No person or business entity shall discharge fireworks during conditions which are determined to be high risk conditions for danger of fire as determined by the West Pelzer Fire Department, the Anderson County Fire Marshal or the State Fire Marshal; and

- (4) No person or business entity shall discharge fireworks except between the hours of 11:00 AM and 11:00 PM on Memorial Day, Independence Day and Labor Day and between the hours of 11:00 AM on December 31st and 1:00 AM on January 1st; and
- (5) To explode or ignite fireworks within 75 feet of where fireworks are stored, sold or offered for sale;
- (6) To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and
- (7) To place or throw any ignited fireworks into or at any motor vehicle.

State Law reference— Similar provision, S.C. Code 1976, § 23-35-120; provisions of Sec 18-136 do not apply to events sponsored by the Town of West Pelzer

Sec. 18-137. - Proper identification and marking of fireworks.

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless certified as "common fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

Sec. 18-138. - Retail handling; storage.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.

State Law reference— Similar provision, S.C. Code 1976, § 23-35-110.

## Article VI. Smoking

Sec. 18-139. – Purpose

The Town of West Pelzer does hereby find that:

The 2006 U.S. Surgeon General's Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, has concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. For more information, please see [www.surgeongeneral.gov](http://www.surgeongeneral.gov).

Accordingly, the Town of West Pelzer finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in workplaces; and (2) to guarantee the right of nonsmokers to breathe smoke free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke.

Sec. 18-140. – Definitions

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

A. “E-cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-cigarillo, e-pipe, or under any other product name or descriptor.

B. “Enclosed Area” means all space between a floor and a ceiling that is bounded on all sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

C. “Workplace” means an enclosed area under the control of an employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “workplace” unless it is used as a child care, adult day care, or health care facility.

D. “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or pipe, or any other lighted tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

Sec. 18-141. - Prohibition of Smoking in Enclosed Workplaces

A. Without exception, smoking shall be prohibited in all enclosed workplaces within the Town of West Pelzer.

Sec. 18-142. - Prohibition of Smoking in Outdoor Areas

Smoking shall be prohibited in the following outdoor places:

A. Within a reasonable distance of 10’ feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.

B. In, and within 10’ feet of, outdoor seating or serving areas of restaurants and bars; all outdoor arenas, stadiums, and amphitheatres; all outdoor public transportation stations, platforms, and shelters under the authority of the Town of West Pelzer; and outdoor playgrounds.

Sec. 18-143. - Where Smoking Not Regulated

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Sections 4 and 5:

- A. Private residences, unless used as a childcare, adult day care, or health care facility, and except as provided in Section 4.
- B. Outdoor areas of places of employment except those covered by the provisions of Section 5.

Sec. 18-144. - Posting of Signs and Removal of Ashtrays

- A. The prohibition on smoking in any workplace shall be communicated by all employers to all existing employees by the effective date of this ordinance, and to all prospective employees upon their application for employment.
- B. The person having control of the workplace shall place “NO SMOKING” signs in conspicuous areas at the workplace.
- C. All ashtrays shall be removed from inside the building, and smoking receptacles may be provided outside the building.

Sec. 18-145. - Enforcement

- A. This Ordinance shall be enforced by the Town of West Pelzer or an authorized designee.
- B. Notice of the provisions of this Ordinance shall be given to all applicants for a business license in the Town of West Pelzer.
- C. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the Town of West Pelzer.
- D. The designated enforcement authority shall inspect randomly for compliance with this Ordinance.
- E. An owner, manager, operator, or employee of an establishment shall inform persons violating this Ordinance of the appropriate provisions thereof.

Secs. 18-146—18-160. - Reserved.

Chapter 26 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

Sec. 26-1. - Violations.

The violation of any provision of this chapter shall constitute a misdemeanor.

Sec. 26-2. - Acts in violation of common law and statutory laws of State of South Carolina adopted.

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the council.

Sec. 26-3. - Guilty plea; nolo contendere; forfeiture of bail; same as conviction.

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of any provision of this code or for the violation of any other law or municipal ordinance shall have the same effect as a conviction after trial under such provisions.

Sec. 26-4. - Summons for ordinance violation; procedure for offenses other than breach of peace.

- (a) In all actions for the violation of the provisions of the ordinances of the town, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the municipal court at a time to be set in the summons.
- (b) The summons shall cite only one violation per summons and must contain the following information:
  - (1) The name and address of the person or entity charged;
  - (2) The name and title of the issuing officer;
  - (3) The time, date and location of the hearing;
  - (4) A description of the ordinance violated;
  - (5) The procedure to post bond; and
  - (6) Any other notice or warning otherwise required by law.
- (c) The term "breach of peace" shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

- (d) Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court, upon conviction, shall be guilty of a misdemeanor.
- (e) All department heads and assistants are hereby classified and designated as code enforcement officers.
- (f) This section shall not apply to any ordinance which regulates the use of motor vehicles on the public roads.
- (g) This section shall not be construed as a limitation upon the power of any person, officer or employee to seek or pursue any other lawful process or legal remedy.
- (h) The bond amount for violations shall be prescribed by the municipal judge. Bonds shall be posted in the manner prescribed by the municipal judge. Code enforcement officers and town law enforcement officers are hereby prohibited from accepting bonds, except at the town hall complex.
- (i) Any summons issued under the provisions of this section shall not be used to perform a custodial arrest.

State Law reference— Uniform ordinance summons, S.C. Code 1976, § 56-7-80(C).

Sec. 26-5. - Disturbances at entertainment, gatherings, etc.

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment or gathering or to enter the same in a drunken condition or to interrupt any play, performance, lecture, entertainment or service therein or any player, speaker or other person taking part therein.

Secs. 26-6—26-26. - Reserved.

ARTICLE II. - ALCOHOLIC BEVERAGES

Sec. 26-27. - Sale to minors.

It shall be unlawful for any person to sell beer, ale, porter, wine or other malt or fermented beverage to a minor under the age of 21 years.

Sec. 26-28. - False information concerning age.

It shall be unlawful for any person to whom beer or wine cannot be lawfully sold to knowingly give false information concerning his age for the purpose of purchasing beer or wine.

Sec. 26-29. - Purchase or possession by minors; unlawful.

- (a) It shall be unlawful for any minor under the age of 21 years to purchase, or knowingly have in his possession any beer, ale, porter, wine or any other similar malt or fermented beverage. Any such possession shall be prima facie evidence that it was knowingly possessed.
- (b) This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container.

Sec. 26-30. - Purchase for transfer to minors; unlawful.

It shall be unlawful for any person to transfer beer, wine or alcoholic liquor to persons under 21 years of age for the purpose of consumption.

Sec. 26-31. - Licensed premises; drinking; possession of open containers; prohibited hours.

- (a) It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or manufacturing alcoholic liquor business or business establishment.
- (b) Except as authorized by state law, any person who drinks beer or wine or possesses beer or wine in an open container between the hours of 12:00 midnight Saturday night and sunrise Monday morning, at any place licensed to sell beer or wine, upon conviction, shall be guilty of a misdemeanor.

Sec. 26-32. - Public conveyances or vehicles; sales, drinking; unlawful.

- (a) Selling from vehicle. It shall be unlawful for anyone to sell from any vehicle any quantity of alcoholic liquors, stamped or unstamped.
- (b) Drinking in public conveyance. Any person who shall drink alcoholic liquor in any public conveyance, upon conviction, shall be deemed guilty of a misdemeanor.

Sec. 26-33. - Consumption at certain places; public property.

- (a) Unless authorized by the council for a special event, it shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.
- (b) It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, roads or other public place within the corporate limits of the town unless authorized by council.
- (c) Possession of such container shall constitute prima facie evidence of a violation of this section.
- (d) This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

Secs. 26-34—26-56. - Reserved.

ARTICLE III. - AMUSEMENT DEVICES AND PLACES

Sec. 26-57. - 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:

Amusement device means any machine for the playing of amusements or video games, without free play feature operated by a slot wherein is deposited any coin or thing of value.

- (1) It also shall include any machine for the playing of games or amusements, which has a free play feature, operated by a slot wherein is deposited any coin or thing of value and such machine is of the nonpayment pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.
- (2) It also shall include any machine of the nonpayment type, inline pin game or video game with free play feature operated by a slot wherein is deposited any coin or thing of value except machines of the no payout pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

Operator means any person, firm, corporation, partnership or association who maintains for use or permits the use of, on any place or premises occupied by him, any amusement device as defined in this section.

Owner means any person, firm, corporation, partnership or association engaged in the business of selling or leasing amusement devices as defined in this section.

Sec. 26-58. - Gambling devices not permitted.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling or gambling devices, the operation of which is made unlawful under the laws of this state.

Sec. 26-59. - Musical devices operated loudly.

It shall be unlawful to operate at any time, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community; provided, that this section shall not prohibit the operation of a radio, television, electronic games or other instruments in the home, which are so operated as not to disturb the peace.

Sec. 26-60. - Amusement places to have entrances opening onto street.

All places of public amusements, for safety purposes, shall have entrances that open onto a public street.

Sec. 26-61. - Street Shows

- (a) All street shows or similar businesses are hereby forbidden to show, parade or otherwise engage in business without an approval by the Mayor or a designated Town Official.
- (b) Permits, when issued, shall specify the date, time, place, length of show, duration of appearance and all other details as may be required by the Mayor or a designated Town Official.

Secs. 26-62—26-82. - Reserved.

ARTICLE IV. - OFFENSES AGAINST PUBLIC WELFARE

Sec. 26-83. - Illegal purposes; solicitation; premises.

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclosure to accompany, go with or follow such person to any place for illegal purposes, or to incite, entice or address any person from any door, window, porch or portico of any house or building or to enter any house, or go with or accompany such person to any place for illegal purposes.

Sec. 26-84. - Transportation of persons.

It shall be unlawful for any person to transport, carry, convey or assist by aiding, abetting, encouraging, requesting or other, in transporting, carrying, conveying in or accompanying by any ways and means whatsoever, any person for any illegal purpose.

Sec. 26-85. - Giving information or directions about house or place for illegal purposes.

It shall be unlawful for any person to give information about any house or place for illegal purposes, whether the communication is by word of mouth, or direction, telephone or in writing.

Sec. 26-86. - Use of places for illegal purposes unlawful.

It shall be unlawful for any person to take, rent, use or occupy any place for illegal purposes.

State Law reference— Use of buildings or places for lewdness, S.C. Code 1976, § 15-43-10.

Sec. 26-87. - Bawdy houses.

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building

situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.

State Law reference— Unlawful to set up bawdy house, S.C. Code 1976, § 16-15-90(6).

Sec. 26-88. - Indecent exposure.

It shall be unlawful for any person to make any indecent exposure of his person on any street, alley or other public ways or places in the town.

State Law reference— Similar provision, S.C. Code 1976, § 16-15-130.

Sec. 26-89. - Peeping Toms; exception.

It shall be unlawful for any person to enter upon the private property of another to spy or look into the windows or doors of any building located on private property; provided, this section does not apply to police officers in the actual discharge of their duties.

Sec. 26-90. - Disturbing the peace.

It shall be unlawful for any person to conduct himself in such a manner as to result in a disturbance of the peace to the inhabitants of the town or to knowingly aid, assist or abet therein.

Sec. 26-91. - Obstructing public thoroughfare.

- (a) Access to public buildings, passages. It shall be unlawful for any person to obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street, park or public place.
- (b) Loitering. For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:
  - (1) Obstruction of the unhampered passage of pedestrians or vehicles;
  - (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or
  - (3) Refusing to move when requested to do so by a peace officer, provided the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

Sec. 26-92. - Loitering for the purpose of engaging in drug related activity.

- (a) It shall be unlawful within the town limits for any person to loiter in or near any thoroughfare, place open to the public or near any public or private place, in a manner and under any circumstances, manifesting the purpose to engage in drug-related activity contrary to any of the provisions of S.C. Code 1976, § 44-53-110 et seq. Among the circumstances which may be considered in determining whether such propose is manifested are:
- (1) Such person is a known unlawful drug user, possessor or seller. For the purpose of this section, a known unlawful drug user, possessor or seller is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the substances referred to in S.C. Code 1976, § 44-53-110, as amended, or such person has been convicted of any violations of any of the provisions of that law or substantially similar laws of the town, or a person who displays physical characteristics of drug intoxication or usage, including, but not limited to, dilated pupils, glassy eyes, slurred speech, loss of coordination or motor skills or a person who possesses drug paraphernalia as defined in S.C. Code 1976, § 44-53-110 et seq.
  - (2) Such person has been given due notice, either verbal or written, on any occasion prior to any arrest, within one block of the area where the arrest occurred, or such person is currently subject to an order or term of probation prohibiting his presence in a high drug activity geographic area.
  - (3) Such person behaves in such a manner as to raise a reasonable suspicion that such person is engaging or is about to engage in any unlawful drug related activity either by sale, possession or purchase, including by way of example only, such person acting as a lookout or flagging down vehicles or pedestrians.
  - (4) Such person is physically identified by the officer as a member of a gang or association which has as its principal purpose illegal drug activity.
  - (5) Such person transfers small objects or packages for currency or any other thing of value in a furtive fashion which would lead the officer to believe or ascertain that a drug sale has or is about to occur.
  - (6) Such person takes flight upon the appearance of a law enforcement officer or public safety officer.
  - (7) Such person endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.
  - (8) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
  - (9) Any vehicle involved is registered to a known unlawful drug user, possessor, seller or a person for whom there is an outstanding warrant for a crime involving drug-related activity.
- (b) All persons violating this section shall be prosecuted in municipal court and punishable as provided in section 26-1. Charges shall be issued upon uniform traffic ticket forms or uniform warrant at the discretion of the arresting officer.

Sec. 26-93. - Confiscation and destruction of paraphernalia pertaining to games of chance.

- (a) Upon the charging of any person in municipal court of a violation of this article, it shall be the duty of the police to seize and take into possession any gaming device, machines, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance.
- (b) Upon conviction in municipal court, it shall be the duty of the police officers of the town to destroy the gaming device of whatever name or kind.

Sec. 26-94. - Houses of gambling unlawful.

It shall be unlawful for any person to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of chance in any building on their premises or under their control.

Sec. 26-95. - Fortunetelling.

It shall be unlawful to engage in the business, trade or profession of fortunetelling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

Secs. 26-96—26-122. - Reserved.

ARTICLE V. - OFFENSES AGAINST THE PEACE

Sec. 26-123. - Disorderly conduct; defined.

- (a) It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public alarm or recklessly create a risk thereof by:
  - (1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace;
  - (2) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, or profane writing, picture, mark or figure on any wall, fence, house or structure;
  - (3) Making unreasonable noise; and
  - (4) Creating a hazardous or physically offensive condition by any act including but not limited to gross intoxication which serves no legitimate purpose of the act.
- (b) For the purpose of this section the term "public" means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

Sec. 26-124. - Firearms; carrying; exceptions.

It shall be unlawful for any person to carry about the person, whether concealed or not, any pistol, except as follows:

- (1) Any person carrying a permit issued by lawful authority, pursuant to state statutes.
- (2) Marshals, sheriffs, police officers or other law enforcement officers, or peace officers of the federal government or other states when they are carrying out official duties while in this state.
- (3) Members of the armed forces of the United States or of the National Guard, organized reserves or the state militia when on duty.
- (4) Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.
- (5) Licensed hunters or fishermen while engaged in hunting or fishing.
- (6) Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business.
- (7) Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.
- (8) Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.
- (9) Any person in his home, or upon his real property, or fixed place of business.
- (10) Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.
- (11) Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.
- (12) Any night watchman while engaged in his duties as a night watchman.

Upon conviction, the weapon shall be forfeited to the town and disposed of in accordance with town policy.

Sec. 26-125. - Concealed weapons.

Except as herein provided, it shall be unlawful for any person to possess or carry concealed about his person any dirk, metal knuckles, razor, ice pick, or other weapon usually used for the infliction of personal injuries.

State Law reference— Similar provision, S.C. Code 1976, § 16-23-460.

Sec. 26-126. - Carrying weapons; knives; exception.

- (a) It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.
- (b) It shall be unlawful for any person within the town to possess or conceal upon his person any knife, measuring seven inches or greater in length either when opened or unopened, or any switchblade knife.
  - (1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.
  - (2) This section does not apply to pocket knives, which when open, do not exceed 5½ inches in overall length.

Sec. 26-127. - Crime watch area; town designated.

The council hereby declares the town to be a "Crime Watch Area," and hereby authorizes the placing of signs upon highway rights-of-way upon highways entering the town designating the community as a "Crime Watch Area." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the general assembly.

Sec. 26-128. - Interfering with worship, public gatherings or meetings.

It shall be unlawful for any person to interfere with or disturb any religious worship or public gatherings or meetings.

State Law reference— Similar provision, S.C. Code 1976, § 16-17-520.

Sec. 26-129. - Riots; instigating; aiding; participating.

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject to and liable for each offense as a misdemeanor.

State Law reference— Similar provision, S.C. Code 1976, § 16-5-120.

Sec. 26-130. - Noise; unreasonable; prohibited.

- (a) The creation of any unreasonably loud, disturbing, noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.
- (b) The following acts, among others, are declared to be loud, disturbing noises in violation of this section; provided, however, that such enumeration shall not be construed to be exclusive of other noises:
  - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unreasonable period of time.
  - (2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.
  - (3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
  - (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
  - (5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (6) The use of an air compressor or any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
  - (7) The erection, including excavation, demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the town council, which permit may be renewed for a period of three days or less while the emergency continues.
  - (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.
  - (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
  - (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship.
  - (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

- (12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
- (13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the chief of police.
- (14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.
- (15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within the town shall be kept under proper control at all times.
- (16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

Sec. 26-131. - Drug paraphernalia.

- (a) Defined. The term "drug paraphernalia" is defined as equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.
- (b) Declared unlawful. It shall be unlawful to possess drug paraphernalia within the corporate limits with the intent of selling, donating, or otherwise distributing same for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

Secs. 26-132—26-160. - Reserved.

ARTICLE VI. - OFFENSES AGAINST PROPERTY

Sec. 26-161. - Malicious mischief.

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own and damage with the value of \$1,000.00 or less, within the town.

Sec. 26-162. - Damaging property.

Any person who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person upon conviction, shall be guilty of a misdemeanor. This section shall apply only to incidents when damage or property loss is \$1,000.00 or less.

State Law reference— Similar provision, S.C. Code 1976, § 16-11-510(B)(3).

Sec. 26-163. - Failure to leave premises when ordered.

Any person who, when requested to leave the premises of another or the house wherein any one or more persons shall conduct business (except offices of public officers), and shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.

Sec. 26-164. - Petit larceny; defined.

- (a) The term "petit larceny" is hereby defined as any article of goods, bank bills, bills receivable, chattels or other article of personality of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of \$1,000.00 or less.
- (b) The act is hereby declared to be a misdemeanor.

Sec. 26-165. - Stolen goods.

Any person who shall buy, receive, or have in his possession any goods or chattels or other property with a value of \$1,000.00 or less, knowing the same to have been stolen, upon conviction, shall be guilty of a misdemeanor.

State Law reference— Receiving stolen goods, S.C. Code 1976, § 16-13-180.

Sec. 26-166. - Trespassing defined.

- (a) For the purposes of this section, the term "private property" shall mean the house and land surrounding the house, either owned or rented or occupied by any person.
- (b) Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor.
- (c) When any owner or tenant of any lands shall post a notice in a conspicuous place on the border of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.

- (d) Any person entering upon the lands of another for the purpose of hunting, fishing, trapping, netting, gathering fruit, wild flowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs or cutting timber on the same, without the consent of the owner or manager thereof, upon conviction, shall be guilty of a misdemeanor.

Sec. 26-167. - Signature or property obtained by false pretenses.

Any person who shall, by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain for any other person any chattel, money, valuable security or other property, real or personal, if the sum of the written instrument or the value of the property so obtained does not exceed \$1,000.00, with the intent to cheat and defraud any person of such property, upon conviction, shall be guilty of a misdemeanor and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

State Law reference— Similar provision, S.C. Code 1976, § 16-13-240.

Sec. 26-168. - Property secured illegally.

It is hereby declared to be unlawful for anyone to take upon himself to act as an officer with the intent do defraud any government, firm or person, or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing with a value of \$200.00 or less.

State Law reference— Similar provision, S.C. Code 1976, § 16-13-290.

Sec. 26-170. - Public events; gaining admission without payment.

It shall be unlawful for any person:

- (1) Where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.
- (2) Unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.
- (3) To aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

Sec. 26-171. - Landmarks; altering, removing.

If any person shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or move any certain boundary tree or other allowed landmark, lamppost, post or shade tree, such person so offending, upon conviction, shall be guilty of a misdemeanor.

State Law reference— Similar provision, S.C. Code 1976, § 16-11-680.

Sec. 26-172. - Fences; removing, destroying or leaving down.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crop or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

Sec. 26-173. - Property of town to be returned.

Upon leaving town employment or any town office, it shall be unlawful for any employee or official, including volunteers, to fail to return to the town any town property or equipment issued to him, including the Code of Ordinances.

Secs. 26-174—26-201. - Reserved.

#### ARTICLE VII. - OFFENSES AGAINST THE PERSON

Sec. 26-202. - Assault and battery.

It shall be unlawful for any person to commit an assault or assault and battery upon any other person.

Sec. 26-203. - Unlawful to throw object injuring person or damaging property.

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

Sec. 26-204. - Refrigerators; abandonment prohibited.

(a) It shall be unlawful for any person to abandon or discard any refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain any child without, prior to such abandonment, removing the door, lid or other device for the closing thereof.

- (b) It shall also be unlawful for any person in charge of property to knowingly permit any such container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.

State Law reference— Similar provision, S.C. Code 1976, § 16-3-1010.

Sec. 26-205. - Wells; open pits prohibited.

It shall be unlawful for any owner or tenant to permit or allow any abandoned well or pit to remain open and unprotected on any place or premises owned or occupied by such person.

State Law reference— Similar provision, S.C. Code 1976, § 16-3-1020.

Secs. 26-206—26-235. - Reserved.

#### ARTICLE VIII. - PARADES, DEMONSTRATING, PICKETING

Sec. 26-236. - Permit required.

It shall be unlawful to parade, picket or march unless a permit has been secured from the town clerk.

Sec. 26-237. - Issuance of permit

Upon receipt of an application for a permit for a parade, procession or gathering, the Mayor or their designated Town Official, issue a permit therefor, subject to considerations of the public convenience, welfare and necessity.

Sec. 26-238. - Application; information required; exceptions.

- (a) Application submission. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the town clerk not less than seven business days prior to the time of such parade.
- (b) Required information. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching. Proof of insurance coverage shall accompany the application.
- (c) Prohibited acts. When picketing or engaging in "demonstrations," no person shall:
  - (1) Use on the streets or public places any verbal abuse, including threats, or acts of violence, directed against any person.

- (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the council.
  - (3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.
  - (4) Damage or destroy or injure the person or property of others.
  - (5) Block, in any manner, the streets and means of ingress and egress to places of business.
  - (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
  - (7) Interfere in any manner with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason.
  - (8) Picket other than in accordance with the following principles:
    - a. In a manner so as not to interfere with pedestrians or vehicular traffic;
    - b. In a manner so as not to block entrances or exits to or from picketed establishments;
    - c. No picketer trespassing upon the property of the business establishment being picketed.
  - (9) The term "demonstrate," other than in accordance with the following principles:
    - a. Observe all traffic control devices;
    - b. Walk close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk;
    - c. To assemble peacefully, and speak peacefully and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.
- (d) Exceptions. This section shall not apply to funeral processions, the United States armed forces, the military forces of this state or the police and fire departments of the town.

Secs. 26-239—26-290. - Reserved.

#### ARTICLE IX. - INTERFERENCE

Sec. 26-291. - Noncompliance with police officer's request.

No person shall willfully fail or refuse to obey or comply with any lawful order or direction of any police officer or officer of the law while such officer is engaged in the performance of his official duties.

Sec. 26-292. - Posse comitatus; citizens to aid.

It shall be the duty of each and every citizen to assist municipal officers to arrest violators of the law when requested, and it shall be unlawful for any person to fail to do so.

State Law reference— Similar provision, S.C. Code 1976, § 23-15-70.

Sec. 26-293. - Assaulting an officer.

It shall be unlawful for any person to make an assault upon a peace officer of the town, county or state in any manner, when such peace officer is engaged in the discharge of his duty as such peace officer.

Sec. 26-294. - Resisting an officer making an arrest.

Any person who shall resist, or obstructs any officer in the discharge of his duty, who shall aid or abet any person in resisting or obstructing any officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor, subject to the limitations prescribed by S.C. Code 1976, §§ 14-25-65, 16-5-50.

Sec. 26-295. - Obstructing an officer.

It shall be unlawful for any person to obstruct, hinder and oppose a peace officer, or to attempt to do so, when such peace officer is engaged in making an arrest or in the discharge of his duty.

State Law reference— Similar provision, S.C. Code 1976, § 16-5-50.

Sec. 26-296. - Failure to stop on command of officer.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other peace officer.

Sec. 26-297. - Aiding and abetting.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. Such person shall be held and deemed a principal.

State Law reference— Similar provision, S.C. Code 1976, § 16-1-40.

Sec. 26-298. - Communication with prisoners; exceptions.

It shall be unlawful for any person, except authorized officials, to take anything to or in any way communicate with any prisoner confined unless permission to do so shall have first been obtained from the chief of police.

Sec. 26-299. - Escape from custody unlawful.

It shall be unlawful for any person to escape from the custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person to escape from the custody of an officer making an arrest or an officer assisting therein.

State Law reference— Similar provision, S.C. Code 1976, § 16-9-420.

Sec. 26-300. - Approaching within 20 feet of person being arrested.

- (a) It shall be unlawful for any person willfully to approach nearer than 20 feet to any police officer who is making an arrest or attempting to do so, or while on his way to jail with his prisoner.
- (b) All police officers are empowered to order all persons away from the vicinity of the site of arrest or the jail while any person is being placed therein or being held for custody.

Sec. 26-301. - Imitating signal or call for police officer prohibited.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, upon conviction, shall be guilty of a misdemeanor.

## Chapter 30 - PARKS AND RECREATION

State Law reference— Municipal authority to establish rules and regulations concerning municipal parks, S.C. Code 1976, § 51-15-20.

### ARTICLE I. - IN GENERAL

Sec. 30-1. - Penalty.

- (a) Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.
- (b) Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding \$100.00 or imprisonment not exceeding 30 days, or both.

Sec. 30-2. - Public park defined.

The term "public park" shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits.

Sec. 30-3. - Injury to shrubbery, flowers, etc.

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flowers or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "keep off" sign has been posted.

Sec. 30-4. - Damage to public park structures or property.

It shall be unlawful for any person to write on, carve, cut, deface, injure or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

Sec. 30-5. - Leaving trash, etc., in public park.

It shall be unlawful for any person to deposit, leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park.

Sec. 30-6. - Bills, posters and advertising prohibited.

It shall be unlawful for any person to erect any bill and posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park.

Sec. 30-7. - Selling in public parks.

It shall be unlawful for any person, except such as may have a permit or concession from the mayor, to sell or offer for sale within any public park any cold drinks, fruits, eatables, cigars, tobacco or other merchandise.

Sec. 30-8. - Intoxicating liquors; disorderly conduct, etc.

It shall be unlawful for any person to carry into any public park any intoxicating liquors, to drink the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar or

indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious or disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.

Sec. 30-9. - Motor vehicle traffic in parks.

It shall be unlawful for any motor vehicle to be driven in any public park in a reckless or dangerous manner, nor shall any such vehicle be parked in any of the driveways.

Secs. 30-10—30-36. - Reserved.

## ARTICLE II. - CHAPMAN PARK

Sec. 30-37. - Designated.

The area encompassing the Municipal Center, O'Dell Community Center and Historic Town Hall is hereby designated as the Chapman Park.

Secs. 30-38—30-62. - Reserved.

## Chapter 34 - POLICE

State Law reference— Municipal police officers, S.C. Code 1976, § 5-7-110; powers and duties of police chief and officers pertaining to municipal court, S.C. Code 1976, § 14-25-55.

## ARTICLE I. - IN GENERAL

Sec. 34-1. - Appointment of chief; composition of department.

The police department shall consist of a chief of police who may be appointed by the Mayor, subject and such officers and employees as may be authorized for proper operation of the police department.

Sec. 34-2. - Authority.

- (a) In addition to those duties and powers provided elsewhere in this Code or by ordinance, the chief of police shall supervise the police department and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.
- (b) Police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits, or where otherwise authorized by the General Assembly of South Carolina.

Sec. 34-3. - Surety bond.

The chief of police and other members of the department shall give bond in favor of the town, in the amounts and under the conditions as the council may, from time to time, determine. The premiums therefor shall be paid by the town.

Sec. 34-4. - Oath of office.

Before entering upon the duties of his office, each police officer shall take and subscribe to an oath that he will support the constitution and laws of the state, the Constitution of the United States and this Code.

Sec. 34-5. - Compensation.

Compensation shall be subject to appropriations in the annual budget.

Sec. 34-6. - Powers of officers.

Each officer of the department shall be sworn and invested with all powers within the corporate limits of the town or its police jurisdiction as authorized by law. Each officer shall have the power to carry out all duties assigned to such officer by statutes, ordinances, resolutions, directives, rules or regulations.

Sec. 34-7. - Uniforms.

Every police officer shall wear at all times, while on duty, a uniform of the type and quality authorized by the chief.

Sec. 34-8. - Bonds and fines to be paid at town hall.

Members of the department shall not collect bonds, : Only Clerk of Court at the town hall complex.

Sec. 34-9. - Summons; collection of bail money.

- (a) Any person violating an ordinance of the town or any state laws may be apprehended by a police officer and a summons issued therefor.
- (b) A trial date shall be designated in the summons by the apprehending officer, and a copy of the summons shall be held for further action by the appropriate judicial officer.

- (c) The summons duly served, as herein provided, shall give the judicial officer jurisdiction to dispose of the matter.
- (d) Upon receipt of the bail money, the apprehended person may be released, subject to his appearance before the appropriate judicial officer as required by the summons.

Sec. 34-10. - Jurisdiction of streets.

If any portion of a street or highway is within the boundary of the municipality, the remaining width of the street or highway, not within the municipal boundary but touching the boundary, shall be considered to be within the boundary of the municipality for purposes of its police jurisdiction.

State Law reference— Similar provision, S.C. Code 1976, § 5-7-155.

Sec. 34-11. - Observation of conditions.

All members of the department shall observe the condition of the streets, sidewalks and alleys of the town, and of any obstruction, nuisance or impediments there and shall take necessary measures to remove or abate them and to report such conditions to the appropriate town official.

Sec. 34-12. - Police to sell recovered, unclaimed personal property.

- (a) This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items of personal property which may be recovered by the department in connection with the performance of its duties, or turned in to the department, and shall be referred to herein as personal property.
- (b) All personal property which has been lost, stolen or abandoned and which is in the possession of the department shall be disposed of by annual public sale to the highest bidder by the chief of police, or an officer appointed by him, in accordance with the terms set forth herein.
- (c) Such personal property which remains unclaimed by the owner, or if the owner is unknown, shall be sold at public sale after duly posting of notice of same at town hall at least 15 days prior to such sale. The notice shall contain the time, place and terms of the sale and a description of the property to be sold.
- (d) The proceeds from the sale of unclaimed personal property shall be paid into the general fund of the town the day of the sale.

Sec. 34-13. - Emergencies; police and other political subdivisions.

In case of emergency, the chief of police may, upon request of any other political subdivision of the state, send any law enforcement officers of the town to the requesting political subdivision.

State Law reference— Similar provision, S.C. Code 1976, § 5-7-120.

Sec. 34-14. - Additional duties.

In addition to the duties prescribed in this article, the department shall perform such other duties as may be directed and required by the council.

Sec. 34-15. - Failure to return property to the town when employment is terminated.

- (a) Return of town owned equipment. Upon termination of services, for whatever reason, all members of the department shall return any equipment and all official material or things belonging to the department.
- (b) Noncompliance a misdemeanor. Failure to do so shall constitute a misdemeanor, punishable by the municipal court.

Sec. 34-16. - Discharging dangerous devices.

- (a) It shall be unlawful for any person to point or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.
- (b) It shall be unlawful within the corporate limits for any person to fire or discharge any air gun, pellet gun, sling shot, bow, crossbow, or mechanical air or gas operated device which throws or projects a bullet, a pellet, BB shots or any form of projectile, which may be used to harm any person or property.
- (c) Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or the like performances or to peace officers in the discharge of their duties.

Secs. 34-17—34-33. - Reserved.

## ARTICLE II. - POLICE RESERVES

State Law reference— Reserve police officers, S.C. Code 1976, § 23-28-10 et seq.

Sec. 34-34. - Authority.

The police department reserve personnel are hereby authorized.

Sec. 34-35. - Personnel.

The members of the police department reserves shall consist of such number as deemed necessary by the Chief of Police.

Sec. 34-36. - Supervision.

The members of the police department reserves shall be under the supervision and control of the chief of police.

Sec. 34-37. - Ranks.

All ranks of the police department reserves shall be at the discretion of the chief of police.

Chapter 38 - SOLICITING, POSTINGS AND ADVERTISING

ARTICLE I. - IN GENERAL

Secs. 38-1—38-21. - Reserved.

ARTICLE II. - SOLICITING

Sec. 38-22. - Certain establishments and employees prohibited from soliciting.

Unless approved by the administrator, it shall be unlawful:

- (1) For the operator, owner or manager of any rooming house, boardinghouse, lodging house, restaurant, cafe, tearoom, lunchroom or storage garage, hereafter called establishment, to employ or use any person to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever; and
- (2) For any person acting as an agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

Sec. 38-23. - Use of public property for sales prohibited; exceptions.

- (a) Unless authorized by the Mayor or their designated Town Official, it shall be unlawful for any person or group of persons to sell, solicit sales for goods, property or services or while such person is occupying public areas reserved for loading and unloading or to enter any public property for the purpose of sale and/or delivery of any said items.
- (b) The provisions of this article shall not apply to charitable, religious, educational or eleemosynary groups or organizations; provided, however, any such group shall first obtain a special permit

therefor from the Mayor or their designated Town Official; provided further, that the proceeds therefrom shall be applied only to the purposes of that particular organization holding such display or such sale.

Sec. 38-24. - Canvassers and solicitors; permit required.

- (a) It shall be unlawful for any person to make a canvass of the town and to solicit orders for merchandise or subscriptions to services, including internet, phone, insurance, newspapers, magazines periodicals, or other similar services of any kind without first having obtained a permit from the Mayor or designated Town Official.
- (b) A permit to canvass or solicit shall be a prerequisite to the issuance of a license as required by the provisions of this article.

Sec. 38-25. - Appeals.

Appeals shall be made to the council.

Secs. 38-26—38-46. - Reserved.

ARTICLE III. - POLITICAL SIGNS, BANNERS, PLACARDS, ETC.

Sec. 38-47. - Public and private property; political signs, etc.

- (a) It shall be unlawful to place any political signs of nongovernmental advertisement, notice or sign of any nature on public property within the corporate limits, or on any private property without prior approval of the owner thereof.
- (b) Subsection (a) of this section shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.
- (c) It shall be unlawful to post political, social, religious, or commercial signs of any nature on public property including, but not limited to, power poles, telephone poles, street signs, etc. This is notwithstanding authorized signs, banners, etc., at recreation complexes.

Sec. 38-48. - Handbills and placards; placement; application.

- (a) No handbill or placard shall be distributed within the corporate limits, unless it is deposited in a secure place where the wind will not blow it away.
- (b) The placing of a handbill or placard under a windshield wiper of a motor vehicle shall not be construed as a deposit of same in a secure place. Delivery to a person in a vehicle shall be permitted, as long as traffic is not obstructed.

Sec. 38-49. - Municipal or state signs.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.

Sec. 38-50. - Posting signs, etc., on public utility poles prohibited; penalty.

No person shall put or place, or cause to be put or placed, any sign, announcement or advertising matter on a public utility pole, post, fence, trees or any public property or thoroughfare of the town. Any person convicted under this section shall be guilty of a misdemeanor and subject to a fine of \$25.00 and shall remove said signs, announcements and/or advertising matter.

Secs. 38-51—38-71. - Reserved.

ARTICLE IV. - ADVERTISING NOISES

Sec. 38-72. - Loudspeakers; musical instruments for advertising purposes.

- (a) It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.
- (b) This shall include any device which is or may be maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.
- (c) Also, any device so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.
- (d) A permit shall be obtained for subsections (a) and (b) of this section from the council.

Sec. 38-73. - Noisemaking for other purposes.

- (a) It shall be unlawful for any person to make any unreasonably loud noise upon a public street or in proximity thereto as to be distinctly and loudly audible.
- (b) This section shall include, but not be limited to, crying, calling, shouting, whistling, rattling, the ringing of a bell, or the use of a gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

Sec. 38-74. - Church bells excepted.

This article shall not apply to the periodic ringing of church bells or playing of recorded music at places of worship during regularly scheduled service times.

## Chapter 42 - SOLID WASTE

### ARTICLE I. - IN GENERAL

Secs. 42-1—42-18. - Reserved.

### ARTICLE II. - GARBAGE AND REFUSE REMOVAL

State Law reference— Minimum requirements for new and existing municipal solid waste landfills, S.C. Code 1976, § 44-96-330; solid waste management, storage, transportation, and collection of municipal solid wastes, S.C. Code Reg. 61-107.5; full cost disclosure by local governments concerning solid waste management, S.C. Code 1976, § 44-96-90.

#### Sec. 42-19. - 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:

Garbage means waste generated typically by residential, household operations.

Refuse means yard waste such as tree limbs, leaves, trimmings and other rubbish, including discarded household furnishings and appliances.

#### Sec. 42-20. - Dumping on lots illegal.

No garbage or refuse or any offensive or disease-producing materials shall be dumped on any lot or space within the town for the purpose of filling or for any other purpose.

#### Sec. 42-21. - Accumulation of garbage or refuse; failure to remove.

- (a) Duties of owners and tenants. It shall be the duty of all owners and all tenants or persons in possession of any real estate within the town, to keep and maintain such premises so that no garbage or refuse of any kind shall be allowed to accumulate thereon.
- (b) Noncompliance a misdemeanor. Any person shall be guilty of a misdemeanor who, after receiving a notice to remove garbage or refuse, shall fail or refuse to remove such accumulation within the time specified in such notice.
- (c) Time permitted for removal. The time permitted for removal of garbage or refuse shall not exceed five work days.

Sec. 42-22. - Collection.

- (a) All residential garbage shall be placed in carts provided by selected contractor. Garbage must be in plastic bags and tied securely to be collected.
- (b) All garbage shall be placed by the curb. If there is a driveway through which the collection vehicle can pass unobstructed without the requirement to move in reverse gear, the garbage may be placed beside such driveway.
- (c) Residential garbage should be ready for collection by 6:00 a.m. on collection days.
- (d) If for any reason garbage is strewn from the bag or bags in which it was originally placed it shall be the responsibility of the owner to retrieve it. It shall not be the responsibility of the town or their contractor to do so.
- (e) The town, nor its contractor, will not collect roofing shingles, asbestos products, lead paint or other hazardous items that require special disposition.

Secs. 42-23—42-49. - Reserved.

ARTICLE III. - TOILET FACILITIES

Sec. 42-50. - Pit privy defined; declared unlawful.

- (a) The term "pit privy" as used in this article shall mean a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.
- (b) It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

State Law reference— Similar provision, S.C. Code 1976, § 44-55-210.

Sec. 42-51. - Building contracts to provide for waste disposal.

All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal. The contract shall provide for such facilities, and plans shall state the proposed method of disposal.

Secs. 42-52—42-79. - Reserved.

Chapter 46 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

State Law reference— Streets and sidewalks, S.C. Code 1976, § 5-7-10 et seq.; issuance of permits to charitable groups to solicit funds from motorists, S.C. Code 1976, § 5-27-910; municipality may establish a farm marketing center, S.C. Code 1976, § 46-19-110; municipal authority to regulate processions on highways, S.C. Code 1976, § 56-5-710(3).

#### ARTICLE I. - IN GENERAL

Sec. 46-1. - Control over maintenance and construction of streets.

- (a) The council shall approve the construction and maintenance of streets, employing such number of persons to work on the streets as may be needed.
- (b) This section shall not apply to streets under the supervision and control of SCDOT or the county.

Sec. 46-2. - Sidewalks; duty of adjacent property owners to keep clear.

It shall be the duty of all owners of real estate within the corporate limits to keep the sidewalks adjoining their real estate clear and free from grass, weeds, trash and garbage. Sidewalks shall be cleared and the grass and weeds cut and removed.

Sec. 46-3. - Sidewalk repair.

All owners of lands within the corporate limits that abut sidewalks shall keep the sidewalks adjacent to said lots in good repair.

Sec. 46-4. - Parking on sidewalk prohibited; exceptions.

- (a) No vehicles shall be parked on any sidewalk.
- (b) Exceptions may be made when it is deemed necessary by the West Pelzer Police Department to avoid a traffic incident or when directed by a police officer or a traffic control device.

Sec. 46-5. - Street names; changes prohibited; exceptions.

- (a) No person shall name any currently unnamed street or change the name of any existing street except by authority of the planning and zoning commission.
- (b) It shall be unlawful for any person to lay out any new street within the municipality without first procuring from the planning and zoning commission approval of the names to be assigned to such new street.

Sec. 46-6. - Maintenance of new streets.

- (a) When any application is made to the council to assume the maintenance of any proposed new street, the following requirements shall be complied with:
  - (1) The right-of-way shall be furnished with a minimum width according to county land use standards.
  - (2) Plans and profiles for the proposed street shall be submitted to the council for review and approval.
- (b) When plans and profiles are approved by the council, the applicant shall cause the street to be constructed to line and grade, the necessary drainage structures installed and adequate inlet and outlet ditches constructed in a manner approved by the council. The approved construction plans shall be submitted to the council at the time the request to accept the street for maintenance is made.

Sec. 46-7. - Survey markers required for new streets.

In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town shall be required, either before or at the time of such dedication, to conduct a survey of said street by a registered land surveyor. A permanent survey marker shall be erected on each corner of said street at the point where it intersects with any other street.

Secs. 46-9—46-34. - Reserved.

ARTICLE II. - UNLAWFUL ACTS

Sec. 46-35. - Obstructions prohibited; permission required for exceptions.

- (a) It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.
- (b) It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.
- (c) It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing contained in this section shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding 20 feet.
- (d) Any person building houses or other structures within the town may obtain from the chief of police permission for a partial and temporary use of the streets for building purposes.

- (e) No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.
- (f) Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the town or under their supervision.
- (g) This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.
- (h) The chief of police shall have the authority to block public rights-of-way in the interest of public safety.

Sec. 46-36. - Protection by barricades; lights.

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

Sec. 46-37. - Dangerous substances on streets or sidewalks.

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.

Sec. 46-38. - Garbage; other solid waste, trash, offensive matter.

It shall be unlawful for any person to throw or cause to be thrown any garbage, other solid waste, trash or other offensive matter onto any sidewalk, street, lot or public place.

Sec. 46-39. - Tree waste; removal.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste caused by such cutting, trimming or digging.

Sec. 46-40. - Depositing trash or garbage on streets, sidewalks and drains unlawful.

- (a) It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or matter or substance of any kind likely to cause injury to any person, animal or vehicle onto streets or sidewalks.
- (b) This section shall apply to obstruction of any storm drain or ditches.

Sec. 46-41. - Damaging public property.

- (a) It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.
- (b) This section shall prohibit the erection of anything on public property without permission of the council.

Sec. 46-42. - Burning of trash, garbage, leaves or refuse on streets prohibited.

It shall be unlawful for any person to burn any trash, garbage, leaves or refuse matter on the streets and sidewalks and ditches.

Sec. 46-43. - Advertising matter; painting, printing on sidewalks, etc.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the police department or any other department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for any other town purpose.

Sec. 46-44. - Breaking or destroying of curbing prohibited; permission required.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefor.

Sec. 46-45. - Draining water, other liquids onto streets or sidewalks prohibited; exception.

- (a) It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dishwater or foul water from a pit, sink, pipe, gutter or drain leading to a public street.
- (b) It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rainwater may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defects or damage to such sidewalk or street.
- (c) Sprinkling of a street to lay dust is not hereby forbidden.

Sec. 46-46. - Lots draining toward sidewalk.

When required by town officials, every person owning any lot which drains toward a sidewalk, shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets.

Sec. 46-47. - Obstruction of drains, ditches, watercourses, etc.

It shall be unlawful for any person to obstruct, or cause to be obstructed, any drains, ditches or watercourses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions. They shall not allow any growth of weeds or shrubbery on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or backwaters therein, they shall be promptly drained.

Sec. 46-48. - Doors and gates opening onto sidewalks.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

Sec. 46-49. - Speaking, exhibiting, entertaining on streets.

No preaching, lecturing or speaking, exhibition or entertainment of any nature will be permitted on the streets, sidewalks or public ways of the town, unless the chief of police has been informed.

Sec. 46-50. - Awnings.

It shall be unlawful for any person to allow awnings to hang nearer to the surface of the sidewalk than seven feet.

Sec. 46-51. - Fences; repairs.

It shall be unlawful for the owner of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

Sec. 46-52. - Games in streets.

It shall be unlawful for any person to play football, baseball, basketball or other games in and upon any street, park or other public place in the town, except in the places provided therefor.

Sec. 46-53. - Roller skating; roller blading.

- (a) It shall be unlawful for any person to skate on or to use roller skates or roller blades on the streets of the town or designated Town property; provided, they shall not cross the street.
- (b) It shall be unlawful for anyone to ride a bicycle, tricycle, coaster, skateboard, roller skates, scooter or any other wheeled conveyance on a sidewalk in any area of the town zoned central business district (C-2), except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to wheelchairs or other similar devices used by handicapped persons.

Sec. 46-54. - Obstructions to vision at street intersections.

- (a) On corner lots there shall be no obstruction to vision between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets at their centerlines, within the area formed by joining points on the property lines, measured as follows:
  - (1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be not less than 25 feet from the lot corner.
  - (2) On property lines abutting streets more than 50 feet in right-of-way width, the points on the property lines shall be 50 feet from the lot corner.

This restriction shall not apply to buildings in business districts.

- (b) Whenever it shall be determined by the council that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten days after official written notice, remove such obstruction.
- (c) If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided in subsection (b) of this section, the costs of such removal shall be charged to the property owner. It shall be a lien on such property and shall be added to and payable with the taxes on such property.

Sec. 46-55. - Streetlights; breaking; removing.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with streetlights.

Sec. 46-56. - Camping on public property.

It shall be unlawful to camp on public property, without permission from town officials.

Secs. 46-57—46-76. - Reserved.

### ARTICLE III. - EXCAVATIONS

Sec. 46-77. - Permission required; exception; bond required.

- (a) It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town or SCDOT, except in a bona fide emergency situation.
- (b) Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the council to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

Sec. 46-78. - Excavations to be restored to standards; time limit.

Any cut or excavation of a street or sidewalk within the town limits shall be restored according to the standards of SCDOT within a period of 24 hours. Upon request, the town or SCDOT may grant special consideration due to extreme weather conditions.

Sec. 46-79. - Failure of repair within one year.

In the event that said repair should sink or give way within one year, the person, firm, or corporation making the original cut or excavation within 72 hours of being notified by the town and/or SCDOT promptly shall repair it.

Sec. 46-80. - Danger signals required; lights required.

- (a) It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.
- (b) Adequate lights shall be displayed at night.

Sec. 46-81. - Removal or extinguishing of warning lights; unlawful.

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

Secs. 46-82—46-105. - Reserved.

#### ARTICLE IV. - LITTERING

Sec. 46-106. - Prohibited.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

Sec. 46-107. - Duty of business owners, occupants.

- (a) The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.
- (b) Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the articles of waste referred to in subsection (a) of this section may be disposed of.
- (c) Each and every business establishment shall place upon its premises in a conspicuous place in close proximity to the receptacle or receptacles above referred to, a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

Sec. 46-108. - Duty of customer.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

#### Chapter 50 - TAXATION

State Law reference— Any tax levied shall state public purpose for which tax proceeds will be applied, S.C. Const. art. X, sec. 5; property tax levies must be uniform, S.C. Const. art. X, sec. 6; municipal power to levy taxes on all property not otherwise exempted by general law, S.C. Code 1976, §§ 5-7-30, 5-23-110; limitation on imposition of new local taxes, S.C. Code 1976, § 6-1-310; alternative procedure for collection of property taxes, S.C. Code 1976, § 12-51-40.

#### ARTICLE I. - IN GENERAL

Sec. 50-1. - Annual property tax; exemptions.

- (a) The council shall impose by ordinance an annual tax on all real estate and all personal property within the town limits, subject to taxation, as will yield an amount necessary for general fund operation purposes and for debt service requirements, except as is exempt from taxation under the constitution and laws of this state.
- (b) Any change in the tax levy shall be done by ordinance.

Sec. 50-2. - Public notice required.

The Town Clerk shall publish in a newspaper of local circulation the amount of the millage imposed by the council for purposes of taxation for the ensuing year. This notice shall appear as part of the annual budget public hearing.

Sec. 50-3. - County board of assessment and equalization.

- (a) All matters relating to the assessment and listing of property for taxation or for the relief of taxpayers shall be under the control of the county board of assessment and equalization.
- (b) In case it shall be discovered by or reported to the council that real or personal property is within the corporate limits subject to taxation, but is not listed, or is listed on the auditor's books as being outside said limits, or is under or over assessed, or is listed in the name of the wrong person, or is a double entry, or is listed through error as being within the corporate limits or in case any other irregularity appears or exists, such irregularity shall be reported to the proper county or state officials to ensure that no property that is properly liable for municipal taxes shall escape taxation, its proper assessment or listing or be improperly taxed.

Sec. 50-4. - Municipal tax lien.

All taxes levied upon any real or personal property, together with any penalties, when they shall have become due, shall constitute, until paid in full, a lien upon the property upon which the tax is levied paramount to all other liens except for federal, state and county taxes.

Sec. 50-5. - Tax collector designated.

Anderson County is hereby appointed as the tax collector and vested with all the rights, powers and privileges thereof and is charged with all the duties designated for the enforcement and collection of delinquent taxes.

Secs. 50-6—50-28. - Reserved.

ARTICLE II. - DELINQUENT TAXES

State Law reference— Collection of delinquent ad valorem taxes, S.C. Code 1976, § 5-7-300.

Sec. 50-29. - Tax notices required; due date of payment; penalty; execution.

- (a) On or after September 1 of each year the designated tax collector shall mail to each owner of taxable property a notice stating the assessed value for taxation of each item of property or item under his control and the tax thereon for the current year.
- (b) The notice shall include the penalties for failure to pay said taxes when due.
- (c) The tax rate for that year shall be stated in the notice.
- (d) All such taxes shall be due and payable without penalty until March 16 of the ensuing year.
- (e) A penalty not exceeding 15 percent shall be added on March 17 to all unpaid taxes.
- (f) Unpaid taxes shall go into execution on the first Monday in October of each year.
- (g) An attorney's fee of \$60.00 shall be added when taxes go into execution.

Sec. 50-30. - Costs of collection.

In the collection of delinquent taxes, all expenses of any levy, seizure and sale shall be added and collected as additional execution costs. They shall include, but not be limited to, the expense of taking possession of real or personal property, advertising, mailing certified notices, storage and identifying the boundaries of the property, etc.

Secs. 50-31—50-48. - Reserved.

### ARTICLE III. - MOBILE HOME TAXES

Sec. 50-49. - Assessed.

At such time as taxes may be levied by the designated tax collector:

- (1) Mobile homes shall be considered real property and shall be classified and assessed for ad valorem taxation.
- (2) To avoid said classification, the owner of any mobile home shall give written notice to the county auditor that the mobile home is without permanent foundation.
- (3) The county auditor shall determine the taxable classification of the mobile home.

State Law reference— Mobile homes to be considered real property, S.C. Code 1976, § 12-43-230(b).

Secs. 50-50—50-71. - Reserved.

ARTICLE IV. - LOCAL HOSPITALITY TAX

State Law reference— Imposition of hospitality tax, S.C. Code 1976, § 6-1-720; use of revenue from tax, S.C. Code 1976, § 6-1-730; cumulative rate of tax, S.C. Code 1976, § 6-1-740.

(WP Code 2010-0223)

Sec. 50-72. - Local hospitality tax on prepared meals and beverages.

There is hereby imposed a local hospitality tax of two percent on the gross proceeds of the sale of prepared meals and beverages in establishments or the sale of prepared meals and beverages in establishments licensed for on-premises consumption of alcoholic beverages, beer or wine within the town (hereinafter "vendor"). Payment of the hospitality tax established hereby shall be the liability of the customer.

Sec. 50-73. - Tax imposed to be collected from customer.

The tax imposed by this article shall be collected from the customer when payment for meals or beverages is tendered and shall be held in trust for the benefit of the town until remitted as provided in section 50-74.

Sec. 50-74. - Payment of tax to be remitted to town; penalty.

Payment of the tax shall be remitted to the town on a monthly basis. Any tax not timely remitted shall be subject to a penalty of five percent of the sum owed for each month or portion thereof until paid. The failure to collect from the customer the tax imposed by this article shall not relieve the vendor from making the required remittance.

Sec. 50-75. - Failure of any vendor to remit the tax shall constitute a misdemeanor.

The failure of any vendor subject to this article to remit to the town the tax imposed by the provisions of this article shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both.

Sec. 50-76. - Special account for deposit of taxes.

There is hereby established a special account to be known as the local hospitality tax account into which the taxes remitted shall be deposited by the town and used solely for the purposes provided by law.

Secs. 50-77—50-95. - Reserved.

#### ARTICLE V. - TAX ON RETAIL TELECOMMUNICATIONS SERVICES

State Law reference— Business license tax on retail telecommunications services, maximum rates, S.C. Code 1976, § 58-9-2200.

Sec. 50-96. - Business license tax for retail telecommunications services rates.

- (a) Notwithstanding any other provisions of the business license ordinance, the business license tax for "retail telecommunications services", as defined in S.C. Code 1976, § 58-9-2200, shall be at the maximum rate authorized by S.C. Code 1976, § 58-9-2220, as it now provides or as provided by its amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.
- (b) In conformity with S.C. Code 1976, § 58-9-2220, the business license tax for retail telecommunications services shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a 12-month projected income basis.

Sec. 50-97. - Tax due for year 2005 and thereafter; penalties.

- (a) Date due. For the year 2005, the business license tax for retail telecommunications services shall be due on February 1, 2005, and payable by February 28, 2005, without penalty. For the years after 2005, the business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.
- (b) Delinquent penalty. The delinquent penalty shall be five percent of the tax due for each month, or portion thereof, after the due date until paid.

Sec. 50-98. - Exemption for income from interstate commerce is repealed.

Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Sec. 50-99. - Article provisions not to interfere with obligations of franchise agreements or contractual agreements.

- (a) Nothing in this article shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.
- (b) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this article.

Sec. 50-100. - Continuation of collections of current and delinquent license taxes.

As authorized by S.C. Code 1976, § 5-7-300, the agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S.C. Code 1976, § 58-9-2200 shall continue in effect. Notwithstanding the provisions of the agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this article and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April 1, 2005, and thereafter as remaining collections permit.

## Chapter 54 - UTILITIES

Editor's note—Due to its complexity and length, the ordinance entitled "Water And Sewers" is not included in, amended by, or repealed by this Code. The primary water and sewer ordinance is broadly comprehensive and incorporates pertinent provisions relating to such subjects in detail. Further, it includes public sewer regulations, wastewater contribution regulations, administration and enforcement. The state-mandated drought response ordinance provisions are also included in the ordinance. Questions relating to water, sewers or the conditions of drought should be addressed to the town clerk, in whose office the ordinance is maintained, or to the administrator.

Federal law references—Local delegated pretreatment programs must effectively control and document wastewater discharge from certain industrial users to publicly owned treatment works, 40 CFR 403.8(f)(1)(iii); general pretreatment regulations, 40 CFR 403.1 et seq.; categorical pretreatment regulations, 40 CFR 401.10—471.105.

State Law reference— Municipal utilities generally, S.C. Code 1976, § 5-31-610; municipality may purchase or construct utility systems and plants, S.C. Code 1976, § 6-21-50; "system" defined, S.C. Code 1976, § 6-21-40; authority to establish municipal sewerage system, S.C. Code 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code 1976, § 5-31-900; town councils with powers of commissioners of public works, S.C. Code 1976, § 5-1-230; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-

2030; state primary drinking water regulations, S.C. Code Reg. 61-58; development of subdivision water supply, sewage treatment and disposal systems, S.C. Code Reg. 61-57; individual sewage treatment and disposal systems, S.C. Code Reg. 61-56; authority for local drought response ordinances, S.C. Code 1976, § 49-23-90.

Sec. 54-1. - Water and sewer ordinances.

- (a) All ordinances in effect at the time of the adoption of this Code pertaining to the regulation, operation and requirements of the water and sewer systems remain in effect upon adoption of this Code, as amended. Said ordinances are incorporated herein by reference.
- (b) The ordinances in effect at the time of the adoption of this Code establishing water and sewer rates, water and sewer connection fees, cut-on charges and meter deposit charges remains in effect and its provisions are incorporated herein by reference, as amended.

## Chapter 58 - VEHICLES AND TRAFFIC

State Law reference— Powers of local authorities concerning traffic laws, S.C. Code 1976, § 56-5-710.

### ARTICLE I. - IN GENERAL

Sec. 58-1. - Short title.

This chapter may be cited as the "Traffic Ordinance."

Sec. 58-2. - Adoption of state law.

There is hereby adopted by reference and made a part hereof as if set out in full those provisions of state law known as the Uniform Traffic Act as contained in S.C. Code 1976, § 56-5-10 et seq.

Sec. 58-3. - Jurisdiction of municipal court.

- (a) The municipal court may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed 30 days imprisonment or \$500.00 fine, or both.
- (b) The court may have trial jurisdiction over such traffic cases the same as magistrates.

State Law reference— Municipal court jurisdiction of traffic violations, S.C. Code 1976, § 56-5-6150.

Sec. 58-4. - Authority.

Pursuant to S.C. Code 1976, § 5-7-30, as amended, the chief of police, with the approval of the council, is hereby authorized to:

- (1) Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, U-turns, school zones and other official traffic control devices indicating the place or manner of operating or parking vehicles, including loading zones;
- (2) Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic;
- (3) Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic;
- (4) Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street;
- (5) The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the council.

Sec. 58-5. - Traffic control devices; placement; maintenance; specifications; obedience; interference.

- (a) The council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.
- (b) All such traffic control devices shall conform to the specifications of SCDOT.
- (c) Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals.
- (d) It shall be unlawful to willfully alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof, or attempt to do so.
- (e) Any unauthorized person found in possession of a street sign or traffic control device from the town shall be deemed in violation of this section.

Sec. 58-6. - Driver's and vehicle licenses required; exceptions.

- (a) No person shall operate a motor vehicle on any street without a valid driver's license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.
- (b) This section shall not apply to persons expressly exempt by state law from the requirement of a driver's license nor shall this section be construed so as to interfere with reciprocal rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver's license.

State Law reference— Similar provisions, S.C. Code 1976, §§ 56-1-20, 56-3-110.

Secs. 58-7—58-34. - Reserved.

ARTICLE II. - MOVING TRAFFIC

Sec. 58-35. - Adoption of state laws.

All vehicles shall be operated in accordance and conformity with all current state laws and this Code or amendments thereto as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if set out herein, except those provisions relating solely to SCDOT and those provisions the penalty for which exceeds a fine of \$500.00 or imprisonment for more than 30 days, or both.

Sec. 58-36. - Negligent driving.

- (a) It shall be unlawful for any person to operate any vehicle without using proper care and caution so as to put in danger the safety of persons or property within the town limits. Any person driving or operating any vehicle in the aforementioned manner shall be guilty of careless driving. The proper or safe condition shall be prima facie evidence of careless driving. Careless driving is unlawful and may be a lesser included offense of the charge of reckless driving.
- (b) It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required by this section. The penalty for careless driving shall be at the discretion of the municipal judge.
- (c) Nothing in this section shall be construed as a lowering or relaxing of statutory standards relative to careful driving and the proper operation of motor vehicles upon the public way.

Sec. 58-37. - Reckless driving.

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section.

State Law reference— Similar provision, S.C. Code 1976, § 56-5-2920.

Sec. 58-38. - Driving across private property to make turns.

- (a) It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to "cut a corner" purposely.
- (b) It is the intention of this section to prohibit corner-cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

Sec. 58-39. - Stop signs.

When stop signs are erected at the entrance to any intersection, every driver of a vehicle shall stop, before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

Sec. 58-40. - Entering intersection or marked crosswalk.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate said vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Sec. 58-41. - Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while it is in motion.

Sec. 58-42. - Unlawful riding.

No person shall ride on any vehicle nor upon any portion thereof which is neither designated nor intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in a space intended for merchandise.

Sec. 58-43. - Leaking or scattering load prohibited.

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.

Sec. 58-44. - Damaging paved surfaces prohibited.

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

Sec. 58-45. - Prohibitions; pertaining to sidewalks.

- (a) It shall be unlawful for any person to ride, propel or park any automobile, motorcycle or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings.
- (b) This section shall not apply to children under the age of 12 years who ride bicycles and tricycles on residential sidewalks, at a speed less than 15 miles per hour.

Sec. 58-46. - Exceptions.

- (a) The use of all unlicensed motor vehicles, including, but not limited to, three-wheelers, four-wheelers, minibikes, go-carts, trail bikes and other unlicensed vehicles is hereby forbidden on the streets, roads or sidewalks, within the corporate limits.
- (b) The use of such vehicles is hereby declared to be a nuisance.
- (c) The provisions of this article shall not apply to the use of golf carts, or similar vehicles, by the town when reading water meters or performing other municipal duties.

Sec. 58-47. - U-turns.

It shall be unlawful for any person driving a vehicle to make a U-turn or other prohibited turn at any point where such turn is prohibited by posted signs or to accomplish a U-turn by deviously going into or through private property adjoining a street where such turn is prohibited.

Sec. 58-48. - Streets under repair closed to travel.

No person shall drive or cause to be driven any vehicle over any street which is being repaired or paved or over any part of a street wholly closed to travel.

Sec. 58-49. - Advertising prohibited.

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior approval of the council.

Sec. 58-50. - Following too closely.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and the conditions of the street.

Sec. 58-51. - Doors opening into traffic.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

Sec. 58-52. - Loads to be securely chained.

No person shall haul logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chains shall be made of material of a dimension not less than one-half inch in diameter.

Sec. 58-53. - Speed restrictions.

- (a) No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.
- (b) The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the council.

State Law reference— General rules regarding maximum speed limits, S.C. Code 1976, § 56-5-1520.

Sec. 58-54. - Speed limits.

Where no special hazard exists that requires a lower speed for compliance with this article, the speed of any vehicle not in excess of the limits specified in this article shall be lawful, such limits established in this section being 35 miles per hour unless otherwise posted.

Sec. 58-55. - Lower speeds required.

The driver of every vehicle shall, consistent with the requirements of this article, drive at an appropriate speed when approaching and crossing an intersection, when approaching a hillcrest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to other traffic or by reason of weather or street conditions.

Sec. 58-56. - Trucks; truck tractors.

Where no special hazards exist, trucks and truck tractors of a size greater than 1½ tons shall obey signs posted giving notice of any special conditions.

Sec. 58-57. - Special hazards.

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

Sec. 58-58. - Racing or drag racing prohibited.

It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway or to aid, abet or assist in any manner whatsoever in any such race contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

Sec. 58-59. - Authorized emergency vehicles.

- (a) Audible signal. The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.
- (b) Duty of driver. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard for the safety of others.

Sec. 58-60. - School zones.

It shall be unlawful for any person driving a motor vehicle within a designated school zone to fail to observe unusual care and caution. Speed limits as posted shall be carefully observed.

Sec. 58-61. - Failure to dim lights.

It shall be unlawful for the driver of any vehicle, from dusk to dawn, when approaching another vehicle from an opposite direction, to fail to dim the lights of his vehicle when it is within 300 feet of the approaching vehicle.

Sec. 58-62. - Shifting lanes without safety precaution.

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

Sec. 58-63. - Unattended vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway or street.

Sec. 58-64. - Accidents; assistance required.

Every person driving a vehicle of any kind which strikes or hits any person or another vehicle shall stop such vehicle at once and render such assistance as he can, give his name, mailing address, license number and registration number of his vehicle to the other person or driver. He shall assist in calling a police officer and remain at the scene until a police officer arrives.

Sec. 58-65. - Impeding free flow of traffic unlawful.

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in such a manner as to impede the free flow of traffic.

Sec. 58-66. - Unlawful riding in municipal vehicles.

It shall be unlawful for any unauthorized person to ride in or on any municipal vehicle, without official authority to do so.

Sec. 58-67. - Motorcycles; reckless operation; clinging to vehicles.

- (a) It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.
- (b) No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

Sec. 58-68. – Manner of Driving

- a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.
- b. Any person failing to do so shall be guilty of the offense of manner of driving a motor vehicle.
- c. A manner of driving offense shall be unlawful and shall be considered a lesser offense than reckless driving.
- d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facia evidence of a violation of this section.

e. The provisions of this article may be used in lieu of tickets requiring points.

f. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days.

Secs. 58-69—58-94. - Reserved.

### ARTICLE III. - PARKING; STANDING AND STOPPING

State Law reference— Local authority to regulate standing or parking of vehicles, S.C. Code 1976, § 56-5-710(1); municipalities with marked parking spaces must designate spaces for disabled persons, S.C. Code 1976, § 56-3-1965.

Sec. 58-95. - Designated parking; time restriction.

- (a) In addition to the other provisions of this article relative to parking, the council may designate areas or spaces on town streets where the parking of vehicles is either permitted, prohibited or limited to a specific time or otherwise restricted.
- (b) When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.
- (c) When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

Sec. 58-96. - Special parking areas.

The council, in its discretion, may designate special parking areas or places for which sufficient cause is shown.

Sec. 58-97. - Designated bus spaces.

It shall be unlawful to park a bus on a public street, except in designated places.

Sec. 58-98. - Manner of parking.

- (a) Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one space. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.

- (b) All vehicles parked in areas in which parking spaces have been marked off or designated shall be parked entirely within a single space.

Sec. 58-99. - Handicapped spaces; penalty.

- (a) Designated by police chief. The police chief is hereby authorized to designate parking spaces for handicapped persons.
- (b) Authorization needed for parking. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.
- (c) Violation and penalty. Any person violating the provisions of subsection (b) of this section, shall be deemed guilty of a misdemeanor and, upon conviction, be fined not less than \$100.00 nor more than \$200.00 or imprisoned for not more than 30 days.

Sec. 58-100. - Blocking streets and alleys; exception.

- (a) No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.
- (b) No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten feet of width of the roadway for the free movement of vehicular traffic.
- (c) A driver may stop temporarily during the actual loading or unloading of passengers or when necessary to obey traffic regulations or signals of a police officer.

Sec. 58-101. - Loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone while in effect. In no case shall the stop for loading and unloading of materials exceed 60 minutes.

Sec. 58-102. - Hazardous or congested places.

When signs are erected at an approach to hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

Sec. 58-103. - School zones.

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

Sec. 58-104. - Safety hazards.

No vehicle shall be parked in any place within the town in such a fashion that it creates a safety hazard.

Sec. 58-105. - Vision obstruction of traffic unlawful.

No vehicle shall be parked on any street if the vehicle obstructs the vision of traffic approaching the vehicle in any direction, or which causes vehicles approaching the parked vehicle to alter their normal course of movement.

Sec. 58-106. - Disabled vehicles.

The operator of any vehicle which becomes disabled on any street within the town shall:

- (1) Move the disabled vehicle to the extreme right side of the road;
- (2) Notify the police department immediately that the vehicle is disabled;
- (3) Make arrangements to have the vehicle removed from the town streets as quickly as possible;
- (4) Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

Sec. 58-107. - Fire lanes.

- (a) Designated. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be designated by the use of no-parking signs, yellow curbing and/or pavement markings.
- (b) Violation. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.
- (c) Penalty. Any violation of this article shall be deemed a misdemeanor, punishable by the municipal court.

Sec. 58-108. - Stopping, standing or parking of a vehicle prohibited; exceptions.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (1) Stop, stand or park a vehicle;
  - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - b. On a sidewalk;

- c. Within an intersection;
  - d. On a crosswalk;
  - e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - g. Upon any bridge or elevated structure upon a highway or within a highway tunnel;
  - h. On any railroad tracks;
  - i. On any controlled-access highway;
  - j. In the area between roadways of a divided highway, including crossovers; or
  - k. At any place where official traffic control devices prohibit stopping.
- (2) Stand or park a vehicle, whether occupied or not, except to momentarily pick up or discharge passengers:
- a. In front of a public or private driveway;
  - b. Within 15 feet of a fire hydrant;
  - c. Within 20 feet of a crosswalk at an intersection;
  - d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
  - e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite to any fire station within 75 feet of the entrance when properly signposted; or
  - f. At any place where official traffic control devices prohibit stopping, standing or parking.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- a. Within 50 feet of the nearest rail or a railroad crossing; and
  - b. At any place where official traffic control devices prohibit parking.

It shall be unlawful for any person operating a motor vehicle upon the public streets, alleys or ways of the town to fail to stop when signaled to do so by a police officer.

Sec. 58-109. - Heavy vehicles in residential areas.

No vehicle which has a load capacity in excess of one ton, shall be parked on any street within a residential area; provided, however, that this section shall not apply to vehicles making deliveries or pickups within said area while actually engaged in unloading or loading operations.

Sec. 58-110. - Parking tickets authorized.

- (a) The chief of police may, subject to the restrictions imposed in the this article, post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.
- (b) The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.
- (c) Failure to pay such amount specified on the ticket within the prescribed time, however, shall subject the owner to the penalty set forth in section 1-7.

Sec. 58-111. - Incorrect street parking unlawful; exception.

No vehicle shall park with its left side to the curb on any street in the town. This prohibition shall not apply to funeral processions.

Sec. 58-112. - Removal of vehicle from town street.

Every driver of a vehicle when improperly parked shall remove the same from the street when directed to do so by any officer of the law. Any officer of the town may remove such vehicle.

Sec. 58-113. - Vehicles abandoned, standing, parked or placed so as to create a hazard.

- (a) Any vehicle, motor or towed, shall be removed by wrecker when found abandoned or left standing, parked or placed on or along any public street, highway, bridge or driveway or any other public place in such manner as to be considered a hazard to the safety of others or for the protection of the vehicle against theft or damage from any cause.
- (b) Any person furnishing wrecker service, for any of the reasons stated in this section, at the request of a police officer, shall hold said vehicle for a wrecker fee and storage fee and shall not release said vehicle until the fee has been paid by the owner or responsible person.

Sec. 58-114. - Parking on public streets; duties of chief of police.

- (a) The chief of police shall have authority to regulate parking upon the public streets and property of the town.
- (b) The chief shall post signs setting such regulations and setting such times as is necessary to effectively and efficiently protect the safety of the general public and protect the property of the town and the property of the general public.
- (c) Upon such regulations being provided, the regulations and provisions are to be properly posted as in the manner of traffic regulations and regulation of parking as outlined in the 1976 South Carolina Code of Laws.
- (d) Upon posting of the said regulations and provisions, the police department shall have the power to remove and impound any automobile violating this section.

Secs. 58-115—58-141. - Reserved.

#### ARTICLE IV. - JUNK VEHICLES

State Law reference— Disposition of abandoned or derelict motor vehicles on public or private property, S.C. Code 1976, § 56-5-5810 et seq.

Sec. 58-142. - Statutory authority.

This article hereby provides for the upkeep of property and to regulate abandoned, derelict and junk motor vehicles within the town, to define junk and to enhance and protect public health and safety.

Sec. 58-143. - 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:

Junk vehicle means a vehicle, such as a car, truck or van, which is in an inoperable condition due to age, damage or some mechanical breakdown. The vehicle will appear to have little or no value as a means of transportation. It will have been occupied the same or nearly the same position and location for more than 30 days, and will be one on which property taxes have not been paid. The vehicle can still qualify as a junk vehicle even if the vehicle has a valid motor vehicle license, provided it meets the same criteria set forth above.

Person means and includes any individual, firm, partnership or corporation.

Sec. 58-144. - Prohibition; exemptions.

- (a) It shall be unlawful for any person to place, maintain or store any junk vehicle or to dismantle, tear down or place any motor vehicle or motor part, which has been wrecked or discarded from use for any purpose, upon any lot or premises within the town except upon the premises of a regularly licensed junk dealer.
- (b) Exempt from subsection (a) of this section are vehicles kept for bona fide restoration that are housed inside a structure or appropriately screened by a solid fence such that the vehicle is not visible to the public or neighboring property. See section 58-147 for description of fencing.

Sec. 58-145. - Violations.

Unless provided elsewhere in this chapter, any person found to be in violation of this article shall have ten days from the notice to remove from the town the item found to be in violation.

Sec. 58-146. - Abandonment unlawful.

- (a) It shall be unlawful to abandon any motor vehicle, including junk motor vehicles on any street, right-of-way or public grounds or upon any privately owned property.
- (b) It shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereon of any materials described in this section.

Sec. 58-147. - Fencing or wall required.

- (a) Fencing required. Any business or property owner which stores wrecked or disabled vehicles or any other kind of scrap or waste material which is for sale or is in the process of being dismantled, destroyed, processed, salvaged, kept, handled, displayed, stored, baled, disposed of or other use or disposition, if such is permitted by the town zoning ordinances, shall erect and maintain a suitable and appropriate fence or wall around the entire area on which such business is conducted.
- (b) It shall be unlawful to place, discard, or abandon junk motor vehicles in a place where it is visible from the traveled way of a highway or Town road, or where it is visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded, or abandoned is hereby declared to be a public nuisance. All junkyards, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or vegetation at least eight (8) feet in height.
- (c) Fencing specifications. The fence or wall shall be a minimum of eight feet in height to obliterate the view of the premises from the outside. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays that are visible from the main traveled way of a highway. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.
- (d) Approval needed. The fencing or walls to be installed shall be approved in advance by a designated town official.
- (e) Unlawful to display. It shall be unlawful to display any junk, used motor vehicle parts, used household appliances or other materials, as set forth in subsection (a) of this section, outside of the fenced area.

Sec. 58-148. - Additional provisions; violations.

- (a) Any person who abandons a motor vehicle or other materials described in this article, either on public or private property or otherwise, and who violates the provisions of this article shall, upon conviction, be guilty of a misdemeanor.
  - (1) When any vehicle is left unattended on a highway or on other public or private property without the consent of the owner or person in control of the property, an officer may place a colored tag on the vehicle which shall be notice to the owner, the person in possession of the vehicle or any lienholder that it may be considered to be junked or abandoned and is subject to forfeiture.

- (2) The colored tag shall serve as the only legal notice that, if the vehicle is not removed within:
    - a. Forty-eight hours if located on a highway; or
    - b. Seven days if located on other public or private property, from the date of the tag, the vehicle shall be removed to a designated place to be sold.
  - (3) After the said vehicle is removed, the officer affixing the colored tag shall notify in writing the person in whose name the vehicle was last registered and any lienholder of record by certified mail, return receipt requested.
  - (4) Information shall include notice that the vehicle is being held, shall designate the place where it is being held and that, if it is not redeemed within 30 days from the date of the notice by paying all cost of removal and storage, the vehicle shall be sold for recycling purposes or for such other purposes as the town shall deem advisable.
  - (5) The proceeds of said sale shall be deposited in the general fund of the town.
  - (6) If the identity of the last registered owner cannot be determined or if the registration contains no current address for the owner, or if it is impossible to determine with reasonable certainty the identification and addresses of the lienholders, notice by one publication in a newspaper of local, general circulation shall be sufficient to meet all requirements of notice pursuant to state statutes. The notice of publication may contain multiple listings of vehicles. Twenty days after date of publication the vehicle may be sold.
  - (7) Any notice sent by mail or any newspaper notice published under the provisions of this section shall:
    - a. Contain, if obtainable; the year, make, model and serial number of the vehicle;
    - b. Set forth where the vehicle is being held; inform the owner and any lienholders of the right to reclaim the vehicle within 30 days after the date of the notice;
    - c. Require payment of all towing, preservation and storage charges resulting from placing the vehicle in custody;
    - d. Include the date, time and place of the proposed sale; the name, address and telephone number of the person responsible for the sale; and
    - e. State that the failure of the owner or lienholders to exercise their rights to reclaim the vehicle within the time provided shall constitute a waiver by the owner and all lienholders of all rights, title and interest in the vehicle and that said waiver shall constitute consent to the sale of the vehicle.
  - (8) It shall be unlawful for any person, firm or corporation or their agents to remove any colored tag or notice described herein, without written permission of the designated town official. If any person shall remove any colored tag or notice which has been affixed to any motor vehicle, used appliances or other materials set forth herein, he shall, upon conviction, be guilty of a misdemeanor.
- (b) Any person, firm or corporation, whether they are the owner, tenant or occupant, who shall fail or refuse to comply with the provisions of this article after due notice shall, upon conviction, be guilty of a misdemeanor.

- (c) Nothing in this article shall be construed to impair or limit in any way the authority of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.
- (d) The designated town official is authorized hereby to exercise such authority as may be necessary to effect the purposes of this article.

Secs. 58-149—58-179. - Reserved.

#### ARTICLE V. - BICYCLES

State Law reference— Local authority to regulate operation of bicycles, S.C. Code 1976, § 56-5-710(8).

Sec. 58-180. - Regulations applicable to bicycles.

This article shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Sec. 58-181. - Applicability of traffic laws.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code, except as to special regulations herein and except as to those provisions of this Code which by their nature can have no application.

Sec. 58-182. - Duty to keep to the right.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable.

Sec. 58-183. - Riding abreast.

It shall be unlawful for persons on bicycles to ride more than two abreast, except in parades and similar circumstances.

Sec. 58-184. - Bicycle paths to be used.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path or area and shall not use the roadway.

Sec. 58-185. - Riding bicycles on sidewalks.

It shall be unlawful for anyone to ride a bicycle on a sidewalk, except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to tricycles operated in residential districts by children under 12 years of age.

Sec. 58-186. - Clinging to vehicles.

No person riding upon a bicycle, coaster, roller skates, sled or toy vehicle shall attach it or them or himself to any vehicle on a roadway.

Sec. 58-187. - Riding with no hands on bicycle.

It shall be unlawful to operate a bicycle without having at least one hand on the handlebars at all times, or to fail to have control of the bicycle at all times.

Sec. 58-188. - Lamps.

- (a) Every bicycle, when in use after dark, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle. The term "after dark" means the time during which the street lights of the town are or should be lighted.
- (b) A red lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Sec. 58-189. - Warning devices.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

Sec. 58-190. - Larceny of bicycles.

The larceny of any bicycle shall be punishable at the discretion of the municipal court.

Sec. 58-191. - Brakes.

No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level and clean pavement.

Secs. 58-192—58-220. - Reserved.

#### ARTICLE VI. - PEDESTRIANS

State Law reference— Power of local authorities to require strict pedestrian compliance with traffic control signals, S.C. Code 1976, § 56-5-3120.

Sec. 58-221. - Obedience to traffic control signals required.

Pedestrians shall comply with the directions of any official traffic control signal or lawful authorities.

Sec. 58-222. - Use of right half of crosswalks.

Pedestrians shall move upon the right half of a crosswalk whenever practicable.

Sec. 58-223. - Walking on streets and roadways.

Where sidewalks are not provided, pedestrians shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

Sec. 58-224. - Hitchhiking prohibited.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Sec. 58-225. - Drivers to exercise due care with regard to pedestrians.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary. He shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.

Secs. 58-226—58-243. - Reserved.

#### ARTICLE VII. – RAILROADS

Sec. 58-244. - 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:

Grade crossing means a crossing at-grade of a public street or highway over a track of a railroad.

Railroad means a carrier of persons or property upon cars, other than streetcars, operated on stationary rails, and this shall include locomotives.

Railroad signal and sign means any sign, signal or device erected by proper authority intended to give notice of the presence of railroad tracks or the approach of railroad trains or locomotives.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto and operated upon rails.

Sec. 58-245. - Advertising prohibited.

It shall be unlawful for any person to use for advertising purposes the kind of cross usually used as a crossing sign by railroads.

Sec. 58-246. - Dangerous intersections; stop signs.

The council is hereby authorized to designate particularly dangerous highway grade crossings of railroads at street intersections, but no stop signs shall be erected without the approval of SCDOT.

Sec. 58-247. - Maintaining roadbeds.

It shall be the duty of every railroad company to construct and keep in good repair the roadbed of all public streets and sidewalks across or along the roadbed of such railroad company and for a reasonable distance on each side thereof.

Sec. 58-248. - Construction and maintenance of drains.

It shall be the duty of every railroad company to construct and maintain all necessary drains along, across or under its roadbed or along any public street or sidewalk.

Sec. 58-249. - Limited time for compliance.

It shall be the duty of every railroad company to perform, at its own expense, all the work required pursuant to sections 58-247 and 58-248, within five days from the notice given by the town either orally or in writing.

Sec. 58-250. - Flagman required.

The railroad company is hereby required to provide and keep stationed at each of its crossings, when switching, at least one flagman, unless warning devices are installed and maintained which comply with state law, and which provide for the placement of a flagman thereat.

Sec. 58-251. - Flagman's duties.

It shall be the duty of the flagman to keep a lookout for the approach of cars crossing the said streets and to warn persons crossing, or about to cross, of the approach of any train, car or engine.

Sec. 58-252. - Red signal required upon approach of train.

The flagman shall be provided with a red flag during daylight hours and a red light during the nighttime which shall be displayed at all times upon the approach of any train, car or engine.

Sec. 58-253. - Unlawful to cross despite warning.

It shall be unlawful to cross a railroad track after having been warned by a flagman or to interfere with, resist or annoy any flagman while in the discharge of his duties as stated within this article.

Sec. 58-254. - Unlawful riding.

It shall be unlawful for any person, other than employees thereof, to climb or to attempt to climb upon or to board or attempt to board any locomotive, engine, car, coach or train of cars while the same is in motion within the town, or for any person other than a regular passenger or employee of the railroad to ride on or upon any locomotive, engine, car, coach or train of cars while same is operated within the town.

Sec. 58-255. - Complaints of railroad conduct.

The council is hereby authorized to apply directly to the South Carolina Public Service Commission (SCPSC) for relief from conduct of any railroad within the corporate limits.

Secs. 58-256—58-274. - Reserved.

ARTICLE VIII. - MOBILE HOMES

(WP Code 1001; 2010-1213.1)

Federal law references—No state or local government may establish construction and safety standards for manufactured housing which are not identical to Federal construction and safety standards, 42 USC 5403; National Manufactured Home Construction and Safety Standards [HUD Code], 24 CFR 3280 et seq.

State Law reference— State installation regulations must be used, municipality may establish installation inspection fee, S.C. Code 1976, § 40-29-350; health and environmental standards for mobile and manufactured home parks, S.C. Code Reg. 61-40.

Sec. 58-275. - Mobile home defined.

- (a) The term "mobile home" as used in this article means any structure, including manufactured housing, used for living purposes and having no foundation other than wheels, blocks, jacks, skids, horses or skirting.
- (b) It may have been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or otherwise.
- (c) The term "mobile home" shall include all related terminology.
- (d) When the mobile home shall be detached from its source of power and situated upon a permanent foundation, it shall then become a residence and subject to all provisions and requirements related thereto.

Sec. 58-276. - Foundation; underpin mandatory.

It shall be unlawful to occupy for dwelling purposes a mobile home, unless it shall have been securely placed on a permanent foundation and underpinned with masonry or a solid skirting, wheels, tie downs, and tongue removed, and have a separate connection for water and sewer..

Sec. 58-277. - Utilities (reserved)

Sec. 58-278. - Age limitations restricted.

It shall be unlawful to bring into the town limits for living purposes a mobile home 5 years or older; provided, further, that any mobile home currently located within the town limits, if removed and if replaced with another mobile home, is permissible by the laws of the town. It must be replaced with a mobile home less than 5 years old.

Sec. 58-279 Regulations

- (a) Mobile homes brought into the Town must be "double-wide."
- (b) Mobile home must have composition roofing and updated siding (non-metal).

- (c) Mobile homes can only be located in residential districts per Zoning Ordinance.
- (d) All mobile homes shall have a HUD seal from Anderson County (Federal Housing Standards)
- (e) Setback Requirements
  - (1) All primary entrances for all mobile homes shall face the road and be 35' from the road with 25' x 25' x 25' on each side. There shall be a setback line of not less than 35' between the right-of-way boundary line of any public street and any mobile home.
  - (2) The minimum rear setback line for any interior lot line to the back of a mobile home shall be 25'; provided, however, there shall be a minimum of 25' between the rear of any other building and/or structure or mobile home.
  - (3) There shall be a side yard to the right and to the left of the mobile home of not less than 25' from the property line.

Sec. 58-280 Unlawful

- (a) It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the town, except as provided for in this article
- (b) No mobile home court or park shall be authorized to operate in the town except those in operation prior to the adoption of this section.
- (c) It shall be unlawful to set up a recreational vehicle, camper or vehicle/trailer otherwise known as a motorhome for residency greater than seven (7) calendar days.

Secs. 58-281—58-304. - Reserved.

ARTICLE IX. - WRECKERS

Federal law references—Federal law preempts local government regulations relating to price, route or service of any motor carrier respecting transportation of property, 49 USC 14501(c)(1); safety regulations by local governments are not preempted, 49 USC 14501(c)(2)(A); regulation of price of for-hire tows performed without prior consent of owner, exempt from preemption, 49 USC 14501(c)(2)(C).

Sec. 58-305. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings prescribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle means that any vehicle shall be determined as abandoned when it has been left unattended in a place wherein it would be a hazard to motorists or pedestrians or in an illegal parking place on the public streets of the town and where, after due and proper search has been made for the

operator and/or owner and same cannot be located, the police or fire department may declare it an abandoned vehicle and have the vehicle removed and stored at the owner's and/or operator's costs.

Motor vehicle means every vehicle which is propelled by a self-contained motor or engine including any and all vehicles licensed to be operated on the streets of the state and any other vehicle which is self-propelled and allowed to operate without a license on the streets and/or roads of the state including any farm vehicles, vehicles used primarily in construction or vehicles used at home which are being operated on the public roads.

Operator means any person operating a motor vehicle, either licensed to operate the vehicle or not, and who has possession of the said vehicle legally or illegally.

Owner means any person who holds the legal title of a motor vehicle or has legal possession thereof, or who may have possession of said vehicle by permission of the owner or any court order.

Street means any street, including alleys, public places, the square, highway or walkway within the corporate limits of the town.

Tow truck means any motor vehicle used for the purpose of towing or removing disabled, abandoned or wrecked vehicles or motor vehicles.

Tow truck business means the business of towing and removing abandoned, disabled or wrecked vehicles on the public streets, regardless or whether the purpose of the towing is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicles.

Tow truck company means any person engaged in tow truck business.

Tow truck rotation list means a list of the companies licensed to operate and to do business within the corporate limits, prepared under the direction of the town administrator and used by the town's police and fire departments.

Vehicle means every device in or by which any person or property may be transported or drawn upon a public highway except devices moved by human power or used exclusively upon rails or tracks. The term "vehicle" shall also define trailers and semitrailers and shall include animal-drawn vehicles used on the public roads.

Sec. 58-306. - Article provisions include state law and town Code.

- (a) Nothing herein contained shall serve to violate and/or curtail any of the provisions of the state laws pertaining to the removal, storage, license, or operation of any garage, storage yard, junkyard, or tow truck, its owner or operators.
- (b) Nothing herein contained shall change any of the town ordinances pertaining to permits, licenses, storage facilities or garages.

Sec. 58-307. - Driving to scene of accident; prohibition; exception.

No person shall drive a tow truck to or near the site of an accident on the streets of the town unless such person has been called to the scene by the police or fire department; provided, that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, any other person may summon a tow truck and the prohibition of this section shall be inapplicable.

Sec. 58-308. - Following ambulance, police vehicle, etc.

No person shall follow in a tow truck any ambulance, police vehicle, fire department vehicle, or any other type emergency vehicle which is traveling to an automobile collision or accident or an automobile fire or an automobile involved in any type of disorder wherein the tow truck would present a danger to motorists, pedestrians or persons engaged in restoring order or controlling the civil disorder.

Sec. 58-309. - Soliciting business at scene of disabled vehicle prohibited.

No person shall solicit in any manner, directly or indirectly, on the streets of the town, the business of towing any vehicle which is wrecked or disabled on a public street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing said vehicle. Proof of the presence of any tow truck or motor vehicle owned or operated by any person engaged in the tow truck business, either as owner, operator, employee or agent, on any public street in the town, at or near the scene or site of a wreck, accident, collision or fire, unless such tow truck was lawfully summoned to such scene, shall be prima facie evidence of a solicitation in violation of this section.

Sec. 58-310. - Request by police for a tow truck when driver of vehicle disabled.

Upon request of the town police or fire departments, a tow truck will be summoned to remove and store any vehicle which is being operated by a driver who is driving under the influence or who is arrested for any other cause, or who is ill, sick or disabled, or who by any other means is determined not licensed to operate the vehicle or who would constitute a hazard if they were allowed to continue to operate the vehicle.

Sec. 58-311. - Recommendation of tow truck company by town employees prohibited.

No police officer or fire official investigating or present at the scene or site of any wreck, accident, fire or collision on a public street shall, directly or indirectly, either by work, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the tow truck services or repair business; nor shall any such police officer or fire official influence or attempt to influence in any manner the decision of any person in choosing or selecting a tow truck or repair service.

Sec. 58-312. - Tow truck rotation list procedure.

- (a) Responsibility of investigating officer. In the event the owner of a disabled vehicle involved in an accident or collision fails to designate a tow truck company, or refuses to designate one, the investigating officer shall communicate that fact immediately to the police department headquarters. The police department shall keep a master list known as the tow truck rotation list,

in alphabetical order, of all tow truck companies qualifying therefore under the provisions of this section.

- (b) Procedure. On receiving the first communication that the owner of a vehicle involved in an accident, fire or collision has failed or refused to designate a tow truck company, the police officer or fire official receiving such communication at police or fire headquarters shall call the first tow truck company on the list to tow the disabled vehicle and remove the same from the public streets of the town.
- (c) Rotation call list; notation. On each succeeding communication of the failure or refusal of the owner to designate a tow truck, the next company on the list shall be called, and so on, calling each tow truck company on the list in rotation; and proper notation of each such call shall be made on the master list.
- (d) Violation. Violation of this section shall be a misdemeanor and shall subject the violator to a fine at the discretion of the municipal judge up to the maximum allowed by law.

Sec. 58-313. - Conditions for becoming a part of the wrecker rotation list.

All wrecker services who wish to be on the police duty wrecker rotation shall agree to the following:

- 1. Administrative:
  - a) It is the intent of the Town of West Pelzer to contract with no more than three (3) wrecker services on a rotation basis as assigned by the West Pelzer Police Department. The contract period is for four years.
  - b) Any new wrecker service that wishes to be included on the West Pelzer Police Department's wrecker rotation list must submit in writing this request between November 1st and November 30th of each year. Any new addition will only be added at the start of a new calendar year and if one of the three (3) current wrecker service wished to be deleted or is removed for cause.
  - c) Any wrecker service that requests in writing to be added to the West Pelzer Police Department wrecker rotation must have been in business in the Town of West Pelzer a minimum of one (1) year and be in good standing with the Town of West Pelzer.
  - d) No members of the West Pelzer Police Department shall receive any type of financial consideration from wrecker services used by the West Pelzer Police Department whether from the rotation list or at the request of the owner of a vehicle being towed.
  - e) The wrecker service shall agree to abide by the "fee schedule" that is adopted by the South Carolina Highway Patrol.
  - f) All wreckers that are on the Police Department rotation list must be registered in the Town of West Pelzer. This does not prohibit a wrecker service registered outside the town from being utilized at the owner's request.

- g) All wrecker services placed on the Police Department's rotation list must provide the Police Department with the following: (1) copy of required insurance coverage, (2) copy of registration cards that verify the wreckers to be used are registered in the Town of West Pelzer.
- h) Providing false information is a violation of the contract between parties and will result in permanent removal from the West Pelzer Police Department's rotation list for wrecker services
- i) Any wrecker service that requests to be removed from the rotation list cannot be reinstated on the list for a period of one (1) year and only if there are not three (3) wrecker services currently.
- j) Wrecker services agree that this agreement is null and void if the wrecker service is sold, transferred, or assigned during this agreement.
- k) The Wrecker Service covenants to save, defend, keep harmless, and indemnify the Town of West Pelzer and all of its officer, departments, agencies, agents and employees from and against all claims, loss, damage, injury, fines, penalties, and cost, including court costs, attorney's, fees, charges, liability, and exposure, caused, resulting from, arising out of, or in any way connected to the Wrecker Service's negligent performance or nonperformance of the terms of this agreement.
- l) The Wrecker Service shall be legally considered an independent contractor and neither the wrecker service nor its employees shall, under any circumstances, be considered or held out to be employees of the Town of West Pelzer; and the Town of West Pelzer shall not be legally responsible for any negligence or other wrong doing by the Wrecker Service or its employees. The Town of West Pelzer shall not provide to the wrecker service any insurance coverage or other benefits, including workers compensation.
- m) Failure of the Town of West Pelzer at any time to enforce the provisions of this agreement shall not be construed as a waiver of any of the provisions. The failure to enforce shall not affect the validity of the agreement or any part or the right of the Town of West Pelzer to enforce any provisions at any time in accordance with its terms.
- n) If through any cause, the wrecker service violates any of the covenants, agreements, or stipulations of this agreement, the Town of West Pelzer shall have the right to terminate this agreement by giving written notice to the wrecker service at least five (5) days before termination. The wrecker service shall have the right to terminate this agreement by giving written notice to the Town of West Pelzer at least fifteen (15) days before the effective date of termination. No refund of any fees will be given pursuant to the termination of this agreement. Furthermore, the performance of work under this agreement may be terminated by the Town of West Pelzer in whole or in part whenever the Town of West Pelzer determines that termination is in the Town of West Pelzer's best interest. Any such termination shall be effected by the delivery of written notice of termination to the Wrecker Service at least fifteen (15) days before

the date of termination, specifying the extent to which the performance of the work terminated and the effective date of termination. After receipt of the notice of termination, except as otherwise directed, the wrecker service shall stop work on the date of receipt of the notice of termination or other date specified in the notice; place no further order or subcontracts for materials, services, or facilities except as necessary for completion of the portion of the work not terminated; terminate all vendors and subcontracts; and settle all outstanding liabilities and claims.

- o) Any contractor entering into a service contract with the Town of West Pelzer must certify to the Town of West Pelzer that the contractor intends to verify new employees' status, and require an subcontractors or sub-subcontractors performing services under the service contract to verify their new employees' status, per the terms of the South Carolina Illegal Immigration Reform Act, and as set out in Title 41, Chapter 8 of the Code of Laws of South Carolina, 1976.
- p) Any applicant shall be required to provide that he/she does not own or have any direct or indirect interest in any other wrecker firm being considered.
- q) No wrecker firm shall co-mingle its records, equipment, or personnel with another wrecker service providing services to the citizens of West Pelzer.

## 2. Requirements

- a) Any wrecker service desiring to be on the Department's rotation list must provide the department with proof that the wrecker service carries liability insurance on its wrecker(s) and premises in an amount that is:
  - 1. In proportion to Article 7. Highway Patrol Sub article 1. Wrecker Regulations; Section B, Item 4.
  - 2. The Town of West Pelzer must be listed as an additional insured party.
- b) The Wrecker service must provide and maintain a safe storage area for all towed vehicles within the Town Limits of West Pelzer. This must be a secure fenced-in area that is not accessible to the general public. The storage area is subject to inspection by the Chief of Police or his/her designee to ensure compliance with town requirements. Each individual wrecker service must maintain separate storage areas at different physical addresses from each other.
- c) All wrecker services operating for the Town of West Pelzer must:

Carry sufficient amount of Oil Dry to absorb gas, oil, coolant or other spills. The wrecker service operator will be responsible for properly spreading the Oil Dry to absorb the spill. The operator shall also be responsible for removing the oil dry from the scene during clean up.

Be equipped with legally authorized lighting and safety equipment.

All wrecker operators and agents thereof shall wear a reflective traffic vest while on scene.

Have shovels, brooms, etc., on the wrecker in order to remove glass and debris from accident scene. This includes, all areas and properties where debris ended up as a result of the accident. The roadway / accident scene must be cleaned by the wrecker service prior to leaving the scene of an accident. This includes oil dry that was placed on the roadway and adjoining property. Sweeping debris in the "gutter" is not considered to be clearing the roadway. The wrecker service shall be summoned back to the scene if they leave before the roadway is clear of debris and/or not released from the scene by an officer of the West Pelzer Police Department.

Have the name, address, and telephone number of the wrecker service painted on the doors of the wrecker or otherwise permanently affixed to the door. The letters must be no less than 2 inches high. The wrecker must have the owner's name appear on the door no less than 1 inch high. All letters must be clearly visible in colors which are in contrast to the color of the wrecker.

- d) Wrecker services must be available during their rotation period on a 24-hours basis. Should a wrecker service that is on call not be able to arrive at the scene of an accident within 20 minutes after notification, the wrecker service should tell the police dispatcher so the dispatcher can notify the next wrecker service on the list. Any wrecker service that is frequently unresponsive in arriving at the scene of an accident within 20 minutes will be notified that they are subject to being removed from the rotation list. Furthermore, if a wrecker service is not on scene within 20 minutes the supervisor on duty may authorize the dispatch of the next wrecker service on the list. There should be an attendant on call capable of responding to Police calls for towing vehicles 24 hours a day, 7 days a week. Wrecker services should also be available for the release of vehicles to the public at the beginning of the next day, but not earlier than 8:00 am.
- e) Wrecker services shall not go to the scene of an accident unless they are requested by the Police Department.
- f) All wrecker services that are on the Police Department's rotation list must maintain an accurate record of all requests for towing that are received from the West Pelzer Police Department. This record must be available for the review by the West Pelzer Police Department upon request.
- g) Wrecker operators must conduct themselves in a proper manner at accident scenes.
- h) Should a wrecker service need assistance from another wrecker service, only 1 bill may be sent to the customer.
- i) West Pelzer Police Officers who are investigating any accident and/or criminal activity that does not call for the vehicle to be further inspected for evidentiary purposes must give the persons involved the opportunity to have a wrecker of their choice to tow their vehicle; provided, the

person is capable of making that choice and the wrecker of their choosing can arrive at the scene within 20 minutes.

- j) Any complaint from a wrecker service or wrecker operator against an West Pelzer Police officer's actions or conduct toward the wrecker operation must be filed with the West Pelzer Police Department within 3 days of the incident in question.
- k) Each wrecker service firm shall send to the Police Department, upon request, a list of cars towed and/or stored, and the list will contain the above-mentioned details contained in the daily log. The firm shall maintain a copy of the standard duty wrecker form with each invoice for service provided under this agreement at its business location for inspection for the term of the contract and one year beyond the termination of the contract.
- l) By applying for participation in the Police Duty Wrecker Service, the wrecker service firm gives permission to the Town to audit any of its records upon Town's request. Pursuant to § 56-5-5635(B), South Carolina Code of Laws, the wrecker service firm shall submit to the Police Department, within ten days following a tow request, a list describing the vehicles or other property remaining in the wrecker service firm's possession; if the wrecker service fails to provide this list, it forfeits recovery of all costs associated with towing and storage of the vehicle or other property. Within ten days of receipt of the list, the Police Department shall provide to the wrecker service firm the current owner's name, address, record of all lien holders, make, model, and vehicle identification number or a description of the property. The wrecker service firm shall notify the last known registered owner and all lienholders of record by registered or certified mail, return receipt requested that the vehicle has been taken into custody
- m) Any deviation from the requirements of this plan or any failure to provide reasonable, quick, and efficient service may result in termination of the contract with the firm, upon a finding by the Chief of Police.
- n) Overcharging is prohibited. Upon verification of a first claim of overcharging, a wrecker service firm will be suspended for two (2) complete rotation cycles. On the second verification of overcharging, the wrecker service firm will be terminated from further participation in the Police Duty Wrecker Program
- o) A wrecker service firm must have its trucks arrive for duty with the minimum equipment as stated earlier in this policy. The Police Department will notify the wrecker service firm of any exceptions in writing. If trucks arrive for duty without the proper equipment, the penalty shall be:

|                    |  |
|--------------------|--|
| First Occurrence:  | Written Reprimand                      |
| Second Occurrence: | Suspension for one (1) rotation cycle  |
| Third Occurrence:  | Suspension for two (2) rotation cycles |

- p) Wrecker companies may elect to remove personal property from a Motor Vehicle stored at its service facility for safekeeping. Personal property so removed shall be documented on the Tow Report. Disposition of personal property shall be in accordance with State law. Wrecker companies liability for the Motor Vehicle and personal property contained therein shall end when the owner or person lawfully entitled to the possession of the motor vehicle of personal property takes custody thereof. In the event of a complaint of missing or stolen personal property or damage to the motor vehicle, wrecker service agrees to fully cooperate with any law enforcement investigation pertaining to the complaint, including making wrecker service personnel available to the investigating officer as requested.

Secs. 58-314—58-344. - Reserved.

## Chapter 62 - ZONING

Editor's note—Zoning questions should be referred to appointed officials responsible for zoning matters, or to the town clerk in whose office the ordinance is maintained, or to the zoning administrator.

Federal law references—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952(1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State Law reference— Zoning ordinances and purposes, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780.

Sec. 62-1. - Zoning ordinance, as amended, adopted by reference.

The zoning ordinance of the Town of West Pelzer, Ord. No. 461, as amended, is adopted by reference as if fully set forth herein.

Sec. 62-2. – Enforcement.

The zoning ordinance of the Town of West Pelzer shall be enforced by the West Pelzer Police Department.

**Appendices**

A: FEE SCHEDULE/PERMIT FEES/ETC

B: 1976 CODE OF LAWS OF SC, CHAPTER 9, MAYOR-COUNCIL FORM OF GOVERNMENT

C: ORDINANCES NOT REPEALED BY THIS CODE

D: HAZARD MITIGATION PLAN 2018-1002

E. PERSONNEL POLICY

F. SETOFF DEBT COLLECTION

G. BUSINESS LICENSE

H. ELECTION COMMISSION