

**CITY OF NEW ELLENTON, SOUTH
CAROLINA**

CODE OF ORDINANCES

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10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

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inconsistent with the manifest intent of the City Council.

(1) *Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; provided, however, that if the last day of the period so compiled is a Saturday, a Sunday, or legal holiday, such day shall be excluded and the time period shall run until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

(2) *Delegation of authority.* Whenever a provision appears requiring the head of a department or other officer or official of the city to do some act or perform some duty, it shall be construed to authorize the head of the department or other officer or official to designate, delegate, and authorize subordinates to do the required act or perform the duty, unless the terms of the provision or section designate otherwise.

(3) *Gender.* A provision importing one gender shall extend and be applied to the other genders.

(4) *Interpretation.* In the interpretation and application of any provision of this code, it shall be held to be 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 or regulation upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

§ 10.01 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this and the following titles and chapters shall constitute and be designated “The Code of Ordinances, City of New Ellenton, South Carolina,” or “this code,” and may be so cited.

(Prior Code, § 1-1)

Statutory reference:

Municipality to provide for codification and indexing of all ordinances, see S.C. Code § 5-7-290

§ 10.02 RULES OF CONSTRUCTION AND DEFINITIONS.

(A) *Rules of construction.* In the construction of this code, and of all ordinances, the following rules shall be observed, unless such construction would be

(5) *Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(6) *Non-technical and technical terms.* 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.

(7) *Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

(8) *Or, and.* **OR** may be read “and,” and **AND** may be read “or” if the sense requires it.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY, IN THE CITY. The City of New Ellenton, South Carolina. The phrase **IN THE CITY** shall include any territory, jurisdiction of which, for the exercise of the city’s regulatory power, has been conferred upon it by public or local law.

CORPORATE LIMITS, CORPORATION LIMITS. The legal boundary of the City of New Ellenton, South Carolina.

COUNCIL, CITY COUNCIL, GOVERNING BODY. The City Council of the City of New Ellenton, South Carolina.

COUNTY. The County of Aiken, South Carolina.

KEEPER, PROPRIETOR. Persons, firms, associations, corporations, clubs, and partnerships, whether acting by themselves or through a servant, agent, or employee.

MAYOR, OFFICER, EMPLOYEE. The Mayor, or other officer or employee, of the City of New Ellenton, South Carolina. This shall also be true of any commission, board, or department of the city.

MONTH. A calendar month.

OATH. 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 equivalent to the words **AFFIRM** and **AFFIRMED**.

OWNER. Any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

PERSON. Shall extend and be applied to firms, partnerships, associations, organizations, and bodies politic and corporate, or any combination thereof, as well as to individuals.

PERSONAL PROPERTY. Every species of property except real property, as herein defined.

PRECEDING, FOLLOWING. Next before and next after, respectively.

PREMISES. Place or places.

PROPERTY. Includes real and personal property.

PUBLIC PLACE. Any street, park, cemetery, school yard, and other public ground, and open space adjacent thereto, and all rivers and other waterways.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

SIDEWALK. Any portion of a street between the curb line and the adjacent property line

intended for the use of pedestrians, excluding parkways.

SIGNATURE, SUBSCRIPTION. The signature or subscription of a person, shall include a mark when the person cannot write.

STATE. The State of South Carolina.

STREET. Streets, avenues, boulevards, roads, alleys, lanes, viaducts, bridges, and approaches thereto, and all other public highways in the city, and shall mean the entire width thereof between opposed abutting property lines; it shall be construed to include a **SIDEWALK** unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Council.

TENANT, OCCUPANT. Any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

TENSE. Words used in the past or present tense shall include the future as well as the past and present.

WEEK. Seven days.

WRITTEN, IN WRITING. Includes any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year.
(Prior Code, § 1-2)

Statutory reference:

Computation of time, see S.C. Code § 15-1-20

Similar provisions, see S.C. Acts p. 2401

§ 10.03 CATCHLINES OF SECTIONS.

The catchlines of the several sections of this code printed in boldface type are intended merely as catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such

sections, nor 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 re-enacted.

(Prior Code, § 1-3)

§ 10.04 EFFECT OF REPEAL OF ORDINANCES.

(A) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(B) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Prior Code, § 1-4)

Statutory reference:

Similar provisions, see S.C. Code § 2-7-20

§ 10.05 ALTERING 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 will cause the law of the city to be misrepresented thereby.

(Prior Code, § 1-5) Penalty, see § 10.99

§ 10.06 SUPPLEMENTATION OF CODE.

(A) By contractor or by city personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the City Council. A supplement to the code shall include all substantive, permanent, and general parts of ordinances adopted during the period covered by the supplement, and all charges made thereby in the code. The pages of a supplement shall be so numbered that they will fit

properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete; the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of the 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, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them in 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 divisions of the code printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other divisions to be inserted in the code and, where necessary to accommodate new material, change existing sections or other division numbers;

(4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this subchapter,” “this division,” and the like, 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 non-substantive 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.
(Prior Code, § 1-6)

§ 10.07 SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph, or section of this code shall be declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the code.
(Prior Code, § 1-7)

§ 10.08 MISCELLANEOUS ORDINANCES AND RESOLUTIONS NOT AFFECTED BY CODE.

Nothing in this code or the ordinance adopting this code shall affect any ordinance or resolution:

(A) Promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city’s indebtedness, or any contract or obligation assumed by the city;

(B) Containing any administrative provisions of the City Council not in conflict or inconsistent with the provisions of this code;

(C) Granting any right or franchise and establishing any rates therefor;

(D) Dedicating, naming, establishing, location, relocating, opening, paving, widening, vacating, and the like, any street or public way in the city;

(E) Making any appropriation;

(F) Levying or imposing taxes, not inconsistent with this code;

(G) Establishing or prescribing grades of streets in the city;

(H) Providing for local improvements and assessing taxes therefor;

(I) Dedicating or accepting any plat or subdivision in the city, or prescribing subdivision regulations;

(K) Adopting, extending, or contracting the boundaries of the city;

(L) Prescribing the number, classification, or compensation of any city officers or employees, not inconsistent herewith;

(M) Prescribing zoning regulations, or rezoning particular property;

(N) Adopting the Mayor-Council form of government;

(O) Adopted after December 12, 1983;

(P) Not of a general and permanent nature; and

(Q) 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.

(Prior Code, § 1-9)

provision of this code or any ordinance shall be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 30 days, or, in the alternative, by work upon the public works of the city or the county for a like period not exceeding 30 days. Each day any violation of any provision of this code or of any ordinance shall continue shall constitute a separate offense.

(B) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

(Prior Code, § 1-8)

Cross-reference:

Municipal court, see Chapter 35

Offenses, see Title XIII

Traffic code, see Title VII

Statutory reference:

Authority, see S.C. Code § 5-7-30

Maximum penalties that municipal judge may impose, see S.C. Code §§ 14-25-45, 14-25-65, 56-1-520, and 56-5-6150

§ 10.99 GENERAL PENALTY.

(A) Whenever in this code or any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such

TITLE III: ADMINISTRATION

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CHAPTER 30: MAYOR, COUNCIL

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Cross-reference:

City officials, see Chapter 32

Elections, see Chapter 31

GENERAL PROVISIONS

§ 30.01 FORM OF GOVERNMENT ADOPTED.

The Council form of municipal government, with a Mayor and six Council members, elected at large for four year terms, as provided in S.C. Code §§ 5-11-10 through 5-11-40, is hereby adopted for the city. (Prior Code, § 2-1)

§ 30.02 QUALIFICATIONS OF MAYOR, CITY COUNCIL.

The Mayor and Council members shall be citizens of the United States and shall be electors who actually reside within the corporate limits of the city, and have so resided at least 90 days immediately preceding the date of the election. (Prior Code, § 2-20)

Statutory reference:

Council as judge of election and qualifications of members, see S.C. Code § 5-7-210

§ 30.03 HOLDING OTHER OFFICE PROHIBITED.

Neither the Mayor nor any other member of the City Council shall hold any other office or position of honor, trust, or profit with the city. Should any member of the Council accept any such position or office of honor, trust, or profit, then the office as a member of Council, whether it be as Mayor or other Council member, shall be immediately vacated.

(Prior Code, § 2-21)

Statutory reference:

Similar provisions, see S.C. Code § 5-7-180

§ 30.04 OATH OF OFFICE.

(A) Newly elected officers, Mayor, and Council members shall not be qualified pursuant to state law until at least 48 hours after the closing of the polls.

(B) Prior to taking office, the Mayor and other newly elected members of Council shall take the oath, as provided by S.C. Code § 5-15-150, to be administered by the City Clerk and Treasurer.

(C) The newly elected officers shall take office at the first regular Council meeting in January following the date of election.

(Ord. 11-29-21-2, passed 11-29-2021; Ord. 2025-05, passed 10-20-2025)

§ 30.05 COMPENSATION FIXED.

The Mayor and other members of the City Council shall receive such salary as may from time to time be provided by appropriate ordinance; except that the Council shall not fix or increase the salary of the Mayor or other members during the term of office for which they shall have been elected, but may fix or adjust the salary of the Mayor and other Council members of the succeeding administration.

(Prior Code, § 2-23)

Statutory reference:

Salaries and expenses, see S.C. Code § 5-7-170

§ 30.06 VACANCIES.

When a vacancy occurs in the office of Mayor or other Council member, it shall be the duty of the Council to fill such vacancy in the manner now or hereafter provided for by state law.

(Prior Code, § 2-24)

Statutory reference:

Filling vacancy, see S.C. Code § 5-7-200(b)

§ 30.07 DUTIES GENERALLY.

It shall be the duty of the City Council to manage the affairs of the city and to do all things required by the provisions of this code and by the statute laws of the state.

(Prior Code, § 2-25)

§ 30.08 LIABILITY FOR NEGLIGENCE OF DUTY, MALPRACTICE, AND THE LIKE.

For any willful violation or neglect of duty, malpractice, abuse, or oppression, the Mayor or other Council members so offending shall be liable to punishment and civil liability as set forth in S.C. Code § 5-7-70.

(Prior Code, § 2-26)

§ 30.09 BOOKS, MONEY, AND THE LIKE TO BE DELIVERED TO SUCCESSOR UPON EXPIRATION OF TERM.

(A) At the expiration of the term of any Council member, the member shall pay over to such member's successor in office any money in such member's hands or under such member's control belonging to the municipality, and shall likewise deliver up promptly at the end of such member's term all books, records, and other property incident to the office to such successor in office.

(B) On willful failure to do so, such member shall be subject to punishment as provided in § 10.99. (Prior Code, § 2-27)

§ 30.10 TAKING OFFICIAL CITY RECORDS WITHOUT AUTHORITY.

It shall be unlawful for any person to take any record from any municipal office of the city without the consent of the officer having control of such records.
(Prior Code, § 2-28) Penalty, see § 10.99

MEETINGS

§ 30.25 ORGANIZATIONAL MEETINGS.

Those persons duly elected to the Council shall, after taking the oath of office, meet and organize, and after having duly organized shall constitute the City Council, which shall be the governing body of the city.
(Prior Code, § 2-30)

§ 30.26 DAYS OF REGULAR MEETINGS; CALLING SPECIAL MEETINGS; MEETINGS OPEN.

(A) Regular meetings of Council shall be held on the third Monday in each month unless changed by a majority vote of members present at any regular or special meeting.

(B) (1) Special meetings of Council may be held on the call of the Mayor or on the call of a majority of the members of the Council.

(2) Notice of a special meeting shall be given immediately to all available members and the news media by the City Clerk and Treasurer.

(C) All regular and special meetings of the City Council shall be open to the public.
(Prior Code, § 2-31)

Statutory reference:

Freedom of Information Act, see S.C. Code

§§ 30-3-10 et seq., 5 U.S.C. § 552

Similar provisions, see S.C. Code § 5-7-250

§ 30.27 PRESIDING OFFICER.

(A) (1) The Mayor shall preside at all Council meetings at which such official is present.

(2) In the Mayor's absence, the Mayor Pro Tempore shall preside.

(B) The presiding officer shall be entitled to a vote upon any matter coming before the Council.
(Prior Code, § 2-32)

§ 30.28 MAYOR PRO TEMPORE.

(A) The Council shall, at the first meeting of the newly constituted Council, after any general election for City Council, elect one of its members as Mayor Pro Tempore for a term of two years.

(B) It shall be the duty of the Mayor Pro Tempore to act as Mayor during the absence or disability of the Mayor or, in the case of a vacancy, in the office of the Mayor.
(Prior Code, § 2-33)

Statutory reference:

Mayor Pro Tempore elected from Council membership, see S.C. Code § 5-7-190

§ 30.29 QUORUM.

(A) In order to constitute a quorum, it shall be necessary for at least four members of the Council to be present.

(B) When a quorum is present, as herein provided, any matter may be duly passed and adopted by vote of a majority of such quorum.

(Prior Code, § 2-34)

Statutory reference:

Quorum, see S.C. Code § 5-7-160

§ 30.30 ROLL CALL.

At the hour appointed for a Council meeting, the Clerk and Treasurer shall call the roll of members, mark the absentees, and announce whether a quorum be present.

(Prior Code, § 2-35)

§ 30.31 PROCEDURE IN ABSENCE OF QUORUM.

If a quorum should not appear within half an hour of the time appointed for a Council meeting, the Clerk and Treasurer shall enter upon the minute book the names of those members present and adjournment in consequence of no quorum.

(Prior Code, § 2-36)

§ 30.32 ORDER OF BUSINESS.

Upon the appearance of a quorum within the prescribed time, the Mayor shall call the Council to order and the Council shall proceed to the business before it in the following order:

(A) Welcome;

(B) The minutes of the proceedings of the last meeting or meetings shall be read and the same approved or amended and signed by the Mayor;

(C) Approval of financial report;

(D) Recognition of visitors;

(E) Unfinished business;

(F) Water Department business;

(G) Announcements; and

(H) Adjournment.

(Prior Code, § 2-37)

§ 30.33 PRESERVATION OF ORDER.

The Mayor shall preserve order and decorum, and decide all questions of order, subject to an appeal to Council.

(Prior Code, § 2-38)

§ 30.34 WHEN MOTION, RESOLUTION DEEMED IN POSSESSION OF COUNCIL; WITHDRAWAL.

After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of Council, but such may be withdrawn at any time before amendment or decision.

(Prior Code, § 2-39)

§ 30.35 RECORDING OF REASONS FOR VOTING.

Any member may, if such member desires, have such member's reasons for voting for or against any measure recorded on the minutes.

(Prior Code, § 2-40)

§ 30.36 INTERESTED MEMBERS NOT TO VOTE.

No member shall vote on any question of a private nature, in the outcome of which such member is personally or pecuniarily interested.

(Prior Code, § 2-41) Penalty, see § 10.99

§ 30.37 CLEARING OF COUNCIL CHAMBERS.

Under circumstances permitted by law, the Council may cause the Council chamber to be cleared.
(Prior Code, § 2-42)

Statutory reference:

*For Freedom of Information Act, see S.C. Code
§§ 30-3-10 et seq., 5 U.S.C. § 552*

§ 30.38 RESOLUTION OF PARLIAMENTARY QUESTIONS.

All procedural questions not provided herein shall be governed by “Robert’s Rules of Order.”
(Prior Code, § 2-43)

§ 30.39 AMENDMENT ALTERATION OF RULES.

The rules set out in this subchapter may be temporarily suspended by the unanimous consent of all the members present, but shall not be repealed, altered, or amended unless by the concurrence of two-thirds of all the members of the Council.
(Prior Code, § 2-44)

§ 30.40 ORDINANCES; PROCEDURE FOR PASSAGE.

The adoption of any ordinance shall require passage by a majority of those members of the City Council present and voting upon two separate readings, which readings shall be held at separate meetings, and such meetings shall be held at least seven days apart. Approved nevertheless by unanimous consent of those members present as to the existence of an emergency, any ordinance may be passed by the unanimous vote of such members present.
(Prior Code, § 2-45)

Statutory reference:

Enactment of ordinances for the government of the city, see S.C. Code § 5-7-270

§ 30.41 EFFECTIVE DATE OF ORDINANCES.

All ordinances shall take effect upon their publication, except as otherwise specified in the ordinance.
(Prior Code, § 2-46)

§ 30.42 ATTENDANCE OF MEETINGS.

(A) The City Clerk and Treasurer shall prepare and have the amount each official earned for the previous month direct deposited in his or her chosen bank account each month.

(B) Members of City Council who fail to attend two regular monthly meetings of the City Council shall not receive remuneration for the month(s) during which they missed the third regular meeting and additional absences of the City Council during the fiscal year. Exceptions to this will be made for work obligations beyond their control or a death in their immediate family. Council members are expected to notify the Mayor at least 48 hours before each absence that is due to their work or a family death. The Mayor shall notify the City Clerk and Treasurer at least 48 hours before each work-related or family death related absence. Failure to perform the notification(s) will result in no remuneration for the missed regular Council meeting(s).
(Ord. 11-18-2024, passed 11-18-2024)

CHAPTER 31: ELECTIONS

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- 31.01 Authority to conduct election transferred to County Election Commission
- 31.02 State election laws applicable
- 31.03 Election of Mayor and Council members
- 31.04 Election date; election and nomination schedule
- 31.05 Special elections
- 31.06 Filing fees
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§ 31.01 AUTHORITY TO CONDUCT ELECTION TRANSFERRED TO COUNTY ELECTION COMMISSION.

Pursuant to S.C. Code § 5-15-145, as amended, and according to the previously approved city Ord. 01-21-20, the City Municipal Election Commission is hereby abolished and all authority to conduct municipal elections is transferred to the County Election Commission.
(Ord. 2025-05, passed 10-20-2025)

§ 31.02 STATE ELECTION LAWS APPLICABLE.

State election law, as set forth in the 1976 Code of Laws of South Carolina, as amended, is hereby adopted and made part of this code, except as otherwise provided in Title 5 of the 1976 Code of Laws, as amended. All elections within the city, whether general or special, shall be governed by the

applicable provisions of the state election laws as well as the provisions of this chapter not in conflict with such state laws.
(Ord. 2025-05, passed 10-20-2025)

§ 31.03 ELECTION OF MAYOR AND COUNCIL MEMBERS.

The Mayor and six City Council members shall be elected at large for four-year terms. Such terms should be staggered so that three Council seats are filled by election every two years. Elections shall be held every other year, such that the Mayor's seat and three Council seats appear on the ballot one year, followed two years later by the other three Council seats. Candidates for Mayor and Council must be residents of the city and must continue to so reside for their entire term.
(Ord. 2025-05, passed 10-20-2025)

§ 31.04 ELECTION DATE; ELECTION AND NOMINATION SCHEDULE.

(A) *Election date; date of taking office.* All general elections for the election of Mayor and members of the City Council shall be held on the first Tuesday following the first Monday in November in each odd-numbered year, and the Mayor and the members of the City Council so elected shall take office and assume duties of their respective offices at the first meeting held in January following the election. Where the results are contested, the incumbent shall hold over until the contest is determined.

(B) *Nomination and election schedule.*

(1) The beginning and the ending dates for nomination and election events held in each municipal general election year shall be in accord with the following schedule.

(a) The opening of filing for nomination petitions and other filing of candidates for nomination in municipal political party primaries or conventions shall be 12:00 p.m. noon on the first Monday in July.

(b) The closing of the filing of candidates for nomination by political parties or conventions shall be 12:00 p.m. noon on the second Monday in July.

(c) A convention or primary election can be held by the parties.

(d) If the primary election is chosen, it will be held on the second Tuesday in August and the run-off, if necessary, will be held on the fourth Tuesday of August.

(e) The last day for certifying candidates to the County Election Commission shall be 12:00 p.m. noon on the sixtieth day prior to the municipal general election.

(f) Election day shall be the first Tuesday after the first Monday in November.

(2) When any date prescribed in this division (B) falls on a Saturday, Sunday, or legal holiday, the alternate date shall be the next business day to the extent such alternate dates do not conflict with state law. Filings shall be submitted in accordance with the rules and regulations of the County Election Commission.

(C) *Special elections.* This section shall not apply to a special election which may be required to fill the unexpired term of the Mayor or any member of the Council because of resignation, death,

disqualification, or any other cause requiring a special election to fill a vacant office of the Mayor or any member of the City Council.

(Ord. 2025-05, passed 10-20-2025)

Statutory reference:

Sixty-day notice requirements, see S.C. Code 1976, § 5-15-50

§ 31.05 SPECIAL ELECTIONS.

The nomination schedule in § 31.04 shall not apply to a special election which may be required to fill an unexpired term of the Mayor or any member of the Council because of resignation, death, disqualification, or any other cause requiring a special election. Any unexpired term of an elected official shall be filled by special election, except where less than six months is left of the elected official's term. Special elections shall be held on the first Tuesday after the first Monday in November or at such times as further set by ordinance.

(Ord. 2025-05, passed 10-20-2025)

§ 31.06 FILING FEES.

(A) Filing fees are paid by candidates seeking the nomination of a party that nominates by primary. The fees are paid at the time the candidate files for office. The filing fee for each office is 1 % of the total salary for the term of that office or \$100, whichever amount is greater. Filing fees are determined using the base salary for the office in January of each election year. Filing fees are designated by law to offset state costs associated with the conduct of party primaries. (S.C. Code § 7-13-40)

(B) Candidates filing with parties that nominate by convention and candidates filing by petition do not pay a filing fee.

(Ord. 2025-05, passed 10-20-2025)

Statutory reference:

Similar provisions, see S.C. Code § 7-13-40

§ 31.07 REIMBURSEMENT OF COSTS.

The city shall reimburse the County Elections Commission for all costs incurred in providing ballots, advertising elections, printing costs, postage, transportation costs, temporary help, programming charges, poll managers compensation, and other related additional expenses incurred in its conduct of municipal elections in the city. In the event a protest is filed or litigation is commenced in connection with the conduct of municipal elections, the city shall pay all court costs, attorney fees, court reporter fees and costs, and other costs and expenses incurred in such protest or litigation. The Election Commission for the county shall provide invoices and/or other documentation to the city for all such costs and expenses incurred in the conduct of the city municipal elections, protests, certifications of results, litigation, or other costs which may be incurred not specifically mentioned in this chapter.

(Ord. 2025-05, passed 10-20-2025)

CHAPTER 32: CITY OFFICIALS

Section

General Provisions

- 32.01 Appointment of certain officials;
Chief of Police

Clerk and Treasurer

- 32.15 Election; bond required;
compensation
32.16 Duty to keep record of minutes, rules,
bylaws, ordinances
32.17 Duty to give notice of Council
meetings
32.18 Duty to collect claims and accounts
32.19 Duty to receive moneys for city
32.20 Duty to collect license fees
32.21 Duty to issue licenses and badges
32.22 Duty to deposit city funds
32.23 Duty to keep account of city moneys,
make fiscal reports to Council
32.24 Additional duties as assigned

Other Officials

- 32.35 City Attorney
32.36 Office of Administrator

GENERAL PROVISIONS

§ 32.01 APPOINTMENT OF CERTAIN OFFICIALS; CHIEF OF POLICE.

The City Council shall appoint and commission a Police Chief and employ such additional employees as may from time to time be deemed necessary by it. (Prior Code, § 2-3)

CLERK AND TREASURER

§ 32.15 ELECTION; BOND REQUIRED; COMPENSATION.

(A) The City Council shall appoint, by majority vote, a Clerk and Treasurer, who shall execute such bond for the faithful performance of the duties as may be fixed from time to time by resolution of the City Council.

(B) The salary of the Clerk and Treasurer shall be fixed by the City Council prior to election. (Prior Code, § 2-50)

Statutory reference:

Appointment of Clerk and Treasurer, see S.C. Code § 5-7-220

§ 32.16 DUTY TO KEEP RECORD OF MINUTES, RULES, BYLAWS, ORDINANCES.

(A) The Clerk and Treasurer shall attend all Council meetings and keep a book in which he or she shall carefully record the minutes of all such meetings.

(B) He or she shall also keep a separate book in which shall be entered these and all other rules, bylaws, and ordinances which Council shall pass. (Prior Code, § 2-51)

Statutory reference:

Duties of the Clerk and Treasurer, see S.C. Code, § 5-7-220

§ 32.17 DUTY TO GIVE NOTICE OF COUNCIL MEETINGS.

The Clerk and Treasurer shall give notice to all members of the Council of all regular and special meetings.

(Prior Code, § 2-52)

Statutory reference:

Similar provisions, see S.C. Code § 5-7-220

§ 32.18 DUTY TO COLLECT CLAIMS AND ACCOUNTS.

The Clerk and Treasurer shall collect all claims and accounts that may be due and payable to the city.

(Prior Code, § 2-53)

§ 32.19 DUTY TO RECEIVE MONEYS FOR CITY.

The Clerk and Treasurer shall receive all moneys belonging to the city, except as otherwise provided.

(Prior Code, § 2-54)

§ 32.20 DUTY TO COLLECT LICENSE FEES.

The Clerk and Treasurer shall collect all fees for licenses that may be imposed and required by law.

(Prior Code, § 2-55)

§ 32.21 DUTY TO ISSUE LICENSES AND BADGES.

The Clerk and Treasurer shall issue all licenses and badges for which provision may be made.

(Prior Code, § 2-56)

§ 32.22 DUTY TO DEPOSIT CITY FUNDS.

The Clerk and Treasurer shall deposit daily, in such bank as the Council may direct, all funds of the city received by such Clerk and Treasurer.

(Prior Code, § 2-57)

§ 32.23 DUTY TO KEEP ACCOUNT OF CITY MONEYS, MAKE FISCAL REPORTS TO COUNCIL.

(A) The Clerk and Treasurer shall keep an account of all moneys belonging to the city in such form as may be required by the Council.

(B) The Clerk and Treasurer shall balance such accounts every month and shall report to the City Council.

(Prior Code, § 2-58)

§ 32.24 ADDITIONAL DUTIES AS ASSIGNED.

The Clerk and Treasurer shall perform such other duties as may be assigned to such office.

(Prior Code, § 2-59)

OTHER OFFICIALS**§ 32.35 CITY ATTORNEY.**

(A) The City Council shall appoint a City Attorney, whose term of office shall be during the pleasure of the Council.

(Prior Code, § 2-4)

(B) (1) It shall be the duty of the City Attorney to enter appearance in all actions, cases, and special proceedings and to conduct all suits in all courts in which the city is, or shall be, a party, to prepare legal papers, and give opinions on questions of law when requested so to do by the Mayor or the Council.

(2) Such opinions shall be in writing and shall be filed with the City Clerk and Treasurer.
(Prior Code, § 2-5)

(C) (1) The salary of the City Attorney shall be for the ordinary services rendered to the Mayor and the Council as provided and regulated by resolution of the Council and for appearance in the Municipal Court.

(2) For extraordinary services and for appearing in the Circuit Court or Supreme Court of the state, or the United States' courts, the City Attorney shall be entitled to make additional reasonable charges.
(Prior Code, § 2-6)

Statutory reference:

*Appointment of City Attorney, see S.C. Code
§ 5-7-230*

§ 32.36 OFFICE OF ADMINISTRATOR.

(A) The office of Administrator is hereby created.

(B) The Administrator shall direct the affairs of the city, subject to the direction and supervision of the City Council, the duties of which are set out within the job description and in any such contract agreed upon between the city and the Administrator.

(C) In the event of the temporary absence or disability of the Administrator, the Mayor may designate a qualified person to perform the duties of the Administrator.
(Ord. 2026-01, passed 2-17-2026)

CHAPTER 33: ORGANIZATIONS

Section

General Provisions

- 33.01 Departments, commissions, boards, authorities created; administrative rules, regulations, procedures

Commissions

- 33.15 Commission of Public Works (CPW)

Cross-reference:

Department of Recreation, see § 93.01

GENERAL PROVISIONS

§ 33.01 DEPARTMENTS, COMMISSIONS, BOARDS, AUTHORITIES CREATED; ADMINISTRATIVE RULES, REGULATIONS, PROCEDURES.

(A) The following departments, boards, commissions, and authorities are created:

- (1) Police Department;
- (2) Fire Department;
- (3) Sanitation Department;
- (4) Recreation Department;
- (5) Planning Commission;

- (6) Zoning Board; and

- (7) Commission of Public Works.

(B) The head of each such department, board, commission, and authority shall have supervision and control of such person's department, board, commission, or authority subject to the City Council.

(C) Each such administrative head shall be responsible for the preparation of administrative rules, regulations, and procedures, subject to the review and approval of the City Council.

(Prior Code, § 2-2)

Statutory reference:

City Council, by ordinance, may create, change, or abolish departments and offices, see S.C. Code § 5-11-40

COMMISSIONS

§ 33.15 COMMISSION OF PUBLIC WORKS (CPW).

(A) (1) *Principal purpose.* To provide public utilities, limited to water supply and distribution, ownership, operation, and maintenance of all facilities and activities for such utilities. To provide such water use to its customers and to protect the public health, welfare, and environment.

(2) *Policy.* It is the policy of the CPW to establish, operate, and maintain water services and to comply with state and federal regulatory requirements.

(3) *Legal basis of CPW.* The CPW is created under the provisions of S.C. Code §§ 5-31-210 et seq.

(4) *Composition.* The governing body of the CPW is composed of five members who are elected in accordance with state law. The members will be known as the Commissioners who serve at large and who are required to be residents within the city limits.

(5) *Length of term.* The Commissioners are elected for six-year terms.

(B) The Board of Commissioners of Public Works of the city shall employ such employees as it may deem necessary. The Clerk and Treasurer, as well as the Commissioners and other employees, shall be bonded. The premium of such bonds shall be paid by the Board of Commissioners of Public Works and charged to the expense of operation of the waterworks.

(Prior Code, § 11-2)

(C) The Board of Commissioners of Public Works shall not incur any indebtedness without the concurrence of the City Council.

(Prior Code, § 11-3)

(D) The Board of Commissioners of Public Works shall make a full statement to the City Council at the end of each month of its receipts and disbursements of all kinds during the preceding month.

(Prior Code, § 11-4)

(E) There shall be made an annual audit of the records of the affairs of the Board of Commissioners of Public Works. Such audit shall be made by an auditor who shall be a certified public accountant. The audit shall be made in the month of December following the closing of books in November. Upon the

completion of any audit, the auditor shall file a report of such audit with the Board and with the City Clerk and Treasurer and a copy with the Housing Home Finance Agency in Atlanta, Georgia, or its successor. Such report on file in the City Hall shall become a public record, subject to inspection by whoever may so desire. The costs of such audits shall be paid by the Board of Commissioners of Public Works.

(Prior Code, § 11-5)

(Ord. passed 5-21-2007)

Statutory reference:

Similar provisions, see S.C. Code §§ 5-31-210, 5-31-260, and 5-31-270

CHAPTER 34: EMERGENCY MANAGEMENT

Section

- 34.01 Definition
- 34.02 Powers, duties of Emergency Preparedness Organization
- 34.03 Director
- 34.04 Responsibilities of Emergency Preparedness Agency, volunteers
- 34.05 Compensation, immunity of volunteers
- 34.06 Formulation of survival plan
- 34.07 Proclamation imposing regulations; issuance, scope

- 34.99 Penalty

Statutory reference:

Emergency preparedness, see S.C. Code § 25-1-450

Power to provide for security and the like, see S.C. Code § 5-7-30

§ 34.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY PREPAREDNESS. Measures for the mobilization, organization, and direction of civilian population and necessary support agencies to prevent or minimize the effects of fire, flood, earthquake, and epidemic, as well as the effects of a nuclear war, or subversive activities against the population, communities, industrial plants, facilities, and other installations in the city.
(Prior Code, § 5-1)

§ 34.02 POWERS, DUTIES OF EMERGENCY PREPAREDNESS ORGANIZATION.

It shall be the duty of the City Emergency Preparedness Organization and it is hereby empowered:

(A) *Development of survival plan.* To develop a city emergency operation survival plan. This plan shall provide for the effective mobilization of all resources of the city, both private and public;

(B) *Implementation of survival plan.* To prepare and recommend for consideration by the City Council a resolution necessary to implement the emergency operational survival plan; and

(C) *Mutual aid plans and agreements.* To consider and recommend mutual aid plans and agreements to the City Council for approval.
(Prior Code, § 5-2)

§ 34.03 DIRECTOR.

(A) If deemed appropriate, there may be created the office of a City Emergency Preparedness Director, such officer to be named by the City Council.
(Prior Code, § 5-3)

(B) The Emergency Preparedness Director is hereby charged with the following duties:

(1) *Represent Council.* To represent the City Council on all matters pertaining to emergency preparedness;

(2) *Direct city forces.* During periods of emergency, to direct the services of all city emergency preparedness forces;

(3) *Prepare and implement survival plans.* To obtain and utilize cooperation of city officials in the preparation and implementation of all emergency operational survival plans; and

(4) *Acquire supplies and equipment.* During periods of emergency, to obtain vital supplies and equipment needed for the protection of life and property of people.
(Prior Code, § 5-4)

§ 34.04 RESPONSIBILITIES OF EMERGENCY PREPAREDNESS AGENCY, VOLUNTEERS.

Officers and employees of the City Emergency Preparedness Organization Agency, with volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who make the agreements on operation of law, shall be charged with the duties necessary for the protection of life and property in the city during an emergency.
(Prior Code, § 5-5)

§ 34.05 COMPENSATION, IMMUNITY OF VOLUNTEERS.

All persons, other than officers and employees of the city, volunteering in service pursuant to this chapter shall serve without compensation. While engaged in such services, they shall have the same immunities as officers and employees of the city performing similar duties.
(Prior Code, § 5-6)

§ 34.06 FORMULATION OF SURVIVAL PLAN.

A complete and adequate emergency operational survival plan shall, when appropriate, be formulated, to be based upon plans formulated by, and in, the

State Operational Survival Plan, and to be coordinated with the County Survival Plan.
(Prior Code, § 5-7)

§ 34.07 PROCLAMATION IMPOSING REGULATIONS; ISSUANCE, SCOPE.

(A) Whenever, in the judgment of a majority of the Council members in Council assembled, it is determined that an emergency exists as a result of mob action or other civil disobedience, causing danger of injury to, or damages to, persons or property, such body shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

(1) To impose a curfew upon all or any portion of the city, thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks, or other public places; provided, however, that physicians, nurses, and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters, and city authorized or requested law enforcement officers and personnel may be exempted from such curfew;

(2) To order the closing of any business establishment anywhere within the city for the period of the emergency, such businesses to include, but not to be limited to, those selling intoxicating liquors, cereal or malt beverages, gasoline, or firearms;

(3) To designate any public street, thoroughfare, or vehicle parking area closed to motor vehicles and pedestrian traffic; and

(4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.
(Prior Code, § 5-8)

(B) The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

(Prior Code, § 5-9)

(C) In using preventive measures before an emergency exists, the proclamation and this chapter give the police the authority to remove any juvenile under the age of 17 years from the streets and other public places of the city after midnight.

(Prior Code, § 5-10)

(D) Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after 48 hours from the issuance thereof or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

(Prior Code, § 5-11)

§ 34.99 PENALTY.

Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished as provided in § 10.99.

(Prior Code, § 5-12)

CHAPTER 35: COURT

Section

General Provisions

- 35.01 Municipal Court created
- 35.02 Jurisdiction
- 35.03 Municipal Judge; authorized, compensation, facilities, oath, absence in officer
- 35.04 Clerk of Municipal Court
- 35.05 Fines
- 35.06 Trial
- 35.07 Recording Municipal Court trials
- 35.08 Appeals

Juries

- 35.20 Jury commissioners and duties
- 35.21 Composition of jury list
- 35.22 Selection of jury; disposition of names
- 35.23 Failure of juror to appear

GENERAL PROVISIONS

§ 35.01 MUNICIPAL COURT CREATED.

There is established a Municipal Court for the city, which shall be part of the unified judicial system of the state, for the trial and determination of all cases arising within its jurisdiction.

(Prior Code, § 6-1) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Authority to establish, see S.C. Code § 14-25-5

§ 35.02 JURISDICTION.

The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the city now in force or which may be hereafter enacted. The Municipal Court shall also have all such powers, duties, and jurisdiction in criminal cases made under the laws of the state and conferred by law upon magistrates. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed by law on municipal courts. The Municipal Court shall have no power to try and determine cases involving civil matters.

(Prior Code, § 6-2) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Jurisdiction, see S.C. Code §§ 14-25-45, 14-25-65, 56-1-520, and 56-5-6150

§ 35.03 MUNICIPAL JUDGE; AUTHORIZED, COMPENSATION, FACILITIES, OATH, ABSENCE IN OFFICER.

(A) The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the city now in force or which may be hereafter enacted. The Municipal Court shall also have all such powers, duties, and jurisdiction in criminal cases made under the laws of the state and conferred by law upon magistrates. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed by law on municipal courts. The Municipal

Court shall have no power to try and determine cases involving civil matters.

(Prior Code, § 6-3)

(B) (1) In the event of the temporary absence, sickness, or disability of the Municipal Judge, the Mayor shall designate a practicing attorney or some other person who has received training or experience in Municipal Court procedure or a Municipal Judge of another municipality to hold and preside over the Municipal Court of the city.

(2) Before entering upon the discharge of the duties of acting Municipal Judge, the person shall take the oath prescribed by Art. VI, § 5, of the State Constitution.

(3) The acting Municipal Judge shall be compensated at the same rate as the Municipal Judge.

(4) In the event of a vacancy in the office of Municipal Judge, the Council shall appoint a successor in the same manner as the original appointment for the unexpired term.

(Prior Code, § 6-4)

(Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code §§ 14-25-15 et seq. and 14-25-25

§ 35.04 CLERK OF MUNICIPAL COURT.

(A) The Council may appoint and fix the compensation for a Clerk of Municipal Court, who shall hold office at the pleasure of the Council and shall be subject to the supervision of the Municipal Judge.

(B) The Clerk of Municipal Court shall keep such records and make such reports as may be determined by the State Court Administrator and the Council. Nothing in this action shall be construed as prohibiting the Council from appointing the municipal Clerk and Treasurer or other municipal employee to serve as Clerk of Municipal Court.

(Prior Code, § 6-5) (Ord. 4-11-83, passed 4-11-1983)

§ 35.05 FINES.

(A) Whenever the Municipal Judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the Municipal Court, such judge may impose a fine or imprisonment, or both, not to exceed \$500, or 30 days.

(B) The Municipal Judge in such judge's discretion may suspend sentences imposed by such judge upon such terms and conditions as such judge deems proper, including, without limitation, restitution, or public service employment.

(C) All fines and penalties collected by the Municipal Court shall be forthwith turned over by the Clerk of Municipal Court to the Municipal Clerk and Treasurer for deposit to the General Fund of the city. (Prior Code, § 6-6) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code §§ 14-25-65 et seq.

§ 35.06 TRIAL.

(A) The Municipal Judge shall speedily try all persons charged with violations of municipal ordinances or the laws of the state within the jurisdiction of the Municipal Court in a summary manner without a jury unless jury trial is demanded by the accused.

(B) Any person to be tried in the Municipal Court may, prior to trial, demand a jury trial. The jury shall be composed of six persons drawn from the qualified electors of the city in the manner prescribed by law. The right to a jury trial shall be deemed to have been waived unless demand is made by the person prior to trial.

(C) Trial shall be held within 30 days after arrest of an accused or at such time as may be agreed upon, in which event the trial shall be deferred.

(D) The Municipal Judge shall have the same power as a magistrate to compel the attendance of

witnesses and require them to give evidence upon the trial before them of any person.

(Prior Code, § 6-7) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Demand for jury trial, see S.C. Code § 14-25-125

§ 35.07 RECORDING MUNICIPAL COURT TRIALS.

(A) Any party shall have the right to have the testimony given at a jury trial in the Municipal Court taken stenographically or mechanically by a reporter; provided, that nothing in this section shall operate to prevent a party from mechanically recording the proceedings personally.

(B) The requesting party shall pay the charges of the reporter for taking and transcribing if the testimony is recorded by a Municipal Court reporter. (Prior Code, § 6-12) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code § 14-25-195

§ 35.08 APPEALS.

(A) Any party shall have the right to appeal from the sentence or judgment of the Municipal Court to the court of general sessions of this county. Notice of intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the Municipal Judge or the Clerk of the Municipal Court within ten days after sentence is passed or judgment rendered, or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the city, to appear and defend the appeal at the next term of the court of general sessions, or shall pay the fine assessed.

(B) In the event of an appeal, the Municipal Judge shall make a return to the court of general sessions, and the appeal shall be heard by the presiding judge upon the return. The return of the Municipal Judge shall consist of a written report of the charges preferred, the testimony, the proceedings, and

the sentence or judgment. When the testimony has been taken by a reporter, the return shall include the reporter's transcript of the testimony. The return shall be filed with the Clerk of Court of general sessions, and the cause shall be docketed for trial in the same manner as is now provided for appeals from magistrate's court. There shall be no trial de novo on any appeal from the Municipal Court.

(Prior Code, § 6-13) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code §§ 14-25-95 and 14-25-105

JURIES

§ 35.20 JURY COMMISSIONERS AND DUTIES.

The members of the Council shall serve and act as jury commissioners for the Municipal Court. Within the first 30 days of each year, the jury commissioners shall prepare a jury box which shall contain two compartments, designated as "A" and "B," respectively.

(Prior Code, § 6-8) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Jury commissioners and duties, see S.C. Code §§ 14-25-135 and 14-25-145

§ 35.21 COMPOSITION OF JURY LIST.

The jury list of the city shall be composed of all the names on the official list of qualified electors of the city furnished by the State Election Commission each year, or copies from the official voter registration list of the city. Compartment "A" of the jury box shall contain a separate ballot or number for each name on the jury list. After compartment "A" has been filled with names, the jury box shall be locked and kept in the custody of the Municipal Court. (Prior Code, § 6-9) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code § 14-25-155

§ 35.22 SELECTION OF JURY; DISPOSITION OF NAMES.

(A) In all cases in the Municipal Court in which a jury is required, a jury list shall be selected in the following manner: A person appointed by the Municipal Judge who is not connected with the trial of the case for either party shall draw out of compartment "A" of the jury box 30 names and the list of names so drawn shall be delivered to each party or to the attorney for each party.

(B) The names so drawn shall be placed in a box or hat and the individual names randomly drawn out one at a time until six jurors and four alternates are selected. If, for any reason, it is impossible to select sufficient jurors and alternates from the names drawn, names shall be randomly drawn from compartment "A" until sufficient jurors and alternates are selected.

(C) Each party shall have a maximum of six peremptory challenges as to primary jurors and four peremptory challenges as to alternate jurors, and such other challenges for cause as the Municipal Judge may permit. The parties shall exercise peremptory challenges in advance of the trial date, and only persons selected to serve and alternates shall be summoned for the trial.

(D) Upon the adjournment of the Municipal Court, the Clerk of Municipal Court shall take the names or numbers of the jurors who appeared and shall return these ballots or numbers to compartment "B" of the jury box, and the ballots or numbers corresponding to the names of the jurors who were unable to appear or who were excused by the Municipal Judge shall be returned to compartment "A" of the jury box. When all names or numbers in compartment "A" have been exhausted, the names or numbers from compartment "B" shall be returned to compartment "A" and thereafter juries shall continue to be drawn therefrom.

(Prior Code, § 6-10) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code §§ 14-25-165 and 14-25-175

§ 35.23 FAILURE OF JUROR TO APPEAR.

Any juror who, being duly summoned, shall neglect or refuse to appear in obedience to any summons issued by the Municipal Court, and shall not within 48 hours render to the Municipal Judge a sufficient reason for such delinquency, may be punished for contempt.

(Prior Code, § 6-11) (Ord. 4-11-83, passed 4-11-1983)

Statutory reference:

Similar provisions, see S.C. Code § 14-25-185

CHAPTER 36: LAW ENFORCEMENT AND PUBLIC SAFETY

Section

Police Department

- 36.01 Police authorized to make arrests
 within three miles of corporate limits

POLICE DEPARTMENT

§ 36.01 POLICE AUTHORIZED TO MAKE ARRESTS WITHIN THREE MILES OF CORPORATE LIMITS.

City police may make arrests of all offenders against the municipal ordinances and statutes of the state committed within the corporate limits at any place within a radius of three miles of the corporate limits, with or without a warrant, when such police authorities are in pursuit of such offenders.
(Prior Code, § 6-14)

CHAPTER 37: FINANCES AND TAXATION

Section

General Provisions

- 37.001 Fiscal year
- 37.002 Special subscriptions, donations to be approved by Council
- 37.003 Permanent improvements, capital investments to be approved by Council
- 37.004 Payment of bills and claims before Council approval

Purchasing

- 37.015 Purchasing agent; designation, specified duties
- 37.016 Formal contract procedure
- 37.017 Bidding; competitive, required exception
- 37.018 Award to lowest bidder; advertising, when required
- 37.019 Sealed; procedure
- 37.020 Financial interest of city official, employees prohibited
- 37.021 Stock reports
- 37.022 Surplus stock
- 37.023 Supplies unsuitable for public use, sale, exchange
- 37.024 Gifts, rebates
- 37.025 Cooperative purchasing

Taxation of Property

- 37.040 Imposition of tax
- 37.041 Basis of value for ad valorem taxation
- 37.042 Assessed valuation to be entered on tax book; additional alterations

- 37.043 When taxes due, payable; delinquency charges
- 37.044 Assessments and taxes to constitute lien
- 37.045 When lien attaches
- 37.046 City Council to constitute investigating board; duties prescribed
- 37.047 Tax collector; appointment, general duties, bond
- 37.048 Use of proceeds
- 37.049 Operation of motor vehicles on which property taxes are due on streets of city prohibited
- 37.050 Duty of Clerk and Treasurer when taxed property to be moved from city
- 37.051 Sale of property returned delinquent
- 37.052 Certain city officers vested with power to collect delinquent taxes
- 37.053 Execution against defaulting taxpayer
- 37.054 Clerk and Treasurer to list tax executions
- 37.055 Uncollectible executions
- 37.056 Form of tax executions and warrants
- 37.057 Notice to mortgages, compliance with state law required
- 37.058 Seizure, sale pursuant to state law
- 37.059 Settlement with City Clerk and Treasurer after sale
- 37.060 Time for payment of purchase price, passage of title
- 37.061 Purchase of land by city
- 37.062 Form of tax deed
- 37.063 Tax deed as evidence of title, regularity of proceedings
- 37.064 Election of alternate procedure for collection of taxes

Other Taxation

37.075 Local hospitality tax

37.999 Penalty

Cross-reference:

Board of Commissioners of Public Works, see § 33.15

Turning over money by outgoing Council member, see § 30.09

GENERAL PROVISIONS**§ 37.001 FISCAL YEAR.**

The fiscal year of the city shall begin July 1 of each year and end on June 31 of the new year.
(Prior Code, § 8-1)

§ 37.002 SPECIAL SUBSCRIPTIONS, DONATIONS TO BE APPROVED BY COUNCIL.

All special subscriptions and donations by the city must be approved by the City Council.
(Prior Code, § 8-2)

§ 37.003 PERMANENT IMPROVEMENTS, CAPITAL INVESTMENTS TO BE APPROVED BY COUNCIL.

All permanent improvements or capital investments shall be authorized by vote of the City Council, and all administration and operation expenses shall be approved by the Council at each regular meeting.
(Prior Code, § 8-3)

§ 37.004 PAYMENT OF BILLS AND CLAIMS BEFORE COUNCIL APPROVAL.

It shall be unlawful for the Mayor, any member of Council, any department head, any clerk, or any employee to pay any debt, bill, claim, or obligation whatsoever against the city or obligation against the city whatsoever which is not in the budget or in excess of \$2,000 before the same shall have been approved or authorized by a majority of those members present at a regular or special session of Council.
(Prior Code, § 8-4) Penalty, see § 37.999

PURCHASING**§ 37.015 PURCHASING AGENT; DESIGNATION, SPECIFIED DUTIES.**

(A) The Mayor, Clerk and Treasurer, and the Council member serving as department head, and the City Administrator, shall be the general purchasing committee for the city.

(B) The purchasing committee and the purchasing agent shall herein and in the future be deemed the same.

(C) The purchasing agent shall be responsible for:

(1) The purchase of supplies, materials, and equipment and contractual services required by an office, department, or agency of the city government;

(2) Establishing written specifications, whenever practicable, for supplies, materials, and equipment required by an office, department, or agency of the city government; and

(3) Obtaining as full and open competition as possible on all purchases, contracts, and sales. (Prior Code, § 8-20) (Ord. 10-10-83, passed 10-10-1983; Ord. 12-19-22, passed 12-19-2022)

§ 37.016 FORMAL CONTRACT PROCEDURE.

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed \$25,000, shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals, and shall require prior approval of the City Council. No contract or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the estimated value shall exceed \$5,000, shall be sold by formal written contract or at a public auction to the highest bidder, after due notice inviting proposals and bidders, and shall require prior approval of City Council.

(Prior Code, § 8-21) (Ord. 10-10-83, passed 10-10-1983; Ord. 12-19-22, passed 12-19-2022)

§ 37.017 BIDDING; COMPETITIVE, REQUIRED EXCEPTION.

(A) For purchases or contracts for supplies, materials, equipment, or services under \$10,000, competitive bidding shall not be a mandatory obligation of the Purchasing Agent, nor shall the Purchasing Agent be required to obtain written quotes or to receive prior approval of the City Council.

(B) For purchases or contracts between \$10,000 and \$25,000, before any purchases or contracts for supplies, materials, equipment, or services are made, the Purchasing Agent shall give ample opportunity for competitive bidding, but prior approval of the City Council shall not be required. Purchases or contracts from \$10,000 to \$25,000 shall require written quotes whenever possible, but written quotes shall not be mandatory. Notwithstanding the above, the Purchasing

Agent may purchase supplies, materials, equipment, or services without securing competitive quotations if the prices are considered reasonable. If products or services are available to the general public in the commercial market place or are otherwise considered reasonable by the Purchasing Agent, then the Purchasing Agent may acquire those products or services without a written quote and without competitive bidding.

(C) Competitive bidding shall be encouraged for all contracts, purchases, or sales. However, in the event of an emergency affecting the public welfare, health, or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the Purchasing Agent with the City Council and shall be entered into the minutes of the Council.

(Prior Code, § 8-22) (Ord. 10-10-83, passed 10-10-1983; Ord. 12-19-22, passed 12-19-2022)

§ 37.018 AWARD TO LOWEST BIDDER; ADVERTISING, WHEN REQUIRED.

All contracts for city improvements, materials, equipment, or services costing more than \$25,000 shall be awarded to the lowest bidder of quality after publication in a newspaper of general circulation and/or after advertising in the State Business Opportunities (SCBO). Low bids may be rejected if the Council deems there is a quality concern. The city reserves the right to reject any bid that it deems is not in the best interest of the city (see § 37.019). The newspaper notice required herein shall include a general description of the articles or services to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(Prior Code, § 8-23) (Ord. 10-10-83, passed 10-10-1983; Ord. 12-19-22, passed 12-19-2022)

§ 37.019 SEALED; PROCEDURE.

Procedure for sealed bid shall be as follows:

(A) *Sealing.* Bids shall be submitted to the Purchasing Agent securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions.

(B) *Opening.* Bids shall be opened in public at the time and place stated in the public notices.

(C) *Tabulation.* A tabulation of all bids received shall be available for public inspection.

(D) *Rejection of bids.* The Purchasing Agent shall have the authority to reject all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

(E) *Bidders in default to city.* The Purchasing Agent shall not accept the bid of a vendor or contractor who is delinquent in payment of taxes, license, or other moneys due the city.

(F) *Award of contract.*

(1) *Authority in agent.* Purchasing Agent shall have the authority to award contracts within the purview of this subchapter; provided, however, that contracts in excess of \$25,000 shall not be awarded without prior approval of the City Council.

(2) *Lowest responsible bidder.* Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder, in addition to the price, the Purchasing Agent shall consider:

(a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability, and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and

(i) The number and scope of conditions attached to the bid.

(G) *Award to other than low bidder.* When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Purchasing Agent and filed with the papers relating to the transaction and held for a period of no less than 12 months.

(H) *Tie bids; local vendors.* If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. If two or more such bids are submitted by local bidders, the Purchasing Agent shall award the contract to one of the local tie bidders by drawing lots in public. If local bidders are not involved in the tie bids, the Purchasing Agent shall award the contract to one of the outside tie bidders by drawing lots in public. The Purchasing Agent, local bidders, and vendors should bear in mind, however, that to award a contract to a local vendor where such local bidder is not the lowest responsible bidder, or where price, quality, and service are not equal, is to give preference to one minute segment of the citizenry against the best interest of the community as a whole.

(I) *Performance bonds.* The Purchasing Agent shall have the authority to require a performance bond, before entering into a contract, in such form and amount as such Agent shall find reasonably necessary to protect the best interest of the city.

(J) *Payment bond/labor and material bond.* The Purchasing Agent may require a payment bond and a labor and material bond before entering into a contract, in such form and amount as such Agent shall deem necessary to protect the best interest of the city. (Ord. 10-10-83, passed 10-10-1983; Ord. 12-19-22, passed 12-19-2022)

§ 37.020 FINANCIAL INTEREST OF CITY OFFICIAL, EMPLOYEES PROHIBITED.

(A) (1) No member of the City Council or any officer or employee of the city shall have a financial interest in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, material, supplies, or services; except when a majority of the City Council determines such exception is in the best interest of the city.

(2) Provided, that no Council member whose interest is involved shall vote on the question.

(B) Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the city found guilty thereof shall thereby forfeit the office or position.

(C) Any violation of this section with the knowledge, express or implied, of the person contracting with the city shall render the contract voidable by the City Council. (Prior Code, § 8-25) (Ord. 10-10-83, passed 10-10-1983) Penalty, see § 37.999

§ 37.021 STOCK REPORTS.

All Council members in charge of their respective departments of the city government shall submit to the

purchasing agent, at such times and in such form as the purchasing agent shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out, or scrapped. (Prior Code, § 8-26) (Ord. 10-10-83, passed 10-10-1983)

§ 37.022 SURPLUS STOCK.

The purchasing agent shall have authority to transfer surplus stock to other offices, departments, or agencies of the city government. (Prior Code, § 8-27)

§ 37.023 SUPPLIES UNSUITABLE FOR PUBLIC USE, SALE, EXCHANGE.

(A) The purchasing agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade-in the same, on new supplies.

(B) Such sales shall be made to the highest bidder, and in conformance with §§ 37.016 through 37.019.

(C) All moneys received from such sales shall be paid into the appropriate fund of the city. (Prior Code, § 8-28) (Ord. 10-10-83, passed 10-10-1983)

§ 37.024 GIFTS, REBATES.

The purchasing agent and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person to whom any purchase order or contract is, or might be, awarded, any rebate, gift, money, or anything of value whatsoever, except where given for the use and benefit of the city. (Prior Code, § 8-29) (Ord. 10-10-83, passed 10-10-1983)

§ 37.025 COOPERATIVE PURCHASING.

(A) The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby.

(B) Provided, that the purchasing agent of the city is given the authority to make purchases of supplies and equipment through the property division of the State Budget and Control Board, without the formality of publication and receiving competitive bids.

(Prior Code, § 8-30) (Ord. 10-10-83, passed 10-10-1983)

TAXATION OF PROPERTY**§ 37.040 IMPOSITION OF TAX.**

(A) The City Council shall impose, by ordinance, an annual tax at such rate, in its discretion, as will yield an amount necessary for the general purposes of the city, not exceeding the limit permitted by law.

(B) Such tax shall be levied by Council on the property within the corporate limits as assessed for taxation for county and state purposes as provided in this chapter.

(C) Such tax rate shall remain the same from year to year unless changed by ordinance.

(Prior Code, § 8-40)

Statutory reference:

Levy by local fiscal authorities, see the Constitution of South Carolina, Art. X, § 13
Municipal taxation generally, see S.C. Code § 5-21-110 et seq.

Power of municipalities to levy and collect taxes, see the Constitution of South Carolina Art. X, § 5

Power of municipality to assess taxes, see the Constitution of South Carolina, Art. VIII, § 6
Similar provisions, see S.C. Acts p. 487

§ 37.041 BASIS OF VALUE FOR AD VALOREM TAXATION.

The basis of value for taxation of real estate, personal property, stock in trade, or other taxable property within the city shall be taken from the books of the Auditor and Tax Assessor of the county, and such assessment shall be the same as levied by the County Auditor and Tax Assessor in any particular calendar year.

(Prior Code, § 8-41)

§ 37.042 ASSESSED VALUATION TO BE ENTERED ON TAX BOOK; ADDITIONAL ALTERATIONS.

The Clerk and Treasurer shall enter the assessed valuation, fixed as provided in the preceding section, upon such officer's tax books and thereafter shall make only such alterations on such books as may be directed by a supplemental tax return issued by the County Auditor and Tax Assessor.

(Prior Code, § 8-42)

§ 37.043 WHEN TAXES DUE, PAYABLE; DELINQUENCY CHARGES.

(A) All taxes for the year shall be due and payable on October 1 in each year.

(B) Taxes paid on or before October 15 of each year will be subject to a discount of 2%.

(C) Taxes paid from October 15 through October 31 in each year shall be subject to a discount of 1%.

(D) Taxes paid from November 1 through December 31 in each year shall be subject to neither discount nor penalty.

(E) Taxes paid during January of each year shall be subject to a penalty of 1%; taxes paid during the month of February of each year shall be subject to a penalty of 2%; taxes paid during the month of March of each year shall be subject to a penalty of 3%; taxes paid during the period April 1 to April 15 of each year shall be subject to a penalty of 7%; and on all taxes paid on or after April 15 of each year, executions shall be issued as provided herein.

(Prior Code, § 8-43)

§ 37.044 ASSESSMENTS AND TAXES TO CONSTITUTE LIEN.

The taxes, assessments, license taxes, and penalties legally assessed shall constitute a lien on the property upon which the same were made until paid in full, which lien shall be paramount to all other liens, except liens for county and state taxes.

(Prior Code, § 8-44)

§ 37.045 WHEN LIEN ATTACHES.

(A) As soon as any property within the city is listed with the Auditor and Tax Assessor of the county for taxation, such tax assessment shall immediately become a lien on such property.

(B) The lien for unpaid taxes on personal property shall also attach to any personal property subsequently acquired by the delinquent taxpayer.

(Prior Code, § 8-45)

§ 37.046 CITY COUNCIL TO CONSTITUTE INVESTIGATING BOARD; DUTIES PRESCRIBED.

(A) The City Council shall constitute a board for investigating all matters relating to the assessment and listing of property for taxation, or for the relief of taxpayers, and it shall be the duty of Council to see that no property in the city escapes proper assessment and taxation.

(B) In case it shall be discovered by the Council that there is real or personal property within the city which has not been returned, assessed, or listed for taxation, or is listed on the County Auditor's books as being outside of the city or is improperly assessed, or is listed in the name of the wrong person or is a double entry, or is listed through error as being in the city, or in case any other irregularity appears or exists, it shall be the duty of the Council to forthwith report, or cause to be reported, the same to the County Auditor, or other county or state officials, to the end that no property properly liable for city taxes shall escape taxation by the city, or its proper assessment or listing, or shall be improperly taxed.

(Prior Code, § 8-46)

§ 37.047 TAX COLLECTOR; APPOINTMENT, GENERAL DUTIES, BOND.

(A) (1) *Appointment duties.* The City Council shall appoint a Tax Collector whose duty it shall be to check places of business in the city with reference to the payment of licenses and to collect all delinquent taxes for which executions have been delivered to such Tax Collector by the Clerk and Treasurer.

(2) *Bond.* Before entering upon the discharge of the duties of the office, the Tax Collector shall, if required by the Council, enter into a bond payable to the city in such amount as shall be fixed or approved by the Council, and in a bonding company duly authorized and licensed to do business within the state, for the faithful performance of such collector's duties. The city shall pay the premium of such bond.

(Prior Code, § 8-47)

(B) The Tax Collector shall render daily, to the Clerk and Treasurer, a complete account of all moneys collected during the preceding day and shall at that time turn over all such moneys to the Clerk and Treasurer.

(Prior Code, § 8-48)

(C) All taxes for the year shall be collected by the Clerk and Treasurer.
(Prior Code, § 8-49)

§ 37.048 USE OF PROCEEDS.

The proceeds of the annual property tax levy, together with other income of the city, shall be used for general municipal purposes, to pay all current indebtedness, and to pay the principal and interest on outstanding bonds or coupons of the city which may become due and payable during the fiscal year.
(Prior Code, § 8-50)

§ 37.049 OPERATION OF MOTOR VEHICLES ON WHICH PROPERTY TAXES ARE DUE ON STREETS OF CITY PROHIBITED.

(A) It shall be unlawful for any resident of the city to own or operate within the corporate limits of the city or upon the public streets or ways of the city a motor vehicle on which personal property taxes due to the city are delinquent and unpaid.

(B) Personal property taxes assessed against any motor vehicle owned by any resident of the city shall be delinquent when the same are past due and unpaid and have gone into execution as provided for by the ordinances of the city.
(Prior Code, § 8-51) Penalty, see § 37.999

§ 37.050 DUTY OF CLERK AND TREASURER WHEN TAXED PROPERTY TO BE MOVED FROM CITY.

In case any property within the city listed with the County Auditor for taxation is about to be taken or removed from the jurisdiction of the city before taxes are due and payable for any year, the Clerk and Treasurer shall immediately issue an execution on such property and the Tax Collector shall proceed to collect the taxes due on such property.
(Prior Code, § 8-52)

§ 37.051 SALE OF PROPERTY RETURNED DELINQUENT.

(A) All real property returned delinquent by the Clerk and Treasurer, upon which the taxes shall not be paid by distress or sale of personal property, or otherwise, shall be seized and sold as provided by law.

(B) The distress and sale of personal property shall not be a condition precedent to seizure and sale of any real property hereunder.
(Prior Code, § 8-53)

§ 37.052 CERTAIN CITY OFFICERS VESTED WITH POWER TO COLLECT DELINQUENT TAXES.

The Chief of Police, Clerk and Treasurer, and Tax Collector are hereby invested with all the rights, powers, and privileges, and they are hereby charged with all the duties of the officers designated for the enforcement and collection of delinquent taxes by the Constitution and laws of the state and all amendments thereto.

(Prior Code, § 8-54)

§ 37.053 EXECUTION AGAINST DEFAULTING TAXPAYER.

Immediately upon the expiration of the time allowed by ordinance for the payment of taxes in any year, the Clerk and Treasurer shall issue, in the name of the city under the seal of the corporation, a warrant or execution against any defaulting taxpayer in the city, signed by such Clerk and Treasurer in such person's official capacity, directed to the Chief of Police requiring and commanding such officer to levy the same by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes or assessments due by such defaulter, specifying therein the aggregate amount of all such taxpayer's taxes or assessments due

the city, including fines and charges allowed on executions, as set forth in S.C. Code § 12-49-740, as amended.

(Prior Code, § 8-55)

§ 37.054 CLERK AND TREASURER TO LIST TAX EXECUTIONS.

The Clerk and Treasurer shall prepare, in triplicate, an itemized list of all tax executions turned over to the Chief of Police, which list shall set forth the name, year, and amount of each execution, and in addition, the Clerk and Treasurer shall submit the duplicate of the same to the Chief of Police, the triplicate to the Mayor, and the original to be retained by the Clerk and Treasurer, signed by the Chief of Police, showing that the Chief of Police has received the listed executions.

(Prior Code, § 8-56)

§ 37.055 UNCOLLECTIBLE EXECUTIONS.

Tax executions found to be uncollectible by the Chief of Police shall be returned to the Clerk and Treasurer's office, and the Chief of Police shall be duly credited for such amounts, the same to be entered on each list.

(Prior Code, § 8-57)

§ 37.056 FORM OF TAX EXECUTIONS AND WARRANTS.

Tax executions or tax warrants shall be in substantially the same form as that provided in S.C. Code §§ 12-49-410 through 12-49-550, as amended, for the collection of delinquent taxes owed to the state or county.

(Prior Code, § 8-58)

§ 37.057 NOTICE TO MORTGAGES, COMPLIANCE WITH STATE LAW REQUIRED.

Whenever any real estate is levied upon for taxes by the Chief of Police, it shall be the Chief's duty, before proceeding to advertise the same for sale as now provided by law, to give 20 days' written notice of such levy to the owner of each mortgage contained on the list filed with such Tax Collector in the manner provided for under S.C. Code §§ 12-49-220 through 12-49-290, as amended, and the Chief of Police and Clerk and Treasurer shall follow the procedure set forth in such sections of such code.

(Prior Code, § 8-59)

§ 37.058 SEIZURE, SALE PURSUANT TO STATE LAW.

Under and by virtue of the warrant or execution provided for in this chapter, the Chief of Police shall seize and take exclusive possession of, and shall sell so much of, the defaulting taxpayer's estate, real or personal, or both, as may be necessary to raise the sums of money named therein, and the charges thereon, in the manner provided for in sections S.C. Code §§ 12-49-410 through 12-49-550, as amended.

(Prior Code, § 8-60)

§ 37.059 SETTLEMENT WITH CITY CLERK AND TREASURER AFTER SALE.

The Chief of Police shall make immediate settlement with the Clerk and Treasurer, and pay over to the Clerk and Treasurer all funds collected from the sale of property for taxes and due to the city, and take Clerk and Treasurer's receipt therefor.

(Prior Code, § 8-61)

§ 37.060 TIME FOR PAYMENT OF PURCHASE PRICE, PASSAGE OF TITLE.

The purchaser at any tax sale shall pay the amount of such purchaser's bid to the Chief of Police immediately after the closing of the sale, and the Chief of Police shall give to such purchaser a receipt for the purchase money, but title shall not be made until the expiration of 12 months from the date of such sale and then only if the property sold be not redeemed as provided in S.C. Code §§ 12-49-400 through 12-49-550, as amended.

(Prior Code, § 8-62)

§ 37.061 PURCHASE OF LAND BY CITY.

(A) In case there be no bid equal in amount to the delinquent taxes, together with all penalties, costs, or charges named in the warrant or execution against the property, the Clerk and Treasurer shall buy the land for the city as the actual purchaser thereof, for the amount of such taxes, penalties, costs, and charges.

(B) The Chief of Police shall thereupon execute title to the city in the same manner as to any other purchaser, and shall put the city or its authorized officers or agents in possession of the premises as provided by law.

(C) The land so sold to the city shall be treated as an asset of the city.

(Prior Code, § 8-63)

§ 37.062 FORM OF TAX DEED.

The form of the deed to real estate given by the Chief of Police to the purchaser at a tax sale shall be substantially the same form as the title deed given by sheriffs to purchasers at a tax sale for state or county taxes.

(Prior Code, § 8-64)

§ 37.063 TAX DEED AS EVIDENCE OF TITLE, REGULARITY OF PROCEEDINGS.

All deeds of conveyance made by the Chief of Police under the authority of this subchapter, whether executed to the city or to any other person, shall be held and taken as prima facie evidence as of a good title in the holder, that all proceedings have been regular and that all requirements of ordinances and the law have been completely complied with.

(Prior Code, § 8-65)

§ 37.064 ELECTION OF ALTERNATE PROCEDURE FOR COLLECTION OF TAXES.

(A) The City Council hereby elects to exercise any of the powers granted by S.C. Code § 12-51, as amended, and adopt the same and enact the same into law by reference thereto as if fully set forth herein.

(B) Specific references are made to S.C. Code §§ 12-51-10 through 12-51-170, as amended.

(Prior Code, § 8-66) (Ord. 12-12-83, passed - -)

OTHER TAXATION

§ 37.075 LOCAL HOSPITALITY TAX.

(A) *Authority.* This tax is enacted pursuant to the S.C. Code §§ 6-1-700 through 6-1-770, which provides in part that a local governing body may impose, by ordinance, a local hospitality tax, not to exceed 2% of the charges for food and beverages sold in establishments with the city.

(B) *Purpose and intent.*

(1) This local hospitality tax is enacted to preserve the general health, safety, and welfare of the general public within the city, and to specifically

improve and increase tourism-related activities and facilities and to enhance the quality of life in the city for its citizens and its visitors. The revenue generated by the local accommodations tax must be used exclusively for the following purposes:

- (a) Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;
- (b) Cultural, recreational, or historic facilities;
- (c) Highways, roads, streets, and bridges providing access to tourist destinations;
- (d) Advertisements and promotions related to tourism development; or
- (e) Water and sewer infrastructure to serve tourism-related demand.

(2) Further, an amount not to exceed 50% of the revenue in the preceding fiscal year of the local hospitality tax may be used for the operation and maintenance of divisions (B)(1)(a) through (B)(1)(e) above, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(C) *Imposition of local hospitality tax.* A uniform tax equal to 2% is hereby imposed on the gross proceeds derived from the sale of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, and is imposed on every person engaged in the business of furnishing food and beverage services, whether dine in or take out, within the city. In addition, the local hospitality tax shall be imposed on all food and beverages prepared or modified by convenience stores, fast food service outlets, or grocery stores within the city.

(D) *Accounting for local hospitality tax.* All proceeds derived from the local hospitality tax must be

kept in a separate fund segregated from the city's General Fund. This Fund shall be known as the Local Hospitality Fund.

(E) *Payment of local hospitality tax.* Payment of the local hospitality tax shall be the responsibility of the consumer of the services described in division (C) above. This tax shall be paid at the time of the delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service(s) or item(s).

(F) *Remittance to the city.* The taxes collected by the seller or provider of the services or items, as required in division (E) above, shall be remitted to the City Clerk and Treasurer as set forth herein, along with such return or form as may be established by the City Clerk and Treasurer for such purpose. When the estimated amount of average tax is more than \$50 per month, that seller or provider shall remit the amount due on a monthly basis. When the estimated amount of average tax is \$25 to \$50 per month, that seller or provider shall remit on a quarterly basis. When the estimated amount is less than \$25 per month, that seller or provider shall remit on an annual basis.

(G) *Payment due dates.* Taxes and required reports shall be submitted to the City Clerk and Treasurer by the twentieth day of the month following the due date of the tax payment, and shall cover sales of the previous month, quarter, and/or year depending on the seller's monthly average tax. Any taxes not timely remitted shall be subject to a penalty of 5% of the unpaid tax for each month or portion thereof after the due date until paid. The failure to collect from patrons the tax imposed by this section shall not relieve any establishment subject to this section from making the required remittance.

(H) *Expending of future proceeds.* As part of the annual budget process, the Mayor shall report to City Council regarding the annual revenue received from this tax and the annual expenditures.
(Ord. 06152015-3, passed 6-15-2015) Penalty, see § 37.999

§ 37.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person violating any provision of § 37.075 shall be deemed guilty of an offense and shall be subject to punishment under this chapter upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for herein.
(Ord. 06152015-3, passed 6-15-2015)

TITLE V: PUBLIC WORKS

Chapter

- 50. UTILITIES**
- 51. WATER**
- 52. SOLID WASTE**
- 53. SEWAGE**

CHAPTER 50: UTILITIES

Section

- 50.01 Discontinuance of service for non-payment of bill; re-connection charge
- 50.02 Interfering, tampering with utility property appurtenances
- 50.03 Parcels of land partly in, partly outside of the city limits

§ 50.01 DISCONTINUANCE OF SERVICE FOR NON-PAYMENT OF BILL; RE-CONNECTION CHARGE.

If any bill for utilities, sanitation service, fire protection, or other service provided by the city shall remain unpaid for 60 days after the bill is rendered, all services to such customer may be discontinued until such customer has paid in full such customers' past due bill, and has paid a reconnection charge of \$50. This procedure shall be additional to all other remedies for non-payment.

(Prior Code, § 11-6)

§ 50.02 INTERFERING, TAMPERING WITH UTILITY PROPERTY APPURTENANCES.

It shall be unlawful for any person to interfere or tamper with any of the property or appurtenances belonging to, or controlled by, the New Ellenton Commission of Public Works, or other body charged with the duties of the New Ellenton Commission of Public Works, without first having obtained the proper permit so to do from authorized representatives of the Board.

(Prior Code, § 11-7) Penalty, see § 10.99

§ 50.03 PARCELS OF LAND PARTLY IN, PARTLY OUTSIDE OF THE CITY LIMITS.

Parcels located partly in and partly outside of the city limits, for which city taxes and city water rates apply, shall be considered "in the City of New Ellenton" for purposes of providing trash, sewer, police, fire, and other applicable city services and rates.

(Ord. 9272011, passed 10-17-2011)

CHAPTER 51: WATER

Section

General Provisions

- 51.01 Setting of rates, charges, fees
- 51.02 Application for service
- 51.03 Tap fees
- 51.04 Water deposit required on rental property
- 51.05 Monthly rate; schedules; due dates
- 51.06 Opening fire hydrants
- 51.07 Unlawful use of water
- 51.08 Diversion of water
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Drought Management Plan; Response

- 51.25 Purpose, intent
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GENERAL PROVISIONS

§ 51.01 SETTING OF RATES, CHARGES, FEES.

The New Ellenton Commission of Public Works shall prescribe all water rates, charges, and tap fees, subject to the approval of the City Council.
(Prior Code, § 11-20)

§ 51.02 APPLICATION FOR SERVICE.

Before any new water service connection shall be made, the person desiring water service shall make application in the office of the New Ellenton Commission of Public Works and shall pay the required deposit.
(Prior Code, § 11-21)

§ 51.03 TAP FEES.

(A) The New Ellenton Commission of Public Works is hereby authorized to charge and collect as tap fees, the fees prescribed in the following schedule:

(1) Inside city limits tap fees.

<i>Tap Size</i>	<i>Fee</i>
3/4"	\$1,500
1"	\$1,850
2"	\$2,500
<i>Notes to Table:</i> Please contact office for tap fees over 2"	

(2) Outside city limits tap fees.

<i>Tap Size</i>	<i>Fee</i>
3/4"	\$2,250
1"	\$2,775
2"	\$3,750.50
<i>Notes to Table:</i> Please contact office for tap fees over 2"	

(B) Property located partially within the corporate limits of the city and partially outside the corporate limits of the city shall be charged rates applicable to property wholly outside the corporate limits of the city.
(Prior Code, § 11-22) (Ord. 3-4-85, passed - -)

§ 51.04 WATER DEPOSIT REQUIRED ON RENTAL PROPERTY.

In addition to the schedules set forth in § 51.03, the New Ellenton Commission of Public Works shall charge and collect the sum of \$200 as a water deposit on all rental property. Such deposit will cover two billings for water and will allow for penalty.

(Prior Code, § 11-23) (Ord. 3-4-85, passed - -)

§ 51.05 MONTHLY RATE; SCHEDULES; DUE DATES.

(A) The New Ellenton Commission of Public Works is authorized to charge and collect water rates and charges according to the following schedule:

<i>Inside City Limits Water Rates</i>		
<i>Tap Size</i>	<i>Gallons</i>	<i>Rate</i>
3/4" and 5/8"	0-3,000 gallons 4,000 gallons and up	\$25.50 base rate \$4 per 1,000 gallons
1"	0-4,000 gallons 5,000 gallons and up	\$30 base rate \$4 per 1,000 gallons
1 1/2"	0-4,000 gallons 5,000 gallons and up	\$32 base rate \$4 per 1,000 gallons
2"	0-6,000 gallons 7,000 gallons and up	\$40 base rate \$4 per 1,000 gallons
3"	0-10,000 gallons 11,000 gallons and up	\$60 base rate \$4 per 1,000 gallons
4"	0-10,000 gallons 11,000 gallons and up	\$110 base rate \$4 per 1,000 gallons
6"	0-12,000 gallons 13,000 gallons and up	\$200 base rate \$4 per 1,000 gallons

<i>Outside City Limits Water Rates</i>		
<i>Tap Size</i>	<i>Gallons</i>	<i>Rate</i>
3/4" and 5/8"	0-3,000 gallons 4,000 gallons and up	\$38.25 base rate \$4 per 1,000 gallons

<i>Tap Size</i>	<i>Gallons</i>	<i>Rate</i>
1"	0-4,000 gallons 5,000 gallons and up	\$45 base rate \$4 per 1,000 gallons
1 1/2"	0-4,000 gallons 5,000 gallons and up	\$48 base rate \$4 per 1,000 gallons
2"	0-6,000 gallons 7,000 gallons and up	\$60 base rate \$4 per 1,000 gallons
3"	0-10,000 gallons 11,000 gallons and up	\$90 base rate \$4 per 1,000 gallons
4"	0-10,000 gallons 11,000 gallons and up	\$165 base rate \$4 per 1,000 gallons
6"	0-12,000 gallons 13,000 gallons and up	\$300 base rate \$4 per 1,000 gallons

(B) All water bills shall be due and payable on or before the twenty-fifth day of each month.
(Prior Code, § 11-24)

(Ord. 3-4-85, passed - -)

§ 51.06 OPENING FIRE HYDRANTS.

It shall be unlawful for any person not connected with the New Ellenton Commission of Public Works, the Fire Department, or anybody charged with the duties of the New Ellenton Commission of Public Works to interfere with or open for any purpose whatever any of the fire hydrants on the mains of the waterworks, except in case of fire.

(Prior Code, § 11-26) Penalty, see § 51.99

§ 51.07 UNLAWFUL USE OF WATER.

Any person who shall willfully and intentionally withdraw or cause to be withdrawn water in any manner, and appropriate it to such person's own use or the use of any other person, or for purposes other than those specified, shall be punished as set forth in § 51.99(B).

(Prior Code, § 11-27) Penalty, see § 51.99

§ 51.08 DIVERSION OF WATER.

(A) It shall be unlawful for any customer receiving water service to divert water to any other person. Any customer found to be diverting water shall be given notice to discontinue such diversion by the New Ellenton Commission of Public Works.

(B) If such diversion continues after notice, the Board of Commissioners of Public Works is authorized to discontinue all services to the customer until such customer has paid a reconnection charge of \$100. Payment of the reconnection fee shall not preclude future disconnections for continued violations of this section.

(Prior Code, § 11-28) Penalty, see § 51.99

§ 51.09 USE OF WELLS AND/OR PRIVATELY OWNED WATER SYSTEMS.

(A) The use of wells for irrigation purposes only is authorized within the city limits. No well will be used for domestic use at any time.

(B) Property owners who are not provided water for domestic use by the Commission of Public Works may maintain a well for domestic use and for irrigation purposes.

(C) The Commission of Public Works and its designated representatives are hereby given full authority to enforce this section by all appropriate measures.

(Prior Code, § 11-29) (Ord. 1-22-2008, passed 1- -2008)

§ 51.10 EMERGENCY POWERS.

(A) In the event of mechanical failure or in the event of a water shortage emergency declared by the city, county, state, or federal government, the New Ellenton Commission of Public Works shall have the power, by order of prohibition, to prohibit or limit the use of water service.

(B) Public notice of such prohibition or limit shall be given, including the specific uses or times of use which are prohibited.

(Prior Code, § 11-30)

DROUGHT MANAGEMENT PLAN; RESPONSE

§ 51.25 PURPOSE, INTENT.

The New Ellenton CPW understands the fundamental need to make efficient use of the limited and valuable resource under its stewardship in order to protect the public's health and safety and environmental integrity. The purpose of this subchapter is to establish a plan and procedures for managing water demand and evaluating supply options before and during a drought-related water shortage. The intent is to satisfy the requirements of the Drought Response Act of 2000 (S.C. §§ 49-23-10 et seq., as amended) with the goal of achieving the greatest public benefit from domestic water use, sanitation, and fire protection, and to provide water for other purposes in an equitable manner. Therefore, the New Ellenton CPW has adopted this Drought Management Plan and provides the regulations by which the New Ellenton CPW will manage and control its customer water usage during various levels of a drought.

(Res. passed - -)

§ 51.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AESTHETIC WATER USE. Water use for ornamental or decorative purposes such as fountains, reflecting pools, and waterfalls.

COMMERCIAL AND INDUSTRIAL USE. Water use integral to the production of goods and/or services by any establishment having profit as its primary aim.

CONSERVATION. Reduction in water use to prevent depletion or waste of the resource.

CUSTOMER. Any person, company, or organization using finished water owned or supplied by New Ellenton Commission of Public Works.

DOMESTIC WATER USE. Water use for personal needs or household purposes, such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

DROUGHT ALERT PHASES. There are four drought alert phases to be determined by the Drought Response Committee for the state. The four phases are:

- (1) Incipient drought;
- (2) Moderate drought;
- (3) Severe drought; and
- (4) Extreme drought.

DROUGHT RESPONSE MANAGEMENT AREAS.

(1) There are four drought management areas corresponding to the major river basins in the state. The four areas are:

- (a) West or Savannah;
- (b) Central or Santee;
- (c) Northeast or Pee Dee; and
- (d) Southern or Ashepoo, Combahee, and Edisto.

(2) In order to prevent overly broad response to drought conditions, drought response measures shall be considered within each individual drought management areas or within individual counties, as applicable.

DROUGHT RESPONSE COMMITTEE. A committee composed of state and local representatives

created for the purpose of coordinating responses to water supply shortages within the drought management areas and making recommendations for action to the State Department of Natural Resources and/or the Governor. The Committee is composed of state agency representatives from the State Emergency Management Division of the Office of the Adjutant General, State Department of Environmental Services, State Department of Agriculture, State Forestry Commission, and the State Department of Natural Resources, as well as local committees representing counties, municipalities, public service districts, private water suppliers, agriculture, industry, domestic users, regional councils of government, commissions of public works, power generation facilities, special purpose districts, and soil and water conservation districts.

ESSENTIAL WATER USE. Water used specifically for firefighting, maintaining in-stream flow requirements, and to satisfy federal, state, or local public health and safety requirements.

FINISHED WATER. Water distributed for use after treatment. The terms **WATER USE**, **WATER USER**, and **WATER CUSTOMER** refer to finished water use unless otherwise defined.

INSTITUTIONAL WATER USE. Water used by government, public and private educational institutions, churches and places of worship, water utilities, and organizations within the public domain.

IRRIGATION WATER USE. Water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way, and medians.

NON-ESSENTIAL WATER USE. Categories of water use other than essential water use. Examples of **NON-ESSENTIAL WATER USE** include landscape irrigation and the washing of buildings, parking lots, automobiles, and the like.

RESIDENTIAL EQUIVALENT UNIT (REU). An equivalency unit defined to be equal to one single-family residence. New Ellenton CPW's

allocated water capacity equals 300 gallons per day per *REU*.

STATE DEPARTMENT OF NATURAL RESOURCES. The state agency with primacy to implement the provisions of the Drought Response Act.

WATER SUPPLY SHORTAGE. Lack of adequate, available water caused by drought to meet normal demands.
(Res. passed - -)

§ 51.27 DROUGHT MANAGEMENT PLAN.

(A) *Introduction.* To ensure that the Commission of Public Works, New Ellenton adequately manages its water system during drought-related conditions, an organized plan is necessary for system operation and reliability, proper communications, effective coordination, and ultimate allocation of water use. Prior planning, will compliment the Commission of Public Works ability to respond to drought conditions and to enforce the related ordinance.

(B) *Designation of Water System Drought Response Representative.* Administering a Drought Plan requires the skills needed to undertake a comprehensive public information program and the judgment required to deal with equity issues arising from enforcement of a mandatory program. Someone who has these skills will be selected by the water system to manage the water system's program and serve as the principal contact for the news media as the system's Drought Response Representative. The Drought Response Representative for the Commission of Public Works, New Ellenton is Daniel R. Lowe, 100 Main St. S. New Ellenton, SC 29809 (803) 652-2862, dlowe@newellentoncpw.com.

(C) *Description of water system layout, water sources, capabilities, and yields.* The Commission of Public Works, New Ellenton is located in the Savannah Drought Response Management Area of the state. The system serves 3,500 customers from

Talatha Church Road south to Highway 278. The system has two 300,00 gallons elevated storage tanks. The system's water comes from three ground water wells 450 feet deep into an underground source of water called the Middendorf Aquifer. Well #1 is located on Boatner Street with a yield of 327.39 TGD. Well #2 is located on Oakridge Street with a yield of 327.39 TGD. Well #3 is located on Dry Branch Road with a yield of 327.39 TGD. Well #4 is located on Darlington Drive with a yield of 327.39 TGD. The SCDES total permitted capacity of the water system operated by the Commission of Public Works, New Ellenton is 478 million gallons yearly withdrawal.

(D) *Identification of water system specific drought or water shortage indicators.* Operators of every water system must develop historical trends that are valuable indicators of when a system's ability to meet demand begins to outpace supply. The Commission of Public Works has developed triggers for use during drought or demand water shortages that describe when specific phases of § 51.28 are implemented. The system triggers are as follows:

(1) *Moderate drought phase.*

- (a) Elevated storage falls below 75% of total capacity;
- (b) Average daily use greater than 75% of plant capacity for seven consecutive days;
- (c) Aquifer stabilized static level drops ten feet; and
- (d) Drought Response Committee declaration.

(2) *Severe drought phase.*

- (a) Elevated storage falls below 50% of total capacity;
- (b) Average daily use greater than 95% of plant capacity for seven consecutive days;

(c) Aquifer stabilized static level drops 20 feet; and

(d) Drought Response Committee declaration.

(3) *Extreme drought phase.*

(a) Elevated storage falls below 25% of total capacity;

(b) Average daily use greater than 100% of plant capacity for seven consecutive days;

(b) Aquifer stabilized static level drops 30 feet; and

(d) Drought Response Committee declaration.

(E) *Cooperative agreements and alternative water supply sources.* Successful drought management requires a comprehensive program by the water utility. In many situations, administrative agreements are required with other agencies to fully implement the Plan. Agreements with other water purveyors may be necessary for alternative water supply sources. Other agreements that strengthen conservation efforts by large users may be necessary. The Commission of Public Works, New Ellenton identifies the following agreements that are in place to facilitate the implementation of this Plan: The Commission of Public Works supplies potable water to 3,500 customers. The only alternative water supply source is an emergency tie-in with the City of Aiken. This agreement states that the water is only to be used in an emergency in the event that there is excess capacity available.

(F) *Description of pre-drought planning efforts.*

(1) Before the occurrence of a water supply shortage and the need to implement the emergency provisions of the section, it is important that certain pre-response measures have been taken with the aim of conserving the system's source of water, as well as

the water distributed to the customer. In regard to the conservation measures listed below, the Commission of Public Works, New Ellenton has taken the following actions:

(a) Identification of all major water users in the system:

1. Country Inn & Suites;
2. Quick & Easy Car Wash;
3. Soaps & Suds Laundry;
4. Greendale Elementary School;
- and
5. KJ's Supermarket.

(b) Identification of those users with whom there are conservation agreements: N/A.

(c) A vigorous public education program is critical for achieving substantial water use reductions. An effective public outreach program will keep the public informed about the water supply situation, what actions will mitigate drought emergency problems, and how well the public is doing in terms of meeting the programs goals. Keeping the public involved, informed, and participating in the decision-making process is key to implementing an effective Drought Management Plan.

(2) The Commission of Public Works, New Ellenton's goal is to promote the wise use of our water resource. One major of the CPW is the rehabilitation of water mains that may cause a problem. Our objective is to find the problem areas before major line breaks that cause major water loss. Another area of concern is maximizing efficiency of water delivered from the CPW to customers.

(3) The Commission of Public Works, New Ellenton has targeted four community groups to accomplish its goals: Irrigation, residential, schools, and commercial customers.

(a) *Irrigation*. Increasing the efficiency of landscape irrigation has the most potential for reducing water consumption.

(b) *Residential*. Teaching customers how water is delivered, the cost of water service, why water conservation is important, and how they can use water more efficiently in their daily activities.

(c) *Schools*. Educate future citizens about water conservation.

(d) *Commercial customers*. The same principles apply to commercial as residential. However, there may be some operations that are particularly high in water usage that will be addressed with more targeted water saving methods.

(4) Methods to inform the public:

(a) Distribute information material;

(b) Get teachers involved in water conservation;

(c) Newspaper/online/CPW website;
and

(d) Customer water bill postings.

(G) *Description of capital planning and investment of system reliability and demand forecasting.*

(1) Water utilities routinely find that capital improvements to the system strongly enhance their ability to get through times of drought. It is important that water utilities aggressively plan and build for future needs. The utility must continue to provide for system operation flexibility, improved pumping and storage capacity, and new technologies to meet the demands of tomorrow.

(2) The Commission of Public Works, New Ellenton started a major upgrade in 2002. The project addressed a ten-year plan for development. The CPW

has erected two new 300,000 gallon tanks and a telemetry system to help keep a better audit on water pumped as opposed to water billed. The CPW has also installed new main lines in the project and abandoned many old ones.

(Res. passed - -)

§ 51.28 DROUGHT RESPONSE.

(A) *Declaration of policy and authority*. The objective of this section is to establish authority, policy, and procedure by which the New Ellenton CPW will take the proper actions to manage water demand during a drought-related shortage. This section satisfies the requirements of the Drought Response Act of 2000 and has the goal of achieving the greatest public benefit from limited supplies of water needed for domestic water use, sanitation, and fire protection, and of allocating water from other purposes in an equitable manner.

(1) This section outlines the actions to be taken for the conservation of water supplied by the New Ellenton CPW. These actions are directed both towards an overall reduction in water usage and the optimization of supply.

(2) To satisfy these goals, the New Ellenton CPW hereby adopts the following regulations and restrictions on the delivery and consumption of water. This section is hereby declared necessary for the protection of public health, safety, and welfare and shall take effect upon its adoption by the New Ellenton CPW.

(3) If it becomes necessary to conserve water in its service area due to drought, the New Ellenton CPW is authorized to issue a proclamation that existing conditions prevent fulfillment of the usual water-use demands. The proclamation is an attempt to prevent depleting the water supply to the extent that water used for human consumption, sanitation, fire protection, and other essential needs becomes endangered.

(4) Immediately upon issuance of such a proclamation, regulations, and restrictions set forth under this section shall become effective and remain in effect until the water shortage has ended and the proclamation rescinded.

(5) Water uses that are regulated or prohibited under this section are considered to be non-essential, and continuation of such use during times of water supply shortages is deemed to constitute a waste of water, subjecting offenders to penalties.

(B) *Moderate drought phases.* Upon notification by the Drought Response Committee that a moderate drought condition is present and is expected to persist, and upon determination by the New Ellenton CPW that a moderate water supply shortage exists based on trigger levels, the New Ellenton CPW will seek voluntary reductions on its customers in the use of water for all purposes and voluntary reductions on using water during certain peak water demand periods. Specifically, the goal during this phase is to achieve a reduction of 20% in residential water use and 15% in other water uses such as commercial, industrial, institutional, and irrigation; and a reduction in overall water use of 15%. To accomplish this, the New Ellenton CPW will take the following actions.

(1) Issue a proclamation to be released to local media, New Ellenton CPW customers, and to the State Natural Resources Drought Information Center that moderate drought conditions are present.

(2) Provide written notification to the State Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the voluntary conservation measures that the customers are requested to follow during moderate drought conditions, including:

(a) Reduce residential water use to 50 gallons per person per day and a maximum of 200 gallons per household per day;

(b) Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts, and other hard surface areas;

(c) Eliminate the washing down of buildings for purposes other than immediate fire protection;

(d) Eliminate the flushing of gutters;

(e) Eliminate the domestic washing of motorbikes, boats, cars, and the like;

(f) Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

(g) Reduce watering of lawns, plants, trees, gardens, shrubbery, and flora on private or public property to the minimum necessary. Encourage outdoor watering to be done off-peak hours;

(h) Reduce the amount of watering from fire hydrants for construction purposes, fire drills, or for any purposes other than firefighting or flushing necessary to maintain water quality; and/or

(i) Limit normal water use by commercial and individual customers including, but not limited to, the following:

1. Stop serving water in addition to another beverage routinely in restaurants;

2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support aquatic life; and

3. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so.

(3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

(4) Cease to install new irrigation taps on the water system.

(5) Continue to encourage and educate customers to comply with voluntary water conservation.

(C) *Severe drought phase.* Upon notification by the Drought Response Committee that a severe drought condition is present and is expected to persist, and upon determination by the New Ellenton CPW that a severe water shortage exists, New Ellenton CPW will seek voluntary reduction in the use of water for all purposes and mandatory restrictions on non-essential usage and restrictions on times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 25% in residential water use, 20% in all other water use categories, and a reduction in overall water use of 20%. To accomplish these goals, the New Ellenton CPW will take the following actions.

(1) Issue a proclamation to be released to the local media, New Ellenton CPW customers, and to the State Department of Natural Resources Drought Information Center that severe drought conditions are present.

(2) Provide written notification to the State Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system voluntary conservation measures and mandatory restrictions to be placed on the use of water supplied by the utility, including:

(a) Voluntary reduction of residential water use by the utility's customers to 40 gallons per person per day and a maximum of 160 gallons per household or REU per day;

(b) Control landscape irrigation by the utility's customers by staggering water times; and/or

(c) Mandatory restrictions on the use of water supplied by the utility or activities, including:

1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts, and other hard surfaced areas;

2. Eliminate the washing down of buildings for purposes other than immediate fire protection;

3. Eliminate the flushing of gutters;

4. Eliminate domestic washing of motorbikes, boats, cars, and the like;

5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for esthetic or scenic purposes, except where necessary to support aquatic life;

6. Eliminate filling or maintain public or private swimming pools; and

7. Eliminate obtaining water from fire hydrants for construction purposes, fire drills, or any purpose other than firefighting or flushing necessary to maintain water quality.

(d) Limit use of water by commercial and individual customers including, but not limited to, the following:

1. Stop serving water in addition to another beverage routinely in restaurants;

2. Stop maintaining water levels in scenic and recreation ponds and lakes, except for the minimum amount required to support aquatic life;

3. Limit irrigation golf courses and any portion of its grounds;

4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and

5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

(4) Continue to cease installation of new irrigation taps on the water system.

(5) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

(6) Expand the use of education and public relations efforts and emphasize the penalties associated with violating the mandatory restrictions.

(7) Provide written notification monthly to the State Department of Natural Resources Drought Information Center regarding the success of the voluntary and mandatory restrictions.

(D) *Extreme drought phase.* Upon notification by the Drought Response Committee that an extreme drought condition is present and is expected to persist and upon determination by the New Ellenton CPW that an extreme water supply shortage exists based on the trigger levels, the New Ellenton CPW will impose mandatory restrictions in the use of water for all purposes and on the times when certain water usage is allowed. Specifically, the goal during this phase is to achieve a reduction of 30% in residential water use, 25% in all other categories of water uses, and a reduction in overall use of 25%. To accomplish these goals, the New Ellenton CPW will take the following actions.

(1) Issue a proclamation to be released to the local media, the New Ellenton CPW customers,

and to the State Department of Natural Resources Drought Information Center that extreme drought conditions are present.

(2) Provide written notification to the State Department of Natural Resources Drought Information Center and routinely publish in a newspaper of general circulation in the service area of the water system the mandatory restrictions to be placed on the use of water supplied by the utility, including:

(a) Limiting residential water use to 30 gallons per person per day and a maximum of 150 gallons per household or REU per day;

(b) Eliminate landscape irrigation by the utility's customers;

(c) Mandatory restrictions on the use of water supplied by the utility for activities, including:

1. Eliminate the washing down of sidewalks, walkways, driveways, parking lots, tennis courts, and other hard surfaced areas;

2. Eliminate the washing down of buildings for purposes other than immediate fire protection;

3. Eliminate the flushing of gutters;

4. No domestic washing of motorbikes, boats, cars, and the like;

5. Eliminate the use of water to maintain fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life;

6. Eliminate filling or maintaining public or private swimming pools; and

7. Eliminate obtaining water from fire hydrants for construction purposes, fire

drills, or any purpose other than firefighting or flushing necessary to maintain water quality.

(d) Limit normal water use by commercial and individual customers including, but not limited to, the following:

1. Stop serving water in addition to another beverage routinely in restaurants;

2. Stop maintaining water levels in scenic and recreational ponds and lakes, except for minimum amount required to support fish and wildlife;

3. Limit irrigating golf courses and any portion of their grounds;

4. Cease water service to customers who have been given a ten-day notice to repair one or more leaks and have failed to do so; and

5. Limit expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(3) Intensify maintenance efforts to identify and correct water leaks in the distribution system.

(4) Continue to cease installation of new irrigation taps on the water system.

(5) Outline other conservation measures, examples are:

(a) Place a moratorium on the issuance of all new water service connections and contracts for all new water main extensions. As part of the public information process, provide notice to developers of the moratorium;

(b) Encourage all residential water customers to voluntarily reduce overall monthly water usage to 70% of the customer's monthly average. If voluntary reduction of usage is not successful, the

New Ellenton CPW may, at its option, implement the following excessive use rate schedule for water:

Tier I	0-3,000 gallons/REU	Regular rate
Tier II	3,000-6,000 gallons/REU	Two times regular rate
Tier III	Over 6,000 gallons/REU	Three times regular rate

(c) If the conservation measures of this section or Plan prove inadequate to mitigate the effects of the drought conditions or water supply availability, the New Ellenton CPW may take additional actions including, but not limited to:

1. Decreasing the gallons' REU limits in the different tiers; and/or

2. Reduction of the water system pressure as needed.

(6) Publicize widely the penalties to be imposed for violations of mandatory restrictions and the procedures to be followed if a variance in the restrictions is requested.

(7) Expand the use of education and public relations efforts as conducted under the moderate and severe drought phase and emphasize the penalties associated with violating the mandatory restrictions.

(8) Provide written notification monthly to the State Department of Natural Resources Drought Information Center regarding the success of the mandatory restrictions.

(E) *Rationing.* If a drought threatens the protection of public health and safety, the New Ellenton CPW is hereby authorized to ration water.

(F) *Enforcement of restrictions.*

(1) If any customer of the New Ellenton CPW fails to comply with the mandatory water use

restrictions of this section, the customer shall be given written notice of such failure to comply, which cites the date of said violation, and penalties shall be assessed in accordance with § 51.99(C):

(2) Law enforcement agencies and other authorized agencies or designated employees in the respective jurisdiction which is being supplied by the New Ellenton CPW shall diligently enforce the provisions of this section.

(G) *Variances.*

(1) Customers who, in their belief, are unable to comply with the mandatory water use restrictions of this section, may petition for a variance from restrictions by filing a petition with the New Ellenton CPW within ten working days after the issuance of the proclamation requiring water use restrictions.

(2) All petitions for variance shall contain the following information:

- (a) Name and address of the petitioner;
- (b) Purpose of water usage;
- (c) Special provision from which the petitioner is requesting relief;
- (d) Detailed statement as to how the curtailment declaration adversely affects the petitioner;
- (e) Description of the relief desired;
- (f) Period of time for which the variance is sought;
- (g) Economic value of the water use;
- (h) Damage or harm to the petitioner or others if the petitioner complies with this section;

(i) Restrictions with which the petitioner is expected to comply and the compliance date;

(j) Steps the petitioner is taking to meet the restrictions from which the variance is sought and the expected date of compliance; and

(k) Other information as needed.

(3) In order for the variance to be granted, the petitioner must demonstrate clearly that compliance with this section cannot be technically accomplished during the duration of the water supply shortage without having an adverse impact upon the best interest of the community. The New Ellenton CPW is authorized to grant the request for variance.

(4) In addition, the New Ellenton CPW is authorized to grant temporary variance for existing water uses otherwise prohibited under this section if it is determined that failure to grant such variances could cause an emergency condition adversely affecting health, sanitation, and fire protection for the public. No such variance shall be retroactive or otherwise justify any violation of this section occurring prior to the issuance of the variance. Variances granted by the New Ellenton CPW shall include a timetable for compliance and shall expire when the water supply shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(Res. passed 3-23-2026)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any one who violates § 51.07 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law.

(2) Any such person to whom such water is furnished from or by means of a meter, as described

in § 51.07, who shall willfully and with intention to cheat and defraud the New Ellenton Commission of Public Works, alter or interfere with such meter, or by any contrivance whatsoever draws or takes off water in any manner except through such meter, shall be guilty of a misdemeanor and be punished as provided by law.

(Prior Code, § 11-27)

(C) Violation of § 51.28 shall be as follows:

(a) First penalty: \$75 penalty shall be added to the customer's water bill;

(b) Second penalty: An additional \$150 penalty shall be added to the customer's water bill; and

(c) Third penalty: The customer's water service shall be terminated and restored only after payment of \$300 in addition to all previously assessed penalties.

(Res. passed 3-23-2026)

CHAPTER 52: SOLID WASTE

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DISPOSAL

§ 52.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. The cold residue from the burning of wood, coal, coke, or other combustible materials.

BIOMEDICAL WASTE. Pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, and discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated.

BULKY WASTE. Discarded items that are larger than three feet in any dimension limited to items such as mattresses and box springs, indoor/outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, sofas, chairs, tables, carpets, and other similar items and/or heavier than 50 pounds in weight, and/or otherwise will not fit within an empty cart, thus too large or too bulky to be collected by a contractor, including, but not limited to, items such as mattresses and box springs, indoor or outdoor furniture, swing sets, plastic swimming pools, large toys, bicycles, fish aquariums, sofas, chairs, tables, carpets, and other similar items.

C&D MATERIALS. Waste building materials and rubble, excluding hazardous waste, resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes, but is not limited to, wood, bricks, metal, concrete, wall board, paper, cardboard, carpeting, construction materials resulting from remodeling, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

CART. A rollout receptacle for residential solid waste with a capacity of 95 gallons, constructed of plastic, metal, or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid.

COMMERCIAL CONTAINER. A metal container approved by the city.

CURBSIDE. The location that is within at least four feet of the curb, paved surface of the public road, closest accessible public right-of-way, or other such location that will provide a safe and efficient accessibility to the contractor's personnel and vehicles for the placement of carts for collection.

CUSTOMER. The owner and/or occupant of a residential or commercial premises.

DISABLED PERSON. The owner of residential premises who is disabled to the extent that he or she is incapable of placing his or her cart at the curbside location for collection. **DISABLED PERSON** shall not include any person located at commercial premises.

GARBAGE. Non-hazardous solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce, and other farm products.

HAZARDOUS WASTE. Any and all:

(1) Hazardous substances, pollutants, and contaminants, as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 40 U.S.C. § 9601, as amended, solid or hazardous wastes, as defined by the Resource Conservation and Recovery Act, as amended, hazardous materials, as defined by the Resource Conservation and Recovery Act, 42 U.S.C. Chapter 82, as amended, hazardous materials, as defined by the Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq., as amended, toxic substances, as defined by the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., as amended, toxic chemicals or extremely hazardous substances, as defined by the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. Chapter 116, as amended, hazardous air pollutants, as defined by the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended, and hazardous substances, as defined by the Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended;

(2) Any other toxins, chemicals, wastes, substances, or materials which pose an unreasonable risk to human health or the environment, or which are regulated under any applicable federal, state, or local laws, rules, or regulations, or any other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for disposal at the intended disposal site utilized by a contractor;

(3) Any material that requires other than normal handling, storage, management, transfer, or disposal; or

(4) Any other material that may present a substantial endangerment to public health or safety, may cause applicable air quality or water standards to be violated by the normal operation of the disposal site to be utilized by the contractor, or because of its size, durability, or composition cannot be disposed of at such disposal site or has a reasonable possibility of otherwise adversely affecting the operation or useful life of such disposal site.

RESIDENTIAL SOLID WASTE. All garbage and rubbish generated by a residential premises, excluding automobile parts, tires, C&D materials, yard trash, bulky waste, white good, hazardous waste, or any unacceptable waste.

RUBBISH. Non-putrescible solid waste consisting of paper, rags, cardboard, cartons, wood, rubber, plastics, glass, crockery, metal cans, or other such waste.

SPECIAL WASTE. Any and all treated or de-characterized (formerly hazardous) wastes; polychlorinated biphenyl (PCB) wastes; industrial process wastes; asbestos containing material; chemical containing equipment; demolition debris; incinerator ash; medical wastes; off-spec chemicals; sludges; spill cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.

UNACCEPTABLE WASTE.

(1) Waste and materials that are not part of the services contemplated hereunder as determined by the contractor;

(2) Hazardous waste, biomedical waste, special waste, tires, paints, paint solvents, unemptied aerosol cans, compressed gas cylinders, large engine parts, small engines containing oils or fuels, chemicals, large glass panes, large tree debris, stumps, ammunition of any type, dead animals larger than ten pounds, and firearms;

(3) Waste of which the acceptance and handling by a contractor would cause a violation of any permit condition, legal or regulatory requirement, substantial damage to the contractor's vehicles, equipment, or facilities, or present a substantial danger to the health or safety of the public or the contractor's employees; and

(4) Waste which is or may be prohibited from disposal at the applicable disposal site by local, federal, or state law, regulation, rule, code, ordinance, order, permit, or permit condition.

WHITE GOODS. Household appliances such as refrigerators, stoves, washers, dryers, water heaters, and other large, enameled appliances, which do not contain PCB or CFC units and have been officially certified to that effect, and in the case of freezers and refrigerators, which have had the doors removed.

YARD TRASH.

(1) Leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance conducted by the owner of their residential premises; any mining, agricultural, and silvicultural operations excluded.

(2) The term **YARD TRASH** does not include stumps, roots, or shrubs with intact root balls, construction materials of any kind and specifically excludes all wood that has been treated or preserved with chromated copper arsenate (CCA), pentachlorophenol, or other chemicals which have been classified as known human carcinogens by the United States Environmental Protection Agency. (Ord. 2025-02, passed 6-16-2025)

**§ 52.02 COLLECTION BY CITY;
PROMULGATION OF REGULATIONS.**

(A) All refuse accumulated in the city shall be collected, conveyed, and disposed of by the city or the designated contractor, under the supervision of the Administrator.

(B) The Administrator shall have the authority to make regulations concerning the days of collection, type, and location of waste containers and such matters pertaining to the collection, conveyance, and disposal as he or she shall find necessary, and to change and modify the same, provided that such regulations are not contrary to the provisions hereof. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulations so promulgated and approved.

(C) No person, other than those under the direction of the Administrator, shall haul or remove any refuse set out for collection as provided for in this subchapter, except by written consent of the Administrator.

(Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.03 DAYS OF COLLECTION ESTABLISHED.

The city shall collect residential garbage, based upon a schedule as prepared by the Administrator and (when required) with the contractor of choice.

(Ord. 2025-02, passed 6-16-2025)

§ 52.04 RESIDENTIAL PICK UP PROCEDURES.

Accumulations of refuse shall be placed in a roll-a-waste containers (carts) and placed at curbside no earlier than 7:00 p.m. on the evening prior to the designated collection day and shall be removed from the curbside by 7:00 p.m. on such designated collection.

(Ord. 2025-02, passed 6-16-2025)

§ 52.05 NUMBER OF CARTS.

Each residence shall be provided with one cart. Additional containers will be provided, upon the demonstrated need for such containers, for an additional fee for each additional container.

(Ord. 2025-02, passed 6-16-2025)

§ 52.06 USE, MAINTENANCE OF CARTS; PROHIBITIONS.

(A) The containers shall not be used for purposes other than the storage of refuse which is non-combustible.

(B) The deposit of poisons, acids, caustics, explosives, soils, construction materials, furniture, or any other materials which would cause damage to the containers or the mechanical lifting devices on collection vehicles is prohibited.

(C) Writing, marking, cutting, painting, or any abusive treatment of such containers is prohibited.

(Ord. 2025-02, passed 6-16-2025)

§ 52.07 COMMERCIAL, INDUSTRIAL CONTAINERS.

(A) Properly sized commercial containers for refuse collection, as may be designated by the Sanitation Department, shall be provided by the owner of all commercial and industrial establishments. These also shall include businesses, schools, churches, clubs, eleemosynary institutions, clinics, or any other locations where the use of such containers is considered to be advantageous to the general welfare of the city for reasons of health, sanitation, economy, or appearance.

(B) A commercial or industrial establishment may be allowed by the Sanitation Department to make use of roll-a-waste containers for refuse collection. In such case, they shall be governed by the rules for residential collection.

(Ord. 2025-02, passed 6-16-2025)

§ 52.08 USE, MAINTENANCE OF CONTAINERS.

(A) Those persons generating large objects of refuse shall be required to first reduce the size of such objects before placing them in the commercial container or roll-a-waste container for disposal. Large objects shall include, but not be limited to, cardboard boxes, paper containers, wooden boxes and crates, and other such objects larger than 18 inches in width or depth and 18 inches in height.

(B) It shall be unlawful for the containers to remain open except while being serviced. Users of containers shall be responsible for keeping containers closed. It shall be unlawful to burn refuse in commercial or roll-a-waste containers. Roll-a-waste containers shall be placed at curbside to be emptied, unless a waiver of this requirement, for medical reasons, has been granted by the City Administrator. (Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.09 DAMAGED CONTAINERS.

The replacement cost of any cart found to be damaged due to placing unauthorized objects into said container or through neglect of the user shall be charged to said user.
(Ord. 2025-02, passed 6-16-2025)

§ 52.10 UNAUTHORIZED USE OF COMMERCIAL CONTAINERS, RESPONSIBILITY OF USER.

(A) It shall be unlawful to place the following objects into commercial containers:

- (1) Tires;
- (2) Building materials;
- (3) Bed springs;
- (4) Box springs;
- (5) Mattresses;
- (6) Stoves;
- (7) Refrigerators;
- (8) Water heaters;
- (9) Large furniture items;

- (10) Poles;
- (11) Hot ashes; and
- (12) Hazardous waste.

(B) (1) It has been determined that the above objects cause damage to the packing mechanism of the garbage truck.

(2) It will be the responsibility of the users to ensure that none of the above objects are placed into commercial containers.

(3) It will also be the responsibility of the person or business that generates the objects in division (A) above to ensure that they are properly disposed of.

(4) The Administrator is authorized, upon the showing of special circumstances and conditions, to authorize a modification of the requirements contained in this section.
(Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.11 NUMBER OF CONTAINERS PERMITTED.

Each user shall be limited to four containers. The Administrator is authorized, upon the showing of special circumstances and conditions, to modify the limits contained in this section.
(Ord. 2025-02, passed 6-16-2025)

§ 52.12 CONTAINERS TO BE PUT OUT AT TIME FIXED.

It shall be the duty of each landlord, tenant, or storekeeper to see that all refuse containers are set out at such time as may be fixed by the city.
(Ord. 2025-02, passed 6-16-2025)

§ 52.13 INTERFERENCE WITH CONTENTS OF CONTAINERS.

No person shall overhaul, molest, or interfere with the contents of any container set out for removal, unless permission is granted by the city.
(Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.14 NUMBER OF PICKUPS.

The number of pickups shall be determined by the Administrator and the garbage collection contractor.
(Ord. 2025-02, passed 6-16-2025)

§ 52.15 DUMPING OF GARBAGE AND THE LIKE.

No refuse or offensive or disease-producing material shall be dumped on any lot or space within the city for any purpose.
(Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.16 PLACING, SWEEPING TRASH, RUBBISH, AND THE LIKE ON STREETS, SIDEWALKS.

(A) It shall be unlawful for any person to put, place, or throw any refuse, trash, house sweepings, paper cups, garbage, shavings, or any other rubbish upon any sidewalk or in any public street, public alley, or other public place except in containers of the type required by this subchapter.

(B) It shall be unlawful for any person to deposit in or sweep into any street, sidewalk, gutter, or catch basin any refuse, paper, trash, rubbish, broken glass, tin cans, bottles, fruit or vegetable peelings, or any other refuse, ashes, or waste. Such materials shall be accumulated as hereinbefore specified and placed in containers, as defined in § 52.13. Nor shall any

householder or storekeeper, by himself or herself, or agent, cause to be swept from any house, yard, store, or elsewhere any dirt or refuse in or upon the sidewalks or public streets.
(Ord. 2025-02, passed 6-16-2025) Penalty, see § 10.99

§ 52.17 INDUSTRIAL, BUILDING MATERIALS, REFUSE.

No building materials or refuse from building operations or landscape contract work will be removed from any lot by the city. All large accumulations of glass, shavings, or waste materials of any kind resulting from building operations or landscaping work shall be removed by the contractor in charge of such operation.
(Ord. 2025-02, passed 6-16-2025)

§ 52.18 YARD DEBRIS REMOVAL.

(A) The city will remove regular (normal, weekly/monthly) yard debris under the following conditions:

(1) Yard debris (leaves and straw must be in bags weighing no more than 35 pounds); and

(2) Limbs (no bigger than four inches in diameter and no longer than ten feet).

(B) The city will not remove any of the following:

- (1) Glass;
- (2) Rubber;
- (3) Clothes;
- (4) Furniture;
- (5) Mattresses;

- (6) Appliances;
- (7) Carpet;
- (8) Lumber; and
- (9) Construction materials.

(C) Yard debris and limbs will be picked up from any property in the city limits if it is on the front perimeter of the property and closest to the mailbox. The city has the right to refuse the pickup of debris if it is determined that the work was done by a contractor and left by the contractor for the city to pick up, or if the amount deems excessive (overhauling an entire yard, cutting down trees, and pulling out bushes and leaving them out for the city to pick up may be deemed excessive).
(Ord. 2025-02, passed 6-16-2025)

REFUSE SERVICE CHARGES

§ 52.30 LEVY AND COLLECTION.

A special garbage and trash collection fee for the collection of refuse is hereby levied, and shall be collected. In no event shall the special fee be waved.
(Ord. 2025-02, passed 6-16-2025)

§ 52.31 ROLL-A-WASTE CONTAINERS (CARTS).

(A) There is hereby established a special fee for use of roll-a-waste containers in the amount of \$15 per cart per month for residential customers and small business commercial customers.

(B) In the case of shared containers, each residence or business shall be charged the minimum fee.
(Ord. 2025-02, passed 6-16-2025)

§ 52.32 PAYMENT, WHEN DUE.

The refuse special fee provided for in this subchapter shall be due and payable under the same rules and regulations as are provided for the collection of utility bills and paid therewith.
(Ord. 2025-02, passed 6-16-2025)

§ 52.33 APPLICATIONS FOR CONTAINER FOR SINGLE-LEVEL HOUSING FACILITIES.

Single-level housing facilities containing more than two dwelling units may have refuse collected through the use of a commercial container or through the use of a roll-a-waste container. If the method chosen is a commercial container, the service charges shall be borne by the owner of the housing facility.
(Ord. 2025-02, passed 6-16-2025)

§ 52.34 GARBAGE FEES TO BE COLLECTED WITH WATER, SEWER BILLS THROUGH THE CPW.

New residents and businesses must first apply for garbage services through the city offices. Garbage fees shall be collected with water and sewer bills sent to each customer through the contracted service agreement with the CPW (Commission of Public Works).
(Ord. 2025-02, passed 6-16-2025)

CHAPTER 53: SEWAGE

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GENERAL PROVISIONS

§ 53.001 GENERALLY.

(A) *Sewer system.* The sewer system, including the sewage treatment facility and all other improvements, extensions, and additions thereto, shall be known as the Sewer Department of the city.

(B) *Fiscal year of system.* The sewer system shall be operated on the same fiscal year basis as that used by the city.

(C) *Adoption of cross-connection, backflow, and back siphonage control regulations.*

(1) For the protection of the water supply against possible contamination arising from problems involving cross-connections, backflow and back siphonage, the provisions of Appendix D of the Standard Plumbing Code, 1982 edition, and future revisions as they may be published (published by the Southern Building Code Congress International, Inc.), entitled "Cross-Connection, Backflow and Back Siphonage Control" are adopted.

(2) The City Sewer Department is hereby given the primary responsibility for enforcement of the provisions of this section and for maintaining all records pertaining thereto.

(3) The regulations and provisions of this section shall apply to the entire sewer system of the city, whether located inside or outside the city limits.

(4) The functions, duties, powers, and responsibilities of the Cross-Connection, Backflow, and Back Siphonage Control Board referred to in said Appendix D, are delegated to the Sewer Department.

(D) *Permit for connections.* It shall be unlawful for any person to make any connection to the city's sewer system without a permit so to do issued by the Sewer Department.

(E) *Charges for connections and facilities.*

(1) For each new connection to the sewer system, the person applying for services shall pay the following fees:

<i>Sewer Connection Fees</i>	
Sewer taps (commercial)	\$2,000
Sewer taps (residential)	\$2,000*
Notes to Table: * Payable in 12 equal monthly installments	

(2) In addition to the foregoing fees, a sewer facilities charge shall be assessed on each new residential, commercial, or other development which, alone or in combination with other developments or areas, requires, in the discretion of the city, the installation, expansion, upgrading, or modification of sewer facilities by the city to provide adequate sanitary sewer service to the development. The charges paid on a development shall be placed in a separate account for sewer facilities construction and shall be expended only to defray bonded indebtedness, other obligations, or costs incurred or to be incurred by the city to install, expand, upgrade, or modify facilities that receive or will receive sewerage from the development. The charge must be paid by the developer, builder, or owner prior to the sewer connection being made on the development, or where

a development is comprised of individual lots, prior to the sewer connection being made on the individual lot on which the charge is assessed. The amount of the sewer facilities charge shall be determined on a case by case basis.

(F) *Service charges and deposits to be fixed by ordinance.*

(1) The charges for sewer service rendered by the city shall be as follows:

(a) Single-family residential: \$36 per single-family residence located within the city limits of the city. Thirty-seven dollars and fifty cents per single-family residence located without the city limits of the city;

(b) Multi-family residential, including mobile home parks and apartments: \$25 per residential unit located within the city limits of the city. Thirty-seven dollars and fifty cents per residential unit located without the city limits of the city; and

(c) Commercial and other developments: This amount shall be determined on a case by case basis depending upon the size of the commercial development. For the costs associated with existing commercial businesses, see attached Exhibit "A" attached to the ordinance codified in this chapter.

(2) The sewer facilities charges set forth hereinabove shall be reviewed and, if appropriate, revised by the city from time to time by ordinance.

(G) *Deposits.* Each new customer on the sewer system shall pay a refundable deposit of \$25. This deposit shall be refunded upon the closing of the customer's account, provided his, her, or their account with the city is current. In the event a customer closes their account, leaves the area, or cannot be located and his, her, or their account has a past due balance, that customer's deposit may be applied to the amount owed to the city.

(H) *Annual notification of sewer user charge components.* The city shall publish annually on a regular monthly billing a notice listing the monthly sewer rate user charges and the components thereof, including the portion thereof attributable to operation, maintenance, and replacement of wastewater treatment facilities. Where the notice required by this section cannot be contained on such a billing, the city may provide the notice through a direct mailing to each customer.

(I) *No free service; charges to be paid by city and other governmental entities.* No sewer service shall be furnished or rendered free of charge to any person, governmental entity, or to the city. The city shall pay the reasonable cost and value of all services furnished to it from current funds or from the proceeds of taxes.

(J) *Applicability of charges for sewer service.* Every customer receiving metered water service and whose property can be serviced by the existing sewer system or as future properties may be served upon expansion of the existing sewer system from the city shall be subject to the city's sewer service charge, whether he, she, or they utilize such sewer service or not.

(K) *Billing of service charges.* Bills for sewer service shall be rendered every month. Monthly charges for sewer service shall begin to accrue immediately upon connection of such service. The City Clerk and Treasurer may promulgate, subject to review and approval by the City Council, written policies for the commencement of monthly charges and billings for sewer service and garbage and refuse service. The City Clerk and Treasurer also may promulgate, subject to review and approval by the City Council, written policies for billing apartments, office buildings, and similar multi-unit structures and developments for monthly charges for water, sewer, garbage, and refuse service.

(L) *When and where bills due and payable; late payment charge.* Bills for sewer, garbage, and similar services shall be due and payable at the City Clerk and

Treasurer's office, or such other places as the City Council shall designate, on or before the twentieth day of the month in which the bill is issued. A late payment charge of \$1 per day shall be added to all unpaid bills. For purposes of this section, all charges for sewer, garbage, and similar services appearing on one monthly billing statement shall be considered one bill.

(M) *Discontinuance of service.*

(1) If any bill for sewer service, garbage service, or any other service City Council has authorized to be billed monthly remains unpaid for 20 days after the bill is rendered, any or all services to the customer may be immediately discontinued until the customer has paid the past due bill and any applicable reconnection charge. In the event that garbage service bills remain unpaid for 20 days after the bill is rendered, the city, or its designated representative, shall be authorized to remove the customer's garbage receptacle. Prior to resumption of garbage service, the customer shall pay all past due charges together with any applicable charges associated with the return of the trash receptacle. The city may also issue a rule to show cause to any person or persons who have failed to pay such bill requiring that person or persons to appear before the City Magistrate to show why he, she, or they have not made his, her, or their monthly payments.

(2) It shall be unlawful for any person to reconnect service when it has been discontinued under this section until all past due charges have been paid in full, including the reconnection charges. Any such reconnection must be effected by the city.

(3) Sewer service to customers located outside the city also may be terminated for the failure of a customer or property owner to comply with any terms or conditions established by City Council for the receipt of such service. Written notice of the discontinuance of service under this division (M) shall be sent by the city by regular United States mail to the service address, and to the billing address, if it is

different from the service address, at least five days prior to the actual discontinuation of service.

(4) In addition to the various means defined above regarding the collection of past due sewer and trash disposal bills, the city may also pursue payment by way of the State Setoff Debt Collection Act, codified at S.C. Code §§ 12-56-10 et seq., and 12-56-63, and as it may be amended from time to time.

(Ord. 98-0720, passed 8-17-1998; Ord. 8-18-14, passed 7-21-2014; Ord. 01-16-24, passed 1-16-2024) Penalty, see § 53.999

DISPOSAL STANDARDS, REQUIREMENTS

§ 53.015 DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of terms used in this subchapter shall be as set forth in this section. Words not defined in this section shall be construed as having the meaning defined in "Glossary Water and Sewage Control Engineering," published by the Water Pollution Control Federation, Washington, D.C., or by their general usage, if undefined.

AUTHORITY. The County Public Service Authority, Aiken County, South Carolina.

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The part of the lowest horizontal piping of a drainage system which receives the discharge from soil waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City of New Ellenton, South Carolina, including all its wastewater collection and treatment facilities.

GARBAGE. Solid waste from the domestic and commercial preparation or cooking and dispensing of food or from the handling, storage, and sale of produce.

INDUSTRIAL WASTE. The liquid waste from industrial manufacturing processes, trade, or business, as distinct from sanitary sewage.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The waste from the preparation of cooking and dispensing food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage to which storm-, surface, and groundwaters are not intentionally admitted.

SEWAGE. A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground-, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of the devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SEWER SURCHARGE. A charge for sewer service and treatment service for wastes hauling characteristics different from sanitary wastes and for which additional charges must be assessed in order for the waste to make compensation for additional expenses incurred.

SHALL; MAY. *SHALL* is mandatory, *MAY* is permissive.

SLUG. Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration proposed during normal operation.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM DRAIN (STORM SEWER). A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

STREET. Embraces streets, avenues, drives, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the sanitary area.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water,

sewage, or other liquids which are removable by laboratory filtering.

TOTAL SOLIDS. The sum of suspended matter, settleable matter, and dissolved matter, both volatile and non-volatile.

WATERCOURSE. A channel in which flow of water occurs, either continuously or intermittently. (Ord. 98-0720, passed 8-17-1998)

§ 53.016 SUBCHAPTER DOES NOT GRANT COUNTY OR PUBLIC SERVICE AUTHORITY JURISDICTION OVER SYSTEMS OWNED BY CITY, WATER OR SEWER DISTRICTS.

Notwithstanding the terms and conditions of this subchapter, nothing herein contained shall be construed to grant the county or the County Public Service Authority jurisdiction or authority over any portion of any water or sewer system currently owned or in the future owned or acquired by any municipality or water or sewer district, whether located within or without the corporate limits of such municipality or within or without the defined jurisdictional boundaries of such water or sewer district. (Ord. 98-0720, passed 8-17-1998)

§ 53.017 RIGHT OF ENTRY TO ENFORCE SUBCHAPTER.

(A) (1) The duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this subchapter.

(2) The city and its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of

discharge to the sewer or waterways or facilities for waste treatment.

(B) While performing the necessary work on private property referred to in this section, the employees of the city shall observe all safety rules applicable to the premises established by the company.

(C) The duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 98-0720, passed 8-17-1998)

§ 53.018 UNLAWFUL DISPOSAL OF SEWAGE GENERALLY.

It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.019 DISCHARGE OF SEWAGE TO NATURAL OUTLETS.

It shall be unlawful for any person to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this subchapter.

(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.020 MANDATORY CONNECTION TO PUBLIC SEWER.

(A) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the city and abutting on any street, alley, or right-of-way in which there shall be located a public sanitary sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with provisions of this subchapter, within 90 days after written notice from the city. In the event the property is served, at the passing of this subchapter, by a private disposal system, that owner may continue to operate that private disposal system until such time as that system may no longer be operable. The owner will still be required to pay the minimum monthly payment for residential users of \$25 per month upon the passage of this subchapter.

(B) It shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, where public sewers are available.

(C) Sewer service will not be considered to be available to a particular property where the distance between the house or building to be serviced and the public sewer is more than 200 feet. The city shall have the option to extend its service to achieve the 200-foot requirement.

(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.021 OCCUPATIONAL HEALTH AND SAFETY ACT.

All applicable requirements set forth in the Occupational Health and Safety Act (OSHA) and regulations enacted pursuant thereto shall be complied within construction, maintenance, operation, and use of the city sanitary sewer system.

(Ord. 98-0720, passed 8-17-1998)

BUILDING SEWERS**§ 53.035 PERMIT.**

(A) No person not authorized by the city shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(B) There shall be two classes of building sewer permits, one for residential and commercial services, and one for service to establishments producing industrial wastes. In either case, the owner, or his or her agent, shall make application for a permit on a special form furnished by the city. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city. A permit and inspection fee for a residential or commercial building sewer permit or an industrial building sewer permit shall be paid to the city at the time the application is filed.

(Ord. 98-0720, passed 8-17-1998)

§ 53.036 OWNER TO BEAR COST OF INSTALLATION, INDEMNITY OF CITY.

All costs and expenses incident to the installation and connection of the building sewer to the point where the city stub ends shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

(Ord. 98-0720, passed 8-17-1998)

§ 53.037 SEPARATE SEWER REQUIRED FOR EACH BUILDING; EXCEPTION.

A separate and independent building sewer shall be provided for every building; provided that, where a building stands to the rear of another on a single lot and no private sewer is available or can be constructed to the rear building through an adjoining alley,

courtyard, or driveway, the city may grant permission for the building sewer from the front building to be extended to the rear building and the whole considered as one building sewer, upon a showing by the applicant that it is not feasible that the two buildings so connected will ultimately be on separate building lots.

(Ord. 98-0720, passed 8-17-1998)

§ 53.038 USE OF OLD SEWERS FOR NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city, to meet all the requirements of this subchapter.

(Ord. 98-0720, passed 8-17-1998)

§ 53.039 SIZE, SLOPE MATERIALS, AND THE LIKE.

The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the appropriate specifications of the ASTM or "WPCF Manual of Practice No. 9," or such other standard as may be adopted by the city. All installations to be subject to the expressed written approval of the city, and in no case shall the size of pipe installed be less than four inches in normal diameter.

(Ord. 98-0720, passed 8-17-1998)

§ 53.040 ELEVATION; PROXIMITY TO BEARING WALL, AND THE LIKE.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement or first floor. No building sewer shall be made parallel to or within three feet of any bearing wall, which might thereby be weakened.

(B) The depth shall be sufficient to afford protection from live loads (automobiles, and the like) which may be superimposed. The building sewer shall be made at uniform grade and in straight alignment, insofar as possible.

(C) The building sewer shall be constructed to such point as directed by the city.

(Ord. 98-0720, passed 8-17-1998)

§ 53.041 GUARDING OF EXCAVATIONS; RESTORATION OF DISTURBED PUBLIC PROPERTY.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 98-0720, passed 8-17-1998)

§ 53.042 CONNECTION OF DOWNSPOUTS, FOUNDATION DRAINS, AND THE LIKE, PROHIBITED.

No person shall maintain or make a connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.043 CONNECTION TO PUBLIC SEWER.

(A) (1) Before any underground portions thereof are covered, the applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer.

(2) The connection thereof shall be made to the public sewer only after inspection. The inspection thereof shall be made within two working days of receipt of notice by the city.

(B) The city shall keep a permanent and accurate record of the location, depth, and direction of all new sewer connections, including such landmarks as may be necessary to make an adequate description.
(Ord. 98-0720, passed 8-17-1998)

§ 53.044 PUMPING FACILITIES.

When a building elevation is too high to permit connection to a public sewer, the owner shall install pumping facilities capable of lifting the sewage to the public sewer. Pumping facilities shall be inspected and approved by the plumbing official.
(Ord. 98-0720, passed 8-17-1998)

SEWER USE STANDARDS

§ 53.055 PROHIBITED DISCHARGES GENERALLY.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any public sewer.

(B) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or

animals, to create a public nuisance, or to create any hazard in the receiving waters in the sewage treatment plant;

(3) Any waters or wastes having a pH less than 6.0 or greater than 11.0 or containing heavy concentrations of salts or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; and/or

(4) Solids or viscous substances in quantities or of such size capable of causing obstructions in the flow of sewage or other interference to the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole or paunch manure, hair and fleshing or entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(C) No person shall discharge or cause to be discharged to a public sewer the following described substances, materials, waters, or wastes, if it appears likely, in the opinion of the city, that such wastes can harm either the sewers, sewage treatment process, or equipment, or have an adverse affect on the receiving stream or can otherwise endanger life, limb, or public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes, in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree or treatability of wastes in the sewage treatment plant, and other pertinent factors. The prohibited substances are:

(1) Any liquid or vapor having a temperature higher than 150°F or 0° and 65°C;

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which

may solidify or become viscous at temperatures between 32° and 150°F or 0° and 65°C;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (excluding domestic), equipped with a motor of three-fourths horse power or greater, shall be subject to the review and approval of the city;

(4) Any waters or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions, whether neutralized or not;

(5) Any waters or wastes containing heavy metals in excess of the following, or a combination of the following in excess of 9.0 mg/l in the effluent, or which, when blended with the waste in the trunk line, will have a concentration in excess of 1.0 mg/l when it reaches the treatment plant, notwithstanding, or wastes exerting an excessive chlorine requirement to such a degree that any such material received in composite sewage at the sewage treatment works exceeds the limits established by the city for such materials:

Chromium*	1.0 mg/l
Copper	0.5 mg/l
Cyanide	0.2 mg/l
Lead	2.0 mg/l
Nickel	1.0 mg/l
Tin	2.0 mg/l
Zinc	2.0 mg/l
Notes to Table: * = Either the +3 valance or +6 valance, or a combination of both	

(6) Any waters or wastes containing phenols or other waste or odor producing substances in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage to meet requirements of the state, federal, or other public agencies of jurisdiction of such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the city in compliance with applicable state and federal regulations;

(8) Any waters or wastes having a pH outside of the range of 6.0 to 11.0;

(9) Materials which exert or cause:

(a) Unusual concentration of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;

(b) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and/or

(c) Unusual volume of flow or concentrations of wastes constituting slugs.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.056 DISCHARGE OF SCAVENGER WASTES.

(A) Persons desiring to discharge scavenger wastes shall be required to obtain a permit from the authority, on forms furnished by the Authority.

(B) For the purpose of this section, **SCAVENGER WASTES** shall mean putrid or offensive matter and the contents of all privies, septic tanks, and cesspools.

(C) The discharge of such wastes shall be made only at a location in the sewage treatment plant designated on the permit by the authority.

(D) No scavenger wastes shall be discharged into the city sewer system.
(Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

§ 53.057 AUTHORITY OF CITY TO REJECT, REQUIRE PRETREATMENT OF CERTAIN WASTES.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in § 53.055(C), which, in the judgment of the city, may have a deleterious affect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition with discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this subchapter.

(B) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances, and laws.
(Ord. 98-0720, passed 8-17-1998)

§ 53.058 MAINTENANCE OF PRETREATMENT, FLOW EQUALIZING FACILITIES.

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at their expense.
(Ord. 98-0720, passed 8-17-1998)

§ 53.059 GREASE, OIL, SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be supplied and properly maintained continuously in satisfactory and effective operation by the owner, at his or her expense.
(Ord. 98-0720, passed 8-17-1998)

§ 53.060 SURGE TANK FOR CERTAIN INDUSTRIES.

Any industry whose hydraulic load is 10% or more of the total hydraulic load to the system must provide pretreatment in the form of a surge tank to equalize the flow over a seven-day period. The surge tank must be approved by the city.
(Ord. 98-0720, passed 8-17-1998)

§ 53.061 CONTROL MANHOLES, OTHER FACILITIES FOR OBSERVATION; SAMPLING, MEASUREMENT OF INDUSTRIAL WASTE.

(A) It shall be required by the city that the owner of any property serviced by a building sewer carrying industrial wastes install a suitable control manhole. When deemed necessary, the city may require additional meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste.

(B) The manhole provided for in this section shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.
(Ord. 98-0720, passed 8-17-1998)

§ 53.062 METHOD OF MEASURING, TESTING, AND THE LIKE.

(A) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole, or upon suitable samples taken at the control manhole.

(B) Sampling shall be carried out by customarily accepted methods to reflect the affect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(C) In order for the city to properly evaluate the affect of the waste on the system, an industry must submit, along with the plans and other required data, an industrial waste questionnaire form. These forms are available from the city.
(Ord. 98-0720, passed 8-17-1998)

§ 53.063 AGREEMENT FOR ACCEPTANCE OF INDUSTRIAL WASTE FOR PRETREATMENT.

No statement contained in this subchapter shall be construed as preventing any agreement or arrangement between the city and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.
(Ord. 98-0720, passed 8-17-1998)

§ 53.064 SURCHARGES.

(A) In Table I below, a schedule of surcharges has been established which takes into consideration the total costs for the treatment of waste.

(B) This schedule (Table I) can be amended from time to time by ordinance of the City Council. In this schedule, a BOD₅ concentration of zero to 600 ppm and a pH in the range of 6.0 through 11.0 pH units is considered to be standard sewage waste.

(C) Any sewage having a concentration in excess of 600 ppm BOD₅, or having a pH of less than 6.0 units or greater than 11.0 units, is subject to a surcharge in accordance with the schedule set forth in Table I.

(D) This surcharge schedule is based on the equitable recovery of waste treatment costs as required for those cities receiving federal assistance for the construction of wastewater treatment facilities and is in compliance with the regulations 18 C.F.R. § 601.34.

(E) The issuance of this surcharge schedule does not in itself permit nor does it imply that any such waste will be received by the city for treatment.

(F) In each instance, the actual acceptance of the waste for treatment is subject to review and evaluation by the city.

(G) In some instances, pretreatment may be required before acceptance of the waste for final treatment by the city.

<i>Table I</i>				
<i>Table of Sewer Surcharge Rates</i>				
		<i>A</i>		<i>B</i>
<i>Rate</i>	<i>BOD₅</i>	<i>Cost per Million Gallons</i>	<i>pH</i>	<i>Cost per Million Gallons</i>
0	0-600	\$0.00	6.0-11.0	\$0.00
1	600-800	\$9.50	1.0-2.0 2.0-3.0	\$3 \$3
2	800-1,000	\$28.50	3.0-4.0 4.0-5.0	\$2 \$2
3	1,000-1,200	\$47	5.0-6.0	\$2
4	1,200-1,400	\$67	-	-
5	1,400-1,600	\$85	11.0-12.0	\$1.50
6	1,600-1,800	\$104	12.0-13.0	\$3
7	1,800-2,000	\$122.50	-	-
Notes to Table: (1) Total charge = BOD surcharge + pH surcharge (2) The city will require independent engineers to conduct a 24 hour composite sampling and analysis of the wastewater at least once per three months. This analysis will be the basis for determining the surcharge. (3) The cost per million gallons shown under columns A and B would be subject to yearly adjustments				

(Ord. 98-0720, passed 8-17-1998)

§ 53.065 DISCHARGES INTO STORM SEWER SYSTEM.

(A) No person or activity shall discharge or cause to be discharged sanitary wastewater into any stormwater channel, conduit, ditch, or pipe, or any other part of the storm sewer system.

(B) Uncontaminated cooling water may be discharged into the storm sewer system, provided proper permits and authorizations are obtained, but may not be discharged into the sanitary sewer system. (Ord. 98-0720, passed 8-17-1998) Penalty, see § 53.999

PRIVATE DISPOSAL SYSTEMS**§ 53.080 WHEN REQUIRED.**

Where a public sanitary sewer is not available under the provisions contained herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the State Department of Health and Environmental Control ("DHEC").

(Ord. 98-0720, passed 8-17-1998)

§ 53.081 TYPE, CAPACITY, AND THE LIKE.

(A) The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of DHEC.

(B) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 98-0720, passed 8-17-1998)

§ 53.082 PERMIT TO INSTALL.

Before commencement of construction of a private sewer disposal system, other than a septic

tank, privy, privy vault, or cesspool for a single-family dwelling, the owner shall first obtain a written permit from the County Health Department. Application for such permit shall be made on a form furnished by the County Health Department, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the County Health Department. A permit and inspection fee shall be paid to the city at the time the application for permit is filed.

(Ord. 98-0720, passed 8-17-1998)

§ 53.083 INSPECTION.

(A) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Department.

(B) The County Health Department shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Department when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the County Health Department.

(Ord. 98-0720, passed 8-17-1998)

§ 53.084 OPERATION AND MAINTENANCE.

The owner shall operate and maintain private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(Ord. 98-0720, passed 8-17-1998)

§ 53.085 ABANDONMENT WHEN PUBLIC SEWER BECOMES AVAILABLE.

(A) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this subchapter

and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean, bank-on gravel or dirt, within 60 days of notification to do so by the city.

(B) In the event the property is served, at the passing of this subchapter, by a private disposal system, that owner may continue to operate that private disposal system until such time as that system may no longer be operable.

(C) The owner will still be required to pay the minimum monthly payment for residential users of \$25 per month upon the passage of this subchapter. (Ord. 98-0720, passed 8-17-1998)

§ 53.086 SUBCHAPTER DOES NOT NULLIFY REQUIREMENTS OF STATE OR COUNTY HEALTH OFFICER.

No provision of this subchapter shall be construed to nullify any additional requirements that may be imposed by the State or County Health Officer. (Ord. 98-0720, passed 8-17-1998)

COMPLIANCE ENFORCEMENT

§ 53.100 FAILURE TO MEET REQUIREMENTS.

In the event that a user of the city sanitary sewer system fails to comply with the requirements of this chapter, the city may institute the compliance enforcement procedures set forth in this subchapter or seek injunctive relief for non-compliance. The city shall also have authority to seek or assess civil penalties in at least the amount of \$500 a day for each violation. (Ord. 98-0720, passed 8-17-1998)

§ 53.101 NOTICE OF VIOLATION.

Whenever the city finds that any user has violated or is violating this chapter, its wastewater discharge permit, or any prohibitions, limitations, or requirements contained therein, the city may serve upon such user a written notice stating the nature of the violations. Within ten days of receipt of the notice, the user shall make a written reply to the notice. (Ord. 98-0720, passed 8-17-1998)

§ 53.102 USER REPLY.

The user's reply shall state whether he or she admits or denies the violation, how the violation occurred, the reasons for it, and the steps being taken to correct the violation and steps being taken to prevent its occurrence in the future. The user's reply shall include a schedule for completion of the corrective actions. (Ord. 98-0720, passed 8-17-1998)

§ 53.103 FAILURE TO REPLY TO NOTICE OF VIOLATION.

(A) If the user fails to reply to the notice of violation as hereinabove provided or if the reply is not satisfactory or the violation continues for 20 days after the date of the notice of violation, the city shall cause to be scheduled a show cause hearing before the city to consider the violation and the consequences of continued violation.

(B) A notice shall be served on the user specifying the time and place of the hearing to be held by the city on the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city why the proposed enforcement should not be taken.

(C) The notice of the hearing shall be served personally or by registered or certified mail (return

receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation or other entity.

(Ord. 98-0720, passed 8-17-1998)

§ 53.104 SHOW CAUSE HEARING.

The City Council may conduct the show cause hearing provided above and do the following, or may designate any city official or other qualified person to serve as a hearing examiner to do the following:

(A) Issue, in the name of the city, notices of hearings, request the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearing;

(B) Take evidence;

(C) Establish facts, receive data, and develop a compliance schedule;

(D) If a hearing examiner is designated, he or she shall prepare and transmit a report of the evidence and hearing, including transcripts and other evidence, together with his or her recommendations to City Council for action thereon.

(Ord. 98-0720, passed 8-17-1998)

§ 53.105 HEARING TESTIMONY.

At any hearing held pursuant to this chapter, testimony must be taken under oath and recorded stenographically or electronically.

(Ord. 98-0720, passed 8-17-1998)

§ 53.106 REMEDIES.

If the City Council determines that a user is in violation of any provision of this chapter after the hearing upon the rule to show cause and no further adjudicatory hearing is needed, the city may take the following actions in addition to any other actions

authorized by this chapter or applicable state or federal laws or regulations:

(A) Prohibit the wastewater from entering the city's wastewater treatment system;

(B) Require pretreatment necessary to reduce or eliminate pollutants so that the discharge will not violate this chapter;

(C) Require wastewater storage or flow equalization facilities necessary to control the quantities and rates of discharge;

(D) Require payment to cover the added handling and treatment costs not covered by existing user charges. However, payment, other than for civil penalties, is not an alternative to pretreatment for prohibited wastes and/or for discharges which exceed maximum limitations defined in this chapter;

(E) Develop and apply a mandatory schedule requiring the user to be in full compliance within a specified period of time;

(F) Take other remedial action necessary to achieve the purpose of these regulations, including a civil penalty and assessment of costs or expenses as provided by this chapter; and/or

(F) Revoke or suspend the offending user's wastewater discharge permit or access to the system. (Ord. 98-0720, passed 8-17-1998)

§ 53.107 FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter may be subject to a fine or imprisonment under applicable state or federal law. (Ord. 98-0720, passed 8-17-1998)

§ 53.108 EMERGENCIES.

(A) The city shall have the authority, without prior notice to the user, immediately to halt or prevent any discharge of pollutants to its system which reasonably appears to the city to present an immediate danger to public safety or welfare or the environment, or threatens to interfere significantly with the proper operation of the city sanitary sewer system.

(B) If the emergency is not resolved within a reasonable period of time, the city shall institute the service suspension procedures provided in § 53.109. (Ord. 98-0720, passed 8-17-1998)

§ 53.109 SERVICE SUSPENSION.

In the event of an emergency as described in the preceding section and in addition to the powers granted therein, the city, after giving the user five days' written notice, may suspend sewer service pending a show cause hearing as provided herein. (Ord. 98-0720, passed 8-17-1998)

§ 53.999 PENALTY.

(A) (1) Any user who is found to have violated any provision in this chapter or the orders, rules, regulations, or permits of the city may be fined by the city not more than \$500 for each day of violation as a civil penalty. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation. This shall be considered a civil fine or penalty.

(2) In addition to the civil penalties provided herein, the city may assess against the user reasonable attorneys fees, hearing costs, reporters' fees, and other expenses incurred by the city for any hearings or enforcement procedures.

(3) Net proceeds from collection of civil penalties and fines shall be deposited in the City Utilities Fund.

(B) After the city determines a violation has occurred, it may issue an order to the user responsible for the discharge, directing as follows:

(1) Order the user to close his or her facility;

(2) Order the user to cease operation of the process or processes which are the source of the pollutant(s) interfering with the waste treatment; or

(3) Dig up and disconnect the users' sewage connection.

(C) (1) It shall be unlawful for any developer, contractor, or any other person to make any connection to the city sewer system prior to approval by the State Department of Health and Environmental Control, as set forth in § 53.001(D), and each day that such unauthorized connection exists prior to approval by the said State Department of Health and Environmental Control shall constitute a separate offense, and be punishable by a fine of \$200 per day.

(2) Such fine shall be a lien upon the property affected thereby until the fine be paid in full.

(3) When any such unauthorized connection is discovered, it shall be presumed prima facie that such unauthorized connection was made by the developer.

(Ord. 98-0720, passed 8-17-1998)

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. PARKING REGULATIONS**
- 73. TRAFFIC SCHEDULES**

CHAPTER 70: GENERAL PROVISIONS

Section

- 70.01 State traffic laws adopted by reference
- 70.02 Adoption of rules, regulations promulgated by State Highway and Public Transportation Department
- 70.03 Enforcement; Department designated
- 70.04 Powers of Chief of Police generally
- 70.05 Processions, parades

70.99 Penalty

Cross-references:

Abandoned motor vehicles, see §§ 90.085 through 90.092

Corners visibility at street intersections, see zoning ordinance

Driving in parks, see § 93.02

Driving over fire hose, see § 92.02

Impeding of traffic by peddlers, see § 111.13

Obstructing streets, see § 152.02(A)

Placing handbills on automobiles, see § 130.01

Vehicles causing excessive noise, see § 90.016

Statutory references:

Municipal authority to regulate traffic, see S.C. Code § 56-5-30

Municipal court authority to try violations of state traffic laws, see S.C. Code § 56-5-6150

set out at length herein, except those provisions relating solely to the State Department of Highways and Public Transportation, those provisions which, by their nature, cannot apply within the city, and those provisions, the penalty for the violation of which shall be found in § 70.99(B).

(Prior Code, § 17-1) Penalty, see § 70.99

§ 70.02 ADOPTION OF RULES, REGULATIONS PROMULGATED BY STATE HIGHWAY AND PUBLIC TRANSPORTATION DEPARTMENT.

All rules and regulations promulgated by the State Department of Highways and Public Transportation, as authorized by the laws of the state to have, when promulgated, the full force and effect of law, shall, upon being promulgated by such Department, become a part of this title, and the violation of any such rule or regulation shall be a violation of this title.

(Prior Code, § 17-2) Penalty, see § 70.99

§ 70.03 ENFORCEMENT; DEPARTMENT DESIGNATED.

The Police Department is hereby authorized to administer and enforce the provisions of this title.

(Prior Code, § 17-3)

§ 70.01 STATE TRAFFIC LAWS ADOPTED BY REFERENCE.

All vehicles shall be operated, equipped, and parked, and all pedestrians shall be regulated, in the city in accordance with and in conformity with S.C. Code § 56-5, as amended, relating to the operation, equipment, and parking of vehicles, and the regulation of pedestrians, which the state reference is hereby adopted by reference and made a part of this title as if

§ 70.04 POWERS OF CHIEF OF POLICE GENERALLY.

The Chief of Police, upon approval of such officer's recommendations therefor by resolution of the City Council, shall have power to designate, lay

off, and indicate by appropriate signs and markings: Parking spaces and zones, parking meter spaces within the parking meter zones designated by the City Council, no-parking zones, limited parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, no passing zones, traffic zones other than the above, pedestrian crosswalks, through streets, stop streets, one-way streets, three- and four-lane streets, play streets, bus stops, and taxicab stands. The Chief of Police shall cause to be erected and installed such traffic-control devices, signs, signals, and markings as such officer may deem necessary.

(Prior Code, § 17-4)

§ 70.05 PROCESSIONS, PARADES.

No funeral, procession, or parade, except those of the forces of the United States Military Forces or the State Military Forces, and the forces of the Police and Fire Departments, shall occupy, march, or proceed along any street, except in accordance with and as provided in a permit issued by the Chief of Police.

(Prior Code, § 17-6) Penalty, see § 70.99

Statutory reference:

Authority to regulate parades and demonstrations, see S.C. Code § 56-5-2520

§ 70.99 PENALTY.

(A) Any person violating any provision of this title for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates the provisions adopted in § 70.01 shall be fined an amount, which exceeds a fine of \$200 or imprisonment for 30 days. Any person violating these provisions shall be guilty of a misdemeanor.

(Prior Code, § 17-1)

CHAPTER 71: TRAFFIC REGULATIONS

Section

- 71.01 Restriction on use of highways
- 71.02 Careless driving

§ 71.01 RESTRICTION ON USE OF HIGHWAYS.

When necessary to preserve order to protect life, limb, or property, the City Council or City Manager, or officers of the Police Department or Fire Department, may order or direct that any highway, or part thereof, shall not be used by persons, animals, or vehicles, or by certain classes of vehicles or animals, and it shall be unlawful for any person to violate such order.

(Prior Code, § 17-5) Penalty, see § 70.99

§ 71.02 CARELESS DRIVING.

It shall be unlawful for any person in the city to operate a vehicle above the posted speed limit, or in a careless manner in disregard of the safety of persons or property upon any street, sidewalk, alleyway, or parking area, public or private. The offense of careless driving is to include any points assessable moving violation of S.C. Code Title 56, Laws Governing Motor Vehicles on the Roadways.

(Ord. passed 10-16-2006) Penalty, see § 70.99

Statutory reference:

Similar provisions, see S.C. Code Title 56

CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Prohibited parking between curb or roadway lines and adjacent property lines
- 72.02 Prohibited parking for certain purposes
- 72.03 Bus and taxicab stands
- 72.04 Parking in alleys
- 72.05 Loading, unloading
- 72.06 Illegally parked vehicles; impoundment

Cross-reference:

Abandoned motor vehicles, see §§ 90.085 through 90.092

Statutory reference:

Stopping, standing, and parking, see S.C. Code §§ 56-5-2510 et seq.

§ 72.01 PROHIBITED PARKING BETWEEN CURB OR ROADWAY LINES AND ADJACENT PROPERTY LINES.

No person shall stand or park a vehicle upon that portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line. (Prior Code, § 17-20) Penalty, see § 70.99

§ 72.02 PROHIBITED PARKING FOR CERTAIN PURPOSES.

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (A) Displaying it for sale; or

(B) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency. (Prior Code, § 17-21) Penalty, see § 70.99

§ 72.03 BUS AND TAXICAB STANDS.

(A) *Use by designated vehicles.* The driver of a bus or taxicab shall not stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of, and while actually engaged in, loading or unloading passengers.

(B) *Use by other vehicles.* No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (Prior Code, § 17-22) Penalty, see § 70.99

§ 72.04 PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave

available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(Prior Code, § 17-23) Penalty, see § 70.99

§ 72.05 LOADING, UNLOADING.

(A) (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone during hours when the regulations applicable to such passenger zones are effective, and then only for a period not to exceed three minutes.

(2) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading or delivery, or pickup and loading, of materials in any place marked as a loading zone during hours when the provisions applicable to loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(Prior Code, § 17-24)

(B) In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads where the owner of such vehicle holds a special permit issued in the discretion of the Chief of Police granting such owner such privilege, and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the terms or conditions of any such special permit.

(Prior Code, § 17-25)

(C) All persons loading or unloading goods at any business house or establishment in a business district having an accessible back or side entrance shall use such back or side entrance for the purpose of loading or unloading of goods; and in all cases where there exists an accessible back or side entrance, it

shall be unlawful to load or unload goods across any sidewalk so as to obstruct the flow of persons using said sidewalk or traffic in front of said business house or establishment.

(Prior Code, § 17-26)

Penalty, see § 70.99

§ 72.06 ILLEGALLY PARKED VEHICLES; IMPOUNDMENT.

Whenever any police officer finds a vehicle standing upon a street in violation of any of the provisions of this chapter, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such street; and whenever any police officer finds a vehicle apparently abandoned upon a public street, or finds the same unattended upon any public street where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety, and the owner of such vehicle shall pay all charges incidental to the removal and storage of said vehicle prior to the surrender of the vehicle to the owner.

(Prior Code, § 17-27)

Cross-reference:

Junk vehicles, see §§ 90.085 through 90.092

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

The speed limit on all streets within the city is 35 mph unless otherwise posted.
(Prior Code, § 17-7)

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. HEALTH AND SANITATION; NUISANCES**
- 91. ANIMALS**
- 92. FIRE PREVENTION**
- 93. PARKS AND RECREATION**

CHAPTER 90: HEALTH AND SANITATION; NUISANCES

Section

General Provisions

- 90.001 Water supply facilities; sewage disposal facilities
- 90.002 Eating establishments; sanitary, health standards
- 90.003 Abatement by city

Noise

- 90.015 General prohibition
- 90.016 Specific prohibitions
- 90.017 Tests and standards
- 90.018 Exemptions

Refuse; Junk

- 90.030 Dumping refuse
- 90.031 Discarded, abandoned iceboxes, refrigerators, similar receptacles

Property Maintenance

- 90.045 Upkeep of vacant lots
- 90.046 Responsibility of owner to maintain
- 90.047 Weeds, grass, other uncut growth prohibited
- 90.048 Clearing by town; costs to be paid by owners
- 90.049 Definitions
- 90.050 Public authority
- 90.051 Review procedure
- 90.052 Hearing

- 90.053 Costs to be a lien against the real property
- 90.054 Standard Housing Code to be the basis for determining fitness
- 90.055 Final appeal

Abandoned Personal Property

- 90.070 Definition
- 90.071 Exceptions
- 90.072 Removal and storage
- 90.073 Disposition

Abandoned Motor Vehicles

- 90.085 Definition
- 90.086 Abandonment unlawful
- 90.087 Exceptions
- 90.088 Removal
- 90.089 Disposition of vehicle; owner's consent
- 90.090 Junk motor vehicles
- 90.091 Notice and order for removal
- 90.092 Failure to obey order
- 90.999 Penalty

Cross-reference:

Burning refuse on streets, see § 152.05

Placing handbills on motor vehicles, see § 130.01

Posting handbills, see § 130.02

Statutory reference:

Municipal authority to require owners of property to maintain such property, see S.C. Code § 5-7-80

GENERAL PROVISIONS**§ 90.001 WATER SUPPLY FACILITIES;
SEWAGE DISPOSAL FACILITIES.**

The following basic principles shall be enforced.

(A) All premises intended for human habitation, occupancy, or use shall be provided with a supply of pure and wholesome water, neither connected with unsafe water supplies nor subject to the hazards of backflow or back-siphonage.

(B) Plumbing fixtures, devices, and appurtenances shall be supplied with water in sufficient volume and at pressures adequate to enable them to function satisfactorily and without undue noise under all normal conditions of use.

(C) Plumbing shall be designed and adjusted to use the minimum quantity of water consistent with proper performance and cleaning.

(D) Devices for heating and storing water shall be so designed and installed as to prevent dangers from explosion through overheating.

(E) (1) Every building having plumbing fixtures installed and intended for human habitation, occupancy, or use on premises abutting on a street, alley, or easement in which there is a public sewer shall have a connection with the sewer.

(2) Where there is a sewer in the street, every house or building shall be separately and independently connected with it, unless the Superintendent of Waterworks shall give permission.

(3) The Superintendent is authorized to permit the owner of two or more contiguous houses to connect them all with the sewer in the street through a single opening.

(4) When possible, such connections shall be made directly in front of the house.

(F) (1) Each family dwelling unit on premises abutting on a sewer or with a private sewage disposal system shall have at least one water closet and one kitchen type sink.

(2) All other structures for human occupancy or use on premises abutting on a sewer or with a private sewage disposal system shall have adequate sanitary facilities, but in no case less than one water closet and one other fixture for cleansing purposes.

(G) Plumbing fixtures shall be made of smooth non-absorbent material, shall be free from concealed fouling surfaces, and shall be located in ventilated enclosures.

(H) The drainage system shall be designed, constructed, and maintained so as to guard against fouling, deposit of solids, and clogging; and with adequate cleanouts so arranged that the pipes may be readily cleaned.

(I) The piping of the plumbing system shall be of durable material, free from defective workmanship.

(J) Each vent terminal shall extend to the outer air and be so installed as to minimize the possibilities of clogging and the return of foul air to the building.

(K) The plumbing system shall be subjected to such tests as will effectively disclose all leaks and defects in the work.

(L) No substance which will clog the pipes, produce explosive mixtures, destroy the pipes or their joints, or interfere unduly with the sewage disposal process shall be allowed to enter the building drainage system.

(M) Proper protection shall be provided to prevent contamination of food, water, sterile goods, and similar materials by backflow of sewage. When necessary, the fixture, device, or appliance shall be connected indirectly with the building drainage system.

(N) No water closet shall be located in a room or compartment which is not properly lighted and ventilated.

(O) If water closets or other plumbing fixtures are installed in buildings where there is no sewer within a reasonable distance, suitable provisions shall be made for disposing of the building sewage by some accepted method of sewage treatment and disposal.

(P) Where a plumbing drainage system may be subject to backflow of sewage, suitable provisions shall be made to prevent its overflow in the building.

(Q) Plumbing systems shall be maintained in a sanitary and serviceable condition.

(R) All plumbing fixtures shall be so installed with regard to spacing as to be reasonably accessible for their intended use.

(S) Plumbing shall be installed with due regard to preservation of the strength of structural members and prevention of damage to walls and other surfaces through fixture usage.

(T) Sewage or other waste from a plumbing system which may be deleterious to surface or subsurface waters shall not be discharged into the ground or into any waterway unless it has first been rendered innocuous through subjection to some acceptable form of treatment.

(Prior Code, § 10-1)

Cross-reference:

Water supply, see Chapter 51

**§ 90.002 EATING ESTABLISHMENTS;
SANITARY, HEALTH STANDARDS.**

All eating establishments in the city shall be governed by and regulated in regard to sanitation and health standards in accordance with the health laws of the state.

(Prior Code, § 10-2)

§ 90.003 ABATEMENT BY CITY.

Upon the failure of any person to remove and abate the public nuisance, as provided in this chapter, within ten days after notice from the Chief of Police, the city may enter upon the premises of the person offending and cause the nuisance to be removed, by removing the filth from the premises and by cutting and removing the weeds, grass, and rank vegetation therefrom and charge the expense thereof to the owner or tenant of the premises, and, upon failure of such owner or tenant of the premises to pay the costs thereof, the city may proceed to collect the same by an action at law, or by imposition and foreclosure of a lien on the property.

(Prior Code, § 10-35)

NOISE

§ 90.015 GENERAL PROHIBITION.

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unreasonably or unusually loud, or unnecessary noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others within the city.

(Prior Code, § 10-20) Penalty, see § 90.999

Statutory reference:

*Public disorderly conduct, see S.C. Code
§ 16-17-530*

§ 90.016 SPECIFIC PROHIBITIONS.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this subchapter, but said enumeration shall not be deemed to be exclusive:

(A) *Horns, signaling devices, and the like.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street

or public place in the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device, except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up;

(B) *Loudspeakers, musical instruments for advertising purposes, and the like.* To maintain and operate in any building or on any premises in the city 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 such manner as to create unreasonably loud, excessive, and disturbing noise, and where such device is maintained and operated for advertising purposes or for the purposes of attracting the attention of the passing public, or which is 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, without first obtaining a permit therefor from the City Clerk and Treasurer;

(C) *Sound amplifying devices; permit required.* To operate, or cause or permit to be operated, any automatic or electric piano, phonograph, radio, television, loudspeaker, or any instrument, or sound producing or sound amplifying device, of like character so loudly as to unreasonably disturb persons in the vicinity thereof or in such a manner as renders the same a public nuisance; provided, however, that upon application to and approval by the Chief of Police, written permits may be granted to responsible organizations to broadcast programs of music, speech, general entertainment, or announcements as a part of and incident to community celebration of national state or city occasions, public festivals, or other outstanding events, provided that traffic on the streets is not obstructed by reason thereof;

(D) *Playing radio, phonograph, and the like, in loud manner.* To play any radio, television, phonograph, or musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, hotel, or other type of residence;

(E) *Making for purpose of soliciting business.* To make any noise upon a public street or in such proximity thereto as to be distinctly and loudly audible upon such street by any kind of crying, calling, or shouting, or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever;

(F) *Exhaust.* The discharge into the open air of the exhaust of any internal combustion engine, motor boat or any other motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(G) *Vehicles out of repair, and the like.* The use of any automobile, motorcycle, motorscooter, go cart, or any other vehicle so out of repair, or so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise, including excessive noise coming through the exhaust thereof; and

(H) *Building construction equipment.* In conducting any building operations between the hours of 11:00 p.m. and 6:00 a.m., to operate or use any pile driver, steam shovel, pneumatic hammer, derrick, steam, or electric hoist or other apparatus, the use of which is attended with loud or unusual noises in any block in which more than one-half of the buildings on either side of the street are used exclusively for residential purposes.

(Prior Code, § 10-21)

Cross-reference:

Creation of noise by peddlers and solicitors, see § 111.12

Noisy dogs, see § 91.18

§ 90.017 TESTS AND STANDARDS.

The standards which shall be considered in determining whether a violation of §§ 90.015 and 90.016 exists shall include, but shall not be limited to, the following:

- (A) The volume of the noise;
- (B) The intensity of the noise;
- (C) Whether the nature of the noise is usual or unusual;
- (D) Whether the origin of the noise is natural or unnatural;
- (E) The volume and intensity of the background noise, if any;
- (F) The proximity of the noise to residential sleeping facilities;
- (G) The nature and zoning of the area within which the noise emanates;
- (H) The density of inhabitation of the area within which the noise emanates;
- (I) The time of the day or night the noise occurs;
- (J) The duration of the noise;
- (K) Whether the noise is recurrent, intermittent, or constant; and
- (L) Whether the noise is produced by a commercial or non-commercial activity.
(Prior Code, § 10-22)

§ 90.018 EXEMPTIONS.

The following uses and activities shall be exempt from noise level regulations:

(A) Noises of safety signals, warning devices, and emergency pressure relief valves;

(B) Noises resulting from any authorized emergency vehicle, when responding to an emergency call, or acting in the time of an emergency; and

(C) Any other noise resulting from activities of temporary duration permitted by law and for which a license or permit has been granted by the city in accordance with its ordinances and laws.
(Prior Code, § 10-23)

REFUSE; JUNK

§ 90.030 DUMPING REFUSE.

It shall be unlawful for any person to dump or permit the dumping of refuse, garbage, or any vegetable or animal matter that may be in any manner calculated at the time, or thereafter, to create a nuisance which would endanger the health or annoy the public upon premises, streets, or highways within the city.

(Prior Code, § 10-30) Penalty, see § 90.999

Cross-reference:

Burning refuse on streets, see § 152.05

Statutory reference:

Littering, see S.C. Code § 16-11-700

§ 90.031 DISCARDED, ABANDONED ICEBOXES, REFRIGERATORS, SIMILAR RECEPTACLES.

(A) *Prohibited.* It shall be unlawful for any owner or tenant of any premises within the city to allow or permit any abandoned or discarded icebox, refrigerator, trunk, chest, or other receptacle or container in which a person might become imprisoned to be or remain on such premises if such icebox, refrigerator, trunk, chest, or other receptacle or container has an airtight or air-restricted lid, door,

snap lock, latch, or other locking device without first removing such lid, door, snap lock, latch, or other locking device.

(B) *Definition.* Any such container shall be considered and deemed **ABANDONED** or **DISCARDED** when it is no longer used for the purpose for which it was intended, and is unattended outside of any building or structure, or is within an abandoned or unoccupied house, shed, barn, or other structure within the city.

(Prior Code, § 10-31) Penalty, see § 90.999

Statutory reference:

*Abandoned refrigerators, see S.C. Code
§ 16-3-1010*

PROPERTY MAINTENANCE

§ 90.045 UPKEEP OF VACANT LOTS.

It shall be unlawful for any person to maintain or to permit to be maintained any premises, including vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, stagnant water, building materials, glass, wood, or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity, or causing injury to neighboring property.

(Ord. 8-5-14, passed 8-18-2014) Penalty, see § 90.999

§ 90.046 RESPONSIBILITY OF OWNER TO MAINTAIN.

It shall be the duty of the Police Chief, or designated officer, to summon the owner of such premises, and if, after fully hearing the matter and any statement, the owner may make and any testimony he, she, or they may offer in his, her, or their behalf concerning such matter, the Chief should find such

premises or lot in a condition tending to injure the public health, and shall issue a written order or notice directed to the owner, directing and requiring them within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

(Ord. 8-5-14, passed 8-18-2014)

§ 90.047 WEEDS, GRASS, OTHER UNCUT GROWTH PROHIBITED.

No person shall allow or permit weeds and grass to grow upon his, her, or their improved premises within the corporate limits, uncut so as to render the premises unsightly or unhealthy from the growth and accumulation of such grass, weeds, and vegetable matter thereon.

(Ord. 8-5-14, passed 8-18-2014) Penalty, see § 90.999

Statutory reference:

*Noxious weeds and plants as determined by the
Agriculture Commissioner, see S.C. Code
§ 5-584*

§ 90.048 CLEARING BY TOWN; COSTS TO BE PAID BY OWNERS.

Should any property owner fail to keep such property cleared, after due notice thereof to do so, the Chief of Police may cause the property to be kept cleared and in a sanitary condition for health purposes or cleared for fire prevention at a reasonable cost therefor, and the cost shall become a lien upon the real estate. The expense shall be added to the annual tax levied on the property and shall be collected in the same manner as the annual property tax.

(Ord. 8-5-14, passed 8-18-2014)

§ 90.049 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of New Ellenton, South Carolina.

COUNCIL. The City Council for the City of New Ellenton, South Carolina.

DWELLING. Any building or structure, or part thereof, used or occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT. A building or that portion of a building arranged, designed, or constructed for the use of one family as a dwelling place.

LIVING ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, or cooking purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, or community corridors, closets, and storage spaces.

MULTIPLE DWELLING. Any dwelling containing four or more dwelling and/or rooming units having two or more stories.

OCCUPANT. Any persons living and/or sleeping in a dwelling or rooming unit.

OWNER. The record holder of the title.

PARTIES IN INTEREST. All individuals, associations, corporations, and others, including mortgagees, who have interests of record in a dwelling or dwelling unit, and any who are in possession of a dwelling or dwelling unit.

PUBLIC OFFICER. The Police Chief, or designated officer.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.050 PUBLIC AUTHORITY.

(A) The Police Chief, or designated officer, is hereby designated to exercise the powers prescribed herein.

(B) In the exercise of these powers, the Director of Inspections may:

(1) Investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;

(2) Administer oaths and affirmations, examine, witnesses, and receive evidence;

(3) Enter upon premises for the purpose of making examinations, provided such entries be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) Fix the duties of such officers, agents, and employees as he, she, or they deem necessary to carry out the purposes of this subchapter; and

(5) Delegate any of his or her functions and powers under this section to such officers and agents as he, she, or they may designate.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.051 REVIEW PROCEDURE.

Whenever a petition is filed with the Police Chief by a public authority or by at least five residents of the city charging that any dwelling is unfit for human habitation, or whenever it appears to the Police Chief that any dwelling is unfit for human habitation, the Police Chief may conduct a preliminary investigation of such charges, and should it appear that a basis exists for such charges, the Police Chief shall issue and cause to be served upon the owner of, and all parties in interest in, such dwelling a complaint stating the charges. The complaint shall contain a notice that a hearing shall be held before the Chief, or his, her, or their designated agent not less than ten, nor more than 30, days after the date of service of the complaint. The complaint and notice shall specify the time and place of the hearing and shall advise the owner and parties in interest of their right to file an answer to the complaint, to appear in person or otherwise at the hearing, and to give testimony at the

hearing. The complaint and notice shall further specify that the rules of evidence prevailing in courts of law or equity shall not be controlling at the hearing.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.052 HEARING.

(A) After such notice and hearing, should the Police Chief determine that the dwelling is unfit for human habitation, he, she, or they shall, in writing, state his, her, or their findings of fact in support of such determination and shall issue and caused to be served upon the owner an order to repair, alter, or improve the dwelling to render it fit for human habitation, or to remove or demolish the dwelling.

(B) In the event the Police Chief determines that the cost of repair, alteration, or improvement exceeds 75% of the value of the dwelling in its existing condition, the Police Chief shall issue a order requiring the owner to demolish the dwelling within 30 days of the date of the order.

(C) To determine the value of any dwelling, the Police Chief shall adopt the market value of the dwelling, excluding land value, as reported by the County Tax Assessor's determination of market value may be considered in determining the value of the dwelling for purposes of enforcing these provisions.

(D) In order to determine the cost of repair, alteration, or improvements, he, she, or they shall utilize cost data contained in the publication, means repair and remodeling cost data commercial or residential, and data contained in HomeTech Remodelling and Renovation Cost Estimator.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.053 COSTS TO BE A LIEN AGAINST THE REAL PROPERTY.

If the owner fails to comply with an order to remove and demolish the dwelling, the Chief may cause such dwelling to be demolished and the amount

of the cost of such demolition shall constitute a lien against the real property upon which such cost was incurred.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.054 STANDARD HOUSING CODE TO BE THE BASIS FOR DETERMINING FITNESS.

The minimum standards for basic equipment and facilities set forth in the Title 31, Chapter 155, the S.C. Code of Laws, Article I, § 31.152 are hereby adopted as standards for use by the Police Chief or his or her designee in making determinations as to the fitness of dwellings for human habitation.
(Ord. 8-5-14, passed 8-18-2014)

§ 90.055 FINAL APPEAL.

Any person affected by an order issued by the Police Chief may enter an appeal to City Council. Thereafter, any person affected by an order of the City Council may petition the Circuit Court as provided for by S.C. Code § 31-15-3, as amended.
(Ord. 8-5-14, passed 8-18-2014)

ABANDONED PERSONAL PROPERTY

§ 90.070 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PERSONAL PROPERTY. Shall be determined to have been abandoned under one or more of the following circumstances:

(1) Left upon a street or highway in violation of a law or ordinance controlling such personal property;

(2) Failing to display a current registration, license, or certificate which may be required for such personal property;

(3) Partially dismantled or damaged and left out of doors, in an uncovered, unscreened, or unenclosed state;

(4) Left on property owned or operated by the city without its consent, or on any public street or right-of-way of the city for a period in excess of 24 hours; and

(5) Left on private property without the consent of the owner, occupant, or lessee thereof for a period in excess of 24 hours.

(Prior Code, § 10-40) (Ord. 3-8-82, passed - -)

Statutory reference:

Storage of junk, see S.C. Code § 16-3-1010

§ 90.071 EXCEPTIONS.

This subchapter shall not apply to junk dealers in the operation of their businesses who possess a current business license.

(Prior Code, § 10-41) (Ord. 3-8-82, passed - -)

§ 90.072 REMOVAL AND STORAGE.

The Chief of Police shall have the authority to remove such personal property and store the same in a storage area for safekeeping at the direction of the city; provided, however, if located on private property, no such personal property shall be so removed from the premises by the city without the written authorization of the owner, lessee, or occupant of the premises, if known, unless the personal property has been declared to be a safety hazard or other public nuisance.

(Prior Code, § 10-42) (Ord. 3-8-82, passed - -)

Statutory reference:

Powers of municipalities to declare and abate nuisances, see S.C. Code § 5-7-30

§ 90.073 DISPOSITION.

(A) The person responsible or the owner of any such personal property, if it can be determined after a reasonable search, shall be given written notice by the City Clerk and Treasurer to claim and remove the property at such person's own expense within 30 days of said notice.

(B) Should the owner fail to claim the property or refuse to pay the costs within 30 days after receipt of the notice, or should the owner's identity or whereabouts be unknown and unascertainable after a reasonable search, the stored property may be sold after 30 days' public notice has been given by the City Clerk and Treasurer before the date of the sale and after the property has been held for not less than 30 days.

(C) Such property may be sold by public sale after one public notice, but no such property may be sold or disposed of until its value has been determined in writing by at least two disinterested dealers of such property or appraisers.

(D) Personal property of an appraised value of less than \$250 may be disposed of by any means in the discretion of the storing agent of the city.

(E) (1) The proceeds of any sale shall be forwarded to the City Clerk and Treasurer who shall pay from the proceeds the cost of removal, storage, investigation as to ownership, and sale, in that order.

(2) (a) If after the sale, the ownership at the time of removal is established satisfactorily to the City Clerk and Treasurer, the owner shall be paid so much of the proceeds as remains after payment of the foregoing costs.

(b) Otherwise, any remaining proceeds shall be deposited after 90 days in the General Fund of the city.

(Prior Code, § 10-42) (Ord. 3-8-82, passed - -)

ABANDONED MOTOR VEHICLES**§ 90.085 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VEHICLE. Shall be determined to have been abandoned under one or more of the following circumstances:

- (1) Left upon a street or highway in violation of a law or ordinance controlling traffic or prohibited parking;
- (2) Failing to display a current license plate;
- (3) Partially dismantled and left out of doors;
- (4) Incapable of self-propulsion or being moved in the manner for which it was originally intended and partially dismantled and left out of doors;
- (5) Left on property owned or operated by the city without its consent, other than a street or right-of-way, for a period in excess of 24 hours;
- (6) Left on private property without the consent of the owner, occupant, or lessee thereof for a period in excess of 24 hours; or
- (7) Left on any public street or right-of-way of the city for a period in excess of seven days.
(Prior Code, § 10-50) (Ord. 3-8-82, passed - -; Ord. passed 10-16-2006)

§ 90.086 ABANDONMENT UNLAWFUL.

It shall be unlawful for any person to abandon any motor vehicle, including junk motor vehicles, on any public street, right-of-way, or public grounds, or

upon any privately owned property; and it shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereupon of any motor vehicle.

(Prior Code, § 10-51) (Ord. 3-8-82, passed - -) Penalty, see § 90.999

Cross-reference:

Impounding, see § 72.06

Statutory reference:

Storage of junk, see S.C. Code § 16-3-1010

§ 90.087 EXCEPTIONS.

This subchapter shall not apply to automobile dealers or junk dealers in the operation of their businesses who possess a current business license; provided, however, this shall not exempt such dealers from the provisions of § 90.085, under the definition of "vehicle," divisions (2), (3), and (4).

(Prior Code, § 10-52) (Ord. 3-8-82, passed - -)

§ 90.088 REMOVAL.

(A) The person responsible, or the registered owner of any vehicle if it can be determined after a reasonable search, or the owner of the premises on which the vehicle is located, or all, shall be given notice as prescribed in this subchapter to remove and dispose of an abandoned vehicle at such person's own expense, failing which such person shall be in violation of this subchapter.

(B) If the person responsible or owner cannot be determined or has not complied within the time prescribed by the notice, the vehicle, if located on public property, at the discretion of the city, may be removed to a storage area for safekeeping at the direction of the city. Written notice of the removal shall be promptly given to the registered owner of the vehicle and to any holders of any lien of record in the office of the State Department of Motor Vehicles if it can be determined after a reasonable search. The city may remove the vehicle without prior notice when the

vehicle constitutes a safety hazard or other public nuisance.

(C) If located on private property, no vehicle shall be so removed from the premises by the city without the written authorization of the owner of the vehicle, if known, or the owner, lessee, or occupant of the premises, unless the vehicle has been declared to be a safety hazard or other public nuisance.

(Prior Code, § 10-53) (Ord. 3-8-82, passed - -)

§ 90.089 DISPOSITION OF VEHICLE; OWNER'S CONSENT.

(A) (1) The owner of any removed vehicle, before obtaining possession thereof, shall pay to the city all reasonable costs incidental to its removal and storage and the locating of the owner.

(2) Should the owner fail or refuse to pay the costs within 20 days after receipt of the notice, or should the owner's identity or whereabouts be unknown and unascertainable after a reasonable search and after notice as prescribed herein, the stored vehicle may be sold after 20 days' notice has been given to the Department of Motor Vehicles before the date of the sale and after the vehicle has been held for not less than 30 days; provided, further, that division (B) below shall govern disposition of any junk motor vehicles.

(3) The vehicle may be sold by public sale, after one public notice, but no vehicle may be sold or disposed of until its value has been determined in writing by at least two disinterested dealers or garage operators.

(4) A vehicle of an appraised value of less than \$500 may be disposed of by any means in the discretion of the storing agent of the city.

(5) The proceeds of any sale shall be forwarded to the Clerk and Treasurer, who shall pay from the proceeds the costs of removal, storage, investigation as to ownership, and sale and other liens,

in that order. If after the sale, the ownership at the time of removal is established satisfactorily to the Clerk and Treasurer, the owner shall be paid so much of the proceeds as remains after the payment of the foregoing costs and liens; otherwise, any remaining proceeds shall be deposited, after 90 days, in the General Fund of the city.

(Prior Code, § 10-54)

(B) With a vehicle owner's written consent, the city, at its own discretion, may remove and immediately dispose of any vehicle as a junk motor vehicle regardless of value or condition of the vehicle and without waiting the aforesaid period. Costs may be assessed to the vehicle owner.

(Prior Code, § 10-56)

(Ord. 3-8-82, passed - -)

§ 90.090 JUNK MOTOR VEHICLES.

(A) Property owners are required to remove dismantled or junk vehicles. It is a public nuisance to keep or place any abandoned, wrecked, dismantled, inoperative, junk, or partially dismantled motor vehicle or parts on public or private property.

(B) (1) **JUNK VEHICLES** are defined as any motor vehicle that has expired or missing license plates or that is wrecked, dismantled, partially dismantled, inoperative, or discarded.

(2) Vehicles enclosed within a building or held in connection with a business properly operated in an appropriate zoning district are not considered a nuisance.

(3) Antique autos and vehicles designed for racing that are operable and covered to screen them from public view are also not considered a nuisance.

(C) Junk vehicles brought to the attention of the Police Department must be removed within 15 days after receipt of a notice by the property owner.

(Ord. passed - -)

§ 90.091 NOTICE AND ORDER FOR REMOVAL.

It shall be the duty of the Chief of Police to summon the owner of such property mentioned in §§ 90.085 and 90.089(A) to appear before the Municipal Judge and, if after fully hearing the matter and any statement the owner may make and any testimony the owner may offer in such owner's behalf concerning the matter, the judge should find such property to contain an abandoned or junked automobile in a condition tending to be a hazard to the health and general welfare of the citizens of the city, the judge shall issue a written order of notice directing the owner, within 30 days, to remove from such person's property such abandoned or junked automobile.

(Prior Code, § 10-57) (Ord. 3-8-82, passed - -)
Penalty, see § 90.999

any such lawful order of the judge shall be guilty of a misdemeanor and may be punished as provided in § 10.99.

(Prior Code, § 10-58)

(Ord. passed - -; Ord. 3-8-82, passed - -)

§ 90.092 FAILURE TO OBEY ORDER.

Should any property owner fail to obey the order of the judge, the city may cause such automobile to be removed, and the cost of removal shall be an assessment against the property owner and the expense shall be added to the annual tax levied and shall be collected in the same manner as the annual tax levy.

(Prior Code, § 10-58) (Ord. 3-8-82, passed - -)

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Individuals who do not remove vehicles, as stated in § 90.090, are subject to fines up to \$500 for each day the violation is not corrected.

(B) In addition to or in lieu of the penalty provided in § 90.092, any person who fails to obey

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 City designated as bird sanctuary
- 91.02 Cruelty to animals
- 91.03 Livestock

Dogs

- 91.15 Leash required
- 91.16 Rabies; vaccinations
- 91.17 Vicious dogs prohibited
- 91.18 Noisy dogs
- 91.19 Impounding

- 91.99 Penalty

Cross-reference:

Animals creating hazard on streets, see § 152.03
Riding animals in parks, see § 93.02

GENERAL PROVISIONS

§ 91.01 CITY DESIGNATED AS BIRD SANCTUARY.

(A) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any way or manner any wild fowl or bird, or to rob birds' nests or wild fowl nests; provided, however, if starlings or similar birds

are found to be congregating in such numbers, in a particular locality, that they constitute a menace to health or property in the opinion of the proper authorities of the city, then in such event, said authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club, or Humane Society, or as many clubs as are to be found existing in the city after having been given at least three days' notice of the time and place of meeting to the representatives of said clubs.

(C) If, as a result of said meeting, no satisfactory alternative is found to abate such nuisance, then the birds may be destroyed in such numbers and in such manner as is advisable by said authorities under the supervision of the Chief of Police.

(Prior Code, § 3-1) Penalty, see § 91.99

Statutory reference:

Destroying bird's nests, see S.C. Code
§ 50-11-30

Killing mocking birds or Carolina wrens, see
S.C. Code § 50-11-2010

Prohibition against killing non-game birds, see
S.C. Code § 50-1-30

§ 91.02 CRUELTY TO ANIMALS.

Whoever overloads, overdrives, overworks, tortures, torments, wantonly beats, bruises, or cuts, or whoever by working when in an unfit condition, or in any way inflicts unnecessary pain or suffering upon any animal, or whoever does not provide sufficient food and shelter for the same, whether such persons

are the owners thereof, or have the temporary charge or custody of the same, shall be punished as stated in § 91.99.

(Prior Code, § 3-2) Penalty, see § 91.99

Statutory reference:

*Ill treatment and cruelty to animals in general,
see S.C. Code §§ 47-1-40, 47-1-50*

§ 91.03 LIVESTOCK.

(A) It shall be unlawful for any person to allow such person's cattle, horses, mules, hogs, goats, sheep, or other livestock or animals to be hitched, grazed, or to run at large in any of the streets, parks, or highways within the corporate limits of the city.

(B) (1) Chickens and ducks will be allowed within the city limits on residential property under the following conditions.

(a) Only on residential property of one-half acre in size and above.

(b) Fowl will be kept a minimum of 25 feet from any property line.

(c) Fowl cannot run at large on any public property or neighboring property.

(d) No roosters can be kept within the city limits.

(e) No more than six hens shall be kept or maintained on a single premises. Any person owning or harboring more than six chickens as of the effective date of the ordinance codified in this section must register his or her chickens within 45 days of the effective date to be considered exempt from the limitation.

(f) No person can slaughter any chickens on his or her premises.

(g) Chickens shall not be kept for commercial purposes.

(2) (a) Any fowl, bird, or animals which shall, by sound or odor, interfere with materially or affect the health, comfort, peace, or quiet of the citizens is hereby declared to be a nuisance.

(b) Any person harboring, keeping, or possessing or having in custody or control any fowl, bird, or animal which constitutes a nuisance as defined in division (B)(1) above who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by the Chief of Police, shall be punished as stated in § 91.99.

(C) (1) Keeping horses and cattle will be allowed within the city limits on residential property under the following conditions.

(a) Only on residential property of five acre in size and above.

(b) Livestock will be kept a minimum of 50 feet from any property line.

(c) No more than five horses or cattle shall be kept or maintained on the first five acres, and one additional animal may be kept for each additional two acres. For instance, on a 35-acre tract, up to 20 animals maybe allowed on this property.

(d) No person can slaughter any cattle on his, her, or their premises.

(5) Livestock shall not be kept for commercial purposes.

(2) (a) Any livestock which shall, by sound or odor, interfere with materially or affect the health, comfort, peace, or quiet of the citizens is hereby declared to be a nuisance.

(b) Any person harboring, keeping, or possessing or having in custody or control any livestock which constitutes a nuisance as defined in division (C)(1) above who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by the

Chief of Police, shall be punished as stated in § 91.99. (Prior Code, § 3-3) (Ord. 8-18-14, passed 9-15-2014; Ord. 4-22-19, passed 4-22-2019) Penalty, see § 91.99

DOGS

§ 91.15 LEASH REQUIRED.

No owner, keeper, or other person in charge of a dog shall allow or permit such dog to be at large beyond the boundary lines of such owner's, keeper's, or other person's land, unless such dog be on a leash having a length not exceeding six feet.

(Prior Code, § 3-20) Penalty, see § 91.99

Statutory reference:

Cities authorized to prohibit dogs running at large and control the spread of rabies, see S.C. Code §§ 47-3-70, and 47-5-210

§ 91.16 RABIES; VACCINATIONS.

(A) (1) The owner of each dog four months of age or older kept within the city shall cause such dog to be vaccinated against rabies, and to be issued a certificate of current rabies vaccination, signed by a licensed veterinarian, showing that vaccination has been administered according to approved standards to the specific dog.

(2) Documentary proof that a rabies vaccination has been given in another governmental jurisdiction within the preceding 12 calendar months may be used for waiving the requirements of division (A)(1) above.

(3) Simultaneously, there shall be issued a rabies vaccination tag to be attached to a collar or harness which shall be worn by such dog at all times. (Prior Code, § 3-21)

(B) The City Council may at any time issue a proclamation, to be published at least one time in a newspaper of general circulation in the city, that there is a danger of animals at large in the city, which may bite persons or animals, infecting them with rabies, and ordering the owners of all dogs in the city to keep such dogs under close confinement for a period of not exceeding 60 days at any one time, provided that the City Council is hereby given full discretion in the matter of declaring that such an emergency exists and issuing such proclamation and in fixing the time limit of such emergency.

(Prior Code, § 3-22)

Statutory reference:

Cities authorized to enact and enforce measures to control the spread of rabies, see S.C. Code § 47-5-210

§ 91.17 VICIOUS DOGS PROHIBITED.

(A) No dog owner shall keep or have unconfined within the city a vicious dog. The term ***VICIOUS DOG*** shall mean a dog which has bitten any person or when a propensity to attack or bite human beings shall exist and is known.

(B) Any dog which shall have bitten any person at any time shall be deemed prima facie vicious upon proof thereof.

(C) Any person found guilty of violating this section shall, in addition to being punished as provided by law, thereupon forfeit all right, title, and interest in the subject dog, and the animal officer of the city shall thereupon destroy the animal.

(Prior Code, § 3-23) Penalty, see § 91.99

§ 91.18 NOISY DOGS.

No person shall keep or have within the city a dog that habitually or repeatedly barks or howls in

such a manner, or to such an extent, that it is a public nuisance.

(Prior Code, § 3-24) Penalty, see § 91.99

§ 91.19 IMPOUNDING.

(A) Any unleashed dog which has been tagged and vaccinated found beyond the boundary lines of the lands of its owner, keeper, or other person in charge shall be seized by such city officer or employee as may be designated by the Council or Chief of Police. Owners of tagged and vaccinated dogs shall be notified of the capture, by U.S. mail, postage paid, and addressed to the address determined through the vaccination tag. The owner shall be given ten days in which to claim the dog. Tagged and licensed dogs may be claimed by paying the sum of \$3 per day costs to the city. If a tagged and licensed dog be not claimed within ten days of the mailing of such notice, the same shall be humanely destroyed.

(Prior Code, § 3-25)

(B) (1) Any unleashed dog not tagged or not vaccinated found beyond the boundary lines of the land of its owner, keeper, or other person in charge shall be seized by such city officer or employee as may be designated by the Council or Chief of Police. Dogs not having a rabies vaccination and its tags which are seized shall be retained thereafter for four days, excluding the day of capture, at such kennels as may be provided by the city. Upon the passage of four days, such dogs, if not claimed, shall be humanely destroyed.

(2) Owners of such dogs not vaccinated and tagged may be redeemed by causing the dog to be vaccinated and paying the sum of \$25 to the city.

(Prior Code, § 3-26)

(C) Any unleashed dog, whether tagged or vaccinated or not, found to be beyond the limits of the lands of its owner, keeper, or other person in charge,

three times within any 12-month period, shall be humanely destroyed upon its being captured for the third time.

(Prior Code, § 3-27) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates § 91.02 shall be guilty of a misdemeanor.

(Prior Code, § 3-2)

(C) (1) Any person who violates § 91.03(B) shall be guilty of a misdemeanor and fined at the discretion of the court.

(2) Any person who violates § 91.03(C) shall be guilty of a misdemeanor.

(Ord. 8-18-14, passed 9-15-2014; Ord. 4-22-19, passed 4-22-2019)

CHAPTER 92: FIRE PREVENTION

Section

- 92.01 Burning permit required
- 92.02 Driving over fire hose
- 92.03 False alarm of fire
- 92.04 Fireworks
- 92.05 Burning regulations

Cross-reference:

Fire limits, see § 150.19

Opening fire hydrants, see § 51.06

§ 92.03 FALSE ALARM OF FIRE.

It shall be unlawful for any person knowingly to give a false alarm of fire in the city.
(Prior Code, § 9-5) Penalty, see § 10.99

Statutory reference:

Tampering with fire alarm box, false alarms, see S.C. Code § 16-17-570

§ 92.01 BURNING PERMIT REQUIRED.

It shall be unlawful for any person to burn within the city any trash, refuse, paper, grass, brush, leaves, or any other combustible matter on or in any lawn, garden, or lot, without first notifying and obtaining permission therefor from the Fire Department, the City Clerk and Treasurer's office, or the Police Department.

(Prior Code, § 9-3) (Ord. 5-27-83, passed - -)
Penalty, see § 10.99

§ 92.02 DRIVING OVER FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(Prior Code, § 9-4) Penalty, see § 10.99

§ 92.04 FIREWORKS.

(A) It shall be unlawful for any person to sell or offer for sale in the city any fireworks, except on the week prior to the following scheduled holidays each year:

(1) July 4th;

(2) New Year's Eve; and

(3) The Atomic City Festival held the second weekend of October each year.

(B) (1) It shall be unlawful for any person to shoot or discharge any firecrackers or fireworks within the city, except on the following dates each year:

(a) July 4th: Until 11:00 p.m.;

(b) New Year's Eve: Until 1:00 a.m.;

and

(c) The Atomic City Festival held the first weekend of October each year.

(2) Any other time during the year will have to be approved by the City Council. (Ord. 101909, passed 10-19-2009) Penalty, see § 10.99

Statutory reference:

Similar provisions, see S.C. Code §§ 23-35-10 et seq. and 40-56-20

§ 92.05 BURNING REGULATIONS.

(A) *Purpose.* No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the incorporated areas of the city, except as stated in this section.

(B) *Location of residential yard debris burning.* Open burning of leaves, tree branches, or yard trimmings on the premises of private residences and burned on those premises must be located not less than 50 feet from any structure, not less than 50 feet from the roadway, and not less than 50 feet from the property line, and adequate provision is made to prevent the fire from spreading within 50 feet of any structure.

(C) *Attendant, fire equipment, notice to State Forester, state law.* The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment, readily available for use. Proper notification shall be given to the State Forester, or his or her duly authorized representative or other persons designated by the State Forester. The notice shall contain all information required by the State Forester, or his or her representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations, S.C. Code §§ 61-62.2 and 61-62.4.

(D) *Prohibition.* Fire shall be prohibited as follows.

(1) The State or County Fire Service Coordinator may prohibit open burning when atmospheric conditions, local circumstances, or other conditions exist that would make such fires hazardous.

(2) The following material shall not be burned in an open fire: Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, hazardous or toxic material, household garbage, tires, trade waste, coated wire, and cardboard.

(3) (a) Open burning for the purpose of land clearing and right-of-way maintenance, except as specified by DHEC Air Quality Regulations, S.C. Code §§ 61-62.2 and 61-62.4.

(b) Open burning for the purpose of land clearing and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

(4) Open burning shall be prohibited on all roadways and drainage rights-of-way, or within an area that may cause damage to such areas.

(5) Fires shall be extinguished due to multiple complaints from citizens/neighbors, or if causing a public safety issue or health hazard.

(E) *Criteria for determining hazards.* Reasonable criteria shall be established by the City Council to assist in determining when outdoor fires may be hazardous. This criteria may include air quality standards as well as various fire danger indexes.

(F) *Exemptions.*

(1) This section does not apply to vegetative debris burning related to forestry, wildlife,

and agricultural burns, as authorized by the State Forestry Commission.

(2) This section is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth that are done in a safe manner.

(3) Fires set for the purpose of training public firefighting personnel when authorized by the appropriate governmental entity and fires set by private industry as a part of an organized program of drills for the training of firefighting personnel. These will be exempt only if the drills are solely for the purposes of firefighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.

(G) *Restrictions.* Smoke production must be ended, and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day, with the exception of fires in the connection with the preparation of food for immediate consumption, campfires, and fires used solely for recreational purposes, ceremonial occasions, human warmth, and where time parameters are already regulated by DHEC Regulations, S.C. Code § 61-62.2.

(H) *Civil or criminal liability.* The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

(I) *Reasonable.* Officers of the city will document evidence by photograph or video when possible. Officers have the discretion to charge if the size of the fire is not reasonable for what the alleged purpose is. The size of the fire exceeding the alleged intended purpose will be evidence of the violation of this chapter.

(Ord. 2-16-16, passed 2-16-2016)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates any of the provisions of § 92.05 shall be guilty of a misdemeanor and shall be subject to a fine of no more than \$500 plus mandated assessments or imprisonment for 30 days, or both.

(Ord. 2-16-16, passed 2-16-2016)

CHAPTER 93: PARKS AND RECREATION

Section

- 93.01 Department of Recreation
- 93.02 Riding, driving vehicle, animal off walks or roads in parks
- 93.03 Riding animals on pedestrian walks in parks
- 93.04 Damaging, defacing, and the like trees, shrubs, other property
- 93.05 Violation of park rules
- 93.99 Penalty

public grounds or buildings, either within or without the city owned by the city; or on or in any public grounds or buildings now or hereafter acquired which the city may from time to time authorize, designate, or set apart for recreational purposes;

(2) With the consent of public school authorities, may organize and conduct play and recreational activities on grounds and in buildings under the control of such school authorities;

(3) Shall have authority to operate and maintain such privately owned lands or buildings where use for public recreational purposes may be temporarily granted by the owners and accepted by the city;

(4) Permitting the use of such public playgrounds, parks, and baseball and other ball fields under such Director's control, but shall not have the authority for the granting of leases or concessions on, in, or at such recreational facilities. The Director of the Department of Recreation shall have the authority to grant leases or concessions to be operated in or at the recreational facilities of the city, subject to approval by the City Council;

(5) The Director of the Department of Recreation shall be responsible for the care of property, personal and real, under such Director's control; and

(6) The Director of the Department of Recreation may secure competent assistants who shall serve without pay and, unless provision to the

§ 93.01 DEPARTMENT OF RECREATION.

(A) In order to promote the general welfare of the people of the city and supervised recreation, there was created a Department of Recreation for the city. (Prior Code, § 14-1)

(B) The City Council shall select one of its members to serve as Director of the Department of Recreation. The member of Council so selected shall serve in such capacity during the pleasure of the City Council and without pay from the city. (Prior Code, § 14-2)

(C) The Director of the Department of Recreation shall be responsible to the Mayor and City Council for:

(1) Operation and supervision of all existing public playgrounds, athletic fields, swimming pools, tennis courts, baseball and other ball fields, municipal camps, and all other recreational facilities on or in any

contrary is made by the City Council, such assistants to be under the direction and control of the Director. (Prior Code, § 14-3)

(D) The Director of the Department of Recreation shall be required to:

(1) Promote public interest and participation in all of the recreational activities of the Department;

(2) Keep advised and informed of the recreational activities in the greatest demand and those which would yield maximum public participation, and whenever possible, organize and conduct such recreational activities; and

(3) Cooperate with other public and private organizations in the utilization of available private and public facilities and personnel, which serve the recreational needs of the community.

(Prior Code, § 14-4)

Cross-reference:

Departments created, see § 33.01

§ 93.02 RIDING, DRIVING VEHICLE, ANIMAL OFF WALKS OR ROADS IN PARKS.

It shall be unlawful for any person to ride or drive any vehicle or animal over any portion of the city parks, either private or public, except on the roads or thoroughfares set apart and laid out for such purposes, not to include park maintenance vehicles.

(Prior Code, § 14-5) Penalty, see § 93.99

§ 93.03 RIDING ANIMALS ON PEDESTRIAN WALKS IN PARKS.

It shall be unlawful for any person to drive or ride any horse, mule, or other animal on a walk or way laid out only for pedestrians.

(Prior Code, § 14-6) Penalty, see § 93.99

§ 93.04 DAMAGING, DEFACING, AND THE LIKE TREES, SHRUBS, OTHER PROPERTY.

It shall be unlawful for any person to mutilate, damage, pluck, break, move, tear up, or carry off any plant, shrub, flower, tree, fence, or other improvement growing or erected in or around any of the parks of the city, or in any manner damage any of the walks, ways, or roads.

(Prior Code, § 14-7) Penalty, see § 93.99

§ 93.05 VIOLATIONS OF PARK RULES.

(A) It is unlawful for any person to disobey posted rules in any city park or facility. The penalty for such violation shall be in accordance with § 35.05.

(B) For the purpose of this section, the posted rules shall govern the use of Evans Park and parking areas adjacent thereto, the Community Center and parking areas adjacent thereto, and any other recreational or athletic facility owned by the city.

(Ord. 09-16-24, passed 9-16-2024) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates § 93.05 shall be guilty of a misdemeanor.

(Ord. 09-16-24, passed 9-16-2024)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. BUSINESS REGULATIONS**
- 111. PEDDLERS AND SOLICITORS**
- 112. LEISURE AND AMUSEMENT**
- 113. ALCOHOLIC BEVERAGES**

CHAPTER 110: BUSINESS REGULATIONS

Section

- | | | |
|--------|---|--|
| 110.01 | Noise permits | exhibition, or entertainment, street vending, or |
| 110.02 | Preaching, lecturing, entertainment,
and the like in the streets; permit
required | pushcart stand be permitted except as herein provided.
(Prior Code, § 13-34)
Cross-reference: |
| 110.03 | Business license not published | <i>Parade permit, see § 70.05</i> |

§ 110.01 NOISE PERMITS.

(A) Individuals and organizations who desire to hold special events are required to apply for a noise permit. Permits may be granted for periods of time from one day to ten consecutive days. (For multi-day events not held on consecutive days, each day or group of consecutive days shall constitute a separate event and require a separate permit.) No more than four permits may be granted for any applicant or location for any calendar year. The total number of days for all permits granted for any applicant or location shall not exceed ten days for any calendar year.

(B) Noise permit applications will be reviewed by the Events Committee and/or City Council for approval or denial.
(Ord. 5-15-23, passed 5-15-2023)

§ 110.03 BUSINESS LICENSE NOT PUBLISHED.

The current business license ordinance is not published by this code but is available upon request from the City Clerk.
(Ord. 2025-07, passed 11-17-2025)

§ 110.02 PREACHING, LECTURING, ENTERTAINMENT, AND THE LIKE IN THE STREETS; PERMIT REQUIRED.

No preaching, lecturing, speaking, or entertainment of any nature shall be permitted in the public streets or public places in the city unless a written permit for same be obtained from the Mayor, nor shall any preaching, lecturing, speaking

CHAPTER 111: PEDDLERS AND SOLICITORS

Section

- 111.01 Definition
- 111.02 Exemption for newspapers
- 111.03 License or registration required
- 111.04 Application for license or registration
- 111.05 Investigation of applicant
- 111.06 Disapproval of application
- 111.07 Approval of application; issuance of license or registration
- 111.08 Duty to exhibit license
- 111.09 Enforcement by police
- 111.10 Revocation of license or registration
- 111.11 Appeals
- 111.12 Loud noises and sound devices
- 111.13 Use of streets

§ 111.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER or **SOLICITOR**. Any person who goes from house to house, or place to place in the city selling or taking orders for wares, merchandise, services, photographs, or magazines or subscriptions to magazines; provided, however, that such terms shall not apply to persons acting in behalf of any local non-profit organization.
(Prior Code, § 12-60)

§ 111.02 EXEMPTION FOR NEWSPAPERS.

This chapter shall not apply to the sale or soliciting of orders for newspapers.
(Prior Code, § 12-61)

§ 111.03 LICENSE OR REGISTRATION REQUIRED.

(A) All peddlers and solicitors shall be licensed as required by the business and professional license requirements of this chapter.

(B) Provided, however, no license will be required of peddlers or solicitors engaged in interstate commerce, but said peddlers and solicitors shall be required to register with the City Clerk and Treasurer as herein required.
(Prior Code, § 12-62)

§ 111.04 APPLICATION FOR LICENSE OR REGISTRATION.

The application for a license or for registration as a peddler or solicitor shall contain the following:

(A) The name, home address, and local address, if any, of the applicant;

(B) The name and address of the person, if any, that the applicant represents or for whom or through whom orders are to be solicited or cleared;

(C) The nature of the articles or things which are to be sold or for which orders are to be solicited;

(D) Whether the applicant, upon any sale or order, shall demand or receive payment or any deposit of money in advance of final delivery;

(E) The period of time during which the applicant wishes to solicit or peddle in the city;

(F) The names and addresses of any employees of the applicant who will be engaged in peddling or soliciting in the city;

(G) A statement whether the applicant or any of the applicant's employees who will be engaged in peddling or soliciting in the city have been convicted of any crime or violation of an ordinance or law, the nature of the offense, and the jurisdiction in which such conviction was obtained; and

(H) Such other information as the Chief of Police or City Clerk and Treasurer may require.
(Prior Code, § 12-63)

§ 111.05 INVESTIGATION OF APPLICANT.

Upon receipt of an application for a peddler's or solicitor's license or for registration, the City Clerk and Treasurer shall refer such application to the Chief of Police, who shall make such investigation of the applicant's and the applicant's employees' business and moral character as the Clerk and Treasurer deems necessary.
(Prior Code, § 12-64)

§ 111.06 DISAPPROVAL OF APPLICATION.

If, as a result of such investigation, the Chief of Police finds the applicant's or the applicant's employees' character or business responsibility is unsatisfactory, the Chief shall endorse on the application such officer's disapproval and the reasons therefor, and return it to the City Clerk and Treasurer, and no license will be issued or registration permitted.
(Prior Code, § 12-65)

§ 111.07 APPROVAL OF APPLICATION; ISSUANCE OF LICENSE OR REGISTRATION.

If, as a result of such investigation, the character and business responsibility of the applicant and applicant's employees are found to be satisfactory, the

Chief of Police shall endorse on the application such officer's approval and return it to the City Clerk and Treasurer, who shall issue a license upon payment of the required fee, or shall register the applicant.
(Prior Code, § 12-66)

§ 111.08 DUTY TO EXHIBIT LICENSE.

Peddlers and solicitors are required to exhibit their licenses at the request of any person.
(Prior Code, § 12-67)

§ 111.09 ENFORCEMENT BY POLICE.

It shall be the duty of any police officer of the city to require any person seen peddling or soliciting, and who is not known by such officer to be duly licensed or registered, to produce such peddler's license or proof of registration and to enforce the provisions of this chapter against any person found to be violating the same.
(Prior Code, § 12-68)

§ 111.10 REVOCATION OF LICENSE OR REGISTRATION.

(A) *Authorized.* Licenses issued under the provisions of this chapter or the registration of peddlers or solicitors as herein required may be revoked by the City Clerk and Treasurer after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for a license or registration;

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the business of peddler or solicitor;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude; or

(5) Conducting the business of peddling or soliciting in an unlawful manner or in such manner as to constitute a breach of the peace, or to constitute a menace to the health, safety, or general welfare of the public.

(B) *Notice of hearing.* Notice of the hearing for revocation of a license hereunder shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at licensee's last known address at least five days prior to the date set for hearing.

(Prior Code, § 12-69)

§ 111.11 APPEALS.

Any person aggrieved by the action of the Chief of Police or the City Clerk and Treasurer in the denial of a license or registration under this chapter, or by the revocation of a license or registration hereunder, shall have the right of appeal to the City Council. Such appeal shall be taken by filing with the Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The City Council shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the manner provided by § 111.10(B) for a notice of hearing or revocation.

(Prior Code, § 12-70)

§ 111.12 LOUD NOISES AND SOUND DEVICES.

No peddler or solicitor, nor any person in such peddler's or solicitor's behalf, shall shout, make any outcry, blow a horn, ring a bell, or use any sound device, including any loudspeaker or sound amplifying device, upon any of the streets, alleys, parks, or other public places of the city or upon any private premises

where sound of sufficient volume is emitted or produced to be capable of being plainly heard upon the streets, alleys, parks, or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such peddler or solicitor proposes to sell.

(Prior Code, § 12-71) Penalty, see § 10.99

Cross-reference:

Noise created by gongs, and the like, see § 90.016(E)

§ 111.13 USE OF STREETS.

No peddler shall have any exclusive right to any location in the public streets, nor shall such peddler be permitted a stationary location, nor shall such peddler be permitted to operated in any congested area where such peddler's operations might impede or inconvenience the public. For the purposes of this section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(Prior Code, § 12-72) Penalty, see § 10.99

CHAPTER 112: LEISURE AND AMUSEMENT

Section

Gambling

- 112.01 Slot machines, punchboards
- 112.02 Keeping, using gaming tables, devices, and the like
- 112.03 Confiscation of equipment

house, room, or other place on the premises to any person to carry on such unlawful acts or to allow or to permit any gambling of any kind on such person's premises.

(Prior Code, § 13-15)

Statutory reference:

Keeping gambling devices, see S.C. §§ 16-19-50 and 16-19-70

GAMBLING

§ 112.01 SLOT MACHINES, PUNCHBOARDS.

It shall be unlawful for any person to keep or operate, or permit to be kept or operated, any slot machine, punchboard, tip board, or other device pertaining to games of chance of whatsoever name or kind, except automatic weighing, measuring, musical, and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin deposited therein, and in which there is no element of chance.

(Prior Code, § 13-14) Penalty, see § 10.99

Statutory reference:

Gambling, betting prohibited, see S.C. Code § 16-19-40

§ 112.02 KEEPING, USING GAMING TABLES, DEVICES, AND THE LIKE.

It shall be unlawful for any person to keep or use any roulette table or faro bank, or any other table or contrivance constructed for the purpose of gambling, or to play at any games where money is bet thereon or won or to gamble in any way, or to knowingly rent a

§ 112.03 CONFISCATION OF EQUIPMENT.

Upon the conviction of any person in the Municipal Court of a violation of §§ 112.01 or 112.02, it shall be the duty of the police, whenever possible, to seize and take in possession any such gaming device, or machine, punchboard, tip board, or other device of whatever name or kind pertaining to games of chance. The Judge of the Municipal Court shall have power, in like manner as any magistrate of the state, to declare such slot machine or gaming device confiscated. Upon such declaration, it shall be the duty of the police officers of the city to destroy such machines and devices.

(Prior Code, § 13-16)

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

- 113.01 Temporary alcoholic beverage:
permits required
- 113.02 Temporary beer/wine: permits
required

§ 113.01 TEMPORARY ALCOHOLIC BEVERAGE: PERMITS REQUIRED.

The State Department of Revenue is authorized to issue temporary permits in the city for a period not to exceed 24 hours to allow the possession, sale, and consumption of alcoholic liquors by the drink to bona fide non-profit organizations and business establishments otherwise authorized to be licensed for consumption-on-premises sales.

(Ord. passed 8-23-2021; referendum adopted 11-2-2021)

§ 113.02 TEMPORARY BEER/WINE: PERMITS REQUIRED.

The State Department of Revenue is authorized to issue temporary permits in the city for a period not to exceed 24 hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales.

(Ord. passed 8-23-2021; referendum adopted 11-2-2021)

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL OFFENSES**
- 131. OFFENSES AGAINST PUBLIC PEACE AND SAFETY**
- 132. OFFENSES AGAINST PROPERTY**
- 133. OFFENSES AGAINST PUBLIC MORALS AND DECENCY**
- 134. OFFENSES AGAINST HEALTH AND SAFETY**
- 135. MINORS**

CHAPTER 130: GENERAL OFFENSES

Section

130.01 Placing handbill, and the like in, upon motor vehicles

130.02 Posting bills, other advertising matter in public places

Cross-reference:

False fire alarms, § 92.03

Parade permit, see § 70.05

§ 130.01 PLACING HANDBILL, AND THE LIKE IN, UPON MOTOR VEHICLES.

No person shall place or cause to be placed any commercial handbill within or upon, or under the windshield wiper of, any private motor vehicle parked upon any of the public streets of the city or in any public parking area. This shall not apply to the placing of a traffic violation citation, nor shall it preclude the delivery of any such handbill to an owner, occupant, or person present and in charge of such vehicle willing to accept and receive the same. The resultant accumulation of such handbills upon the public streets and in public parking areas, the blowing thereof within and from such vehicles and onto, upon, and about the public streets and public parking areas, and the traffic hazard occasioned by obstruction of the view of the drivers of such vehicles who have failed to remove such handbills from their windshields, are hereby declared to make and constitute the initial placing thereof in or upon such vehicles contrary to the provisions of this section and a public nuisance.

(Prior Code, § 13-8) Penalty, see § 10.99

§ 130.02 POSTING BILLS, OTHER ADVERTISING MATTER IN PUBLIC PLACES.

It shall be unlawful for any person to post any bills or other advertising matter upon any permanent or temporary structure or building, pole, or tree located on any street, park, or other public way or place within the city without first obtaining a permit therefor from the Mayor or the City Clerk and Treasurer.

(Prior Code, § 13-9) Penalty, see § 10.99

Cross-reference:

Placing banners across streets, see § 152.06

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

Law Enforcement

- 131.01 Resisting, refusing to aid police officer
- 131.02 Hindering, interfering with officers making arrests; aiding prisoners to escape
- 131.03 Passing articles to city prisoners

Disorderly Conduct

- 131.15 Disorderly conduct
- 131.16 Disturbing religious gatherings
- 131.17 Alcoholic beverages; drinking in public

LAW ENFORCEMENT

§ 131.01 RESISTING, REFUSING TO AID POLICE OFFICER.

No person shall oppose or resist arrest by any member of the Police Department of the city in the discharge of duty, and no person shall neglect or refuse to assist an officer in making any arrest when so requested or commanded by such officer.
(Prior Code, § 13-1) Penalty, see § 10.99

§ 131.02 HINDERING, INTERFERING WITH OFFICERS MAKING ARRESTS; AIDING PRISONERS TO ESCAPE.

It shall be unlawful for any person to hinder, prevent, or obstruct any officer or other person

charged with the execution of any warrant or other process or engaged in arresting any person for whose apprehension such warrant or other process may have been issued, or to hinder, prevent, or obstruct any officer or other person lawfully engaged in making an arrest of any person under circumstances not requiring the issuance of a warrant of such arrest, or to rescue, or to attempt to rescue, such person from the custody of the officer or person lawfully assisting such officer as aforesaid, or to aid, abet, or assist any person so arrested, as aforesaid, directly or indirectly, to escape from the custody of the officer or person assisting such officer, as aforesaid, or to harbor or conceal any person for whose arrest a warrant or other process shall have been issued, or whose arrest is lawfully sought without any such warrant, so as to prevent such person's discovery and arrest, after notice or knowledge of the fact of the issuing of such warrant or other process, or that such arrest is lawfully sought without any such warrant.

(Prior Code, § 13-2) Penalty, see § 10.99

Statutory reference:

Opposing law enforcement officer, see S.C. Code § 16-9-320

§ 131.03 PASSING ARTICLES TO CITY PRISONERS.

It shall be unlawful for any person to give or pass, or attempt to give or pass, any article of any description to any person in the charge of any officer

of the city, or to any prisoner, confined in the city jail, or city work detail without first obtaining permission so to do from the officer in charge of said prisoner.

(Prior Code, § 13-3) Penalty, see § 10.99

DISORDERLY CONDUCT

§ 131.15 DISORDERLY CONDUCT.

It shall be unlawful for any person to commit any breach of peace, conduct such person's self in a disorderly manner, or to be publicly drunk or under the influence of intoxicating beverages.

(Prior Code, § 13-6) Penalty, see § 10.99

Statutory reference:

Disorderly conduct, see S.C. Code § 16-17-530

§ 131.16 DISTURBING RELIGIOUS GATHERINGS.

It shall be unlawful for any person, willfully or maliciously, to disturb or interrupt any meeting, society, assembly, or congregation convened for the purpose of religious worship, or to enter such meeting while in a state of intoxication, or to use or sell spirituous liquors, or use blasphemous, profane, or indecent language at or near the place of meeting.

(Prior Code, § 13-7) Penalty, see § 10.99

Statutory reference:

Disturbing religious assemblies, see S.C. Code § 16-17-520

§ 131.17 ALCOHOLIC BEVERAGES; DRINKING IN PUBLIC.

It shall be unlawful for any person to:

(A) Publicly engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage;

(B) Publicly engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage in the presence of a passenger in either a privately or publicly owned vehicle; or

(C) Engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage upon any premises upon which an athletic contest is being conducted.

(Prior Code, § 13-32) Penalty, see § 10.99

Statutory reference:

Drinking in public conveyance, see S.C. Code § 16-17-530

CHAPTER 132: OFFENSES AGAINST PROPERTY

Section

- 132.01 Destruction of property generally
- 132.02 Destroying personal property of another
- 132.03 Defacing, and the like, monuments, tombstones
- 132.99 Penalty

otherwise damage, injure, or destroy any vehicle, horse, mule, cattle, hog, sheep, goat, dog, cat, or any other kind, class, article, or description of personal property, the goods and chattel of another, or to willfully, unlawfully, or maliciously cut, mutilate, deface, or otherwise injure any tree, house, outhouse, fence, or fixture of another, or commit any other trespass of real property in the possession of another. (Prior Code, § 13-18) Penalty, see § 132.99

§ 132.01 DESTRUCTION OF PROPERTY GENERALLY.

It shall be unlawful for any person to negligently, willfully, wantonly, or maliciously cut, mutilate, deface, vandalize, or otherwise damage or destroy by any means any real or personal property of the city or of any entity or department of the city.
(Prior Code, § 13-17) Penalty, see § 132.99

Cross-reference:

Damaging, and the like, property in parks, see § 93.04

Damaging streets, see § 152.04

Statutory reference:

Malicious injury to personal property, see S.C. Code § 16-11-510

Malicious injury to real property, see S.C. Code § 16-11-520

§ 132.02 DESTROYING PERSONAL PROPERTY OF ANOTHER.

It shall be unlawful for any person to willfully, unlawfully, and maliciously cut, shoot, or wound, or

§ 132.03 DEFACING, AND THE LIKE, MONUMENTS, TOMBSTONES.

It shall be unlawful for any person to willfully cut, mutilate, deface, or otherwise damage any public or private monument or tombstone situated in the city, whether within or without any recognized cemetery or on any battlefield, or to cut, damage, deface, or mutilate any fence or enclosure erected around any such monument, or commit any other willful trespass upon the grounds around such monument or tombstone.

(Prior Code, § 13-19) Penalty, see § 132.99

§ 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person convicted of such described in § 132.01 shall be guilty of a misdemeanor and shall be fined, imprisoned, and required to make restitution to

the proper city authority in charge for the cost of repairing such damage, or replacing the destroyed item, at the discretion of the judge before whom the case shall be tried.

(Prior Code, § 13-17)

CHAPTER 133: OFFENSES AGAINST PUBLIC MORALS AND DECENCY

Section

Obscenities, Indecent Exposure

- 133.01 Obscenity
- 133.02 Prostitution
- 133.03 Sending obscene material to women
- 133.04 Indecent exposure

Drug Paraphernalia

- 133.15 Drug paraphernalia defined
- 133.16 Possession of drug paraphernalia
- 133.17 Counterfeit drugs

- 133.99 Penalty

OBSCENITIES, INDECENT EXPOSURE

§ 133.01 OBSCENITY.

(A) **OBSCENITY** is the intentional:

(1) Production, sale, exhibition, gift, or advertisement with the intent to primarily appeal to the prurient interest of the average person, of any lewd, lascivious, filthy, or sexually indecent written composition, printed composition, book, magazine, pamphlet, newspaper, story, paper, writing, phonograph record, picture, drawing, motion picture film, figure, image, wire, or tape recording or any written, printed, or recorded matter of sexually indecent character which may, or may not, require

mechanical or other means to be transmitted into auditory, visual, or sensory representation of sexually indecent character;

(2) Possession with the intent to sell, exhibit, give, or advertise any of the pornographic material of the character as described in division (A)(1) above, with the intent to primarily appeal to the prurient interest of the average person;

(3) Performance by any person in the presence of another person with the intent of arousing sexual desire, of any lewd, lascivious, sexually indecent dancing, indecent posing, or indecent body movement; or

(4) Solicitation or attempt to entice any unmarried person under the age of 17 years to commit any act prohibited by this section.

(B) In prosecutions for obscenity, lack of knowledge of age or marital status shall not constitute a defense.

(Prior Code, § 13-23) Penalty, see § 133.99

Statutory reference:

Obscene matter, see S.C. Code §§ 16-15-260 et seq.

§ 133.02 PROSTITUTION.

(A) It shall be unlawful to:

- (1) Engage in prostitution;
- (2) Aid or abet prostitution knowingly;

(3) Procure or solicit for the purpose of prostitution;

(4) Expose indecently the private person for the purpose of prostitution or other indecency;

(5) Reside in, enter, or remain in any place, structure, building, vehicle, trailer, or conveyance for the purpose of lewdness, assignation, or prostitution;

(6) Keep or set up a house of ill fame, brothel, or bawdy house;

(7) Receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, trailer, place, structure, or building;

(8) Direct, take, or transport, offer or agree to take or transport, or aid or assist in transporting any person to any vehicle, conveyance, trailer, place, structure, or building, or to any other person, with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

(9) Lease or rent, or contract to lease or rent, any vehicle, conveyance, trailer, place, structure, or building, or part thereof, believing or having reasonable cause to believe that it is intended to be used for any of the purposes herein prohibited; or

(10) Aid, abet, or participate knowingly in the doing of the acts herein prohibited.
(Prior Code, § 13-24)

(B) It shall further be unlawful to:

(1) Procure an inmate for a house of prostitution;

(2) Cause, induce, persuade, or encourage by promise, threat, violence, or by any scheme or

device a person to become a prostitute or to remain an inmate of a house of prostitution;

(3) Induce, persuade, or encourage a person to come into or leave the city for the purpose of prostitution or to become an inmate in a house of prostitution;

(4) Receive or give, or agree to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute or an inmate in a house of prostitution;

(5) Accept or receive knowingly any money or other thing of value without consideration from a prostitute; or

(6) Aid, abet or participate knowingly in the doing of any of the acts herein prohibited.

(Prior Code, § 13-25)

Penalty, see § 133.99

Statutory reference:

Lewdness, assignation, prostitution, see S.C. Code § 16-15-90

§ 133.03 SENDING OBSCENE MATERIAL TO WOMEN.

It shall be unlawful for any person in the city to write, print, or by any other manner or means to communicate, send, or deliver to any woman or woman child any obscene, profane, indecent, vulgar, suggestive, or immoral message.

(Prior Code, § 13-26) Penalty, see § 133.99

§ 133.04 INDECENT EXPOSURE.

It shall be unlawful for any person to willfully expose indecently such person's body or any part thereof to public view.

(Prior Code, § 13-22) Penalty, see § 133.99

Statutory reference:

Indecent exposure, see S.C. Code § 16-15-130

DRUG PARAPHERNALIA**§ 133.15 DRUG PARAPHERNALIA DEFINED.**

(A) The term ***DRUG PARAPHERNALIA*** means all 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, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this subchapter.

(B) It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, or growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

(5) Scales or balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in, otherwise cleaning or refining marijuana;

(8) Blenders, bowls, containers, spoons, and other container used, intended for use, or use designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in compounding controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles, or other objects used, intended for use, or designed for use in parentally injecting controlled substances into the human body;

(12) (a) Objects used, intended for use, or designed for use to ingest, inhale, or otherwise introduce marijuana, cocaine, crack cocaine, ice, crank, hashish, or hashish oil into the human body, including, but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

2. Water pipes;

3. Carburetor tubes and devices;

4. Smoking and carburetor masks;

5. ***ROACH CLIPS***, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

- cocaine vials;
6. Miniature cocaine spoons and
 7. Chamber pipes;
 8. Carburetor pipes;
 9. Electric pipes;
 10. Air-driven pipes;
 11. Chillers;
 12. Bongs; and
 13. Ice pipes or chillers.

(b) In determining whether or not an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statement by its owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law, relating to any controlled substance;
3. Proximity of the object, in time and space, to a direct violation of this subchapter;
4. Proximity of the object to controlled substances;
5. Existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this

subchapter. The innocence of an owner, or of anyone in control of the object as to a direct violation of this subchapter, shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether or not the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. Existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

(Ord. 03-02-18, passed 3-2-2018)

§ 133.16 POSSESSION OF DRUG PARAPHERNALIA.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia 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 subchapter.

(Ord. 03-02-18, passed 3-2-2018) Penalty, see § 133.99

§ 133.17 COUNTERFEIT DRUGS.

Any person who shall distribute or sell any substance under the pretense that said substance is an illegal drug, illegal narcotics, or controlled substance when said substance is, in fact, not an illegal drug, illegal narcotics, or controlled substance shall be guilty of the sale of counterfeit drugs for the purpose of this section.

(Ord. 03-02-18, passed 3-2-2018) Penalty, see § 133.99

§ 133.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who violates § 133.16 is guilty of a misdemeanor.

(C) Any person who violates § 133.17, upon conviction, shall be deemed guilty of a misdemeanor.
(Ord. 03-02-18, passed 3-2-2018)

CHAPTER 134: OFFENSES AGAINST HEALTH AND SAFETY

Section

Assault, Cruelty

- 134.01 Simple assault
- 134.02 Cruelty to children

Weapons and Firearms

- 134.15 Weapons; pointing firearms at person
- 134.16 Discharging generally
- 134.17 Discharging firearm at or into occupied dwellings
- 134.18 Concealment about person

ASSAULT, CRUELTY

§ 134.01 SIMPLE ASSAULT.

It shall be unlawful for any person to commit simple assault upon any person.
(Prior Code, § 13-27) Penalty, see § 10.99

§ 134.02 CRUELTY TO CHILDREN.

It shall be unlawful for any person to torture, torment, cruelly ill-treat, deprive of necessary sustenance or shelter, or inflict unnecessary suffering or pain upon any child or cause same to be done whether such person be parent or guardian or have charge or custody of such child.
(Prior Code, § 13-4) Penalty, see § 10.99

WEAPONS AND FIREARMS

§ 134.15 WEAPONS; POINTING FIREARMS AT PERSON.

(A) It shall be unlawful for any person to present or point at any other person any loaded or unloaded firearm.

(B) Nothing contained herein shall be construed to abridge the right of self defense or to apply to theatricals or like performances.

(Prior Code, § 13-28) Penalty, see § 10.99

Statutory reference:

Assault with concealed weapon, see S.C. Code § 16-3-61

Offenses involving weapons, see S.C. Code §§ 16-23-10 et seq.

§ 134.16 DISCHARGING GENERALLY.

It shall be unlawful for any person to discharge a firearm, air rifle, or other weapon; provided, however, nothing herein contained shall be construed to apply to persons discharging firearms in protection of their life or property, or to peace officers in the actual discharge of their duties as such.

(Prior Code, § 13-29) Penalty, see § 10.99

Statutory reference:

Discharging firearms, see S.C. Code § 16-23-440

§ 134.17 DISCHARGING FIREARM AT OR INTO OCCUPIED DWELLINGS.

It shall be unlawful for any person to discharge or cause to be discharged any firearm at or into any house occupied as a dwelling.

(Prior Code, § 13-30) Penalty, see § 10.99

§ 134.18 CONCEALMENT ABOUT PERSON.

It shall be unlawful for any person to carry a dirk, slingshot, metal knuckles, razor, or other deadly weapon used for the infliction of injury to persons or damage to property concealed on or about said person and, upon conviction thereof, shall forfeit to the city the weapon so concealed and be punished as provided in § 10.99. Nothing herein contained shall be construed to apply to persons carrying concealed weapons about their own premises or to peace officers in the actual discharge of their duties as such.

(Prior Code, § 13-31) Penalty, see § 10.99

CHAPTER 135: MINORS

Section

135.01 Minors in pool halls

§ 135.01 MINORS IN POOL HALLS.

It shall be unlawful for any person under 18 years of age to loiter in any billiard or pool room unless accompanied by such person's parent or guardian, or with the written consent of such person's parent or guardian. In the event the keeper of a billiard or pool room is of opinion that any person desiring admission thereto is under the age of 18 years, such keeper shall require such person to certify such person's age in writing. It shall be unlawful for any minor to make a false certificate as to such minor's guardian.

(Prior Code, § 13-5) Penalty, see § 10.99

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS, CONSTRUCTION**
- 151. COMPREHENSIVE PLAN AND ZONING PLANS**
- 152. STREETS AND SIDEWALKS**
- 153. FLOOD HAZARD AREAS**

CHAPTER 150: BUILDING REGULATIONS, CONSTRUCTION

Section

General Provisions

- 150.01 Building Official
- 150.02 County official

Building Codes

- 150.15 Building Code adopted
- 150.16 Electrical Code adopted
- 150.17 Gas Code adopted
- 150.18 Plumbing Code adopted
- 150.19 Fire limits established

Fire Prevention

- 150.30 Fire Prevention Code adopted
- 150.31 Enforcement

Building Regulations

- 150.45 Unsafe buildings, dwellings,
apartment houses, rooming houses

Cross-reference:

*Approval required to move building, see App. A,
§ 3(j)*

*Building Inspector to enforce zoning ordinance,
see App. A, § 12*

Construction noise restricted, see § 90.016

*Obstructing street with building materials, see
§ 15.02(B)*

Plans required, see App. A, § 12

Restoring unsafe structures, see App. A, § 3(d)

GENERAL PROVISIONS

§ 150.01 BUILDING OFFICIAL.

The City Council shall, by resolution, designate a person or official to serve as Building Official. The initial Building Official shall be the City Fire Inspector.

(Prior Code, § 4-7) (Ord. 11-10-86, passed - -)

§ 150.02 COUNTY OFFICIAL.

The procedures of §§ 150.01 and 150.45 shall be in addition to those available to the city through the County Planning and Development Board.

(Prior Code, § 4-8) (Ord. 11-10-86, passed - -)

BUILDING CODES

§ 150.15 BUILDING CODE ADOPTED.

There is hereby adopted for the purpose of establishing rules and regulations, for the construction, alteration, removal, demolition, equipment, use, and occupancy, location, and maintenance of buildings and structures, including permits, that certain code known as the Standard Building Code, being particularly the 1982 edition thereof, with revisions through 1984, and the whole

thereof, save and except such portions as are hereinafter deleted, modified, or amended, or which at least one copy is filed in the office of the City Clerk and Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein.
(Prior Code, § 4-1)

§ 150.16 ELECTRICAL CODE ADOPTED.

There is hereby adopted for the purpose of establishing rules and regulations for the installation of electric wiring and apparatus, that certain code known as the National Electrical Code, as recommended by the National Fire Protection Association, being particularly the 1984 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which at least one copy is filed in the office of the City Clerk and Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein.
(Prior Code, § 4-2)

§ 150.17 GAS CODE ADOPTED.

There is hereby adopted for the purpose of establishing rules and regulations for the installation of gas pipes and gas appliances, that certain code known as the Standard Gas Code, being particularly the 1982 edition thereof, with revisions through 1984, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which at least one copy is filed in the office of the City Clerk and Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein.
(Prior Code, § 4-3)

§ 150.18 PLUMBING CODE ADOPTED.

There is hereby adopted for the purpose of establishing rules and regulations to govern plumbing installation, construction, and maintenance, that certain code known as the 1976 Standard Plumbing

Code, being particularly the 1982 edition thereof, with revisions through 1984, and the whole thereof, save and except such portions as may hereinafter be deleted, modified, or amended, of which at least one copy is filed in the office of the City Clerk and Treasurer, and the same is hereby adopted and incorporated as fully as if set out at length herein.
(Prior Code, § 4-4)

Cross-reference:

Sewage disposal facilities, see § 90.001

§ 150.19 FIRE LIMITS ESTABLISHED.

The fire limits of the city shall be the area within a five-mile road distance of the city fire station.
(Prior Code, § 4-5)

FIRE PREVENTION

§ 150.30 FIRE PREVENTION CODE ADOPTED.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or exposure, that certain code known as the Standard Fire Prevention Code, promulgated by the Southern Building Code Congress International, Inc., amended by the American Insurance Association, being particularly the 1982 edition, with revisions through 1984, and the whole thereof, save and except such portions as may be hereafter deleted, modified, or amended, and the provisions thereof being hereby adopted and incorporated as fully as if set out at length herein.

(Prior Code, § 9-1)

Statutory reference:

Municipalities authorized to adopt safety and technical codes by reference, see S.C. Code §§ 5-7-280 and 6-9-10

§ 150.31 ENFORCEMENT.

The code adopted in § 150.30 shall be enforced by the Chief of the Fire Department.
(Prior Code, § 9-2)

BUILDING REGULATIONS

§ 150.45 UNSAFE BUILDINGS, DWELLINGS, APARTMENT HOUSES, ROOMING HOUSES.

(A) All dwellings, apartment houses, rooming houses, or buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which 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 by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally, in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and a nuisance, and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure set out in this section.

(B) (1) Whenever the Building Official determines that there are reasonable grounds to believe that a building is a dangerous building, as defined above, he or she shall give notice to the owner of such building. Such notice shall:

(a) Be put in writing;

(b) Include a statement of the reasons why it is being issued; and

(c) Allow 120 days for the performance of any act it requires.

(2) Said notice shall further state that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the

stated time, as set forth in the notice, the Building Official shall institute legal proceedings charging the owner with a violation of this section.

(C) The notice provided for above shall be served as follows:

(1) By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address, with postage prepaid thereon; or

(3) By posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises referred to in the notice.

(D) If the notice provided for in this section is not complied with and the repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time, as set forth in such notice, the Building Official shall issue and cause to be served upon the owner of, and parties interested in, such unsafe building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Official, or his or her designated agent, at a place therein fixed, not less than ten days nor more than 30 days after the serving of such complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearing.

(E) If, after the notice and hearing as provided for in division (D) above, the Fire Inspector determines that the building under consideration is an unsafe building, is in violation of division (A) above, and constitutes a nuisance, he or she shall state in writing his or her findings of fact in support of such determination and shall issue and cause to be served upon the owner of the property an order:

(1) If the repair, alteration, or improvement of the building can be made at a reasonable cost in relation to the value of the building, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it safe for human habitation, or to vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the building, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(F) If the owner fails to comply with an order of the Building Official to repair, alter, or improve, or to vacate and close, the dwelling, as provided in division (E) above, the Building Official may cause such building to be repaired, altered, or improved, or to be vacated and closed, and may cause to be posted on the main entrance in any building so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." If the owner fails to comply with an order of the Building Official to remove or demolish the dwelling, the Building Official may cause such building to be removed or demolished.

(G) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal and demolition, by the Building Official under the provisions of division (F) above shall be a lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Building Official, he or she shall sell the materials of such building, if feasible, and shall credit the proceeds of such sale against the cost of the removal and demolition, and any balance remaining shall be deposited by the Building Official with the Clerk of the Court of Common Pleas for the county. If the sale of materials does not cover the cost of such repairs, alterations, improvements, or vacating and closing, or removal and demolition, the balance of the cost thereof shall be an assessment against the

property owner, and the expense shall be added to the annual tax levied, and shall be collected by the city in the same manner as the annual property tax.

(H) Complaints or orders issued by the Building Official pursuant to this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the Building Official, in the exercise of reasonable diligence, and the Building Official makes an affidavit to that effect, then the serving of such complaints or orders upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper of general circulation in the city and published in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of Court of the Common Pleas for the county and such filing of the complaint or order shall have the same force and effect as other lis pendens and notices provided by law.

(Prior Code, § 4-6) (Ord. 11-10-86, passed - -)

CHAPTER 151: COMPREHENSIVE PLAN AND ZONING PLANS

Section

- 151.01 Approval of plan
- 151.02 Approval of zoning ordinance

§ 151.01 APPROVAL OF PLAN.

The approval of the city's Comprehensive Plan is hereby adopted by reference as if set out herein in full.

(Ord. 10-19-20, passed 10-19-2020)

§ 151.02 APPROVAL OF ZONING ORDINANCE.

The approval of the city's zoning ordinance is hereby adopted by reference as if set out herein in full.

(Ord. 01-18-21, passed 1-18-2021)

CHAPTER 152: STREETS AND SIDEWALKS

Section

- 152.01 Acceptance, and the like, of streets owned by others
- 152.02 Obstructing streets, sidewalks generally
- 152.03 Swinging gates, other; animals causing hazard
- 152.04 Digging up, damaging streets; permit required
- 152.05 Burning of trash, and the like, on streets
- 152.06 Placing, extending signs, banners across public way, place

Cross-reference:

Depositing refuse on streets, see § 90.030

Statutory reference:

Powers, rights, and privileges of cities to keep streets and sidewalks in good repair, see S.C. Code § 5-27-120

§ 152.01 ACCEPTANCE, AND THE LIKE, OF STREETS OWNED BY OTHERS.

(A) The city shall not accept, lay out, open, improve, grade, pave, or otherwise maintain any street or road within or without the corporate limits of the city, the same being the responsibility of the county where any such street or road has been dedicated to and accepted by said body politic, or of the state where any such street or road has been dedicated to and accepted by the state, or in other cases of owners of any such street or road.

(B) The City Council and Board of Commissioners of Public Works shall not accept, establish, install, or maintain any city utilities in or

along any street or road other than streets or roads dedicated to, accepted by, and presently owned and maintained by the county or the state, and any acceptance, establishment, installation, or maintenance of any city utilities in or along any such street or road shall be only after proper application therefor, and authorization for the same by the City Council and the Board of Commissioners of Public Works of the city. (Prior Code, § 16-1) (Ord. 4-11-83, passed - -)

§ 152.02 OBSTRUCTING STREETS, SIDEWALKS GENERALLY.

(A) It shall be unlawful for any person 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 and immediate use or any other article or obstructions whatsoever; provided, that nothing herein contained shall deprive any person who may be building, of the use of such number of feet, not exceeding 20 feet, from the pavement and the sidewalk as may be allowed by the Chief of Police, for temporary convenience of placing timber, brick, or such other building material as the Chief of Police may deem proper.

(Prior Code, § 16-2)

(B) (1) It shall be unlawful for any merchant or other person to obstruct or blockade any pavement, walk, or sidewalk within the city by placing thereon any articles of merchandise or things of any kind whatsoever.

(2) This section shall not prevent any person from engaging in any business upon private property adjacent to, but not forming a part of, such pavement, walk, or sidewalk; nor shall it prohibit organized non-profit groups from engaging, upon specified days, an annual sale of Christmas Seals, Buddy Poppies, or other like articles, for charitable or eleemosynary purposes and not for profit, and locate upon the public sidewalk as may be designated by the Chief of Police, upon application to such Chief, at such point as will cause the least obstruction to the flow of traffic.

(Prior Code, § 16-3) Penalty, see § 10.99

Cross-reference:

Intersection visibility and corner setback, see App. A § 3(g)

**§ 152.03 SWINGING GATES, OTHER;
ANIMALS CAUSING HAZARD.**

It shall be unlawful for any person to blockade any street, highway, public road, or traveled place, or any part thereof by allowing any gate to remain open or to swing upon the same, or by placing or allowing to remain thereon any obstruction whatsoever; or to allow any vehicle, horse, or other animal to remain upon the same in such manner as to create a hazard.

(Prior Code, § 16-4) Penalty, see § 10.99

**§ 152.04 DIGGING UP, DAMAGING STREETS;
PERMIT REQUIRED.**

It shall be unlawful for any person to damage, plow up, or plant anything in any street; to dig, or to cause any digging to be done in any streets, roads, walk, path, or pavement within the city or to remove or cause to be removed therefrom any sand, clay, dirt or other earth without the written permission of the applicable authority; or to in any manner damage the same; provided, that the provisions of this section shall not apply to such work as may be done under the lawful direction of the applicable authority.

(Prior Code, § 16-5) Penalty, see § 10.99

**§ 152.05 BURNING OF TRASH, AND THE
LIKE, ON STREETS.**

It shall be unlawful for any person to burn any trash, wastepaper, or any other refuse matter on any street in the city.

(Prior Code, § 16-6) Penalty, see § 10.99

Cross-reference:

Burning regulations, see § 92.05

**§ 152.06 PLACING, EXTENDING SIGNS,
BANNERS ACROSS PUBLIC WAY, PLACE.**

It shall be unlawful for any person to extend any banner or canvas sign across any public street, park, or other public way or place within the city without first having obtained a permit from the Mayor or the City Clerk and Treasurer.

(Prior Code, § 16-7) Penalty, see § 10.99

CHAPTER 153: FLOOD HAZARD AREAS

Section

General Provisions

- 153.001 Statutory authorization
- 153.002 Findings of fact
- 153.003 State of purpose and objectives
- 153.004 Lands to which chapter applies
- 153.005 Establishment of development permit
- 153.006 Compliance
- 153.007 Interpretation
- 153.008 Partial invalidity and severability
- 153.009 Warning and disclaimer of liability
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Administration

- 153.025 Designation of local Floodplain Administrator
- 153.026 Adoption of letter of map revisions
- 153.027 Development permit and certification requirements
- 153.028 Duties and responsibilities of the local Floodplain Administrator
- 153.029 Administrative procedures

Provisions for Flood Hazard Reduction

- 153.040 General standards
- 153.041 Specific standards
- 153.042 Standards for streams without base flood elevations floodways
- 153.043 Standards for streams with base flood elevations but without floodways
- 153.044 Standards for areas of shallow flooding (AO Zones)
- 153.045 Coastal high hazard areas (V Zones)

Variance Procedures

- 153.060 Establishment of Appeal Board
- 153.061 Right to appeal
- 153.062 Historic structures
- 153.063 Functionally dependent uses
- 153.064 Accessory, agricultural structures
- 153.065 Considerations
- 153.066 Findings
- 153.067 Floodways
- 153.068 Conditions

Legal Status Provisions

- 153.080 Effect on rights and liabilities under the existing ordinance
- 153.081 Effect upon outstanding building permits
- 153.999 Penalty

GENERAL PROVISIONS

§ 153.001 STATUTORY AUTHORIZATION.

The legislature of the state has, in S.C. Code Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does ordain as follows.
(Ord. 2025-08, passed 11-17-2025)

§ 153.002 FINDINGS OF FACT.

(A) The special flood hazard areas of the city are subject to periodic inundation which results in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) Furthermore, these flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
(Ord. 2025-08, passed 11-17-2025)

§ 153.003 STATE OF PURPOSE AND OBJECTIVES.

(A) It is the purpose of this chapter to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, and control filling, grading, dredging, and other development which may increase flood damage or erosion. Additionally, the chapter prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.

(B) The objectives of this chapter are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas, and to ensure that potential home buyers are notified that property is in a flood area. The provisions of the chapter is intended to minimize damage to public facilities and utilities such as water and gas mains, electricity, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this chapter is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

(C) Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.
(Ord. 2025-08, passed 11-17-2025)

§ 153.004 LANDS TO WHICH CHAPTER APPLIES.

(A) This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city as identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study, dated August 16, 2018, with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter.

(B) Upon annexation, any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its flood insurance study for the unincorporated areas of the county, with accompanying map and other data, are adopted by reference and declared part of this chapter. (Ord. 2025-08, passed 11-17-2025)

§ 153.005 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities. (Ord. 2025-08, passed 11-17-2025)

§ 153.006 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 2025-08, passed 11-17-2025) Penalty, see § 153.999

§ 153.007 INTERPRETATION.

(A) In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state law.

(B) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

(C) However, where the provisions of this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2025-08, passed 11-17-2025)

§ 153.008 PARTIAL INVALIDITY AND SEVERABILITY.

If any part of this chapter is declared invalid, the remainder of the chapter shall not be affected and shall remain in force. (Ord. 2025-08, passed 11-17-2025)

§ 153.009 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder. (Ord. 2025-08, passed 11-17-2025)

§ 153.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). Structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. **ACCESSORY STRUCTURES** should constitute a minimal investment (no more than 10% of the value of the primary structure), may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds.

ADDITION (TO AN EXISTING BUILDING).

An extension or increase in the floor area or height of a building or structure. ***ADDITIONS*** to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load bearing wall is provided between the addition and the existing building, the ***ADDITION(S)*** shall be considered a separate building and must comply with the standards for new construction.

AGRICULTURAL STRUCTURE. A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. ***AGRICULTURAL STRUCTURES*** are not exempt from the provisions of this chapter.

APPEAL. A request for a review of the local Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1 % or greater chance of being equaled or exceeded in any given year.

BASE FLOOD. The flood having a 1 % chance of being equaled or exceeded in any given year.

BASEMENT. Any enclosed area of a building that is below grade on all sides.

BUILDING. See ***STRUCTURE.***

COASTAL HIGH HAZARD AREA. An area of special flood hazard extending from offshore to the

inland limit of the primary frontal dune along an open coast, and any other area subject to velocity wave action from storms or seismic sources.

CRITICAL DEVELOPMENT. Development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, stores or produces highly volatile, toxic, or water-reactive materials, or houses occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of ***CRITICAL DEVELOPMENT*** include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT). Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the start of construction commenced before June 30, 1976.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading

or the pouring of concrete pads) is completed before June 30, 1976.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (for example, mudflow), and/or flood-related erosion hazards.

FLOOD-RESISTANT MATERIAL. Any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not **FLOOD-RESISTANT**. Pressure-treated lumber or naturally decay-resistant lumbars are

acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not **FLOOD RESISTANT**. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. **FREEBOARD** tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the

U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places; and/or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:

(a) By an approved state program as determined by the Secretary of Interior; or

(b) Directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the state or local inventories may not be **HISTORIC** as cited above but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the **HISTORIC STRUCTURE** criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the State Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

INCREASED COST OF COMPLIANCE (ICC).

Applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under § 1361 . It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

LIMITED STORAGE. An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting, and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE, and A1-A30 Zone, it must meet the requirements of § 153.043(D). If the area is located below the base flood elevation in a V, VE, and V1-V30 Zone, it must meet the requirements of § 153.045.

LOWEST ADJACENT GRADE (LAG). An elevation of the lowest ground surface that touches any structurally attached deck support, exterior walls of a building, or proposed building walls.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's **LOWEST FLOOR**; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK or SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For the purpose of this chapter, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base

flood elevations shown on a community's flood insurance rate maps (FIRM) are shown.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. As corrected in 1929, elevation reference points set by the National Geodetic Survey based on mean sea level.

NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988. Vertical control, as corrected in 1988, used as the reference datum on flood insurance rate maps.

NEW CONSTRUCTION. Structure for which the start of construction commenced on or after June 30, 1976. The term also includes any subsequent improvements to such structure.

NEW MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after June 30, 1976.

PRIMARY FRONTAL DUNE. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REPETITIVE LOSS. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SECTION 1316 OF THE NATIONAL FLOOD INSURANCE ACT OF 1968. The Act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

STABLE NATURAL VEGETATION. The first place on the oceanfront where plants, such as sea oats hold sand in place.

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law 97-348), includes **SUBSTANTIAL IMPROVEMENT**, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The **ACTUAL START** means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. **PERMANENT CONSTRUCTION** does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings,

such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally aboveground.

SUBDIVISION. A parcel of land divided into two or more lots.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Such repairs may be undertaken successively, and their costs counted cumulatively. Please refer to the definition of **SUBSTANTIAL IMPROVEMENT**.

SUBSTANTIAL IMPROVEMENT.

(1) Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(2) Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether **SUBSTANTIAL IMPROVEMENT** will occur.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK or SUBDIVISION. Where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

VARIANCE. A grant of relief from a term or terms of this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with these regulations.
(Ord. 2025-08, passed 11-17-2025)

ADMINISTRATION

§ 153.025 DESIGNATION OF LOCAL FLOODPLAIN ADMINISTRATOR.

The City Administrator or his or her designee is hereby appointed to administer and implement the provisions of this chapter.
(Ord. 2025-08, passed 11-17-2025)

§ 153.026 ADOPTION OF LETTER OF MAP REVISIONS.

All LOMRs that are issued in the areas identified in § 153.004 are hereby adopted.
(Ord. 2025-08, passed 11-17-2025)

§ 153.027 DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Development permit.* Application for a development permit shall be made to the local Floodplain Administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

(1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either § 153.028(J), the use of best available data, or the standards for streams without estimated base flood elevations, and floodways of § 153.042. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either § 153.028(J), the use of best available data, or the standards for streams without estimated base flood elevations and floodways of § 153.042.

(2) Where base flood elevation data is provided, as set forth in §§ 153.004 or 153.028(J), the application for a development permit within the flood hazard area shall show:

(a) The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and

(b) If the structure will be floodproofed in accordance with the non-residential

construction requirements of § 153.041(B), and the elevation (in relation to mean sea level) to which the structure will be floodproofed.

(3) Where base flood elevation data is not provided as set forth in §§ 153.004 or 153.028(J), then the provisions in the standards for streams without estimated base flood elevations and floodways of § 153.042 must be met.

(4) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained, and a map showing the location of the proposed watercourse alteration or relocation.

(B) *Certifications.*

(1) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of §§ 153.041(B) and 153.044(B).

(2) *Certification during construction.* A lowest floor elevation certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local Floodplain Administrator a certification of the elevation of the lowest floor or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local Floodplain Administrator shall review the floor

elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) *V Zone certification.* When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in § 153.045(E).

(4) *As-built certification.* Upon completion of the development, a registered professional engineer or land surveyor, in accordance with state law, shall certify according to the requirements of divisions (B)(1), (B)(2), and (B)(3) above that the development is built in accordance with the submitted plans and previous pre-development certifications.
(Ord. 2025-08, passed 11-17-2025)

§ 153.028 DUTIES AND RESPONSIBILITIES OF THE LOCAL FLOODPLAIN ADMINISTRATOR.

The duties and the responsibilities of the local Floodplain Administrator shall include, but not be limited to:

(A) *Permit review.* Review all development permits to assure that the requirements of this chapter have been satisfied;

(B) *Requirement of federal and/or state permits.* Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C § 1334; and

(C) *Watercourse alterations.*

(1) Notify adjacent communities and the State Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(2) In addition to the notifications required for watercourse alterations per division (C)(1) above, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the floodcarrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection;

(3) If the proposed project will modify the configuration of the watercourse and/or floodway or change the base flood elevations for which a detailed flood insurance study has been developed, § 153.041(G) shall apply; and

(4) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of § 153.027(B)(4), the applicant shall submit the as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

(D) *Floodway encroachments.* Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of § 153.041(E) are met.

(E) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(F) *Notifying adjacent communities.* Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.

(G) *Certification requirements.*

(1) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in § 153.027(B)(2) or the coastal high hazard area requirements outlined in § 153.045.

(2) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in § 153.027(B)(1).

(3) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in § 153.041(B).

(4) A registered professional engineer or architect shall certify that the design, specifications, and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in § 153.045.

(H) *Map interpretation.* Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation.

(I) *Prevailing authority.* Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile,

floodway data table, and the like) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in § 153.041(G)(2).

(J) *Use of best available data.* When base flood elevation data and floodway data has not been provided in accordance with § 153.004, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to § 153.042(A) in order to administer the provisions of this chapter. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a federal, state, or other source, which must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 C.F.R. Chapter 1, §§ 67.5 and 67.6, the data does not have to be used.

(K) *Special flood hazard area/topographic boundaries conflict.* When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site, the site information takes precedence when the lowest adjacent grade is at or above the BFE. The property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The local Floodplain Administrator, in the permit file, will maintain a copy of the letter of map amendment issued from FEMA.

(L) *On-site inspections.* Make on-site inspections of projects in accordance with the administrative procedures outlined in § 153.029(A).

(M) *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits, and take corrective actions in accordance with the administrative procedures in § 153.029.

(N) *Records maintenance.* Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.

(O) *Annexations and detachments.* Notify the State Department of Natural Resources Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, within six months of any annexations or detachments that include special flood hazard areas.

(P) *Federally funded development.* All federally-funded development must comply with all applicable executive orders. Evidence of compliance with the executive order must be submitted as part of the permit review process.

(Q) *Substantial damage determination.* Perform an assessment of damage from any origin to the structure to determine the percent damage, which is based on the market value of the structure before the damage occurred.

(R) *Substantial improvement determinations.*

(1) Perform an assessment of permit applications for improvements or repairs (to include percent damage) to be made to a building or structure that equals or exceeds 50% of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial improvement will occur.

(2) The market values shall be determined by one of the following methods:

(a) The current assessed building value, as determined by the county's assessor's office, or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six months;

(b) One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of the state. The appraisal

shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence;

(c) Real estate purchase contract within six months prior to the date of the application for a permit; and

(d) Computed actual cash value. This value is based on the average cost of construction per square foot, less the depreciation value.
(Ord. 2025-08, passed 11-17-2025)

§ 153.029 ADMINISTRATIVE PROCEDURES.

(A) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(C) *Revocation of permits.* The local Floodplain Administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure

from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(D) *Periodic inspections.* The local Floodplain Administrator, and each member of his or her Inspections Department, shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the Department at any reasonable hour for the purposes of inspection or other enforcement action. Inspections may be made during construction and post construction to ensure continued compliance with the NFIP.

(E) *Violations to be corrected.* When the local Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he or she owns.

(F) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service, that:

(1) The building or property is in violation of this chapter;

(2) A hearing will be held before the local Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the local Floodplain Administrator may issue such order to

alter, vacate, or demolish the building, or to remove fill as it appears appropriate.

(G) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed in division (F) above, the Floodplain Administrator finds that the building or development is in violation of this chapter, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not more than 180 days, the Floodplain Administrator may prescribe; provided, that where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(H) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of the appeal in writing to the Floodplain Administrator and the Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(I) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(J) *Denial of flood insurance under the NFIP.* If a structure is declared in violation of this chapter, and after all other penalties are exhausted to achieve compliance with this chapter, then the local Floodplain Administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a § 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the chapter. Once a violation has been remedied the local

Floodplain Administrator shall notify FEMA of the remedy and ask that the § 1316 be rescinded.

(L) *Documents*. The following documents are incorporated by reference and may be used by the local Floodplain Administrator to provide further guidance and interpretation of this chapter, as found on FEMA's website at www.fema.gov:

- (1) FEMA 55 Coastal Construction Manual;
- (2) All FEMA technical bulletins;
- (3) All FEMA floodplain management bulletins;
- (4) FEMA 348 Protecting Building Utilities from Flood Damage; and
- (5) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets. (Ord. 2025-08, passed 11-17-2025)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 153.040 GENERAL STANDARDS.

Development may not occur in the special flood hazard area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard, the following provisions are required:

(A) *Reasonably safe from flooding*. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(B) *Anchoring*. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.

(C) *Flood resistant materials and equipment*. All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, available from the Federal Emergency Management Agency.

(D) *Minimize flood damage*. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(E) *Critical development*. All new construction and substantial improvements that meet the definition of critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists, establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates the 500-year flood elevation data.

(F) *Utilities*. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of the base flood plus one foot.

(G) *Water supply systems*. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(H) *Sanitary sewage systems*. New and replacement sanitary sewage systems shall be designed

to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(I) *Gas or liquid storage tanks.* All gas or liquid storage tanks, either located aboveground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.

(J) *Alteration, repair, reconstruction, or improvements.* Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter. This includes post-FIRM development and structures.

(K) *Non-conforming buildings or uses.* Non-conforming buildings or uses, including historic structures, may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter.

(Ord. 2025-08, passed 11-17-2025)

§ 153.041 SPECIFIC STANDARDS.

In all areas of special flood hazard (Zones A, AE, AH, AO, and A1-30), unless otherwise specified where base flood elevation data has been provided, as set forth in §§ 153.004 or 153.028(J), the following provisions are required:

(A) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be

provided in accordance with the elevated buildings requirements in division (D) below.

(B) *Non-residential construction.*

(1) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in division (D) below. No basements are permitted. Structures located in A Zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(2) A registered, professional engineer or architect shall certify that the standards of this section are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in § 153.027(B)(1). A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in § 153.064(C). Agricultural structures not meeting the criteria of § 153.064 must meet the non-residential construction standards and all other applicable provisions of this chapter. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local Floodplain Administrator must approve the maintenance plan and receive notification of the annual exercise.

(C) *Manufactured homes.*

(1) Manufactured homes that are placed or substantially improved on sites outside a manufactured

home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for manufactured homes in division (C)(1) above must be elevated so that either:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement or in accordance with § 40-29 of the State Manufactured Housing Board Regulations and S.C. § 79-42, whichever is more restrictive.

(3) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within areas of special flood hazard. This plan shall be filed with and approved by the local Floodplain Administrator and the local emergency manager.

(D) *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding

shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(1) Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet or exceed all of the following minimum criteria:

(a) Provide a minimum of two openings on different walls having a total net area of not less than one square inch for every square foot of enclosed area.

(b) The bottom of each opening must be no more than one foot above the higher of the interior or exterior grade immediately under the opening.

(c) Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area. If the lowest adjacent grade (LAG) is between the BFE and the freeboard, openings are still required between the BFE and the freeboard until a LOMA has been approved.

(d) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

(e) Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(2) Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

(3) (a) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(b) The interior portion of such enclosed area shall be unfinished or finished with flood resistant material and not partitioned into separate rooms, must be void of utilities except for minimum code requirements, and cannot be temperature controlled. For outlets that require greater than 250 volts, a ground fault circuit interrupters are required.

(c) All construction materials below the required lowest floor elevation specified in the specific standards outlined in divisions (A), (B), and (C) above, and this division (D), should be of flood resistant materials.

(E) *Floodways*. Located within areas of special flood hazard established in § 153.004 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles, and has erosion potential. The following provisions shall apply within such areas:

(1) No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:

(a) It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any impact of the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local Floodplain Administrator; or

(b) A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision must be obtained within six months of completion of the proposed development.

(2) If division (E)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subchapter.

(3) A replacement manufactured home may be allowed, provided the anchoring and the elevation standards of division (C) above and the encroachment standards of division (E)(1) above may apply, except when the replacement manufactured home is the same size as the existing.

(4) Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this division (E) are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

(F) *Recreational vehicles*.

(1) A recreational vehicle is ready for highway use if it is:

(a) On wheels or jacking system;

(b) Attached to the site only by quick-disconnect type utilities and security devices; and

(c) Has no permanently attached additions.

(2) Recreational vehicles placed on sites shall either be:

(a) On site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the development permit and certification requirements of § 153.044, general standards outlined in § 153.040, and manufactured homes standards in divisions (C) and (D) above.

(G) *Map maintenance activities.* The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies, and other data identified in § 153.004 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified and shall apply to all areas of special flood hazard:

(1) *Requirement to submit new technical data.*

(a) For all development proposals that impact floodway/floodplain delineations or base flood elevations, the community shall ensure that a letter of map revision reflecting the impacts be submitted to FEMA as soon as practicable, but no later than six months from the end of construction of the project. These development proposals include, but not limited to:

1. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;

2. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;

3. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including stream restoration and the placement of culverts;

4. Subdivision or large-scale development proposals requiring the establishment of

base flood elevations in accordance with § 153.042(A); and

5. Any development that will alter the boundaries of the area of special flood hazard.

(b) The applicant is responsible to have technical data, required in accordance with this division (G), prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.

(c) The local Floodplain Administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; or

2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

(d) The local Floodplain Administrator may require a conditional letter of map revision for any development that he, she, or they want the impacts to be evaluated prior to issuance of a permit.

(e) Floodplain development permits issued by the local Floodplain Administrator shall be conditional upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to division (G) above.

1. If issued prior to obtaining the letter of map revision, then the permit must be based on the map in effect at the time of the permit issuance.

2. If issued after the letter of map revision is issued, then the permit should be based on the letter of map revision.

(2) *Right to submit new technical data.* The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

(H) *Accessory structures.* Detached accessory structures used only for parking of vehicles and storage are permitted at grade if:

(1) In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), they are not larger than one-story and 600 square feet in area. Walls must have openings in compliance with division (D)(1) above.

(2) In coastal high hazard areas (Zones V, VE, V1-30, and VO), they are not larger than 100 square feet and in compliance with § 153.045.

(3) Anchored to resist flotation, collapse, and lateral movement.

(4) Flood damage resistant materials used below the base elevation in accordance with Technical Bulletin 2, Flood Damage Resistant Materials Requirement.

(5) Mechanical, electrical, and utility equipment comply with the requirements of § 153.040(F).

(6) Accessory structures shall be designed to have low flood damage potential.

(7) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(I) *Swimming pool utility equipment rooms.* If the building cannot be built at or above the BFE because of functionality of the equipment, then a

structure to house the utilities for the pool may be built below the BFE with the following provisions:

(1) Meet the requirements for accessory structures in division (H) above; and

(2) The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

(J) *Elevators.*

(1) Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

(2) All equipment that may have to be installed below the BFE, such as counterweight roller guides, compensation cable and pulleys, and oil buffers for traction elevators, and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

(K) *Fill.* An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of divisions (A) or (B) above, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area.

(1) Fill may not be placed in the floodway unless it is in accordance with the requirements in division (E)(1) above.

(2) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.

(3) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.

(4) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.

(5) Fill slopes shall be no greater than two horizontals to one vertical. Flatter slopes may be required where velocities may result in erosion.

(6) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.

(7) Fill may not be used for structural support in the coastal high hazard areas.

(8) Shall meet the requirements of FEMA Technical Bulletin 10, Ensuring That Structures Built On Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding.

(L) Standards for subdivision proposals and other development.

(1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.

(2) All subdivision proposals and other proposed new development shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.

(3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.

(4) The applicant shall meet the requirement to submit technical data to FEMA in division (G) above when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

(Ord. 2025-08, passed 11-17-2025)

§ 153.042 STANDARDS FOR STREAMS WITHOUT BASE FLOOD ELEVATIONS FLOODWAYS.

Located within the areas of special flood hazard (Zones A and V), established in § 153.004, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

(A) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.

(B) No encroachments, including fill, new construction, substantial improvements, and new development, shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(C) If division (A) above is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this subchapter and shall be elevated or floodproofed in accordance with elevations established in accordance with § 153.028(J).

(D) Data from preliminary and draft flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin

1-98, Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 C.F.R. Chapter 1, §§ 67.5 and 67.6, the data does not have to be used.

(E) When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods must be used to determine a BFE in approximate Zone A areas:

(1) *Contour interpolation.*

(a) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.

(b) Add one-half of the contour interval of the topographic map that is used to the BFE.

(2) *Data extrapolation.* A BFE can be determined if a site within 500 feet upstream of the project site has a full detailed study for which a 100-year profile has been computed, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

(3) *Hydrologic and hydraulic calculations.* Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

(4) *A Zone model.* BFE can be pulled from the model and applied if determined that the BFE is useable.
(Ord. 2025-08, passed 11-17-2025)

§ 153.043 STANDARDS FOR STREAMS WITH BASE FLOOD ELEVATIONS BUT WITHOUT FLOODWAYS.

(A) Along rivers and streams where base flood elevation (BFE) data is provided but no floodway is

identified for a special flood hazard area on the FIRM or in the FIS.

(B) No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. 2025-08, passed 11-17-2025)

§ 153.044 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in § 153.004 are areas designated as shallow flooding. The following provisions shall apply within such areas:

(A) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade.

(B) All new construction and substantial improvements of non-residential structures shall:

(1) Have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or

(2) Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is

watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in § 153.027.

(C) All structures on slopes must have drainage paths around them to guide water away from the structures.

(Ord. 2025-08, passed 11-17-2025)

§ 153.045 COASTAL HIGH HAZARD AREAS (V ZONES).

This section shall be reserved for future use.

(Ord. 2025-08, passed 11-17-2025)

VARIANCE PROCEDURES

§ 153.060 ESTABLISHMENT OF APPEAL BOARD.

The Board of Zoning Appeals, as established by the city, shall hear and decide requests for variances from the requirements of this chapter.

(Ord. 2025-08, passed 11-17-2025)

§ 153.061 RIGHT TO APPEAL.

Any person aggrieved by the decision of the Appeal Board, or any taxpayer, may appeal such decision to the court.

(Ord. 2025-08, passed 11-17-2025)

§ 153.062 HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation

as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(Ord. 2025-08, passed 11-17-2025)

§ 153.063 FUNCTIONALLY DEPENDENT USES.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this chapter are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(Ord. 2025-08, passed 11-17-2025)

§ 153.064 ACCESSORY, AGRICULTURAL STRUCTURES.

A variance is authorized to be issued for the construction or substantial improvement of accessory structures and agricultural structures, provided the requirements of this section and the following are satisfied:

(A) *Accessory structures.* A determination that the proposed accessory structure:

(1) Represents a minimal investment and has low damage potential (amount of physical damage, contents damage, and loss of function).

(2) Is larger than the size limits specified in § 153.041(H).

(3) Complies with the wet floodproofing construction requirement of division (C) below.

(B) *Agricultural structures.* A determination that the proposed agricultural structure:

(1) Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these

purposes or uses, and will be restricted to such exclusive uses.

(2) Has low damage potential (amount of physical damage, contents damage, and loss of function).

(3) Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.

(4) Complies with the wet floodproofing construction requirements of division (C) below.

(C) *Wet floodproofing construction requirements.* Wet floodproofed structures shall:

(1) Be anchored to resist flotation, collapse, and lateral movement;

(2) Have flood damage resistant materials below the base flood elevation built in accordance with Technical Bulletin 2, Flood Damage Resistant Materials Requirement;

(3) Have mechanical, electrical, and utility equipment in compliance with the requirements of § 153.040(F); and

(4) In special flood hazards area, have flood openings in compliance with the requirements of § 153.041(D)(1).

(D) *Coastal High Hazard Areas.* Variances shall not be allowed in Coastal High Hazard Areas. (Ord. 2025-08, passed 11-17-2025)

§ 153.065 CONSIDERATIONS.

In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(A) The danger that materials may be swept onto other lands to the injury of others;

(B) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;

(C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity to the facility of a waterfront location, where applicable;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(H) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(I) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(Ord. 2025-08, passed 11-17-2025)

§ 153.066 FINDINGS.

(A) Findings listed above shall be submitted to the Appeal Board, in writing, and included in the application for a variance.

(B) Additionally, comments from the Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator's Office, may be provided to the Appeal Board upon request and included in the permit file.

(Ord. 2025-08, passed 11-17-2025)

§ 153.067 FLOODWAYS.

(A) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, unless a CLOMR is obtained prior to issuance of the variance.

(B) In order to ensure the project is built in compliance with the CLOMR for which the variance is granted, the applicant must provide a bond for 100% of the cost to perform the development.

(Ord. 2025-08, passed 11-17-2025)

§ 153.068 CONDITIONS.

Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The following conditions shall apply to all variances:

(A) Variances to this chapter may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(B) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(C) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(D) (1) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk.

(2) Such notification shall be maintained with a record of all variance actions.

(E) The local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.

(F) (1) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this chapter.

(2) Violations must be corrected in accordance with § 153.029.

(Ord. 2025-08, passed 11-17-2025)

LEGAL STATUS PROVISIONS**§ 153.080 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING ORDINANCE.**

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted June 18, 2012, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the city enacted on June 18, 2012, as amended, which are not reenacted herein, are repealed.

(Ord. 2025-08, passed 11-17-2025)

§ 153.081 EFFECT UPON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof for which a building permit has been granted by the Chief Building Inspector or his or her authorized agents before the time of passage of this chapter; provided, however, that when the start of construction has not begun under such outstanding permit before the passage of this chapter, the construction or use shall be in conformity with the provisions of this chapter.

(Ord. 2025-08, passed 11-17-2025)

§ 153.999 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or

special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2025-08, passed 11-17-2025)

TABLE OF SPECIAL ORDINANCES

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I. FRANCHISES

II. AGREEMENTS

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	9-18-2006	Transfer and assignment of the franchise to operate a cable television system from G Force, LLC, to Atlantic Broadband (SC), LLC.
2025-01	6-16-2025	Granting consent to Spectrum Southeast, LLC for franchise for cable or video service.

TABLE II: AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
0515-01	- -	Authorizing the city to transfer all of its rights, title, and interest in real estate, comprising 0.44 acres, more or less, to the Commission of Public Works of the city.
4-19-21	4-19-2021	Adopting a contractual agreement between the city and the City Commission of Public Works to contract its billing and collection services for sewer and garbage in the city.

PARALLEL REFERENCES

References to South Carolina Code

References to Prior Code

References to Resolutions

References to Ordinances

REFERENCES TO SOUTH CAROLINA CODE

<i>S.C. Code</i>	<i>Code Section</i>
Acts p. 487	37.040
Acts p. 2401	10.02
2-7-20	10.04
Title 5	153.001
5-7-30	10.99; Ch. 34; 90.072
5-7-70	30.08
5-7-80	Ch. 90
5-7-160	30.29
5-7-170	30.05
5-7-180	30.03
5-7-190	30.28
5-7-200(b)	30.06
5-7-210	30.02
5-7-220	32.15; 32.16; 32.17
5-7-230	32.35
5-7-250	30.26
5-7-270	30.40
5-7-280	150.30
5-7-290	10.01
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5-15-50	31.04
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5-15-150	30.04
5-21-110 et seq.	37.040
5-27-120	Ch. 152
5-31-210	33.15
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5-31-260	33.15
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5-584	90.047
Title 6	153.001
6-1-700 through 6-1-770	37.075
6-9-10	150.30
7-13-40	31.06
12-49-740	37.053
12-49-220 through 12-49-290	37.057

<i>S.C. Code</i>	<i>Code Section</i>
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12-49-410 through 12-49-550	37.056; 37.058
12-51	37.064
12-51-10 through 12-51-170	37.064
12-56-10 et seq.	53.001
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14-25-195	35.07
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16-3-1010	90.031; 90.070; 90.086
16-9-320	131.02
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16-11-520	132.01
16-11-700	90.030
16-15-130	133.04
16-15-260 et seq.	133.01
16-17-520	131.16
16-17-530	90.015; 131.15; 131.17
16-17-570	92.03
16-19-50	112.02
16-19-70	112.01
16-23-10 et seq.	134.15
16-23-440	134.16
23-35-10 et seq.	92.04
30-3-10 et seq.	30.26; 30.37
Title 31, Chapter 155	90.054
31-15-3	90.055
40-56-20	92.04
47-1-40	91.02

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56-1-520	10.99; 35.02
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56-5-2510 et seq.	Ch. 72
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61-62.2	92.05
61-62.4	92.05
79-42	153.041

REFERENCES TO PRIOR CODE

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REFERENCES TO RESOLUTIONS

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