

The Town of West Pelzer

South Carolina

THE CODE OF ORDINANCES

Effective

March 13, 2001

Carolina Municipal Codes
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The Town of West Pelzer ***South Carolina***

MEMBERS OF COUNCIL

W. Bill Alexander
Mayor

Wendel T. Trotter, Jr.
Mayor Pro Tempore

Maida H. Kelly

Rey A. McClain

Joe R. Turner

Wanda G. Sutherland
Clerk/Treasurer

Anthony W. Smith
Police Chief

Anthony M. Vickery
Public Works Director

Roger D. Scott, Sr.
Municipal Judge/Recorder

Carey B. Murphy
Town Attorney

FOREWORD

On November 12, 1976, the Mayor and Council adopted a town code consisting of nineteen chapters which stated that "...all ordinances heretofore adopted be and are hereby revised, codified, amended and arranged so as to read as are hereinafter provided ..."

On November 5, 1981, the Mayor and Council adopted an ordinance which recodified a new Code of Ordinances for the Town of West Pelzer. It "...superseded all other general and permanent ordinances of the town."

On November 12, 1996, a recodification of the 1981 was adopted by ordinance. Subsequently, the Mayor and Council have concluded, after diligent study and consideration, that the code needs to be updated and made current. In view of the many changes in law made by the South Carolina Legislature and the Mayor and Council, this action has been taken.

On May 18, 2000, the Mayor and Council entered into a *Memorandum of Agreement* with Carolina Municipal Codes, the publishers of this code, to revise and recodify the 1981 code. That action was taken to bring that code current into this volume, reflecting all subsequent amendments and repeals. All ordinances not contained herein have been repealed, except specific ones which are set forth in the ordinance adopting this revision. They are also enumerated in Appendix D.

At the end of this volume, several appendices and one exhibit are included to facilitate the use of this code; they are:

Appendix A. The South Carolina *Freedom of Information Act*.

Appendix B. Mayor-Council form of government.

Appendix C. Sample ordinance when amending this code.

Appendix D. Ordinances not repealed by this code.

Exhibit 1. *Schedule of Rates and Fees*.

It is the desire of the Mayor and Council that the user of this volume will find it user-friendly. Any questions should be addressed to the Mayor, any member of Council or the Town Clerk.

THE MAYOR AND COUNCIL
WEST PELZER, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is referenced to the 1996 West Pelzer Town Code, all ordinances adopted by the town since then and the 1976 Code of Laws of South Carolina, as amended. References to them are shown in Editor's Notes at the beginning or end of chapters, sections or paragraphs, thus providing a cross-reference to relevant state statutes and town ordinances. Generally accepted municipal practices have been inserted in some instances.

1. Unless otherwise noted, all South Carolina Code references apply to the 1976 Code of Laws of South Carolina, as amended. Thus, a reference such as (1976 SC Code §5-7-30) means Title 5, Chapter 7, Section 30 of the 1976 South Carolina Code of Laws.

2. Local ordinances have been referenced to either the number of the ordinance or date of adoption, when available. For example, an arbitrary reference such as (Ord. #30. 5-8-96) or (Ord. 5-8-96) means the number and date or date of adoption of that particular ordinance, respectively. For ordinances without a number, the date of adoption is used.

3. When WPQ is used as a reference, it refers to the West Pelzer Questionnaire completed by the town prior to the recodification of this code. Example: (WPQ 4) means question #4 on the questionnaire.

4. Future ordinances should have numbers assigned, to facilitate the identity of ordinances in future supplements and to provide easy reference to them when subsequently codified.

Many municipalities use only a number without using the year, such as No. 23, No. 24, etc.,. In other municipalities, however, ordinance numbers begin with the year of adoption followed by 1, 2, 3, etc., for example: No. 01-1, No. 01-2, No. 01-3, etc. If the year 2001 should pose a problem, it is suggested that all four digits be considered. For example: No. 2001-12, No. 2001-13, etc.

R. Powell Black
Editor

WEST PELZER TOWN CODE

ORDINANCE NO. 2001-01

AN ORDINANCE TO RECODIFY THE 1996 RECODIFICATION OF THE 1981 WEST PELZER CODE OF ORDINANCES AND ALL ORDINANCES AND AMENDMENTS ADOPTED SUBSEQUENT THERETO

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF WEST PELZER:

SECTION 1. There is hereby adopted a recodification of the 1996 WEST PELZER TOWN CODE OF ORDINANCES, which has been compiled from that code and all ordinances adopted subsequent thereto.

SECTION 2. This code may be referred to as the "Code of Ordinances of 2000" or the "West Pelzer Town Code" or the "Town Code."

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

(1976 SC Code §14-25-65)

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

WEST PELZER TOWN CODE

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

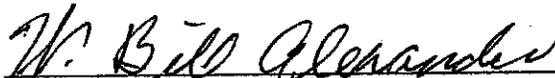
SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 9. If any chapter, article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 10. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; business licenses; contracts; fair housing; franchises; grant agreements; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed; that the repeal of these would be contrary to and inconsistent with the intent of this ordinance. They shall continue in full force and effect and are not repealed.

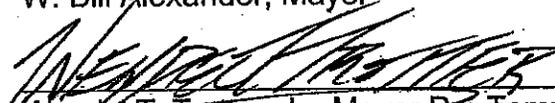
SECTION 11. This ordinance shall become effective , March 13, 2001.

February 13, 2001
First Reading



W. Bill Alexander, Mayor

March 13, 2001
Second Reading

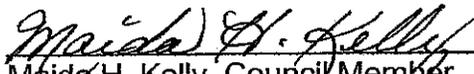


Wendel T. Trotter, Jr., Mayor Pro Tempore

ATTEST:



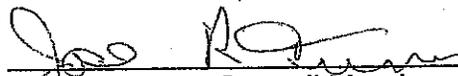
Wendy G. Sutherland
Municipal Clerk



Maida H. Kelly, Council Member



Rey A. McClain, Council Member



Joe R. Turner, Council Member

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- 1.205. Definitions.
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CHAPTER 1. GENERAL PROVISIONS

ARTICLE I. THE CHARTER

Editor's Note.

Statutory authority for the Mayor-Council form of government can be found at Title 5, Chapter 9 of the 1976 South Carolina Code of Laws, as amended.

A reprint of that chapter is included in this code as Appendix C.

ARTICLE II. THE CODE

Editor's Note. This article derives, in part, from the 1996 recodification of the 1981 West Pelzer Town Code and generally accepted municipal definitions. (Further references to the 1996 recodification will be referred to as "the 1996 West Pelzer Town Code.")

1.201. HOW CODE DESIGNATED AND CITED.

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

1.202. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

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

1.203. SEVERABILITY OF PARTS OF CODE.

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

1.204. CATCHLINES OR CATCHWORDS OF SECTIONS.

The catchlines of the several sections of this code printed in capital letters, a different type or underlined are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

1.205. DEFINITIONS.

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

AND, OR The word "and" may be read as "or" and the word "or" may be read as "and" where the sense requires it.

BOND Where bond is required, an undertaking in writing shall be sufficient.

BUSINESS DISTRICT shall mean the territory contiguous to and including a street when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

CLERK/TREASURER shall mean the Municipal Clerk and may be used interchangeably with "Clerk," "Municipal Clerk" or "Town Clerk."

CODE OF LAWS shall mean the 1976 South Carolina Code of Laws. When the 1976 South Carolina Code of Laws is used as a reference, i.e., (1976 SC Code §14-25-45), it shall include all amendments.

COMPUTATION OF TIME shall mean the time within which an act is to be done and be computed by excluding the first day and including the last, and if the last day be Sunday or a legal holiday, that shall be excluded.

CORPORATE LIMITS shall mean the legal boundary of The Town of West Pelzer.

COUNCIL OR TOWN COUNCIL shall mean the Mayor and Council of The Town of West Pelzer.

COUNTY shall mean the County of Anderson.

COURT shall mean the Municipal Court of The Town of West Pelzer.

DAY shall mean a period of twenty-four (24) hours.

DELEGATION OF AUTHORITY shall mean that whenever a provision or section of this code appears requiring the Clerk or head of a department of the town to do some act or make certain inspections, it shall be construed to authorize them to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

DHEC shall mean the South Carolina Department of Health and Environmental Control.

DOMESTIC ANIMAL shall mean any of various animals (as the horse or sheep) domesticated so as to live and breed in a tame condition.

EMERGENCY VEHICLE shall mean vehicles of the fire and police departments, ambulances and/or emergency vehicles or public service corporations as are designated or authorized by SCDOT or by the Town Council.

GENDER - See "Rules of Construction." (§1.206 of this chapter)

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

JUNK shall mean old iron, glass, paper or other waste that may be used in some form again; second hand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance.

JUNKYARD shall mean a yard or area used to store sometimes resalable junk.

KEEPER AND/OR PROPRIETOR shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

LIVESTOCK shall mean animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

MAY shall be permissive.

MINOR, for the purposes of this code, all references to minors shall mean persons under the age of eighteen (18) years, except in laws relating to the sale of alcoholic beverages.

(1976 SC Code §15-1-320)

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPAL CLERK shall mean "Clerk/Treasurer," "Clerk" or "Town Clerk."

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

NAME OF MAYOR AND COUNCIL, TOWN COUNCIL, CLERK/TREASURER OR OTHER OFFICER shall be construed as though the words "*of The Town of West Pelzer*" were added.

NONTECHNICAL AND TECHNICAL WORDS shall apply to the usage of such words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

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

OR, AND shall be used interchangeably, if the sense requires it.

OWNER shall mean and include, when applied to a building or land, any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

PERSON shall include an individual or individuals, a corporation, firm, partnership, association, organization or any other group as a unit.

PERSONAL PROPERTY shall include every species of property, except real property as defined herein.

PRECEDING, FOLLOWING shall mean the next before and the next after, respectively.

PREMISES shall mean place or places.

PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean all properties owned or controlled by public entities.

REAL PROPERTY AND REAL ESTATE shall include lands, tenements and the hereditaments.

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

ROADWAY shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

SCDHEC shall mean the South Carolina Department of Health and Environmental Control.

SCDOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of The Town of West Pelzer.

SHALL, MUST shall be mandatory.

SIDEWALK shall mean any portion of a street between the curb line, or the lateral lines of a roadway where there is no curb and the adjacent property line and intended for the use of pedestrians.

SIGNATURE OR SUBSCRIPTION shall mean a "mark," when a person cannot write.

SOUTH CAROLINA 1976 CODE OF LAWS shall mean the 1976 South Carolina Code of Laws, as amended.

STATE shall mean The State of South Carolina, unless otherwise provided.

STREET shall include avenues, boulevards, highways, roads, public alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the town, and shall mean the entire width thereof between abutting property lines. It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the Town Council.

TAX COLLECTOR shall mean the Anderson County Treasurer.

(WPQ 43.b)

TENANT OR OCCUPANT, when applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

TIME shall mean words used in the past or present tense and includes the future as well as the past and present.

TOWN shall mean all the area embraced within the corporate limits of The Town of West Pelzer.

WEEK shall be construed to mean seven (7) days, Sunday through Saturday, unless it is clearly indicated to mean otherwise.

WEST PELZER TOWN CODE shall mean the 1996 recodification of the 1981 West Pelzer Code of Ordinances.

WRITING The words "writing" or "written" shall include printing and any other mode of representing words and letters.

YEAR shall mean a calendar year, unless it is clearly indicated that the fiscal year is intended.

1.206. RULES OF CONSTRUCTION.

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

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
3. All words importing the present tense also shall apply to the future.

1.207. GENERAL PENALTY. CONTINUING VIOLATIONS.

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

(1976 SC Code §14-25-65)

1.208. LIABILITY OF CORPORATIONS, ETC., AND AGENTS FOR VIOLATIONS.

a. Any violation of this code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

b. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provision of this code, where such violation was the act or omission, or the result of the act, omission or order of any such person.

(State v. Johnson, 255 S.C. 14, 176 S.E. 2nd 575 (1970).)

1.209. OFFENSES BEYOND TOWN LIMITS.

Any person committing any offense in, at or upon lands owned by the town or leased to the town outside the limits of the town shall be deemed and considered as committing an offense against the provisions of this code and other ordinances of the town and shall be triable for the same before the Municipal Judge of the town in the same manner and to the same extent as other offenders against such provisions and such ordinances.

1.210. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired. When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revised without express words to that effect.

1.211. AMENDMENTS TO CODE.

a. All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

b. Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in substantially the following, or similar language: "*that Section No. ___ of the West Pelzer Town Code is hereby amended as follows:*" The new provisions may then be set out in full as enacted, utilizing the text and numbering system consistent with this code.

c. In the event a new section not heretofore existing in the code is to be added, the following or similar language may be used: "*... that the West Pelzer Town Code is hereby amended by adding a new section, to be numbered, and which shall read as follows:*" The new section shall then be numbered and set out in full. The sections of this ordinance may be renumbered to accomplish consistency.

d. All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

(Editor's Note. Please refer to Appendix B for detailed guidance when preparing ordinances.)

1.212. 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 may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in §1.207 hereof.

1.213. PROSECUTION WHERE DIFFERENT PENALTIES EXIST FOR SAME OFFENSE.

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

1.214. CORPORATE LIMITS ESTABLISHED.

A map of the town, when prepared, shall indicate the territorial limits, and, when approved by the Town Council and attested by the Clerk/Treasurer, it is hereby designated as the official map of the town. The corporate limits as shown thereon are declared to be true and correct.

1.215. MUNICIPAL SEAL.

The municipality shall have a seal which shall be affixed to all deeds of real estate executed on behalf of the municipality and to all notes, bonds and other evidences of indebtedness executed in behalf of the municipality, or when deemed necessary by the Town Council.

ARTICLE III. RESPONSIBILITIES OF MUNICIPALITY

Editor's Note. Title 5, Chapter 7, Section 10 of the 1976 South Carolina Code of Laws provides that:

The provisions of this chapter provide for the structure, organization, powers, duties, functions and responsibilities of all municipalities under all forms of municipal government provided for in Chapters 9 (Mayor-Council), 11 (Council) and 13 (Council-Manager) unless otherwise specifically provided for in these chapters.

The powers of a municipality shall be liberally construed in favor of the municipality and the specific mention of particular powers shall not be construed as limiting in any manner the general powers of such municipalities.

This article has been added, to set forth the authority contained in South Carolina Law for any municipality in South Carolina.

CHAPTER 2. ADMINISTRATION

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- 2.101. Form of Government.
- 2.102. Town Council. Composition.
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- 2.109. Ordinances.
- 2.110. Same. Six Days Between Readings. Amendments.
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CHAPTER 2. ADMINISTRATION

Editor's Note. This article derives from the 1996 West Pelzer Town Code, the West Pelzer Questionnaire, appropriate South Carolina statutes and generally accepted municipal practices. (Also, see Article III, this chapter, for Municipal Elections.)

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

The form of government for The Town of West Pelzer shall be the Mayor- Council form.

(1976 SC Code §5-5-10, §5-9-10, et seq.) (Appendix C)

2.102. TOWN COUNCIL. COMPOSITION.

The Town Council shall be composed of a Mayor and of four (4) Council members.

(WPQ 3)

2.103. SAME. TERMS.

a. The term of office for Mayor shall be four (4) years.

b. The term for the office for Council shall be four (4) year staggered terms.

(1976 SC Code §5-15-40) (WPQ 3)

2.104. SAME. ELIGIBILITY.

To be eligible for the office of Mayor or as a member of the Council, a candidate shall be a qualified elector of the municipality. (See §2.316, this code.)

2.105. COMPENSATION. INCREASES. ACTUAL EXPENSES.

a. The Mayor shall be paid one thousand dollars (\$1,000.00), and members of Council shall be paid two hundred dollars (\$200.00), per annum.

(WPQ 4)

b. Increases in compensation shall be approved by ordinance and shall not become effective until the commencement date of the next general election.

c. The Mayor and members of Council may receive payment for actual expenses incurred in the performance of their official duties when supported by official expense vouchers.

(1976 SC Code §5-7-170)

(Editor's Note. "Compensation includes anything of value provided at public expense for performing official duties... Retirement benefits, insurance benefits, vehicles, etc., which are not reimbursement of actual expenses incurred while performing official duties should also be included in the ordinance setting salaries... Salary setting is a legislative matter the council must address by ordinance."

(UPTOWN, May, 1997, page 6.)

2.106. MAYOR. DUTIES.

a. The Mayor shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or Council.

b. He shall have other such duties as set forth in §5-9-10 of the 1976 South Carolina Code of Laws.

2.107. MAYOR PRO TEMPORE. DUTIES.

a. The Council shall elect from among its members a Mayor Pro Tempore, at the first January meeting following a general election. The Mayor Pro tempore shall act for the Mayor during the absence or disability of the Mayor. In case of a vacancy in the office of Mayor, the Mayor Pro tempore shall serve until a successor is elected.

b. In the absence of both the Mayor and Mayor Pro tempore the duties of the Mayor shall be performed by such member of the Council as the Council may designate.

(1976 SC Code §5-7-190)

2.108. OATH OF OFFICE. REQUIRED.

The Mayor, each member of Council and other officials, when required, before entering upon the duties of their respective offices, shall take the following oath:

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

(Art. VI, Sec. 5, S. C. Constitution)

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

(1976 SC Code §14-25-15) (1976 SC Code §5-15-150)

2.109. ORDINANCES.

It shall be the duty of the Council to pass, from time to time, such ordinances as in its judgment shall best promote the interests of the citizens and property owners of the municipality.

(1976 SC Code §5-7-30)

(Editor's Note. See Appendix B for details of ordinance preparation. Section 19-3-10 of the 1976 South Carolina Code of Laws provides that, "*in all courts...in this state the...ordinances of the municipalities...shall constitute prima facie of the genuineness of the same.*")

2.110. SAME. SIX DAYS BETWEEN READINGS. AMENDMENTS.

a. No ordinance shall be adopted until it shall have been read two (2) times and on two (2) separate days with at least six (6) days between each reading.

(1976 SC Code §5-7-270)

(Editor's Note. An opinion by the South Carolina Attorney General [No. 77-298, p 225] stated that any town ordinances that have been properly adopted "*are valid and enforceable under the provisions of §5-7-270....*")

b. The introduction and reading of any ordinance may be by the reading of the title only, unless full reading is requested by a majority of Council members present.

c. An ordinance may be amended at the time of a second reading.

(Attorney General OP. 1986, No. 86-117, p. 343)

2.111. SAME. BOOK OF.

a. The Clerk/Treasurer shall enter in a book the original copy of all ordinances passed by the Council. The book shall be known as the "*Book of Ordinances.*"

b. The book shall contain the dates of first and second readings of all ordinances, notation of repeals or amendments, whether or not the ordinance is to be codified and a brief summary of the contents.

(1976 SC Code §5-7-290)

2.112. SAME. NOTATION OF AMENDMENTS OR REPEALS.

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

2.113. SAME. ENACTING CLAUSE.

The enacting clause of all ordinances shall be, in substance as follows: "*BE IT ORDAINED BY THE TOWN COUNCIL OF WEST PELZER, SOUTH CAROLINA THAT:*"

2.114. SAME. REQUIRED BY STATE LAW.

The Council shall act by ordinance in all matters required by law to be done by ordinance, in order to:

1. Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets, or in public property and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;
6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

In all other matters, the Council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

(1976 SC Code §5-7-30, §5-7-260)

2.115. SAME. ANNUAL CODIFICATION.

All ordinances amending this code shall be codified as often as desired, but at least annually, in loose-leaf form and available for public inspection during normal office hours.

(1976 SC Code §5-7-290)

2.116. SAME. FORM OF. INTRODUCED IN WRITING. TO BE SIGNED.

Every proposed ordinance shall be numbered, in writing and in the form required for final adoption. All ordinances shall include:

1. A number;
2. A title briefly describing the contents;

(South Carolina Attorney General Opinion No. 86-117, p 343.)

3. Findings, reasons or basis for the ordinance, if desired and when appropriate;
4. An enacting clause;
5. A repealing provision, when appropriate;
6. The provisions of the ordinance including section numbers, when appropriate;
7. The name of the person introducing the ordinance, when requested by him;
8. The effective date of the ordinance, dates of first and second readings and approval of the Attorney as to form, when requested;
9. The Mayor shall sign and the Clerk/Treasurer shall attest all ordinances, following adoption thereof; provided, however, when desired by Council, all members may sign.

(1976 SC Code §5-7-270) (WPQ 5) (See also Appendix B, this code.)

2.117. SAME. INTRODUCTION. ATTORNEY APPROVAL. PUBLIC INSPECTION.

a. An ordinance may be proposed by any member of Council.

b. After an ordinance is introduced, the Clerk/Treasurer shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of Council, its title is read.

c. When appropriate, a proposed ordinance shall be referred to the Municipal Attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.

(Editor's Note. Electors may propose ordinances except an ordinance appropriating money or authorizing the levy of taxes. §5-17-10 of the 1976 South Carolina Code of Laws, as amended.)

2.118. SAME. FINAL FORM BEFORE ADOPTION.

All ordinances shall be complete in the form in which it is finally adopted.

(Editor's Note. See §2.110, this code, for requirement of six days between readings.)

2.119. SAME. EMERGENCY ORDINANCES. EXPIRATION. READING. RESTRICTIONS.

a. Emergency ordinances shall expire automatically as of the sixty-first (61st) day following the date of enactment.

(1976 SC Code §5-7-250(d))

b. Emergency ordinances may be adopted without regard for any reading, without notice or hearing, by affirmative vote of two-thirds of the members present.

c. An emergency ordinance may not levy taxes.

(1976 SC Code §5-7-250)

d. An emergency ordinance may not relate to a franchise or a service rate.

(1976 SC Code §5-7-250)

(Editor's Note. The reader is referred to the 1976 South Carolina Code of Laws, §5-7-250 through §5-7-280, for further details as to requirements.)

2.120. STATE OF EMERGENCY. POWERS OF THE MAYOR. CURFEW.

a. A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

b. In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency.

c. In order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the Town Council, the Mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the Town Council and to specific hours of the day or night and to exempt from the curfew police officers, fire fighters, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

(1976 SC Code §5-7-250)

2.121. RESOLUTIONS. INTRODUCTION.

a. A voice motion by a member of Council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation by the Clerk/Treasurer in the Council minutes.

b. A resolution proposed in writing shall be introduced in the same manner as an ordinance and, when appropriate, in such form as may be recommended as applicable by the Municipal Attorney.

2.122. SAME. ADOPTION. PUBLIC HEARING.

Written or oral resolutions may be adopted on one (1) reading, unless a public hearing is set by a majority of the members of Council present.

2.123. FEES. SCHEDULE OF RATES AND FEES. EXHIBIT 1.

a. Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in Exhibit 1, entitled "*Schedule of Rates and Fees.*"

b. The exhibit is hereby made a part of this code as if fully set forth herein, and filed in the office of the Clerk/Treasurer.

c. All changes to Exhibit 1 shall be made by ordinance.

ARTICLE II. MEETINGS OF TOWN COUNCIL

Editor's Note. This article derives from the 1996 West Pelzer Town Code, the West Pelzer Questionnaire, appropriate South Carolina statutes and generally accepted municipal practices.

2.201. MEETINGS. REGULAR. PLACE.

a. The regular meetings of Town Council shall be held at the Town Hall on the second Tuesday of each month, at 6:00 p. m., local time. (See §2.203 herein, for change in date.)

(WPQ 6)

b. In the event an official town holiday falls on the scheduled Town Council meeting date, the regular meeting will be held as determined by Council.

c. Written public notice of the regular meeting shall be given at the beginning of each calendar year, as required by §30-4-80 of the 1976 South Carolina Code of Laws.

2.202. SAME. SPECIAL. WORK SESSIONS.

a. Special meetings may be held:

1. whenever called by the Mayor in cases of emergency, or;
2. when, in the judgment of the Mayor, the good of the municipality requires it, or;
3. by a majority of the members of Council.

b. Work sessions shall be treated as regular meetings and shall have an agenda.

2.203. SAME. NOTICE OF CHANGE.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the *Freedom of Information Act*. (Appendix A, this code.)

2.204. SAME. OPEN TO PUBLIC.

All Council meetings shall be open to the public and shall be governed by the *Freedom of Information Act*. (Appendix A, this code.)

2.205. SAME. MAYOR TO PRESIDE.

The Mayor shall preside at all Council meetings.

2.206. AGENDA.

- a. Matters to be considered at a regular meeting or work session shall be placed on a written agenda prepared by the Town Clerk and posted at least two (2) business days before the meeting.
- b. Special meetings shall be posted at least twenty-four (24) hours prior to the meeting.
- c. Council members may add items to the agenda at any time prior to the posting.
- d. Matters not on the agenda may be considered after favorable consideration of a motion for an off-agenda item.
- e. Items shall be removed from the agenda, only with the consent of a majority of Council.

(WPQ 7)

2.207. APPEARANCE OF CITIZENS.

Any citizen of the town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters.

(WPQ 8)

2.208. MINUTES OF TOWN COUNCIL MEETINGS.

- a. The minutes of all public meetings of the Council shall be a matter of permanent public record. At each regular Council meeting, the minutes of the previous meeting or meetings shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the Council.
- b. Any member of Council desiring to express a position in the minutes on a matter voted upon by Council may do so by presenting the position in writing to Council not later than the next regular meeting.
- c. No person shall make any change in the minutes or remove same from Town Hall, without prior approval of the Council.

2.209. QUORUM. REQUIRED.

a. All actions of Council shall require a quorum.

b. "A majority of the total membership of Council shall constitute a quorum for the purpose of transacting Council business."

(Editor's Note. §2.209.b is a direct quote from the 1976 SC Code §5-7-160.)

2.210. RULES OF ORDER. PARLIAMENTARIAN.

a. Except as otherwise provided by state law or this code, all proceedings of Council shall be governed by Robert's Rules of Order.

b. The Municipal Attorney shall act as parliamentarian when present. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, without debate, which shall be subject to an appeal to the Council.

2.211. MOTIONS. TO BE IN WRITING.

A motion for a matter not on the agenda shall be reduced to writing, at the request of the Mayor or of any member of Council.

2.212. UNLAWFUL TO INTERRUPT MEETINGS.

It shall be unlawful for any person or persons to interrupt the proceedings of Council, the Court or any other official body while in session.

(See also §14.706, this code.)

2.213. ORDER OF BUSINESS.

The order of proceedings of Council meetings, when desired, may be substantially as follows:

1. Invocation.
2. Approval of the Minutes.
3. Unfinished Business.
4. Council Committee Reports.
5. Department Reports.
6. New Business.
7. Finance Reports, Bills, etc.
8. Citizens' Agenda.
9. Adjournment.

2.214. VOTING.

a. The result of each vote on every question shall be recorded in the minutes by the Clerk/Treasurer. The "yeas" and "nays" on any question shall be recorded, when requested by any member.

b. Every member of Council shall vote on every question, except when required to refrain from voting by state law.

(Editor's Note. The Municipal Association strongly recommends that all members vote on every question, except when required by law to refrain, such as having personal interest in the matter under discussion. See also §5-7-130 of the South Carolina Code of Laws.)

c. A show of hands or a voice vote shall be sufficient to record votes. The Mayor shall be entitled to vote as other members of Council.

(Editor's Note. SC Code §5-13-30 authorizes the Mayor to vote as other members of Council; he is not required to "break ties.")

d. During the meeting, no member shall leave the Council chamber without permission from the presiding officer.

e. Any member abstaining from voting shall submit his reason in writing which shall be given to the Council, for inclusion in the official minutes of the Council meeting.

f. Any member, at his request, shall have his reasons for voting for or against any measure recorded in the minutes.

g. The Mayor may make a motion without leaving the chair.

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

(1976 SC Code §8-13-700)

2.215. CONDUCT OF MEETINGS.

(Editor's Note. This section derives from "A Resolution Outlining Rules of Procedure for Town Council Meetings," of January 13, 1997.)

a. The presiding officer shall not abuse his or her position by controlling or directing debate to favor his or her views. The presiding officer shall ensure that all Council members have an opportunity to express their views on matters properly presented for discussion. The presiding officer may temporarily relinquish the chair in order to engage in active debate or discussion.

b. The presiding officer shall have the same rights/responsibilities as other Council members with regard to making motions and voting.

c. During a meeting, Council members shall request permission of the Mayor or presiding officer before speaking. One Council member shall speak at a time.

d. Council members have the right to disagree, but shall not engage in shouting, arguments or personally disrespectful behavior towards each other during meetings.

e. All citizens have a right to participate in, but not to interrupt, Town Council meetings. Therefore, a period of time (**citizens' agenda**) shall be set aside at every meeting to afford citizens an opportunity to speak on any town related subject. Citizens wishing to speak shall add their name and address to a roster maintained by the Clerk.

f. Citizens may also request to be added to the **regular agenda** at the next scheduled meeting. If a number of citizens wish to speak at any meeting, the Mayor or presiding officer may reasonably limit the length of time allotted to each citizen and shall state the time limitations before the public comments begin.

g. In unusual cases and by a majority vote, Council may permit public discussion or input on a specific subject during a meeting. Otherwise, no person from the audience may interrupt the Council meeting or address the Council unless recognized by the Mayor or presiding officer. Citizens who have been denied permission to speak may be placed on the citizens' agenda. Persons who are disorderly or who act in a threatening manner may be asked to leave the Council chamber.

h. No member of Council shall speak more than twice on the same question, except to explain his position, without concurrence of a majority of the Council.

i. Rules of procedure may be temporarily suspended during a meeting by a favorable two thirds vote of Council present at the meeting.

2.216. MOTIONS. NOT DEBATABLE.

The following motions shall be without debate:

1. To adjourn,
2. To lay on the table,
3. To read any paper,
4. To take the "yeas" and "nays" for the previous question, and
5. To reconsider.

2.217. SAME. PRECEDENCE DURING DEBATE.

When a question is under debate, no motion shall be received except a motion:

1. To adjourn,
2. To lay on the table,
3. For the previous question,
4. To postpone to a certain day, and
5. To commit, to amend or to postpone indefinitely.

The above motions shall have precedence in the order in which they are set forth.

2.218. SAME. TO RECONSIDER.

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

2.219. COMMITTEES. APPOINTMENT. PUBLIC HEARINGS.

a. The Council may appoint a committee to hold a public hearing upon any matter pending before it, unless otherwise prohibited by law.

b. Minutes or reports of hearings held by such committees shall be filed with the Clerk/Treasurer as public records.

(WPQ 16)

2.220. SAME. REPORTS.

Standing committee reports may be in writing and signed by a majority of the committee. Any report involving the expenditure of money shall be in writing and include the amount to be expended, or an approximation thereof, and the reasons therefor.

(WPQ 16)

2.221. SAME. ORDER OF REPORTS.

Reports of committees, in the order of business, shall be rendered as the presiding officer may determine, unless otherwise required by Council.

2.222. EXECUTIVE SESSIONS.

a. Council may hold Executive Sessions as permitted by the South Carolina *Freedom of Information Act*, at such times and places as Council may deem necessary and in the public interest.

b. A majority vote of Council members shall be necessary to call such sessions, and the reason shall be stated in the motion, as required by the *Freedom of Information Act*.

c. No official action may be taken in an Executive Session.

d. Any action which results from an Executive Session discussion shall be taken in open session prior to such action becoming effective, as required by the *Freedom of Information Act*.

(Editor's Note. See Appendix A, this code, for *Freedom of Information Act* for requirements.)

ARTICLE III. MUNICIPAL ELECTIONS

EDITOR'S NOTE. THE UNITED STATES CONGRESS HAS MANDATED THAT ANY ORDINANCE WHICH IMPACTS UPON THE ELECTION PROCESS MUST BE CLEARED IN ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE.

Under South Carolina law, each municipal governing body shall determine by ordinance the time for filing nominating petitions, holding primary elections or conventions, the time for conventions, the time for closing of entries, and the time and manner of filing by candidates in nonpartisan elections.

The municipal governing body may determine by ordinance that either filing a statement of candidacy or a petition with the municipal election commission is required to place the name of the candidate on the ballot in nonpartisan general elections.

This article derives from the 1976 South Carolina Code of Laws, §5-15-90 et seq., as amended; the 1996 West Pelzer Town Code; the West Pelzer Questionnaire and generally accepted municipal practices.

2.301. ELECTION LAWS OF THE STATE TO GOVERN.

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

(1976 SC Code §5-15-20 et seq.)

2.302. MUNICIPAL ELECTION COMMISSION ESTABLISHED. TERMS. VACANCIES.

a. There is hereby established a Municipal Election Commission composed of three (3) electors who shall be residents of the municipality and who shall serve terms of six (6) years.

b. Members shall be appointed by the Town Council and shall conduct all municipal elections.

(1976 SC Code §5-15-90, §5-15-100)

c. The Council shall appoint an interim commissioner to fulfill the duties of any disabled member for the duration of the election period.

2.303. DATE OF ELECTIONS.

All general Council elections shall be held the first Tuesday in June in each odd numbered year.

(1976 SC Code §5-15-50) (WPQ 10)

(Editor's Note. The Municipal Association has recommended that all general municipal elections be held the second Tuesday in April or at the General Election in November. Office holders would continue in office until the next election.)

2.304. VOTING HOURS. PLACE.

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

(1976 SC Code §7-13-60) (WPQ 14)

2.305. FILING. PETITIONS REQUIRED.

Candidates shall file petitions at the office of the Clerk/Treasurer at least sixty (60) days prior to the election.

(1976 SC Code §5-15-110)

2.306. SAME. FEES.

The filing fee for the office of Mayor shall be fifty dollars (\$50.00); for the office of Council it shall be twenty-five dollars (\$25.00).

(WPQ 13)

2.307. OATH.

Each candidate shall sign an Oath of Candidacy which shall be obtained from the Election Commission or its designated representative.

2.308. CERTIFICATION.

The Clerk/Treasurer shall certify the nominees to the Municipal Election Commission at least thirty (30) days prior to the election.

2.309. PUBLIC NOTICE REQUIRED.

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

(1976 SC Code §5-15-50)

2.310. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.311. SUCCESSORS TO BE QUALIFIED.

The Mayor and members of Council shall serve, until their successors have been duly elected and qualified.

2.312. WHEN QUALIFIED. ASSUMING OFFICE.

a. Newly elected members of Council shall not be qualified until at least forty-eight (48) hours after the closing of the polls.

(1976 SC Code §5-15-120)

b. Newly elected members of Council shall assume office the first day of July following their election.

(WPQ 15)

2.313. AT-LARGE. POLITICAL PARTIES.

a. Elections for Mayor and members of Council shall be at-large.

(1976 SC Code §5-15-50) (WPQ 11)

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

(WPQ 12)

2.314. NONPARTISAN PLURALITY ELECTIONS. PLURAL ELECTIONS. RUNOFFS.
TIE VOTES. CONTESTED.

a. As prescribed in §5-15-61 of the 1976 South Carolina Code of Laws, election results shall be determined under the nonpartisan election and runoff election method.

(Editor's Note. Since the requirements of §5-15-61 are too lengthy to reproduce in this code, the reader is referred to that section for detailed information.)

b. If any election results in a tie, the Municipal Election Commission shall conduct a runoff election two weeks following that election.

(1976 SC Code §5-15-125) (WPQ 12)

c. Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(1976 SC Code §5-15-130)

2.315. SPECIAL.

Special elections, when required, shall be scheduled by the Municipal Election Commission. Public notice of such elections shall be given at least sixty (60) days prior thereto, and the other provisions of this article, as appropriate, shall apply.

(Editor's Note. A vacancy on Town Council with one hundred eighty-one (181) days or more of the unexpired term requires a special election.)

2.316. QUALIFICATIONS FOR VOTING.

Every citizen of The Town of West Pelzer shall be entitled to vote in all municipal elections, if he is or has:

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

(1976 SC Code §7-5-120)

ARTICLE IV. PERSONNEL

Editor's Note. This article derives from Title 5, Chapter 9 of the 1976 South Carolina Code of Laws, the 1996 West Pelzer Town Code and generally accepted municipal practices, to provide guidance relating to personnel matters.

2.401. AUTHORITY TO ESTABLISH.

The Council may create and establish such town offices, departments and sections as it may deem proper for orderly and efficient government.

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Mayor shall be the chief administrative officer of the town.

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this code, all employees of the town shall be appointed by the Mayor and shall be subject to suspension by him.

(1976 SC Code §5-9-10 et seq.)

2.404. SAME. COMPENSATION.

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

2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.

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

2.406. SICK LEAVE. AMOUNT FIXED. MAXIMUM ACCUMULATION.

Sick leave for salaried employees, namely all policemen, all department heads and all assistant department heads and secretaries shall be provided thirty (30) days sick leave for the first year of their employment with the town. It shall be accumulated, subsequently, at the rate of ten (10) days per year, each and every year until the maximum of sixty (60) days is accumulated. Thereafter, all days used, shall be deducted from the accumulated amount, not to exceed sixty (60) days.

2.407. SAME. USE BY TOWN EMPLOYEE.

a. Any employee covered by §2.406, taking one (1) day as sick leave shall furnish his immediate supervisor with a valid reason, preferably in writing. Any employee covered by §2.408, taking three (3) or more days at the same interval, shall furnish his immediate supervisor with a written statement from his doctor and at each seven (7) day intervals thereafter.

b. In reference to the absence of the supervisor himself, he shall furnish the aforesaid absentee information in the manner prescribed heretofore by the employee to the chairman of his particular committee or to the Mayor, whomever he shall first contact in regard thereto.

2.408. SAME. HOURLY EMPLOYEES.

Sick leave for hourly employees after six (6) months' service with the town will be ten (10) days for the first year of their employment, to be accumulated subsequently at the rate of one (1) day per month and every month until the maximum of twenty (20) days is accumulated.

All days taken off, or used, are not to be deducted from the accumulated amount and are not to exceed twenty (20) days.

Any hourly employee taking one (1) day as sick leave shall furnish his immediate supervisor with a valid reason before work time. The supervisor is hereby authorized to grant or deny sick leave. Any employee taking two (2) days or more at the same interval, shall furnish his supervisor with a written statement from his doctor and at each seven (7) day interval thereafter.

2.409. SAME. TERMINATION.

In the event any employee of the town is terminated, quits his job with the town or is released from his duties with the town, he shall forfeit his accumulated sick leave and shall receive no pay for the accumulated sick leave.

2.410. DUTY TO REPLACE DAMAGED PROPERTY.

Members or employees of the various departments of the town, losing or damaging any of the property and/or equipment furnished by the town, shall be required to replace the same at their own expense.

2.411. DUTY TO RETURN PROPERTY UPON TERMINATION OF EMPLOYMENT.

Employees of the town shall be required to return the said town any and all property which is owned by the town, such as uniforms, equipment, shields and other insignia of office which may be in their possession at the time of dismissal, suspension or resignation from employment with The Town of West Pelzer.

2.412. HOLIDAYS.

a. All town employees, both salaried and hourly, after six (6) months' continuous service, shall receive the following holidays with pay, provided they have worked the work day preceding and the work day following the holiday:

New Year's Day	Thanksgiving Day
Easter Friday	Thanksgiving Day, day after
Memorial Day	Christmas Eve
July 4 th	Christmas Day
Labor Day	Personal floating holiday

b. Holiday pay will not be paid at time and half, but hours worked on a holiday will be paid at time and half.

c. The personal floating holiday will be taken at the convenience of both the employee and town officials.

d. Holidays will be taken on the announced day unless the employee is required to be on the job and performing authorized work. As much prior notice as possible will be given to employees who must work on holidays.

e. When a legal holiday (s) falls on a weekend, the holiday will generally be observed on Monday or Friday. This choice remains with town officials.

f. When a holiday falls during a time an employee is on leave-with-pay, that day shall not be counted as leave and the employee will be paid for the holiday.

g. Employees on leave-without-pay status will not receive credit for holidays.

2.413. MILITARY.

Military leave shall comply in all respects with §8-7-90 of the 1976 South Carolina Code of Laws.

2.414. COURT. JURY DUTY. WITNESS.

a. An employee testifying in the line of duty for the town will be paid as though this was a regular part of his job (not leave, but a job duty).

b. Any employee serving as a juror in a Court of competent jurisdiction shall be entitled to his normal rate of pay from the town for a period not exceeding thirty (30) work days per year. Payment for additional days of jury duty shall be subject to approval of the Mayor and Council.

c. Employees not seated as a juror shall return to work upon dismissal by the Court.

d. Leave without pay will be granted when an employee when an employee is in pursuit of personal litigation.

(Editor's Note. It is recognized that jury duty may last longer than anticipated; however, this provision allows the Mayor and Council to monitor the provision for pay purposes.)

2.415. BEREAVEMENT.

a. Bereavement pay/leave is allowed to an employee upon death of a member of employee's immediate family or spouse's immediate family. Immediate family is defined as: spouse, parents, grandparents, great-grandparents, brothers, sisters, children, grandchildren, great-grandchildren.

b. A maximum of three (3) scheduled work days are allowed with pay; the day before, the day of and the day after the funeral. If Saturday and Sunday are not scheduled work days, no pay will be given. Therefore, the minimum amount of payment an employee would receive is one day's pay; the maximum is three (3) days' pay. Call-back/pump check pay will not be paid as bereavement.

c. Bereavement pay will not be used as a basis of calculating earnings into an overtime rate. EXAMPLE: An employee is out and paid bereavement pay for Monday (Sunday funeral) and works 8 hours each day Tuesday through Saturday. This employee would get forty-eight (48) hours of straight time pay only. (Eight (8) hours bereavement and forty (40) hours work.

2.416. VOTING.

An employee is allowed a maximum of two (2) hours paid time to vote in scheduled elections. No paid leave is given to employees volunteering to work at polls.

2.417. MISCELLANEOUS.

It shall be the discretion of town officials to pay for leave for such things as blood donations for emergencies, taking persons to hospitals and other "Good Samaritan" acts.

2.418. VACATIONS.

It shall be the policy of The Town of West Pelzer to provide paid vacation to all full time employees.

1. For purposes of this policy, the vacation year shall be from January 1 through December 31.

2. All full time employees shall be entitled to one (1) week paid vacation per year.

3. Vacation days may be carried forward into the next year. Upon termination of employment with the town, an employee shall not be paid for any unused vacation days. When a paid holiday occurs during the time an employee is on vacation leave with pay, the holiday shall not be counted as vacation leave.

4. Full time employees will be awarded one (1) additional day of leave per year, up to a maximum of ten (10) days, for each year of continuous service, in addition to accrued leave. The additional day of leave will be awarded on January 1 of the calendar year following the completion of twelve (12) months continuous service.

5. Vacation shall be charged in whole or half days. Whenever possible, employees shall be allowed to take paid vacation at a time most convenient to them. The town shall reserve the right to limit the number of employees absent at a given time.

(Editor's Note. In the absence of a policy regarding vacation, this section has been suggested for consideration by the Mayor and Council.)

2.419. TRAINING AND SCHOOLING.

a. On the job: When cross training of an employee occurs, those employees chosen for training shall receive their present rate of pay during the training period(s).

b. Formal Schooling mandated by law:

(1) When formalized courses and/or schooling is directed by law, the town will assume the expenses of going to school, cost of the course, cost of the books and payroll for attending the course(s).

(2) Ultimately, passing the course is the objective of taking mandated courses. An employee who does not pass a mandated course may be denied favorable action (such as a merit raise or Christmas bonus), provided that the employee is notified prior to starting the course.

c. Formal Schooling mandated by town needs: When formalized courses and/or schooling is directed by need, the town will assume the expenses of going to school, cost of the course and cost of books. Payroll for attending the course(s) shall be approved by the Mayor and Council and is not mandatory.

d. Other Schooling and Education: The town normally does not pay educational expenses for employees in pursuit of further education or personal enrichment. However, the town may chose to adjust an employee's work schedule to accommodate schooling.

ARTICLE V. CLERK/TREASURER

Editor's Note. This article derives, as amended, from §5-7-220 of the 1976 South Carolina Code of Laws.

2.501. APPOINTMENT.

- a. The Council shall appoint an officer who shall have the title of Clerk/Treasurer.
- b. The Clerk shall hold office at the pleasure of the Council.
- c. The Clerk also may have the title of Town Clerk or Clerk/Treasurer.

(1976 SC Code §5-7-220)

(Editor's Note. State law requires the appointment of the Clerk to be made by Council.)

2.502. BOND. SURETY COMPANY. FEE.

a. The Clerk/Treasurer shall, before entering upon the duties of his office, give bond to the town in such an amount as prescribed by Council. It shall be conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the town in his custody.

b. The bond required shall be written by a surety company authorized by law to engage in business in the state.

c. The fee therefor shall be paid by the town.

2.503. DUTIES.

The Clerk/Treasurer shall give notice of council meetings to its members and the public, attend all Council meetings, unless excused by the Mayor, keep the minutes of Council proceedings and perform such other duties as are assigned by the Council.

(1976 SC Code §5-7-220)

2.504. COMPENSATION.

The compensation of the Clerk/Treasurer shall be incorporated in the annual budget.

ARTICLE VI. MUNICIPAL ATTORNEY

Editor's Note. This article derives, as amended, from §5-7-230 of the 1976 South Carolina Code of Laws and the 1996 West Pelzer Town Code.

2.601. APPOINTMENT. TERM OF OFFICE. RESIDENCE.

a. The Council shall appoint a Municipal Attorney who shall be a lawyer of good and reputable standing, a member of the South Carolina Bar Association and admitted to practice law in this state.

b. He shall serve at the pleasure of the Council.

c. He need not be a resident of the municipality.

(Editor's Note. State law requires the appointment of the Attorney to be made by Council.)

2.602. DUTIES.

a. It shall be the duty of the Municipal Attorney, whenever called upon by Council, or the necessity arises, to give advice and direction to the Council, or any member thereof, or the Clerk/Treasurer or such other officer or employees as authorized by Council. This shall include, but not limited to, any and all legal questions which may arise in the course of the administration of the town government, or in the discharge of the duties of their respective offices. Whenever required to do so by the Council, he shall give his legal opinion in writing.

b. When appropriate, he shall draw or supervise the drawing or drafting of or approve, when appropriate, all ordinances and other written instruments relative to the business of the municipality.

c. He shall attend the meetings of Council when requested and shall perform such other duties as assigned by the Council.

2.603. COMPENSATION.

The Municipal Attorney shall be compensated as determined by Council and included in the annual budget.

(Editor's Note. For reference to the Municipal Judge, please refer to Chapter 7 of this code, entitled "COURT.")

CHAPTER 3. ANIMALS. FOWL

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- 3.101. Cruelty to Animals. Unlawful.
- 3.102. Keeping Livestock, Poultry, Fowl Prohibited.
- 3.103. Livestock, Fowl Prohibited At Large. Seizure Authorized.
- 3.104. Riding, Driving Animals Along Sidewalks.
- 3.105. Feeding Stock Upon Public Square or Streets.
- 3.106. Bringing, Keeping Diseased Animals Within Town.
- 3.107. Disposal of Dead Animals Required.
- 3.108. Disposal of Dead Animals by Police.
- 3.109. Slaughter Houses.

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- 3.201. Rabies Inoculation. Tag Required.
- 3.202. Tampering With Collar or Tag.
- 3.203. Restraint of Unvaccinated, Untagged Dogs and Cats.
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- 3.206. Sick, Injured Dogs and Cats.
- 3.207. Destructive Dogs and Cats. Nuisance. Failure to Abate.
- 3.208. At Large. Female Dogs and Cats in Heat Prohibited.
- 3.209. Same. Other Prohibitions.
- 3.210. Authority to Impound Dog or Cat. County Facilities.
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- 3.212. Same. Redemption.
- 3.213. Same. Disposal.
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ARTICLE III. BIRD SANCTUARY

- 3.301. Established.
- 3.302. Killing, Injuring, Molesting Birds.
- 3.302. Birds Constituting a Nuisance. Action.
- 3.304. Farm Lands, Swamps Excluded.

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- 3.401. Penalty.

CHAPTER 3. ANIMALS. FOWL

Editor's Note. This chapter derives from Chapter 4 of the 1996 West Pelzer Town Code and Titles 5, 7 and 47 of the 1976 South Carolina Code of Laws, as amended.

ARTICLE I. IN GENERAL

3.101. CRUELTY TO ANIMALS. UNLAWFUL.

a. It shall be unlawful to overload, overdrive, overwork, torture, torment, wantonly beat, bruise or cut, or in any other way inflict unnecessary pain or suffering upon any animal.

b. Any person who does not provide sufficient food and shelter for the same, whether or not such persons are the owner thereof, or have the temporary charge or custody of the same, shall be guilty of a misdemeanor.

(Editor's Note: "Animal" is defined in the 1976 South Carolina Code of Laws, §47-1-10.)

3.102. KEEPING LIVESTOCK, POULTRY, FOWL PROHIBITED.

It shall be unlawful for anyone to keep, shelter or house within the town limits any livestock, including swine, horses or any poultry or fowl of any nature whatsoever.

3.103. LIVESTOCK, FOWL PROHIBITED AT LARGE. SEIZURE AUTHORIZED.

a. It shall be unlawful for any horse, mule, swine, sheep, goat, goose, turkey, chicken, cattle or other livestock or domestic fowl of any description, to run at large within the corporate limits of the town.

b. It shall be the duty of the Chief of Police, Animal Control official and town policemen to seize all such animals found running at large, and to impound the same in some convenient place.

3.104. RIDING, DRIVING ANIMALS ALONG SIDEWALKS.

It shall be unlawful for any person to ride or drive any animal on any sidewalk of the town or upon the personal property of another person without prior permission.

3.105. FEEDING STOCK UPON PUBLIC SQUARE OR STREETS.

It shall be unlawful for any person to feed any stock upon the public square or streets of the town.

3.106. BRINGING, KEEPING DISEASED ANIMALS WITHIN THE TOWN.

No animal affected with an infectious or contagious disease shall be brought or kept within the limits of the town, except upon the permission of the Board of Health or the health officer.

3.107. DISPOSAL OF DEAD ANIMALS REQUIRED.

a. The owner or person having custody or control of any animal which shall die in the town from any cause whatsoever shall remove such animal from the town or dispose of it within twenty-four (24) hours of death.

b. Should such animal die upon a street or other public place in the town, such removal or disposal shall be accomplished within two (2) hours after learning of the death.

3.108. DISPOSAL OF DEAD ANIMALS BY POLICE.

If any person shall fail to remove or dispose of a dead animal as required in §3.107 hereof, the Chief of Police, Animal Control official or any policeman shall cause the same to be removed or disposed of at the expense of such person.

3.109. SLAUGHTER HOUSES.

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

(WPQ 19)

ARTICLE II. DOGS AND CATS

Editor's Note. This article derives from Chapter 4, Article II, of the 1996 West Pelzer Town Code.

3.201. RABIES INOCULATION. TAG REQUIRED.

It shall be unlawful for any dog or cat to run at large on the streets of the town without having been inoculated against rabies within the preceding twelve (12) months, and without having around its neck a collar with a tag showing such inoculation.

3.202. TAMPERING WITH COLLAR OR TAG.

It shall be unlawful to tamper with or remove any dog or cat collar or tag required as provided in this article.

3.203. RESTRAINT OF UNVACCINATED, UNTAGGED DOGS AND CATS.

Any dog or cat not vaccinated or officially tagged shall be kept within a sufficient enclosure or restrained by a leash when off the owner's or custodian's premises.

3.204. CONDUCT OF VACCINATION.

A vaccination required herein shall be performed by any duly qualified and licensed veterinarian under the direction and supervision of the town health officer. Said veterinarian shall issue certificates of vaccination on blanks furnished by the State Board of Health.

3.205. MISUSE OF VACCINATION TAG.

It shall be unlawful to attach an official vaccination tag to any dog or cat unless same has been duly vaccinated as herein provided.

3.206. SICK, INJURED DOGS AND CATS.

It shall be unlawful to keep any diseased, mangy, badly sick or injured dog or cat in the town unless it is under the care of a licensed veterinarian.

3.207. DESTRUCTIVE DOGS AND CATS. NUISANCE. FAILURE TO ABATE.

a. The howling or barking of any dog to such an extent as to interfere materially with or affect the health, comfort, peace or quiet of the people is hereby declared a nuisance. It shall also be a nuisance to permit a dog or cat to molest other dog or cats or pet animals, or to permit a dog or cat to damage or destroy flowers, ornamental shrubs or property of others. A diseased or mangy dog or cat is likewise declared a nuisance.

b. It shall be unlawful to harbor, keep in possession or have custody or control of any dog or cat which constitutes a nuisance as defined in this section, and to 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.

3.208. AT LARGE. FEMALE DOGS AND CATS IN HEAT PROHIBITED.

It shall be unlawful to allow any bitch or female cat in season to run at large on the streets of the town.

3.209. SAME. OTHER PROHIBITIONS.

a. It shall be unlawful to permit any dog or cat to run at large within the town limits. All dogs and cats shall be kept within a sufficient enclosure or restrained by a leash when off the premises of the owner or custodian. Noncompliance shall result in a fine upon the owner or custodian of no less than \$5.00 per occurrence and no more than \$500.00 pre occurrence. Fines may be assessed by the Chief of Police or other authorized officers of the town.

(See §3.401, this chapter.)

b. It shall be unlawful to permit any fierce, dangerous or vicious dog or cat to run at large in the town.

3.210. AUTHORITY TO IMPOUND DOG OR CAT. COUNTY FACILITIES.

a. Any dog or cat found running at large in violation of this article shall be taken up and impounded by the police or other authorized officers of the town.

b. Use of Anderson County offices and facilities shall be made.

(1976 SC Code §47-7-110, as to domestic animals.)

3.211. SAME. NOTICE.

When any dog or cat is impounded hereunder, the officer doing such impounding shall give notice thereof to the owner, if known. If the owner is not known, notice shall be given by posting a description of the dog or cat at the town hall or in some other equally prominent place.

3.212. SAME. REDEMPTION.

Any dog or cat impounded hereunder may be redeemed by its owner or the person entitled thereto within three (3) days of the service or first posting of notice by such owner or persons:

1. Proving that he is entitled to such dog or cat;
2. Paying a fine of twenty dollars (\$20.00);
3. Having said dog or cat inoculated, if he has not been inoculated; and,
4. Paying board bill for upkeep of said dog or cat. (Minimum \$5.00 per day per animal.)

3.213. SAME. DISPOSAL.

a. A dog or cat impounded hereunder and not redeemed as above provided shall be sold or given away to any person, provided that such person shall pay a fee of five dollars (\$5.00) and have such dog or cat inoculated if he has not been.

b. Dogs or cats not sold or given away shall be killed in a humane manner.

3.214. PREMISES. CLEANLINESS.

All dog or cat kennels, pens and places where dogs or cats are kept shall be maintained in a clean, sanitary, odor-free condition.

ARTICLE III. BIRD SANCTUARY

Editor's Note. This article derives from general authority given to municipalities by §5-7-30 of the 1976 South Carolina Code of Laws, Question 20 of the West Pelzer Questionnaire and generally accepted municipal practices.

3.301. ESTABLISHED.

The entire area within the corporate limits of The Town of West Pelzer is hereby established and declared to be a wild bird sanctuary.

3.302. KILLING, INJURING, MOLESTING BIRDS.

The Town of West Pelzer is hereby declared to be a bird sanctuary, and it shall be unlawful to shoot, attempt to shoot, trap or molest in any manner any bird or to remove the eggs from or otherwise molest or disturb any bird's nest in the town.

3.303. BIRDS CONSTITUTING A NUISANCE. ACTION.

a. 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 Anderson County Board of Health, the Council shall meet with said health authorities to resolve the problem.

b. If no satisfactory course of action is found to abate such nuisance at such meeting, said birds may be destroyed in such numbers and manner as is deemed advisable by said health authorities under the supervision of such persons as may be approved by the Council.

3.304. FARM LANDS. SWAMPS EXCLUDED.

The provisions of this article shall not apply to farms or swamp lands within the corporate limits.

ARTICLE IV. PENALTIES

3.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 4. BEAUTIFICATION

ARTICLE 1. COMMISSION

- 4.101. Commission Created.
- 4.102. Membership. Terms. Compensation.
- 4.103. Function and Authority
- 4.104. Meetings.
- 4.105. Reports.
- 4.106. Interference With Commission.
- 4.107. Utility Exemption.
- 4.108. Flowers, Shrubs, Trees.

ARTICLE II. PENALTIES

- 4.201. Penalty. Exceptions.

CHAPTER 4. BEAUTIFICATION

Editor's Note. This chapter derives from the general authority of municipalities as provided by §5-7-30 of the 1976 South Carolina Code of Laws, Question 21 of the West Pelzer Questionnaire and generally accepted municipal practices.

ARTICLE 1. COMMISSION

4.101. COMMISSION CREATED.

There is hereby created a "Beautification Commission."

4.102. MEMBERSHIP. TERMS. COMPENSATION.

a. The Commission shall consist of three (3) members who shall be appointed by the Town Council.

b. Members shall serve four (4) year staggered terms and the terms shall expire in even numbered years. A member shall continue to serve until his successor is appointed and qualifies.

c. Any member who resigns shall be replaced by appointment by the Mayor for the unexpired term of that member.

d. Any member having three (3) unexcused consecutive absences shall be automatically removed from the Commission, and the unexpired term filled by appointment by the Mayor.

e. Commission members shall serve without compensation.

4.103. FUNCTION AND AUTHORITY.

a. The function of the Commission shall be to promote compliance with all environmental projects of the town; to determine and promote ways for making its highway approaches thereto and the surrounding areas more attractive and aesthetically pleasing to the eye; to encourage specifically the preservation, protection and replacement of trees, flowers and shrubs within the town and prevent their unnecessary destruction pursuant to the general police powers of the town.

b. The Commission shall not enter into any contracts involving financial liability or incur any indebtedness except upon written authority from Council; provided, however, the Commission may enter into agreements for the purpose of effecting its objectives, when no liability of the town is involved.

4.104. MEETINGS.

a. The Commission shall elect from its group a Chairperson, Vice-Chairperson, Secretary and Chairperson of Publicity. The Commission shall meet on call by the Chairperson. In his absence, the Vice-Chairperson may call such meetings.

b. The Chairperson may appoint such temporary committees from within or outside the membership of the Commission, as may be deemed necessary to effect the functions of the Commission.

c. Minutes of meetings shall be kept in written form as a permanent record, and copies shall be forwarded to Council.

d. Robert's Rules of Order shall be followed as a procedure guide for all meetings. A quorum shall consist of a majority of the members of the Commission, and a quorum shall be present to conduct business.

4.105. REPORTS.

The Commission shall report at least annually to Council as to the activities, programs and needs of the Commission and shall make such other reports as may be requested.

4.106. INTERFERENCE WITH COMMISSION.

It shall be unlawful for any person to interfere with the Commission, or any of its agents, while engaging in planting, cultivating, mulching, pruning, spraying or removing of trees on public grounds.

4.107. UTILITY EXEMPTION.

Public and private utility companies shall be exempt from the provisions of this chapter, provided they file with the Clerk/Treasurer, after notice thereby, the policies and procedures followed in their flower, shrub and tree trimming and removal practices and provided a mutually acceptable standard is agreed upon by the utility and Town Council.

4.108. FLOWERS, SHRUBS, TREES.

Each flower, shrub or tree destroyed or damaged in violation hereof shall constitute a separate offense.

ARTICLE II. PENALTIES

4.201. PENALTY. EXCEPTIONS.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 5. BUILDINGS

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- 5.101. Authority of Inspectors.
- 5.102. Ordinary Repairs, Maintenance Authorized.
- 5.103. Homeowner's Provisions.
- 5.104. Liability Not Assumed by Town.
- 5.105. Unsafe Buildings. Repairs. Failure to Repair.
- 5.106. Same. Notice to Remove/Correct. Summons Ordinance.
- 5.107. Unfit Dwellings.
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- 5.109. Unlawful Use of Electricity.
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ARTICLE II. CODES

- 5.201. Authority. Enforcement.

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- 5.301. Numbers Required for Buildings and Property.

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- 5.401. Purpose and Intent of This Article.
- 5.402. Definitions.
- 5.403. Applications.
- 5.404. Mobile Home Courts Prohibited. Exception.
- 5.405. General Provisions.
- 5.406. Mobile Home Requirements.
- 5.407. Fees for Permits.
- 5.408. Penalty for Violation.

ARTICLE V. FAIR HOUSING

5.501. Month Designated.

ARTICLE VI. PENALTIES

5.601. Penalty

CHAPTER 5. BUILDINGS

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws, Chapter 5 of the 1996 West Pelzer Town Code, Questions 22 through 25 of the West Pelzer Questionnaire and generally accepted municipal practices. This article has been included for local guidance.

The town has made arrangements with Anderson County for functions applicable to buildings, electrical, etc.

In the 1996 West Pelzer Town Code, plumbing was a part of Chapter 5; it is now found in Chapter 17, entitled "Utilities."

ARTICLE I. ADMINISTRATION

5.101. AUTHORITY OF INSPECTORS.

The necessary authority for the enforcement of building and electrical provisions are hereby vested in Anderson County, including inspectors.

(WPQ 22)

5.102. ORDINARY REPAIRS, MAINTENANCE AUTHORIZED.

Ordinary minor repairs and general maintenance may be made, provided such repairs do not violate any of the provisions of this code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

5.103. HOMEOWNER'S PROVISIONS.

a. Nothing in this chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring, gas piping or appliances or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family.

b. Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

(Editor's Note. Section 40-59-160 of the 1976 South Carolina Code of Laws, as amended, provides that: *It is the duty of the building official, or other authority charged with the duty of issuing building or similar permits, of any incorporated municipality or subdivision of the municipality or county to refuse to issue a permit for any undertaking which would classify the applicant as a residential builder or residential specialty contractor under the provisions of this chapter unless the applicant has furnished evidence that he is either licensed or registered as required by this chapter or exempt from the requirements of this chapter. It is also the duty of the building official, or other authority charged with the duty of issuing building or similar permits, to report to the state licensing board the name and address of any person who, in his opinion, has violated this chapter by accepting or contracting to accomplish work which would classify the person as a residential builder or residential specialty contractor under the provisions of this chapter.*)

5.104. LIABILITY NOT ASSUMED BY TOWN.

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized herein, or certificate issued.

5.105. UNSAFE BUILDINGS. REPAIRS. FAILURE TO REPAIR.

a. Every building which shall appear to the Inspector to be dangerous to life or limb or, because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of the dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent for the correction of such condition.

b. Failure to do so in sixty (60) days, unless extended by Town Council, shall constitute a misdemeanor punishable by the Municipal Court.

5.106. SAME. NOTICE TO REMOVE/CORRECT. SUMMONS ORDINANCE.

The Inspector shall report his findings to the Mayor and Council which, after consideration, may cause to be issued an Ordinance Summons, as set forth in Chapter 14, Article 1, of this code for the immediate correction, removal or discontinuance of the hazard.

5.107. UNFIT DWELLINGS.

The Town Council may authorize the repairing, closing or demolition of unfit dwellings.

(1976 SC Code §31-15-20)

5.108. BUILDINGS. MOVING AND DEMOLISHING. PERMIT REQUIRED.

A permit shall be obtained from the Town Clerk prior to moving or demolishing a building within the town limits, but no fee shall be paid therefor.

(WPQ 23, 24)

5.109. UNLAWFUL USE OF ELECTRICITY.

It shall be unlawful for any person, firm or corporation to tamper with, attempt to adjust, injure or molest with intent to bypass, cross wire, jump or use any other means of obtaining electric power without the amount obtained being registered on a meter placed for the purpose of registering or metering the amount of electricity used.

5.110. DAMAGING EQUIPMENT. PLANTS. ETC.

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

5.111. UTILITY CONNECTIONS.

No supplier of water, gas or electric service shall initiate or reinstate service to any building, unless the owner thereof has been authorized by the appropriate official of Anderson County.

5.112. SMOKE-FREE MUNICIPAL BUILDING.

a. The Town Hall of The Town of West Pelzer is hereby declared to be and it shall remain a smoke-free environment.

b. Violation hereof shall constitute a misdemeanor.

5.113. APPEALS.

Appeals from decisions of authorized officials shall be to the Mayor and Council.

ARTICLE II. CODES

Editor's Note. The Town of West Pelzer has current arrangements with Anderson County for the county to assume responsibility for code promulgation and enforcement.

5.201. AUTHORITY. ENFORCEMENT.

a. The authority to adopt codes and enforce provisions thereof, including building, electrical, plumbing, etc., is hereby delegated to Anderson County.

b. Enforcement of all codes shall be administered by Anderson County.

(WPQ 25)

ARTICLE III. BUILDING AND PROPERTY NUMBERS

Editor's Note. In many towns, numbers are assigned by the Clerk/Treasurer or the Post Office; in The Town of West Pelzer, numbers are obtained by calling 911.

5.301. NUMBERS REQUIRED FOR BUILDINGS AND PROPERTY.

a. All buildings and properties located within the corporate limits shall display a number as assigned by Anderson County.

b. The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:

(1) Numbers shall be durable and clearly visible.

(2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the walk, post, tree or other appropriate place so that the number can be plainly seen from the street.

(3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches, as space permits, provided it can be plainly seen from the street.

(4) It shall be the responsibility of the owner, occupant or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

(WPQ 75)

ARTICLE IV. MOBILE HOMES

Editor's Note. This chapter derives from an ordinance adopted August 11, 1998, entitled "Trailers and Trailer Parks" and an ordinance without a number or title adopted that same date.

5.401. PURPOSE AND INTENT OF THIS ARTICLE.

The purpose and intent of this article is:

1. To provide a sound and healthy residential environment to meet the unique needs of inhabitants living in mobile homes.
2. To provide certain standards, provisions and requirements for safe and sanitary needs and methods for present and future inhabitants of mobile homes within The Town of West Pelzer.

5.402. DEFINITION.

The word "mobile home" as used in this article shall mean any mobile structure, commonly known as a "mobile home" or "trailer," and used as a residence only.

5.403. APPLICATIONS.

- a. An application shall be submitted to the Town Clerk before a mobile home can be moved into the town. All such units shall be used as a permanent residence; provided, however, this subsection shall not apply to mobile home parks.
- b. All applications therefor shall be approved by the Mayor and Council. Following approval, said mobile home shall meet all specifications before water and sewer are connected.
- c. The applicant shall submit a Bill of Sale and a Certificate of Title for the mobile home, thereby establishing ownership and registration, at the time of application.
- d. The applicant shall inform the adjoining property owners of his intent to place a mobile home on his lot and shall obtain therefrom a letter of approval, before submitting an application.

e. No single wide mobile home shall be placed or located within the town; provided, however, this section shall not apply to single wide mobile homes located in the town on or before August 11, 1998.

(Editor's Note. As to subsection "e," please refer to the unnumbered and untitled ordinance adopted August 11, 1998.)

5.404. MOBILE HOME COURTS PROHIBITED. EXCEPTION.

No mobile home court shall be authorized to operate in the town except those in operation prior to the adoption of this section, unless a permit is granted by the Council.

5.405. GENERAL PROVISIONS.

a. A mobile home located within the town and meeting the requirements set forth in this article, shall be entitled to all police, fire, health and sanitation measures accorded other residences in the town and shall be subject to all tax ordinances of the town applicable to any residence.

b. Mobile homes shall be located on a lot having setback requirements as set forth in §5.406.8 of this article.

c. Mobile homes shall be subject to all provisions of the Code of Ordinances of West Pelzer.

d. Any plumbing used in a mobile home shall hereby be subject to the provisions of Chapter 17 of this code.

e. Prior to locating a mobile home within the town, the owner thereof shall apply to the Town Clerk for a building permit. All necessary inspections shall be made to ensure that said residence meets all requirements set forth in this article and that all requirements for health, fire, sanitation and police protection have been met.

f. To ensure that no provisions of this article have been or are being violated, in addition to state and county officials, the Building Inspector, Chief of Police, Fire Chief, Water Superintendent, or any of their agents or representatives, are hereby authorized to enter upon any mobile home lot at all reasonable times for the purpose of inspecting same.

g. It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the town, except as provided for in this article.

5.406. MOBILE HOME REQUIREMENTS.

Mobile homes may be permitted in residential districts provided the mobile homes shall meet the requirements set forth below.

1. All mobile homes located within The Town of West Pelzer shall be a minimum of one thousand (1,000) square feet.

2. Mobile homes shall be used as a single family residence. (See §5.403.e, this article, as to single wided.)

3. It shall be unlawful to bring a mobile home into the town for rental purposes.

4. All mobile homes shall have HUD Seal from Anderson County. (Federal Housing Standards.)

5. Incoming mobile homes can be no older than three ~~(3)~~⁵ years and proof of year of home shall be submitted.

6. Such mobile homes shall have composition roofs and updated siding, not metal siding.

7. Mobile home shall be modular or double wide before coming into town, unless otherwise approved by Council.

8. Setback Requirements:

(a) All primary entrances for all mobile homes shall face be 35' from the road with 25' x 25' x 25' on each side. There shall be a setback line of not less than 35' between the right-of-way boundary line of any public street and any mobile home.

(b) The minimum rear setback line for any interior lot line to the back of a mobile home shall be 25'; provided, however, there shall be a minimum of 25' between the rear of any other building and/or structure or mobile home.

(c) There shall be a side yard to the right and to the left of the mobile home of not less than 25' from the property line.

(Editor's Note. Setback and related requirements are normally incorporated in the Zoning Ordinance. This subsection has been included for emphasis.)

9. Front and back entrances shall have porches and/or decks.

10. Mobile homes shall:

(a) be on a permanent brick, permanent block or other concrete reinforced foundation that extends the perimeter of the mobile home on a concrete footing;

(b) be underpinned with brick or block; and,

(c) wheels, tie downs and tongue shall be removed.

11. Except for electrical and telephone connections, mobile homes shall have permanent utility hookups, water metered at the property line and water utility connections concealed from view.

12. Each mobile home shall have separate connections to the water and sewer mains and shall be subject to all of the provisions relating to water and sewers as set forth in this code.

5.407. FEES FOR PERMITS.

(a) When all conditions and provisions of this article have been complied with, said applicant shall pay a fee for a mobile home permit.

(b) All fees shall be paid by any applicant, before any permit may be issued.

(c) Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown in Exhibit 1 of this code.

5.408. PENALTY FOR VIOLATION.

a. Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and shall have thirty (30) days to meet the specifications required herein.

b. If specifications are not met, said person, firm or corporation, upon conviction, may be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00)

c. Said home shall be removed at the owner's expense.

d. Each day shall constitute a separate offense when a violation of any section of this article exists.

(Editor's Note. The Legislature of South Carolina has delegated the responsibility to local governmental units to adopt regulations and policies for the general welfare of its citizenry. The Town Council of West Pelzer has chosen to enact and enforce this article regulating mobile homes.)

ARTICLE V. FAIR HOUSING

5.501. MONTH DESIGNATED.

a. The month of April is hereby designated as Fair Housing Month in The Town of West Pelzer.

b. It is the intent of Town Council that all citizens of West Pelzer be afforded the opportunity to obtain a decent, safe and sound living environment, regardless of race, religion, color, creed and/or national origin; that every citizen be afforded the opportunity to select a home of his choice.

(WPQ 26)

(Editor's Note. The month of April has been set aside nationally to celebrate Fair Housing Month.)

ARTICLE VI. PENALTIES

5.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 6. RESERVED

Editor's Note. This chapter is reserved for future additions to this code by the Mayor and Council.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Establishment of Municipal Court.
- 7.102. Jurisdiction. Contempt.
- 7.103. Civil Matters.
- 7.104. Judge. Appointment. Term. Oath.
- 7.105. Same. Compensation.
- 7.106. Same. Residency.
- 7.107. Acting Judge.
- 7.108. Same. Qualifications.
- 7.109. Restriction of Judge to Practice in His Court.
- 7.110. Sessions of the Court.
- 7.111. Same. Police to Attend. Powers.
- 7.112. Suspended Sentences. Public Service.
- 7.113. Rules of Procedure.
- 7.114. Maximum Penalties Court May Impose.
- 7.115. Fines to be Deposited in General Fund.
- 7.116. Clerk of Court. Records.

ARTICLE II. JURIES

- 7.201. Jury Commissioners. Town Council May Act.
- 7.202. Jury Box. Compartments.
- 7.203. Jury List. Computer Generated.
- 7.204. Juries. Single Trials. Trial Terms. Etc.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Compensation.

ARTICLE III. PENALTIES

- 7.301. Penalty.
- 7.302. Maximum Penalty Court May Impose.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. In 1980, the General Assembly adopted Act No. 480 which required all municipalities in this state to conform to the South Carolina Unified Judicial System by establishing a Municipal Court. The act also specified procedures to be followed. This chapter follows those requirements and §14-25-5, et seq., of the 1976 South Carolina Code of Laws.

This chapter derives from the provisions of that authority and Questions No. 31 and 32 of the West Pelzer Questionnaire.

7.101. ESTABLISHMENT OF MUNICIPAL COURT.

There is hereby established a Municipal Court which shall be a part of the Unified Judicial System of the State of South Carolina.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CONTEMPT.

a. The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon Magistrates.

b. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts.

(1976 SC Code §14-25-45)

7.103. CIVIL MATTERS.

The Municipal Court shall have no jurisdiction in civil matters.

(1976 SC Code §14-25-45)

7.104. JUDGE. APPOINTMENT. TERM. OATH.

a. The Municipal Court shall be presided over by a Municipal Judge, appointed by the Town Council for a term not to exceed four (4) years and until his successor is appointed and qualified.

(1976 SC Code §14-25-15) (WPQ 31)

b. Before entering upon his duties, the Municipal Judge shall take and subscribe the oath of office as prescribed by Article VI, Section 5, of the South Carolina Constitution.

(Editor's Note. See §2.108, this code, as to the oath.)

7.105. SAME. COMPENSATION.

The compensation of the Municipal Judge, when determined by Council, shall be included in the annual budget.

7.106. SAME. RESIDENCY.

The Municipal Judge shall not be required to be a resident of the town.

7.107. ACTING JUDGE.

a. The Council may appoint an Acting Judge, during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

b. The acting Judge shall possess the qualifications of the Municipal Judge.

c. The Council may contract with the county to employ a Magistrate to preside over its court, in the absence of the Municipal Judge.

(1976 SC Code §14-25-25)

7.108. SAME. QUALIFICATIONS.

The qualifications required of Magistrates are hereby imposed upon the Municipal Judge, with particular reference to Section 22-1-10 of the 1976 South Carolina Code of Laws, subsection c.

7.109. RESTRICTION OF JUDGE TO PRACTICE IN HIS COURT.

The Municipal Judge shall not practice law in the Municipal Court for which he is appointed.

(1976 SC Code §14-25-15)

7.110. SESSIONS OF THE COURT.

The Municipal Judge shall establish a regular place and time for the Court to hold its sessions.

7.111. SAME. POLICE TO ATTEND. POWERS.

a. The Chief of Police or someone designated by him, shall attend the sessions of the court. They shall be subject to the orders of the court and shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by ordinance.

b. The Chief of Police and police officers shall also be invested with the same powers and duties as are provided for magistrates' constables.

(1976 SC Code §14-25-55)

7.112. SUSPENDED SENTENCES. PUBLIC SERVICE.

The Municipal Judge may suspend sentences imposed by him upon such terms and conditions as he deems proper including, without limitation, restitution or public service employment.

(1976 SC Code §14-25-75)

7.113. RULES OF PROCEDURE.

The Municipal Judge shall establish and prescribe all necessary and proper rules of procedure for the Municipal Court; provided however, that the same shall not conflict in any manner with existing state, county or municipal laws.

7.114. MAXIMUM PENALTIES COURT MAY IMPOSE.

Whenever the Municipal Judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars (\$500.00), not including any other court costs, or imprisonment for thirty (30) days, or both.

(1976 SC Code §14-25-65)

7.115. FINES TO BE DEPOSITED IN GENERAL FUND.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Clerk/Treasurer who shall provide monthly accounting therefor to the Town Council.

(1976 SC Code §14-25-85)

7.116. CLERK OF COURT. RECORDS.

a. The Clerk/Treasurer or other municipal employee may be appointed by Council to serve as Clerk of Court.

b. He shall keep such records and make such reports as may be required by the Municipal Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25 of the 1976 South Carolina Code of Laws, the 1996 West Pelzer Town Code and the West Pelzer Questionnaire No. 31 and 32.

7.201. JURY COMMISSIONERS. TOWN COUNCIL MAY ACT.

a. The Council shall appoint not less than three (3) nor more than five (5) persons to serve as Jury Commissioners.

b. The Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135) (WPQ 32)

7.202. JURY BOX. COMPARTMENTS.

a. The commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box.

b. Such box shall contain two (2) compartments, designated as "A" and "B," respectively.

(1976 SC Code §14-25-145)

c. Compartment "A" shall contain a separate ballot or number for each name on the jury list.

(1976 SC Code §14-25-155, as to c)

d. Compartment "B" shall contain the names of jurors, following selection.

e. When all names or numbers in Compartment "A" have been exhausted, the names or numbers shall be returned from Compartment "B" to compartment "A." Thereafter jurors shall continue to be drawn therefrom in the manner provided herein.

(1976 SC Code §14-25-175, et seq.)

7.203. JURY LIST. COMPUTER GENERATED.

a. A jury list shall be composed of all names on the official list of qualified electors of the town furnished to the town by the State Election Commission each year, or copied from the official voter registration list of the municipality.

(1976 SC Code §14-25-155)

b. Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(1976 SC Code §14-25-170)

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS. ETC.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to §14-25-165, et seq., of the 1976 South Carolina Code of Laws.

(Editor's Note. In 1981, the General Assembly completely rewrote §14-25-165. Due to its length, it is referenced here to avoid lengthy repetition.)

7.205. REFUSAL TO APPEAR AS JUROR.

It shall be unlawful for any person to fail, refuse or neglect to appear before the Municipal Court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(1976 SC Code §14-25-185)

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five (5) days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.207. COMPENSATION.

At such time as jurors may be paid, said fee shall be set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(WPQ 32.b)

ARTICLE III. PENALTIES

7.301. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

7.302. MAXIMUM PENALTY COURT MAY IMPOSE.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 8. FINANCE, BUDGET AND TAXATION

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CHAPTER 8. FINANCE, BUDGET AND TAXATION

ARTICLE I. BUDGET AND FINANCE

Editor's Note. This article derives from the 1996 West Pelzer Town Code, questions No. 33 through 49 of the West Pelzer Questionnaire, pertinent additions by the editors and generally accepted municipal practices.

8.101. FISCAL YEAR.

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

(WPQ 33)

8.102. BUDGET AND ACCOUNTING YEAR.

The fiscal year shall constitute the budget and accounting year.

8.103. ANNUAL BUDGET. CAPITAL PROJECTS. SUMMARY. TAX RATE.
CLERK TO NOTIFY COUNTY.

a. Before the beginning of the budget year, the department heads shall prepare a budget for the ensuing year. When adopted, the Mayor may transfer funds within and between departments as necessary to achieve the goals of the budget. He shall inform Council of this action not later than Council's next meeting.

(1976 SC Code §5-13-30(3)) (WPQ 34.a)

b. The budget shall contain a summary of estimates of all capital projects pending which Council believes should be undertaken within the budget year and within the next five (5) succeeding years.

c. The budget shall be in sufficient detail and summarized as to proposed income and expenditures in such a manner as to present to Council and to the taxpayers a simple and clear summary of the budget.

d. The annual budget ordinance shall state the annual tax rate which shall be sufficient to produce revenue necessary to fund the general operations and debt service requirements of the municipality.

(WPQ 34.b)

e. It shall be the duty of the Clerk/Treasurer to notify the appropriate officials of Anderson County of any change in the tax millage rates, when approved by Council. (See Article II, this chapter.)

8.104. SAME. CONTINGENT EXPENSES.

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

8.105. SAME. PUBLIC HEARING. PUBLIC NOTICE.

a. Pursuant to §6-1-80 of the 1976 South Carolina Code of Laws, as amended, the Town Council shall determine a place and time for a public hearing on the budget.

(Editor's Note. Currently, public hearings are held by Council at its May and June meetings.)

b. Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one (1) newspaper of local general circulation.

c. The notice shall be given not less than fifteen (15) days in advance of the public hearing and must be a minimum of two (2) columns wide with a bold headline.

d. The public notice shall consist of the requirements of §6-1-80 of the 1976 South Carolina Code of Laws.

(WPQ 34.c)

(Editor's Note. Section 6-1-80 of the 1976 South Carolina Code of Laws requires every municipality to hold a public hearing on its budget

to provide notice to the public by advertising the public hearing before the adoption of its budget for the next fiscal year in at least one South Carolina newspaper of general circulation in the area...not less than fifteen days in advance of the public hearing." It also provides the details of the notice which "...must be a minimum of two columns wide with a bold headline."

e. Upon final adoption, the budget shall be in effect for the budget year.

8.106. SAME. PUBLIC INSPECTION.

The budget shall be a public record in the office of the Clerk/Treasurer, for public inspection during regular office hours.

8.107. SAME. FAILURE TO ADOPT.

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

8.108. SAME. APPROPRIATIONS SHALL LAPSE.

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

8.109. SAME. FINANCIAL REQUIREMENTS.

The budget shall identify various sources of anticipated revenue to meet the financial requirements of the budget.

8.110. DISBURSEMENTS TO BE BY CHECK. SIGNATURES.

All disbursements shall be by check and signed by the Mayor and Clerk/Treasurer or Mayor Pro tempore.

(WPQ 35)

8.111. RETURNED CHECKS. FEE.

a. All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee for each such check.

b. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(WPQ 36)

8.112. AUDIT.

a. Prior to the end of each fiscal year, Council shall designate a qualified Certified Public Accountant who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the Council.

b. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the municipality or of any of its officers.

c. He shall, within specifications approved by Council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

(1976 SC Code §5-7-240)

(Editor's Note. Section 5-7-240 of the 1976 South Carolina Code of Laws requires the appointment of a "certified public accountant or public accountant or firm of such accountants." They can have "no personal interest, direct or indirect, in the fiscal affairs" of the town or "any of its offices.")

8.113. BORROWING REVENUES. BY ORDINANCE.

a. The Council may, during each fiscal year, borrow money for its current expenses and pledge for the payment thereof any revenues collected.

(1976 SC Code §5-7-30)

b. The borrowing of money shall be by ordinance.

(1976 SC Code §5-7-260)

8.114. EMERGENCY APPROPRIATIONS.

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

ARTICLE II. ANNUAL TAXES

Editor's Note. Section 5-7-30 of the 1976 South Carolina Code of Laws gives municipalities of this state the " ... authority to levy and collect taxes on real and personal property"

Statutory authority for property subject to municipal taxes is found at §5-21-110. Taxes may be assessed only as authorized by the legislature. (Watson v. Orangeburg, 229 S. C. §367, 93, S. E. 2d 20 (1956)).

Section 5-7-300 authorizes a municipality to

contract with the county for the collection of municipal taxes or for the collection of delinquent municipal taxes upon such terms and conditions as may be mutually agreeable to both the municipality and the county.

The Town of West Pelzer has arranged for Anderson County to collect the town's annual taxes, effective January 1, 2001. (Clerk/Treasurer letter dated June 30, 2000.)

(WPQ 40)

8.201. ANDERSON COUNTY AUTHORIZED TO BILL AND COLLECT TAXES.

a. The provisions of the 1996 Code of Ordinances of The Town of West Pelzer relating to the collection of annual taxes shall prevail in all respects until January 1, 2001.

b. The provisions in said code relating to the collection of taxes shall be rescinded January 1, 2001.

c. Effective January 1, 2001, the Assessor, Auditor and Treasurer of Anderson County are hereby authorized to bill and collect taxes, including those delinquent, owing to the municipality.

d. The Council further confers all necessary authority upon the foregoing officers for the collection of all taxes due and payable to the municipality.

(1976 SC Code §5-7-300)

(Editor's Note. The South Carolina Legislature has eased the collection of vehicle taxes, in that one must now present a paid tax receipt as evidence of the tax having been paid, before SCDOT will issue a license tag. Each vehicle has a specific month in which this must be done.)

8.202. BASIS OF VALUE OF PROPERTY FOR TAXATION.

The basis of value for taxation of real estate, personal property or other taxable property shall be such assessment as levied by the Anderson County Auditor.

8.203. VETERANS. DISABLED. WIDOWS. TAX EXEMPTION.

a. There shall be exempt from the levy of any real estate taxes accruing to the town one (1) house and one (1) lot owned by any permanently and totally disabled veteran of the town and in which house such veteran resides; provided, however, that such veteran must have become totally and permanently disabled while in actual military service in time of war.

b. This exemption shall be available to the widow of any such veteran as long as she remains unmarried and lives in the house exempted after the death of her husband.

ARTICLE III. MOBILE HOMES TAXES

Editor's Note. This section derives from the 1976 South Carolina Code of Laws and an opinion of the Attorney General, to ensure that mobile homes are placed on the tax roles.

"Trailers on permanent foundations are taxable as part of the realty and are not subject to the license fee if so affixed to the land within fifteen days after purchase or entry into this State." 1964-65 Op Atty Gen. No. 1955, p 263

8.301. MOBILE HOMES. TAXED AS REAL PROPERTY. AVOIDANCE.

At such time as taxes may be levied by the Town Council:

1. Mobile homes shall be considered real property for tax purposes and shall be classified and assessed for ad-valorem taxation.

2. To avoid said classification, the owner of a mobile home shall give written notice to the County Auditor that the mobile home is without permanent foundation, within fifteen (15) days after purchase or entry into this state.

3. The County Auditor shall then determine the taxable classification of the mobile home.

(1976 SC Code §12-43-230)

ARTICLE IV. PURCHASING

Editor's Note. The 1976 South Carolina Code of Laws, §11-35-50, requires that, "*all political subdivisions of the State shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement.*"

This article derives from that requirement and Questions 45 through 47 of the West Pelzer Questionnaire.

8.401. PURCHASING AGENT. DESIGNATED.

a. The Clerk/Treasurer shall serve as Purchasing Agent for the town and shall:

- (1) approve all purchase orders prior to a purchase transaction;
- (2) notify department heads of availability of funds; and,
- (3) keep appropriate records for audit purposes.

b. Procedures shall be:

- (1) A purchase order will be required for each purchase.
- (2) Purchase orders shall be approved prior to purchase.
- (3) Refer to purchase order number, when making a purchase or order. (The purchase order number should be referenced on the invoice.)
- (4) Indicate on the purchase order to which department the order should be charged.
- (5) A purchase order number may be given to the Police Department and the Water Department for purchases; provided, however, any item over fifty dollars (\$50.00) shall require approval from the Purchasing Agent.

(6) Receipts shall be turned over to the Clerk/Treasurer at the end of each month for reconciliation of the monthly statement.

(7) Any item to be purchased at a cost exceeding five hundred dollars (\$500.00) shall require Council approval.

c. Special Purchases:

(1) Emergency purchases shall be handled on an individual basis.

(2) Work contracts shall require a purchase order.

d. Department Heads shall assist the Purchasing Agent, by ensuring prices of items and bids are competitive.

8.402. SAME. DUTIES.

The Purchasing Agent is further authorized and shall be responsible for:

1. the purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the town government;

2. the storage and distribution of all supplies, materials and equipment required by any office, department or agency of the town government;

3. establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the town government. Such specifications shall be definite and certain and shall permit competition;

4. maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses;

5. soliciting and maintaining, when practical, an up-to-date list of qualified suppliers who have requested their names to be added to a "bidders list." The Purchasing Agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the town or who have failed to meet established specifications or delivery dates.

8.403. FINANCIAL INTEREST OF TOWN OFFICIALS AND EMPLOYEES PROHIBITED.

a. Any municipal officer or employee who has a financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a town officer or employee in matters related thereto.

b. Any officer or employee of the town who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall constitute malfeasance in office and, upon conviction, shall forfeit his office or position.

c. Violation of this section with the express or implied knowledge of the person or corporation contracting with or making a sale to the town, shall render the contract or sale voidable by the Town Council.

8.404. EQUIPMENT, SUPPLIES, RECOVERED PROPERTY, PUBLIC AUCTION.

The Purchasing Agent shall have authority to sell all vehicles, equipment, supplies, etc., including any unclaimed property recovered by the Police Department, which have become unsuitable for public use or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder. All moneys received from such sales shall be paid into the appropriate fund of the town.

(See also §13.116, this code as to recovered property.)

8.405. GIFTS AND REBATES.

The Purchasing Agent and every officer and employee of the town are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which 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 town.

8.406. COOPERATIVE PURCHASING.

The Purchasing Agent shall have authority to join with other units of government in cooperative purchasing plans when the best interest of the town would be served thereby.

8.407. STATE PURCHASING.

The Purchasing Agent shall have 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.

ARTICLE V. BUSINESS LICENSES

Editor's Note. Business License Ordinances are not included in codes, due to the technical nature, length and frequency of amendments. The ordinance is filed with the Clerk/Treasurer and available for public inspection during regular office hours.

8.501. BUSINESS LICENSE ORDINANCE NOT REPEALED.

a. The provisions of the Business and Professional License Ordinance of The Town of West Pelzer, as amended, are not repealed.

b. The provisions shall remain in full force and effect, as if fully set forth herein and made a part hereof.

8.502. ADMINISTRATION. ENFORCEMENT.

a. The responsibility for administering said ordinance is hereby vested in the Clerk-Treasurer.

b. The responsibility for enforcement of said ordinance is hereby vested in the Police Department.

8.503. YARD SALES. NO FEE REQUIRED.

a. Yard sales shall be permitted, but notice thereof shall be given to the Police Department, for protection purposes.

b. No fee shall be charged to hold a yard sale.

ARTICLE VI. PENALTIES

8.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 9. FIRE DEPARTMENT

ARTICLE I. ADMINISTRATION

- 9.101. Right of Entry During Emergencies.
- 9.102. Responding to Alarms. Right-of-Way.
- 9.103. Police Officers to Enforce Provisions.
- 9.104. Fire Inspector.
- 9.105. Same. Fire Investigations.
- 9.106. Building Burned or Destroyed More Than Half its Value.

ARTICLE II. PROHIBITED ACTS

- 9.201. False Alarms.
- 9.202. Parking at Hydrants. Obstructing Fire Equipment or Members.
- 9.203. Following or Parking Near Fire Equipment. Bystanders.
- 9.204. Failure to Obey Lawful Orders.
- 9.205. Driving over Fire Hose.
- 9.206. Opening Fire Hydrants.
- 9.207. Burning Trash.
- 9.208. Fire Hazard Upon Lots, Buildings, Premises; Accumulation, Growth, etc.
- 9.209. Fires Near Buildings.

ARTICLE III. FIRE DISTRICT

- 9.301. Fire District Defined.

ARTICLE IV. PENALTIES

- 9.401. Penalty.

CHAPTER 9. FIRE DEPARTMENT

Editor's Note. Many towns in this state have made arrangements with their respective counties for fire service. The Town of West Pelzer has a mutual aid agreement with Anderson County. Such service is provided by West Pelzer Station 6.

This chapter derives from generally accepted municipal practices and sets forth basic provisions used by other towns for the protection of its citizens. It also derives, as amended, from the West Pelzer Questionnaire, Questions 50.

General state statutes governing fire protection are found at Title 5, Chapter 25 of the 1976 South Carolina Code of Laws, as amended, entitled, "BUILDING CODES AND FIRE PROTECTION."

ARTICLE I. ADMINISTRATION

9.101. RIGHT OF ENTRY DURING EMERGENCIES.

In a fire or life threatening emergency, while endeavoring to control or extinguish fires or rescue injured victims, the Chief, or his designated representatives, may pass through and enter any adjacent building or property.

9.102. RESPONDING TO ALARMS. RIGHT-OF-WAY.

All motor equipment of the Fire Department, Police Department and the vehicles of volunteers shall have the right-of-way over all other vehicles, when responding to an alarm.

9.103. POLICE OFFICERS TO ENFORCE PROVISIONS.

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire or other incident, where the Fire Department is operating and subject to availability of personnel, a police officer may be stationed at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within said block to be moved immediately and block the street from other vehicles.

9.104. FIRE INSPECTOR.

Anderson County is hereby authorized to serve as Fire Inspector for the town.

(1976 SC Code §5-25-120)

9.105. SAME. FIRE INVESTIGATIONS.

The Inspector shall hold an inquiry into the origin of every fire occurring within the limits of the town and file a report in writing of the investigation.

(1976 SC Code §5-25-160, §5-25-170)

9.106. BUILDING BURNED OR DESTROYED MORE THAN HALF ITS VALUE.

a. If an existing building is damaged by fire, deterioration or otherwise, in excess of fifty percent (50%) of its then physical value, said building shall be removed.

(1976 SC Code §5-25-1160 requires the removal)

b. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

c. Upon conviction, said person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from generally accepted municipal practices and acts prohibited by other municipalities and state statutes for the protection of the citizens of West Pelzer. (See §56-5-760 of the South Carolina Code of Laws for operation of emergency vehicles.)

9.201. FALSE ALARMS.

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

(1976 SC Code §16-17-570)

9.202. PARKING AT HYDRANTS. OBSTRUCTING FIRE EQUIPMENT OR MEMBERS.

a. No person shall park any vehicle within fifteen (15) feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at an emergency incident.

b. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his official capacity or when proceeding to an emergency incident.

9.203. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.

a. No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to an emergency incident closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to an emergency incident.

(1976 SC Code §56-5-2530)

b. Bystanders shall stay a safe distance away as determined by the officer in charge.

9.204. FAILURE TO OBEY LAWFUL ORDERS.

Failure to obey any lawful order of any official of the Fire or Police Department at the scene of a fire or any emergency, or enroute thereto, shall constitute a violation of this article.

9.205. DRIVING OVER FIRE HOSE.

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

(1976 SC Code §56-5-3850)

9.206. OPENING FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to interfere with or open for any purpose whatever any fire hydrants of the town, except in case of fire, without first having obtained a proper permit to do so from the local water authority.

9.207. BURNING TRASH.

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first obtaining permission from the property owner and a permit from the State Forestry Commission or DHEC.

9.208. FIRE HAZARD UPON LOTS, BUILDINGS, PREMISES; ACCUMULATION, GROWTH, ETC.

a. It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

b. Any person who shall fail, within seven (7) calendar days of a notice, to eliminate a fire hazard, upon conviction, shall be guilty of a misdemeanor.

9.209. FIRES NEAR BUILDINGS.

It shall be unlawful for any person to build or ignite a fire within the corporate limits that would endanger any property or building.

ARTICLE III. FIRE DISTRICT

Editor's Note. Section 5-25-1110 of the 1976 South Carolina Code of Laws requires every municipality in this state to pass an ordinance "**...establishing and defining fire limits, which shall include the principal business portion of the city or town.**" (Emphasis supplied.)

9.301. FIRE DISTRICT DEFINED.

The area designated by the Town Council and shown on a map, when prepared, and which shall be filed with the Clerk/Treasurer shall constitute the fire limits.

(WPQ 50.f)

ARTICLE IV. PENALTIES

9.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. IN GENERAL

- 10.101. Anderson County Referral.
- 10.102. Food Handling Establishments. Standards and Inspections.
- 10.103. Sale of Unsound, Unwholesome Food.
- 10.104. Nuisances Enumerated. Abatement Required.
- 10.105. Odors. Unwholesome. Offensive. Unlawful.
- 10.106. Debris Removal.
- 10.107. Same. Roofers. Contractors. Etc.
- 10.108. Putrescible Matter Used as Fill Unlawful.
- 10.109. Decaying Animal or Vegetable Matter. Storage.
- 10.110. Removal of Accumulations of Deleterious Matter.
- 10.111. Hog Pens Prohibited.

ARTICLE II. VACANT LOTS, PREMISES, LAND

- 10.201. Accumulations. Prohibited.
- 10.202. Same. Summons For Failure to Maintain Lots.
- 10.203. Same. How Summons Given.
- 10.204. Same. Failure to Clean Declared a Misdemeanor. Penalty.

ARTICLE III. TOILET FACILITIES

- 10.301. Pit Privy Defined. Declared Unlawful.
- 10.302. Disposal of Human Excrement.
- 10.303. Building Contracts to Provide For Waste Disposal.

ARTICLE IV. PENALTIES

- 10.401. Penalty.

CHAPTER 10. HEALTH AND SANITATION

Editor's Note. Health matters in The Town of West Pelzer are subject to supervision of the Anderson County Health Department. This chapter derives, in part, from Chapter 8 of the 1996 West Pelzer Town Code and generally accepted municipal practices.

Further, the town has made provisions with Anderson County for the collection of solid waste, including garbage. The town's Business License requires a fifty dollar (\$50.00) fee for each physical location which is collected by the town and forwarded to the county.

ARTICLE I. IN GENERAL

10.101. ANDERSON COUNTY REFERRAL.

Health matters, generally, shall be referred to the Anderson County Health Department.

(WPQ 53)

10.102. FOOD HANDLING ESTABLISHMENTS. STANDARDS AND INSPECTIONS.

a. All food handling establishments may be inspected by the Police Department, subject to appeal to the Council.

b. All food handling establishments shall adhere to the State and County Health Department rules and regulations.

10.103. SALE OF UNSOUND, UNWHOLESOME FOOD.

a. It shall be unlawful to sell any meat, fish, bird, fruit or vegetable, milk or anything for human food or drink, not then being fresh or properly preserved, sound, wholesome and safe for such use.

b. This section shall include the flesh of any animal which died by disease, or which was at the time of its death in an unsound or unwholesome condition.

10.104. NUISANCES ENUMERATED. ABATEMENT REQUIRED.

a. Anything dangerous to human life or health, or any building or part thereof overcrowded or not provided with adequate means of ingress or egress, or not sufficiently supported, ventilated, drained, lighted, or renders soil, air, water or food impure or unwholesome, is hereby declared to be a nuisance and unlawful.

b. Every person aiding, creating or contributing to the same, or who may support, continue or retain any of them, shall be deemed in violation of this code and shall be liable for the expense of the abatement or remedy which may be required.

10.105. ODORS. UNWHOLESOME. OFFENSIVE. UNLAWFUL.

a. No person shall erect or maintain any place of business dangerous to life or detrimental to health or where unwholesome, offensive or deleterious gas, smoke, deposits or exhalations are generated, without approval from the Board of Health.

b. All such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health.

c. No offensive or deleterious waste substance, water-gas tar, sludge, refuse or injurious matter shall be allowed to accumulate upon the premises thereof or be thrown or allowed to run into any public water, stream, watercourse or onto any street or public place.

10.106. DEBRIS REMOVAL.

It shall be the duty of persons creating debris on property, either in the form of grass cuttings, weeds or similar debris, to remove the same.

10.107. SAME. ROOFERS, CONTRACTORS, ETC.

a. Any person, firm or corporation providing services to residents or businesses in the town, such as roofers, building contractors, pulpwood dealers, etc., upon completing such services, shall remove any debris created thereby.

b. Those businesses, professions and services not otherwise classified herein, shall be classified by the Mayor and Council.

10.108. PUTRESCIBLE MATTER USED AS FILL UNLAWFUL.

It shall be unlawful to fill sunken places with any material containing a mixture of putrescible animal or vegetable matter.

10.109. DECAYING ANIMAL OR VEGETABLE MATTER. STORAGE.

No decaying animal or vegetable matter shall be kept in any house, cellar or adjoining outbuilding for more than twenty-four (24) hours.

10.110. REMOVAL OF ACCUMULATIONS OF DELETERIOUS MATTER.

All accumulations or deposits of deleterious matter shall be removed from drains where accumulated, and the area shall be properly disinfected within twenty-four (24) hours.

10.111. HOG PENS PROHIBITED.

Hog pens are hereby declared to be unlawful within the corporate limits.

ARTICLE II. VACANT LOTS, PREMISES, LAND

Editor's Note. This authority derives from §5-7-80 of the 1976 South Carolina Code of Laws and replaces Ordinance No. 96-12-01 of December 9, 1996.

10.201. ACCUMULATIONS. PROHIBITED.

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any vacant lots, improved or unimproved premises, or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk 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.

10.202. SAME. SUMMONS FOR FAILURE TO MAINTAIN LOTS.

It shall be the duty of the Chief of Police to summon the owner of such premises. If, after fully hearing the matter and any statement the owner may make and any testimony he may offer on his behalf concerning such matter, the Chief should find such premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

10.203. SAME. HOW SUMMONS GIVEN.

The notice shall be served on the owner to whom it is directed or by Certified Mail, Return Receipt Requested, addressed to such owner at his last known post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two (2) times within fifteen (15) consecutive days in a local newspaper of general circulation.

10.204. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.

a. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

b. Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE III. TOILET FACILITIES

10.301. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

a. The term "pit privy" as used in this article shall mean a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.

b. Pursuant to the 1976 South Carolina Code of Laws, §44-55-210, it shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

(WPQ 55)

10.302. DISPOSAL OF HUMAN EXCREMENT.

It shall be unlawful for any person, firm or corporation to deposit or throw upon the ground or bury any human excrement, solid or liquid, or to otherwise dispose of such substances in any manner other than into a public sewer or a sanitary septic tank constructed in accordance with DHEC requirements.

10.303. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

a. All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal.

b. The contract shall provide for such facilities, the plans shall state the proposed method of disposal, and the Clerk/Treasurer shall be notified.

ARTICLE IV. PENALTIES

10.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 11. RESERVED

Editor's Note. This chapter is reserved for future additions to this code by the Mayor and Council.

CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

12.101. Food Accommodations. Unlawful to Defraud.

12.102. Types Prohibited. Appeals.

ARTICLE II. PENALTIES

12.201. Penalty.

CHAPTER 12. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

Editor's Note. The State of South Carolina has pre-empted municipalities in laws governing motels, hotels, boarding houses, etc. This article has been included primarily to assist local enforcement, if and when the need should arise in certain instances, and derives from Question 56 of the West Pelzer Questionnaire.

12.101. FOOD ACCOMMODATIONS. UNLAWFUL TO DEFRAUD.

It shall be unlawful for any person, firm or corporation to obtain credit at any place where food is served, or accommodations or goods are provided, by false pretense or any fraudulent device or, after obtaining food, accommodation, goods or credit therefor, to surreptitiously remove himself or his baggage therefrom and defraud the operator thereby.

12.102. TYPES PROHIBITED. APPEALS.

a. It shall be unlawful for the operator, owner or manager of any bed and breakfast, or any rooming, boarding or lodging house, restaurant, cafe, tea room or lunch room, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever to solicit such persons to become occupants or patrons thereof.

b. Appeals shall be made to the Mayor and Council.

ARTICLE II. PENALTIES

12.201. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 13. POLICE

ARTICLE I. IN GENERAL

- 13.101. Composition. Appointment.
- 13.102. Chief of Police. Authority.
- 13.103. Oath of Office.
- 13.104. Powers. Generally.
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- 13.108. Additional Duties.
- 13.109. Surety Bond.
- 13.110. Compensation.
- 13.111. Uniforms.
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- 13.113. Streets. Jurisdiction.
- 13.114. Same. Observation of Conditions.
- 13.115. Emergencies. Other Political Subdivisions. Assistance.
- 13.116. Personal Property. Recovered.

ARTICLE II. RULES OF CONDUCT

- 13.201. Personal Appearance. Uniform. Equipment.
- 13.202. Drinking on Duty.
- 13.203. Conduct. General Demeanor.
- 13.204. Same. On Duty.
- 13.205. Same. Off Duty.
- 13.206. Public Discussion of Department Prohibited.
- 13.207. Suspensions. Hearing.
- 13.208. Same. Chief of Police.

ARTICLE III. INTERFERENCE

- 13.301. Obedience to Officers.
- 13.302. Citizens to Aid. Posse Commitatus.
- 13.303. Obstructing Officer. Warrants.
- 13.304. Resisting Officer Making Arrest.
- 13.305. Assaulting Officer.
- 13.306. Approaching Within Twenty Feet of Person Being Arrested.
- 13.307. Failure to Stop on Command of Officer.
- 13.308. Counseling, Advising, etc., Unlawful.
- 13.309. Prisoners. Communication With.
- 13.310. Same. Escape From Custody Unlawful.
- 13.311. Imitating Signal or Call for Police Officer Prohibited.

ARTICLE IV. PENALTIES

- 13.401. Penalty.

CHAPTER 13. POLICE

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws, the 1996 West Pelzer Town Code, No. 57 through 59 of the West Pelzer Questionnaire and from generally accepted municipal practices.

ARTICLE I. IN GENERAL

13.101. COMPOSITION. APPOINTMENT.

a. The Police Department shall consist of a Chief of Police who shall be appointed by the Mayor.

b. The Mayor shall appoint such other officers and employees as may be required.

(Editor's Note. Section 5-9-30, et seq., of the 1976 South Carolina Code of Laws stipulates that the Mayor appoints all town employees.) (WPQ 57)

13.102. CHIEF OF POLICE. AUTHORITY.

a. The Chief of Police shall supervise the Police Department and shall be responsible for all matters of public safety and law enforcement.

b. To that end, police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

13.103. OATH OF OFFICE.

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

(Editor's Note. As to oath, please see §2.108, this code.)

13.104. POWERS. GENERALLY.

a. Each officer of the department shall be sworn and invested with all powers as authorized by law, and he shall have the power to perform all duties assigned to him by statutes, ordinances, resolutions, directives, rules or regulations.

b. Any officer failing or refusing to exercise his lawful authority shall be subject to suspension or discharge.

13.105. SAME. SUMMONS. TRIAL DATE.

a. Any person violating ordinances of the town shall be apprehended and a summons issued for his appearance in Municipal Court.

b. A trial date shall be designated in the summons by the apprehending officer.

13.106. BONDS AND FINES.

Members of the Police Department are hereby authorized to collect cash bonds and fines; provided, however, an official written receipt shall be given therefor.

13.107. SAME. BAIL MONEY.

Upon receipt of bail money, the apprehended person may be released, subject to his appearance before the Municipal Court.

13.108. ADDITIONAL DUTIES.

The members of the Police Department shall perform such other duties as may be directed and required by the Mayor and Council.

13.109. SURETY BOND.

The Chief of Police and all other members of the department shall give bond in favor of the town, in the amounts and under the conditions as the Council may, from time to time, determine. The premiums shall be paid by the town.

13.110. COMPENSATION.

Compensation shall be determined by the Council and included in the annual budget.

13.111. UNIFORMS.

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

13.112. PROPERTY TO BE RETURNED.

a. Upon termination of services, for whatever reason, all members of the department shall return any equipment and all official material or things belonging to the department.

b. Failure to do so shall constitute a misdemeanor, punishable by the Municipal Court.

(See §14.814, this code, as to general employment.)

13.113. STREETS. JURISDICTION.

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

(1976 SC Code §5-7-155)

13.114. SAME. OBSERVATION OF CONDITIONS.

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

13.115. EMERGENCIES. OTHER POLITICAL SUBDIVISIONS. ASSISTANCE.

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

(1976 SC Code §5-7-120)

13.116. PERSONAL PROPERTY. RECOVERED.

a. This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items which may be recovered by or returned to the Police Department in connection with the performance of its duties. Such items are hereby referred to as personal property.

b. All personal property which has been lost, stolen or abandoned and which is in the possession of the department and which remains unclaimed by the owner, shall be disposed of by annual public sale to the highest bidder by the Purchasing Agent .

c. Notice of same shall be posted at the Town Hall at least fifteen (15) days prior to such sale.

d. Said notice shall contain time, place and terms of the sale and a description of the property to be sold.

e. The proceeds from the sale of unclaimed personal property shall be paid into the General Fund of the town on the day of the sale.

(See also §8.404, this code, as to responsibility of Purchasing Agent .)

ARTICLE II. RULES OF CONDUCT

Editor's Note. This article derives from generally accepted municipal practices.

13.201. PERSONAL APPEARANCE. UNIFORM. EQUIPMENT.

a. All personnel on duty shall maintain an appearance of neatness, cleanliness and dignity, as may be approved by the Chief of Police. He shall be in uniform as his duties may dictate.

b. He shall keep said uniform clean, pressed and in good repair and his equipment clean and in good working order.

13.202. DRINKING ON DUTY.

No member of the department shall partake of any alcohol or other intoxicating liquors while on duty.

13.203. CONDUCT. GENERAL Demeanor.

Each member of the department shall conduct himself at all times in a quiet and orderly manner.

13.204. SAME. ON DUTY.

Each officer shall, at all times while on duty, act with prudence, coolness and judgment, but with a deliberate determination of effecting and strictly enforcing all the laws and ordinances of the town.

13.205. SAME. OFF DUTY.

All police personnel, while off duty, shall conduct themselves in such a manner as to command the respect of the public. He shall wear no uniform or any part thereof while off duty, unless he obtains prior approval in writing from a superior officer.

13.206. PUBLIC DISCUSSION OF DEPARTMENT PROHIBITED.

No personnel shall discuss any activity or any employee of the department with the general public. Complaints shall be made in accordance with the chain of command.

13.207. SUSPENSIONS. HEARING.

a. The Chief of Police may suspend or discharge any police officer for neglect of duty, disobedience of orders or violation of any law or ordinance. Within twenty-four (24) hours, he shall report such suspension or discharge and the reasons therefor to the Mayor and Council.

b. The Mayor and Council, upon written request of the officer disciplined, shall conduct a hearing at which the officer shall have the right to be heard.

c. The decision of the Mayor and Council shall be final, subject to appeal to a court of competent jurisdiction.

13.208. SAME. CHIEF OF POLICE.

The Chief of Police shall be disciplined by the Mayor, with appeal to the Council.

ARTICLE III. INTERFERENCE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws and generally accepted police procedures.

13.301. OBEDIENCE TO OFFICERS.

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

13.302. CITIZENS TO AID. POSSE COMMITATUS.

It shall be the duty of all citizens, when called upon by a police officer, to promptly aid and assist such officer in the discharge of his duties.

(1976 SC Code §5-7-30, §23-15-70)

13.303. OBSTRUCTING OFFICER. WARRANTS.

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

(1976 SC Code §16-5-50)

b. In the serving of a warrant, no occupied dwelling shall be searched between sundown and sunrise, except as permitted by state law.

13.304. RESISTING OFFICER MAKING ARREST.

Any person or persons who shall resist or aid any person or persons in resisting an officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor.

13.305. ASSAULTING OFFICER.

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

13.306. APPROACHING WITHIN TWENTY FEET OF PERSON BEING ARRESTED.

a. It shall be unlawful for any person or persons willfully to approach nearer than twenty (20) feet to any police officer who is making an arrest or attempting to do so.

b. All police officers are empowered to order all persons away from the vicinity of the site of arrest while any person is being held for custody.

13.307. FAILURE TO STOP ON COMMAND OF OFFICER.

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

13.308. COUNSELING, ADVISING, ETC., UNLAWFUL.

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

(1976 SC Code §16-1-40) (State v. Westfield, 1 Bail. (17 S.C.L. 132))

13.309. PRISONERS. COMMUNICATION WITH.

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

13.310. SAME. ESCAPE FROM CUSTODY UNLAWFUL.

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

(1976 SC Code §16-9-420)

13.311. IMITATING SIGNAL OR CALL FOR POLICE OFFICER PROHIBITED.

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

ARTICLE IV. PENALTIES

13.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 14. PUBLIC PEACE. OFFENSES

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CHAPTER 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

Editor's Note. This article is commonly referred to as the "*Ordinance Summons*" or "*Summons Ordinance*," as authorized by §56-7-80 of the 1976 South Carolina Code of Laws.

14.101. SUMMONS ORDINANCE. PROCEDURE FOR OFFENSES OTHER THAN BREACH OF PEACE.

a. In all actions for the violation of the provisions of the ordinances of The Town of West Pelzer, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the Municipal Court at a time to be set in the summons.

b. The summons shall cite only one (1) violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

c. Breach of peace shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

d. Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court, upon conviction, shall be guilty of a misdemeanor.

e. The Town Council shall designate individuals who shall be authorized to issue municipal summons which shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance which regulates the use of motor vehicles on the public roads.

g. This section shall not be construed as a limitation upon the power of any person, officer or employee to seek or pursue any other lawful process or legal remedy.

h. The bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. Town code enforcement officers, when appointed, and town law enforcement officers shall be prohibited from accepting bonds.

i. Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

(WPQ 59)

ARTICLE II. ALCOHOLIC BEVERAGES

Editor's Note. This article derives, in part, from Chapter 3 of the 1996 West Pelzer Town Code, and although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance to the town and to assist the members of the Police Department.

14.201. DEFINITIONS.

ALCOHOLIC LIQUORS as used in this chapter shall mean any spirituous malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and used as a beverage.

14.202. JURISDICTION OF THE MUNICIPAL COURT.

The Municipal Court shall try and determine all cases involving any violation of this article occurring within the corporate limits and shall have jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts. Any persons convicted hereunder shall be treated as municipal prisoners.

(1976 SC Code §5-7-30)

14.203. PRIOR OFFENSES.

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation of any of the laws of this state, or of the United States relating to alcoholic liquor shall constitute prior offense for the purpose of any prosecution, or for the purpose of imposition of sentence for any subsequent violation of this chapter.

ARTICLE III. BEER, ALE, PORTER AND WINE

Editor's Note. This article derives, in part, from Chapter 3 of the 1996 West Pelzer Town Code, and although various state laws regarding the regulation of alcoholic beverages have been repealed, this article also has been included to provide guidance to the town and to assist the members of the Police Department.

14.301. UNLAWFUL TO SELL UNLESS TAX PAID.

a. It shall be unlawful for any person to sell or permit to be sold any beer, ale, porter, wine, malt or other beverage authorized to be sold under South Carolina statutes regulating same, on which tax levied be not paid.

b. The first offense shall be a misdemeanor and within the jurisdiction of the Municipal Court.

14.302. SALE TO MINORS.

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

14.303. GIVING FALSE AGE.

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

14.304. PURCHASE FOR TRANSFER TO PERSONS UNDER TWENTY-ONE.

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

14.305. PURCHASE OR POSSESSION BY MINOR.

a. It shall be unlawful for any minor under the age of twenty-one (21) years to purchase, or knowingly have in his possession any beer, ale, porter, wine or any other similar malt or fermented beverage. Any such possession shall be prima facie evidence that it was knowingly possessed.

b. This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container.

14.306. DRINKING, POSSESSION ON LICENSED PREMISES. PROHIBITED HOURS.

a. It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or manufacturing alcoholic liquor business or business establishment.

b. It shall be unlawful to sell, give away, disperse or permit the consumption of any wine, beer or malt liquor in a place of business, including the premises, between the hours of 2:00 a.m. and 7:00 a.m.

14.307. DRINKING LIQUOR IN PUBLIC CONVEYANCES.

Any person who shall drink alcoholic liquor in any public conveyance, upon conviction, shall be deemed guilty of a misdemeanor.

(See §14.617, this code, for drinking in public.)

14.308. SALES FROM VEHICLES.

It shall be unlawful for anyone to sell from any vehicle any quantity of alcoholic liquors, stamped or unstamped.

14.309. ACTS PROHIBITED ON LICENSED PREMISES. REVOCATION OF LICENSE.

No holder of a permit authorizing the sale of beer or wine or any servant, agent or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by such holder's permit:

1. Sell beer or wine to any person while such person is in an intoxicated condition;
2. Permit gambling or games of chance;
3. Permit any lewd, immoral or improper entertainment, conduct or practices;
4. Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under local ordinances or the laws of the state;
5. Sell, offer for sale or possess any beverage or alcoholic liquor the sale or possession of which is prohibited on licensed premises under the laws of this state.

A violation of any of the foregoing provisions shall be grounds for the revocation or suspension of such holder's permit by the state.

14.310. SALE OF BEER OR WINE AFTER LICENSE REVOKED, CANCELED OR SUSPENDED.

It shall be unlawful for any licensee, or any holder of a license, to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after such license shall have been revoked or canceled or during the period of a suspension of such license.

14.311. PERMITTEE SELLING DRAFT BEER TO BE APPROVED BY DHEC.

No person holding a retail permit to sell beer, ale, porter and other similar malt or fermented beverages, issued by the state, shall sell such beverages on draft, on tap or from kegs or other containers on the premises described in the permit, unless approved by the rules and regulations of DHEC governing eating and drinking establishments and other retail food establishments.

14.312. SAME. PERMIT AND HEALTH CERTIFICATE TO BE POSTED.

Both the permit issued by the state and the certificate of approval issued by DHEC shall be conspicuously posted on the premises.

14.313. MANUFACTURE, SELL, BUY, ETC., UNLAWFUL.

It shall be unlawful for any person, firm or corporation to manufacture, store, receive, transport, buy, sell, barter, exchange or deliver any unlawfully manufactured alcoholic beverages in the corporate limits.

14.314. UNLAWFUL PURCHASE.

It shall be unlawful for any person to purchase or otherwise procure any alcoholic liquor other than that purchased from licensed dealers within the state.

(See also §14.301, this chapter.)

14.315. UNLAWFUL TO CONSUME AT CERTAIN PLACES. PUBLIC PROPERTY.

a. It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.

b. It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, highways, roads or other public place within the corporate limits of The Town of West Pelzer.

c. Possession of such container shall constitute prima facia evidence of a violation of this section.

d. This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

14.316. UNSTAMPED LIQUOR CONTRABAND.

Alcoholic liquors not having affixed to the bottle or container the stamps required by law, found in the possession of anyone, are declared to be contraband and may be seized by any police officer without a warrant.

14.317. POWERS OF MUNICIPAL POLICE OFFICERS.

The Police Department of The Town of West Pelzer shall enforce the provisions of this article

ARTICLE IV. MUSICAL DEVICES. ENTERTAINMENTS

Editor's Note. This article derives from the West Pelzer Questionnaire and generally accepted municipal practices.

14.401. MUSICAL DEVICES. HOURS OF BUSINESS.

It shall be unlawful for any place of business having in its possession for use any piccolo, nickelodeon, radio, television or other music-making machine, to be open not later than 1:00 a.m.

(WPQ 61) (See also §14.709, this code.)

14.402. SAME. OPERATED LOUDLY.

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

14.403. DISTURBANCE AT ENTERTAINMENTS, GATHERINGS, ETC.

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

14.404. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.

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

14.405. CARNIVALS AND STREET SHOWS PROHIBITED WITHOUT PERMIT.

a. All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the Clerk/Treasurer.

b. Permits, when issued, shall specify the date, time, place, length of show, durations of appearance and all other details as may be required by Clerk/Treasurer.

ARTICLE V. GAMING OPERATIONS

Editor's Note. The state has made gambling for profit to the player illegal. This article derives from generally accepted municipal practices.

14.501. REGULATION OF GAMING OPERATION. APPLICABILITY.

The provisions of this article shall apply to all gaming operations as herein defined within The Town of West Pelzer.

14.502. DEFINITIONS.

a. Gaming as used in this article shall mean any business or other operation conducting business within the town employing the use of legal mechanical or electronic devices. They may involve the offer to redeem points, games, tokens or other similar credits won.

b. It shall be unlawful to operate a gaming machine for financial profit to the player.

14.503. LICENSING. ALCOHOLIC BEVERAGES.

a. The owner of any gaming operation or device located within the town shall provide proof to the Town Clerk at the time of town business license application that all required licenses or permits have been issued by the appropriate state or other governmental agency and that all required fees or taxes pursuant to the issuance of such license or permit have been paid.

b. If alcoholic beverages of any kind have previously been sold or are proposed to be sold at the same business location as such gaming operation or device, proof of such license or license application shall be provided to the Clerk at the time of town business license application.

(Editor's Note. See §14.607, this code.)

14.504. SAME. RESTRICTIONS.

The town reserves the right to refuse to issue a business license to any applicant for such gaming operation or device if:

a. more than five (5) such devices or machines are proposed to be located at any otherwise lawfully licensed place of business within the town; or,

b. The proposed location of any such device or machine is closer than five hundred (500) feet from any church, school or public playground; or,

c. the proposed location of any such device or machine is in any type of temporary or mobile structure or vehicle; or,

d. the proposed location of any such device or machine is in any town zoning district other than that district designated as "General Commercial."

14.505. ENFORCEMENT AND PENALTIES. APPEALS.

a. Any person who shall be found guilty of violating any provision of this article, or who shall be found guilty of failing to properly secure a business license pursuant to the provisions of this chapter, shall be deemed guilty of a misdemeanor.

b. Appeals shall be made to the Town Council.

ARTICLE VI. OFFENSES AGAINST MORALITY,
DECENCY AND PUBLIC WELFARE

Editor's Note. This article derives, in part, from appropriate state statutes, Chapter 10 of the 1996 West Pelzer Town Code and generally accepted municipal practices.

14.601. ICEBOXES. ABANDONMENT PROHIBITED.

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

b. It shall also be unlawful for any person in charge of property to knowingly permit any abandoned icebox, refrigerator, ice chest or other type of airtight container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.

(1976 SC Code §16-3-1010)

14.602. WELLS, OPEN PITS PROHIBITED.

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

(1976 SC Code §16-3-1020)

14.603. LOITERING. UNLAWFUL. DEFINED.

a. It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street or public place.

b. For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1) Obstruction of the unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

(3) Refusing to move when requested to do so by an official authorized to do so, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

14.604. DISPLAY OR SALE OF OBSCENE MATERIAL.

It shall be unlawful for any person to post or make any indecent, obscene or profane writing or pictures, or to make, sell, exhibit or offer for sale any indecent or lewd book, picture or anything of like character.

14.605. DISTURBANCE AT SCHOOLS.

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or

2. For any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(1976 SC Code §16-17-420)

14.606. DISTURBING THE PEACE.

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

(1976 SC Code §16-17-530) (See §14.701, this code for "Disorderly Conduct.")

14.607. GAMBLING PROHIBITED. EXCEPTIONS. BINGO. PUNCHBOARD.

a. It shall be unlawful for any person to engage in gambling or games of chance, to keep or operate, or permit to be kept or operated, any slot machines, punchboard, tipboard, or other device pertaining to games of chance of whatsoever name or kind.

b. Exceptions shall include 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 or bill deposited therein, and in which there is no element of chance, as may be permitted by state statutes.

(1976 SC Code §16-19-40) (Editor's Note. See Article V of Chapter 14, this code.)

c. Notwithstanding the provisions of §14.607, herein, the conduct of bingo and similar games shall be permitted within the town; provided however, that said games are :

(1) Conducted solely by and under the supervision of a church, school or other charitable, educational or eleemosynary institution;

(2) The entire net proceeds from said game is applied directly to the purposes of the institution or organization conducting the same;

(3) No cash prizes shall be awarded; and,

(4) Prior to the conducting of such games, a permit shall be applied for and obtained from the Mayor and Council. The permit shall be issued only after investigation discloses compliance with the foregoing conditions.

d. It shall be unlawful to operate any punchboard in the town where there is any element of chance involved, or to raffle any article or thing, by selling chances for same where value is not received for each and every chance purchased, or to permit the use of any game of chance of any kind whatsoever, where value received is not given to every person obtaining any such chance.

(1976 SC Code §16-19-160)

14.608. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.

Upon the charging of any person in Municipal Court of a violation of §14.607, hereof, it shall be the duty of the police, whenever possible, to seize and take into possession any gaming device, machines, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance. Upon conviction in Municipal Court, it shall be the duty of the police officers of the town to destroy the gaming device of whatever name or kind.

14.609. SAME. HOUSES UNLAWFUL.

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

14.610. BAWDY HOUSES.

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.

(1976 SC Code §16-15-90)

14.611. SAME. IMMORAL PURPOSES. SOLICITATION. PREMISES.

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

(1976 SC Code §16-15-90)

14.612. SAME. INFORMATION OR DIRECTION.

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

(1976 SC Code §16-15-90)

14.613. SAME. TRANSPORTATION OF PERSONS.

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

(1976 SC Code §16-15-90)

14.614. SAME. LEASE. USE OF PLACES. ETC.

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

(1976 SC Code §15-43-10)

14.615. INDECENT EXPOSURE. LANGUAGE.

It shall be unlawful for any person to curse or to use any obscene language or indecent language or to permit or make any indecent exposure of his person on any of the streets, alleys or other public ways or places in the town.

14.616. PEEPING TOMS.

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

14.617. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.

It shall be unlawful for any person or persons to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places, except for permitted activities.

14.618. SAME. PUBLIC DRUNKENNESS.

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.

(1976 SC Code §16-17-530)

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF WEST
PELZER

Section 1. The following be added to the code of ordinances.

14.619 Loitering for drug related purpose.

(a) It is unlawful for any person to loiter in or near any thoroughfare, place open to the public or nearby any public or private place, in a manner and under circumstances, manifesting the purpose to engage in drug related activity contrary to any of the provisions of S.C. Code 1976, 44-53-110 et seq. Among the circumstance which may be considered in determining whether such purpose is manifested are:

- (1) Such person is a known unlawful drug user, possessor or seller. For the purpose of this section, a known unlawful drug user, possessor or seller is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in S.C. Code 1976 44-53-110, as amended, or such person has been convicted of any violations of any of the provisions of that or substantially similar laws of the town; or a person who displays physical characteristics of drug intoxication or usage, including by not limited to dilated pupils, glassy eyes, slurred speech, loss of coordination or motor skills, or a person who possesses drug paraphernalia as defined in S.C. Code 1976, 44-53-10.
- (2) Such person has been given due notice, either verbal or written, on any occasion prior to any arrest, within one block of the area where the arrest occurred, or such person is currently subject to an order or term of probation prohibiting his presence in a high drug activity geographic area.
- (3) Such persons behaves in such a manner as to raise a reasonable suspicion that such person is engaging or is about to engage in any unlawful drug related activity, either sale, possession or purchase, including by way of example only, such person acting as a lookout or flagging down vehicles or pedestrians.
- (4) Such person is physically identified by the officer as a member of a gang or association which has its principal purpose illegal drug activity.
- (5) Such person transfers small objects or packages for currency or any other thing of value in a furtive fashion which would lead the officer to believe or ascertain that a drug sale has or is about to occur.
- (6) Such person takes flight upon the appearance of a law enforcement officer or public safety officer.
- (7) Such person endeavors to conceal any object which reasonably could be involved in an unlawful drug related activity.
- (8) The area involved is by public repute known to be an area of unlawful drug use and trafficking.

(9) Any vehicle involved in registered to a know unlawful drug user, possessor, seller, or a person for whom there is an outstanding warrant for a crime involving drug related activity.

(b) All persons violating this section shall be prosecuted in municipal court and punishable as provide in section 14.1205. Charges shall be issued upon uniform traffic ticket forms or uniform warrants at the discretion of the arresting officer.

SECTION 2. The above shall be referred to as the Loitering for drug related purposes.

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 9. If any article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 10. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed. They shall continue in full force and effect and are not repealed.

ARTICLE VII. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

Editor's Note. This article derives from the 1996 West Pelzer Town Code, generally accepted municipal practices and appropriate state statutes.

14.701. DISORDERLY CONDUCT. DEFINED.

a. It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience, annoyance, alarm or recklessly create a risk thereof by:

(1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace; or

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or

(4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

b. For the purpose of this section "public" means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(1976 SC Code §16-17-530, §17-25-110) (See §14.606, this code, for "Disturbing the Peace.")

14.702. CARRYING FIREARMS. EXCEPTIONS.

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

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.

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

14.703. CONCEALED WEAPONS.

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

(1976 SC Code §16-23-460)

14.704. SAME. CARRYING WEAPONS. KNIVES.

a. It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.

b. It shall be unlawful for any person within the town to possess or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

(1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.

(2) This section does not apply to pocket knives, which when open, do not exceed five and one-half (5 1/2) inches in overall length.

(1976 SC Code §16-23-405)

14.705. DISCHARGE OF FIREARMS. DANGEROUS DEVICES. SLINGSHOTS.

a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.

b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.

c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.

d. It shall be unlawful for any person to use slingshots on any public place within the town.

14.706. DISRUPTION OF COURT OR TOWN COUNCIL.

It shall be unlawful for any person to interrupt the proceedings of the Municipal Court or any official public meeting, or be guilty of disorderly conduct therein, or to commit any contempt of thereof.

14.707. CRIME WATCH AREA. TOWN DESIGNATED.

The Town Council hereby declares The Town of West Pelzer to be a "*Crime Watch Area*," and hereby authorize the placing of signs upon highway rights-of-way upon highways entering the town designating the community as a "*Crime Watch Area*." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the General Assembly.

(WPQ 68)

14.708. RIOTS; INSTIGATING, AIDING, PARTICIPATING.

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

(1976 SC Code §16-5-120, §16-5-130)

14.709. NOISE. UNREASONABLE PROHIBITED.

a. The creation of any unreasonably loud, disturbing and unnecessary noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section; provided however, that such enumeration shall not be construed to be exclusive of other noises:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.

(3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday noon to 7:00 p.m. Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Clerk/Treasurer, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.

(9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship. (See also §15.303, this code.)

(11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.

(13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by the Chief of Police.

(14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

(15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise. Any motor vehicle operated within The Town of West Pelzer shall be kept under proper control at all times.

(16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(1976 SC Code §5-7-30) (Morrison v. Rawlinson, 193 S. C. 25, S. E. 2d 635 (1940))
(WPQ 60) (See also §14.401, this code, as to musical devices.)

14.710. DRUG PARAPHERNALIA DEFINED. DECLARED UNLAWFUL.

(Editor's Note. Act No. 400 of the 1982 S. C. Legislature amended §44-53-110 of the 1976 South Carolina Code of Laws, as amended, relating to narcotics and controlled substances. This defined paraphernalia as used in administering or preparing marijuana, hashish or oils thereof or cocaine, to provide certain exceptions, to include paraphernalia in the definition of deliver or delivery and to amend the 1976 code by adding §44-53-391. That act made it unlawful to advertise for sale, manufacture, possess, sell or deliver or to possess with the intent to sell or deliver paraphernalia.)

14.711. CURFEW. IMPOSITION. SCOPE. TERMINATION.

a. The Mayor shall have the power and is hereby authorized by proclamation to impose a curfew throughout the limits of the town. The proclamation shall specify the persons to whom said curfew shall apply and the hours during which it shall be effective.

b. By similar proclamation the Mayor shall have the power and authority to terminate said curfew.

c. In the event of the absence or disability of the Mayor, the Mayor pro tem shall have the power and authority granted in this section.

14.712. RELIGIOUS WORSHIP, MEETINGS, DISTURBING UNLAWFUL.

It shall be unlawful for any person to willfully and maliciously 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 otherwise, or to use or sell spirituous liquors or to use blasphemous language, at or near the place of worship or meeting.

(1976 SC Code §17-25-100)

ARTICLE VIII. OFFENSES AGAINST PROPERTY

Editor's Note. This article derives from appropriate state statutes and generally accepted municipal practices.

14.801. MALICIOUS MISCHIEF.

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own within the town.

14.802. DAMAGING PROPERTY.

Any person or persons who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person or persons, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-510, §16-11-520)

14.803. FAILURE TO LEAVE PREMISES WHEN ORDERED.

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

(1976 SC Code §16-11-620) (State v. Hanapole, 255 S. C. 258, 178 S. E. 2d 247 (1970))

14.804. PETIT LARCENY. DEFINED.

a. Petit larceny is hereby defined as any article of goods, choses in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of one thousand dollars (\$1,000.00).

b. The act is hereby declared to be a misdemeanor.

(1976 SC Code §16-13-30)

14.805. STOLEN GOODS.

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

(1976 SC Code §16-13-180, §16-13-240)

14.806. TRESPASSING: PRIVATE PROPERTY.

a. For the purposes of this section, private property shall mean the house and land surrounding the house, either owned or rented or occupied by any person.

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and punishable by the Municipal Court.

(Editor's Note. For detailed information regarding this subject, please refer to Title 16, Chapter 11, of the 1976 South Carolina Code of Laws, as amended.)

14.807. SECURING PROPERTY BY FRAUDULENT IMPERSONATION OF OFFICER.

Whoever, with intent to defraud any government, firm, or person, shall take upon himself to act as an officer or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing of a value less than twenty dollars (\$20.00), upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-13-290)

14.808. SHOPLIFTING.

Shoplifting is hereby declared to be a misdemeanor.

(1976 SC Code §16-13-110)

14.809. ADVERTISING MATTER. PAINTING. PRINTING ON SIDEWALKS, ETC.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the Police Department or any other department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for any other town purpose.

14.810. PUBLIC EVENTS. GAINING ADMISSION WITHOUT PAYMENT.

It shall be unlawful for any person:

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

14.811. BREAKING INTO MOTOR VEHICLE. STORAGE TANKS.

- a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, upon conviction, shall be guilty of a misdemeanor.
- b. Whoever shall break or attempt to break any tank, pump or other vessel, where kerosene, gasoline or lubricating oil is stored or kept, with intent to steal any such product therein contained, upon conviction, shall be guilty of a misdemeanor.

14.812. BAD CHECKS. UNLAWFUL TO ISSUE. PENALTY.

- a. It shall be unlawful to draw, make, issue or deliver fraudulent checks to another person, firm or corporation.

(1976 SC Code §34-11-60)

- b. For such checks issued to the town, a penalty fee shall be charged the issuer. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(WPQ 36)

14.813. FENCES: REMOVING, DESTROYING OR LEAVING DOWN.

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

14.814. PROPERTY TO BE RETURNED TO TOWN.

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

(Editor's Note. As to police property, please see §13.112, this code.)

14.815. TOWN MACHINERY. OTHER PROPERTY.

It shall be unlawful for any person to handle or use any engine, tool, machinery or vehicle belonging to the town, or any part used therewith, without permission of the officer in charge.

14.816. JUNKYARDS PROHIBITED. BUILDINGS.

- a. No junkyard shall be operated in the town.
- b. No license shall be issued for such a business.

(Editor's Note. Sections 40-27-100 et seq., and §57-27-10 et seq., of the 1976 South Carolina Cod of Laws legislate junk dealers and junk yards. See §1.205, this code, for definitions same.)

14.817. NUISANCES. CREATING. MAINTAINING. PERMITTING.

- a. It shall be unlawful for any person to create or maintain or permit the creation or maintenance of any nuisances.
- b. It shall be unlawful for any person to conduct himself or to manage any property, real or personal, belonging to or controlled by him, in such a manner as to result in a nuisance to his neighbors or to the public or to knowingly aid, assist or abet therein.

14.818. CEMETERIES.

No person shall damage or deface in any way whatever any well, pump, building, tombstone, seat, bench, chair, railing, enclosure, tree, shrub, flower or other thing placed, put or growing in a cemetery.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF WEST
PELZER

Section 1. The following be added to the code of ordinances.

14-819 Prowling

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

Premises means the property of the owner, his tenant or other occupant who has a legal right to occupy the property

Front entrance means the door facing or nearest to the roadway, unless another entrances is specifically marked as the main or front entrance.

(b) It shall be unlawful and is hereby declared to be a misdemeanor for any person to enter upon the lands, buildings or premises of another, except to go to or approach the front entrance of such lands, buildings or premises and thereby make their presence known. Specifically excluded from prosecution under this section is the owner of the property and immediate family members, which shall include mother, father, son, daughter, wife, husband, brother, sister, as well as invitees or anyone with written or verbal permission to enter the premises. Also excluded are utility repair and meter reading personnel, police officers, firefighters or other emergency personnel acting within their official capacities, whether on or off duty.

(c) A person shall not be in violation of this section if they come no closer than 200 feet to any building on the premises.

(d) Law enforcement officials are hereby empowered to arrest violators of the acts prescribed in this section while the violators are on private property or on public property.

(e) All persons found guilty of violations shall be punished as provided in section 14.1205.

SECTION 2. The above shall be referred to as the Prowling ordinance.

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 9. If any article, section or subsection, sentence, clause or phrase of this code is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

SECTION 10. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed. They shall continue in full force and effect and are not repealed.

SECTION 11. This ordinance shall become effective, upon final approval.

ARTICLE IX. OFFENSES AGAINST THE PERSON

Editor's Note. This article derives, generally, from Title 16, Chapter 3 of the 1976 South Carolina State Code of Laws and generally accepted municipal practices.

14.901. ASSAULT AND BATTERY.

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

b. This section shall not apply to any person using such force as shall be necessary in ejecting an invader from his premises in the protection of his property.

(1976 SC Code §16-3-610)

14.902. POINTING PISTOL OR GUN AT ANY PERSON.

It shall be unlawful for any person to point at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances or to peace officers in the discharge of their duties.

14.903. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.

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

ARTICLE X. PARADES. DEMONSTRATING. PICKETING

Editor's Note. This article derives from court decisions, appropriate state statutes, and generally accepted municipal practices.

14.1001. PARADES, PICKETING, DEMONSTRATIONS.

a. It shall be unlawful to parade, picket or march unless permission has been secured from the town. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the Clerk/Treasurer not less than seven (7) days prior to the time of such parade. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.

b. When picketing or engaging in "demonstrations," no person shall:

- (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
- (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the Town Council.
- (3) Engage in riotous conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.
- (5) Block, without a permit, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere in any matter with the attendance, during school hours, of children in schools.

(8) Picket other than in accordance with the following principles:

(a) In a manner so as not to interfere with pedestrians or vehicular traffic.

(b) In a manner so as not to block entrances or exits to or from picketed establishments.

(c) No picket trespassing upon the property of the business establishment being picketed.

(d) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.

(e) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.

(9) "Demonstrate," other than in accordance with the following principles:

(a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.

(b) Observe all traffic control devices.

(c) Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.

(d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(Darlington v. Stanley, 239 S. C. 139, 122 S.E. 2d 207 (1961))

c. This section shall not apply to funeral processions, the United States Armed Forces, the military forces of this state or the Police and Fire Departments of the town.

(Editor's Note. See §18.401, this code, for other funeral processions.)

14.1002. PERMIT REQUIRED. ISSUANCE.

Upon receipt of an application for a permit for a parade, procession or gathering, the Clerk/Treasurer shall, in his discretion, issue a permit therefor, subject to considerations of the public convenience and public welfare.

14.1003. IMPOSITION OF RESTRICTIONS.

a. The Clerk/Treasurer shall have the authority to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as he shall deem fit or proper, consistent with this article.

b. Masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The Town of West Pelzer.

14.1004. APPEALS.

Appeals shall be made to the Council.

ARTICLE XI. BILLIARD PARLORS. POOLROOMS

Editor's Note. This article derives from Chapter 9, Article III, of the 1996 West Pelzer Town Code. Business license provisions are not included in this article.

14.1101. HOURS OF OPERATION.

- a. All billiard parlors or poolrooms licensed to do business in the town shall close from 11:00 p. m. until 6:00 a. m. the following morning.
- b. Billiard parlors and poolrooms shall remain closed from 11:00 p. m. Saturday night until 6:00 a. m. Monday morning.
- c. All games in progress at the hour of closure shall cease immediately.

14.1102. PLAYING AT TABLES WHILE PREMISES ARE CLOSED.

It shall be unlawful to play at any billiard or pool table, during the hours in which the billiard parlor or poolroom is closed.

14.1103. INTOXICATING LIQUOR PROHIBITED.

No intoxicating liquor shall be sold, served or allowed to be used in or on the premises where a billiard parlor or poolroom is operated, nor shall any intoxicated person be permitted to play or to loiter and remain in or on said premises.

14.1104. GAMING PROHIBITED.

No game prohibited by law or other game of chance shall be permitted by the operator of a billiard parlor or poolroom to be played on said premises, and all gambling devices and betting by customers is prohibited.

14.1105. INDECENT LANGUAGE, ETC. UNLAWFUL.

It shall be unlawful to use loud, profane, obscene or indecent language on or about the premises of a billiard parlor or poolroom.

14.1106. MINORS.

It shall be unlawful for any minor under the age of eighteen (18) to enter any poolroom, or other place in the town where games of pool or billiards are played; unless accompanied by his parent or guardian or with written permission of his parent or guardian.

(Editor's Note: 1976 SC Code §15-1-320 defines a "minor.")

14.1107. SAME. FREQUENTING PREMISES BY MINORS UNLAWFUL.

It shall be unlawful for the keeper of a poolroom or place where games of pool or billiards are played in the town to permit minors to enter into the premises thereof, except as provided in §14.1106, herein.

ARTICLE XII. PENALTIES

14.1201. MISDEMEANOR.

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

14.1202. ADOPTION OF CRIMINAL LAWS OF STATE OF SOUTH CAROLINA.

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

14.1203. PARTIES TO A CRIME.

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions, upon conviction, shall be guilty of such offense.

14.1204. PLEA OF GUILTY OR NOLO CONTENDERE OR FORFEITURE OF BAIL
SAME AS CONVICTION.

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

14.1205. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

ARTICLE I. SOLICITING

- 15.101. Types Prohibited.
- 15.102. Use of Streets for Sales and Distribution Prohibited.
- 15.103. Appeals.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

- 15.201. Public and Private Property. Political Signs.
- 15.202. Handbills and Placards. Placement. Application.
- 15.203. Municipal or State Signs.

ARTICLE III. ADVERTISING NOISES

- 15.301. Loudspeakers, Musical Instruments for Advertising Purposes.
- 15.302. Noise Making for Other Purposes.
- 15.303. Same. Church Bells Excepted.

ARTICLE IV. PENALTIES

- 15.401. Penalty.

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

Editor's Note. This article derives from generally accepted municipal practices.

ARTICLE I. SOLICITING

15.101. TYPES PROHIBITED.

Unless approved by the Clerk/Treasurer, it shall be unlawful:

1. For the operator, owner or manager of any rooming, boarding or lodging house, restaurant, cafe, tea room, lunch room or storage garage, hereafter called establishment, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever, and

2. For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

15.102. USE OF STREETS FOR SALES AND DISTRIBUTION PROHIBITED.

Unless approved by the Clerk/Treasurer, it shall be unlawful for any person or group of persons to sell, solicit sales or offer for distribution any merchandise, publication, handbill or pamphlet while such person is standing in the street, areas reserved for parking spaces, the areas reserved for loading and unloading or to enter any of said areas for the purpose of sale and/or delivery of any said items.

15.103. APPEALS.

Appeals shall be made to the Council.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

Editor's Note. This article derives from generally accepted municipal practices.

15.201. PUBLIC AND PRIVATE PROPERTY. POLITICAL SIGNS.

a. It shall be unlawful to place any advertisement, notice or sign of any nature on public property within the corporate limits, without prior approval of the Clerk/Treasurer, or on any private property without prior approval of the owner thereof.

b. The above shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.

c. It shall be unlawful to post political signs of any nature on public property, without prior approval of the Clerk/Treasurer, including, but not limited to, power poles, telephone poles, street signs, etc.

15.202. HANDBILLS AND PLACARDS. PLACEMENT. APPLICATION.

a. Except as authorized by the Clerk/Treasurer, no handbill or placard shall be distributed on public property within the corporate limits.

b. Application for permit to distribute advertising matter shall be made to the Clerk/Treasurer.

15.203. MUNICIPAL OR STATE SIGNS.

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

ARTICLE III. ADVERTISING NOISES

Editor's Note. This article derives from generally accepted municipal practices. (For noises from musical devices, see §14.401 and for unreasonable noises, see §14.709, this code.)

15.301. LOUDSPEAKERS, MUSICAL INSTRUMENTS FOR ADVERTISING PURPOSES.

a. It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.

b. This shall include any device which is or may be maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.

c. Also, any device so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

15.302. NOISE MAKING FOR OTHER PURPOSES.

a. It shall be unlawful for any person to make any noise upon a public street or in a proximity thereto as to be distinctly and loudly audible upon the street by any kind.

b. This shall include, but not be limited to, crying, calling or shouting, or any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

15.303. SAME. CHURCH BELLS EXCEPTED.

This article shall not apply to the ringing of church bells by established places of worship.

(See also §14.709.b.10, this code.)

ARTICLE IV. PENALTIES

15.401. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 16. STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

- 16.101. Town Map or Plat. Information. Streets. Public Places.
- 16.102. Jurisdiction. Naming.
- 16.103. Maintenance and Construction.
- 16.104. Sidewalks. Adjacent Property Owners to Keep Clear.
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- 16.201. Obstructions. Interference. Vehicles. Exceptions.
- 16.202. Same. Protection by Barricades, Lights.
- 16.203. Damaging Public Property.
- 16.204. Depositing on Streets, Sidewalks and Drains Prohibited.
- 16.205. Burning on Streets Prohibited.
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- 16.207. Street Lights. Breaking, Removing.
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- 16.211. Sidewalks. Merchandise. Exceptions. Advertising, etc.
- 16.212. Draining Water, Other Liquids Onto Streets or Sidewalks Prohibited. Sprinkling.
- 16.213. Lots Draining Toward Sidewalk. Appeals.
- 16.214. Curbs. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
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- 16.219. Tree Waste. Removal.
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ARTICLE III. EXCAVATIONS

- 16.301. Permission Required. Bond Required.
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ARTICLE IV. LITTERING

- 16.401. Prohibited.
- 16.402. Duty of Business Owners, Occupants.
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ARTICLE V. PENALTIES

- 16.501. Penalty.

CHAPTER 16. STREETS AND SIDEWALKS

Editor's Note. This chapter derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws, Chapters 8 and 15 of the 1996 West Pelzer Town Code and generally accepted municipal practices. (See §5.301, this code, for house numbering.)

ARTICLE I. IN GENERAL

16.101. TOWN MAP OR PLAT. INFORMATION. STREETS. PUBLIC PLACES.

a. The official map or plat of the town, which has been and shall be kept on file in the office of the Town Clerk, shall include the dimensions of every street and public place in the town.

b. The names of said streets shall be as shown on said map or plat, and new streets accepted by the town hereafter shall likewise be included on said map or plat and filed as herein provided.

16.102. JURISDICTION. NAMING.

a. All streets now in existence and any new proposed streets now within the town limits or any other streets that are now connected with any streets within the town shall be within the control and jurisdiction of the Town Council.

b. No person shall have authority to name any street, without written approval of the Town Council.

c. Should said builder, contractor or individual violate this section, he shall have his license revoked which shall remain revoked until compliance with this section has been fulfilled.

16.103. MAINTENANCE AND CONSTRUCTION.

a. The Council shall approve the construction and maintenance of streets and roads in the town.

b. This article shall not apply to streets under the supervision and control of SCDOT or Anderson County.

16.104. SIDEWALKS. ADJACENT PROPERTY OWNERS TO KEEP CLEAR.

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

16.105. SAME. PARKING PROHIBITED. EXCEPTIONS.

- a. It shall be unlawful to park a vehicle on any sidewalk.
- b. Exceptions may be made when it is necessary to avoid traffic or when directed by a police officer or a traffic control device.

(1976 SC Code §56-5-2530)

16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.

In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town where development or activity may affect a right-of-way, easement, or setback, shall be required to conduct a survey of said properties by a registered land surveyor. A permanent survey marker shall be erected on each corner of said property at the point where it intersects with any other property.

ARTICLE II. UNLAWFUL ACTS

Editor's Note. This article derives from the 1996 West Pelzer Town Code, applicable state statutes and generally accepted municipal practices.

16.201. OBSTRUCTIONS. INTERFERENCE. VEHICLES. EXCEPTIONS.

a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.

b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.

c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.

d. Any person building a house or other structure within the town may obtain from the Clerk/Treasurer permission for a partial and temporary use of the streets for said building purposes.

e. No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.

f. Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the town or under their supervision.

g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.

h. It shall be unlawful for any person to leave any vehicle or other article dangerous to the public safety upon the public streets of the town at night, or to make or cause to be made any unreasonable or dangerous obstruction upon the public streets thereof; provided, however, that any person building houses or other structures within the town may obtain from the Mayor a permit for a partial and temporary use of the public streets for building purposes.

(Editor's Note. See §16.211.c, this code, for advertising prohibitions.)

16.202. SAME. PROTECTION BY BARRICADES, LIGHTS.

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

16.203. DAMAGING PUBLIC PROPERTY.

a. It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.

b. This section shall prohibit the erection of anything on public property, without the written consent of the Clerk/Treasurer.

16.204. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.

a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any oil, trash, garbage, slop or refuse matter of any kind onto streets or sidewalks.

b. This section shall apply to obstruction of any gutter, storm drain, ditch, etc.

16.205. BURNING ON STREETS PROHIBITED.

It shall be unlawful for any person to burn any trash, garbage, leaves or refuse matter on the streets and sidewalks.

16.206. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.

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

(1976 SC Code §57-7-20)

16.207. STREET LIGHTS. BREAKING. REMOVING.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with street lights.

16.208. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.

On corner lots there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets at their center lines, within the area formed by joining points on the property lines, measured as follows:

1. On property lines abutting streets fifty (50) feet or less in right-of-way width, the points on the property lines shall be not less than twenty-five (25) feet from the lot corner.
2. On property lines abutting streets more than fifty (50) feet in right-of-way width, the points on the property lines shall be fifty (50) feet from the lot corner.
3. This restriction shall not apply to buildings in business districts.

16.209. SAME. REMOVAL.

Whenever it shall be determined by the Police Chief that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

(1976 SC Code §5-7-80)

16.210. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.

a. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101, this code.

b. Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

16.211. SIDEWALK S. MERCHANDISE. EXCEPTIONS. ADVERTISING, ETC.

a. It shall be unlawful for any merchant to display merchandise on the streets or sidewalks without approval by the Clerk/Treasurer.

b. The provisions of this section shall not be construed to prohibit sidewalk sales and displays by charitable, religious, educational or eleemosynary groups or organizations; provided, however, any such group first shall obtain a special permit for such display or sale from the Chief of Police; provided further, that the proceeds of any such sale be applied only to the purposes of the particular group or organization holding such display or conducting such sale.

c. It shall be unlawful for any person to paint, write, inscribe, place, affix in any manner or display any advertising matter, inscriptions or devices on the streets or sidewalks or upon any property belonging to the town or to procure the same to be done.

16.212. DRAINING WATER, OTHER LIQUIDS ONTO STREETS OR SIDEWALKS PROHIBITED. SPRINKLING.

a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.

b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

(1976 SC Code 5-7-30)

c. Sprinkling of a street to control dust is not hereby forbidden.

16.213. LOTS DRAINING TOWARD SIDEWALK. APPEALS.

a. When required by the Clerk/Treasurer, every person owning any lot which drains toward a sidewalk, shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets.

b. Appeals shall be made to the Council.

(1976 SC Code §34-31-30)

16.214. CURBS. BREAKING, DESTROYING PROHIBITED; PERMISSION REQUIRED, ENTRANCE TO PROPERTY.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefor from SCDOT.

16.215. SPEAKING, EXHIBITING, ENTERTAINING ON STREETS. GAMES.

a. Preaching, lecturing or speaking, exhibition or entertainment of any nature shall be permitted on the streets, sidewalks or public ways of the town, but the Chief of Police must be informed. Failure to do so shall constitute a misdemeanor.

b. It shall be unlawful for any person to play football, baseball, basketball or any other games in and upon any street, or any public place in the city except in the places provided therefor.

16.216. GATES AND DOORS OPENING ONTO SIDEWALKS.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(1976 SC Code §5-7-30)

16.217. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES, ETC.

In the public interest, it shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions.

16.218. GARBAGE, OTHER SOLID WASTE, TRASH, OFFENSIVE MATTER.

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

16.219. TREE WASTE. REMOVAL.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste.

16.220. FENCES. REPAIRS.

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

16.221. GRASS PLOTS, SHRUBS, FLOWERS, PUBLIC PLACES.

No person shall drive any animal or vehicle along, on or across any grass plot in any public place, or trample, pluck, mutilate or injure the grass, shrubs or flowers planted or growing in such place.

16.222. TREES AND SHRUBS ON STREETS.

No person shall cut, scar, mutilate, dig up or otherwise injure or destroy any trees or shrubs on the public streets.

16.223. CAMPING ON PUBLIC PROPERTY. UNLAWFUL.

It shall be unlawful to camp on any public property, including streets, without permission from the Chief of Police.

ARTICLE III. EXCAVATIONS

Editor's Note. This article derives from appropriate state statutes, the 1996 West Pelzer Town Code and generally accepted municipal practices.

16.301. PERMISSION REQUIRED. BOND REQUIRED.

a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town and SCDOT, except in a bona fide emergency situation.

(1976 SC Code §5-7-30)

b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the Clerk/Treasurer to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

16.302. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.

a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.

b. Adequate lights shall be displayed at night.

16.303. REMOVAL OF DANGER SIGNALS.

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

16.304. CUTS, EXCAVATIONS TO BE RESTORED.

Any such cut or excavation shall be restored according to the standards of SCDOT within a period of twenty-four (24) hours. Upon request, special consideration may be granted by the town or SCDOT due to extreme weather conditions.

16.305. FAILURE.

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within a reasonable time of being notified by the town and/or SCDOT.

ARTICLE IV. LITTERING

Editor's Note. This article derives from generally accepted municipal practices.

16.401. PROHIBITED.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

16.402. DUTY OF BUSINESS OWNERS, OCCUPANTS.

a. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

16.403. DUTY OF CUSTOMER.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

ARTICLE V. PENALTIES

16.501. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

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CHAPTER 17. UTILITIES

Editor's Note. This chapter derives from §5-321-610 of the 1976 South Carolina Code of Laws which provides for the construction and operation of municipal utilities, Chapters 12 and 19 of the 1996 West Pelzer Town Code and generally accepted municipal practices.

ARTICLE I. WATER AND SEWER

17.101. UTILITY DEFINED. NOT ABSOLUTE.

a. The word utility used in this chapter shall mean the water and sewerage utilities of The Town of West Pelzer and any public utility such as telephone, electric power, gas, cable television or any similar service provider.

b. This definition shall not be construed as absolute.

17.102. WATER AND SEWERAGE SYSTEMS COMBINED. DHEC PROVISIONS.

a. The complete waterworks and sewerage systems are hereby combined and shall be under the supervision, direction and control of the Mayor and Council.

b. For the protection of health and the prevention of disease in The Town of West Pelzer, there is hereby adopted the "*Rules and Regulations Governing the Development of Subdivisions for Water Supply and Waste Disposal*", as prescribed by the South Carolina Department of Health and Environmental Control (DHEC). The same is hereby adopted and incorporated as fully as if set out at length herein.

17.103. SERVICE. APPLICATION.

a. Any person desiring utility service furnished by the town shall make application for the same to the Town Clerk.

b. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.

17.104. SAME. RESTRICTED TO ONE APPLICANT.

It shall be unlawful for any person obtaining utility service from the town to habitually permit any other person to use such utility service.

17.105. SAME. MAY NOT BE FURNISHED IF DEBTS TO TOWN NOT PAID.

Town utility service shall not be furnished to any user who is in debt to the town for any reason, unless approved by the Mayor and Council.

17.106. SAME. USE ASSUMED.

All premises connected to the utility service of the town shall be assumed to be using such utility service. The owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.

17.107. UTILITY EXTENSIONS. AREAS NOT SERVED. TAP FEES.

a. The cost of expansion of the water and sewer system to areas not serviced by the town's water and sewerage system shall be approved by the Mayor and Council and borne by the property owners.

b. Such service may be extended, upon determination that the expansion is in the best financial interest of the town.

c. Those customers who do not receive service from the town, but wish to receive it, shall be required to pay for any additional costs for construction or laying of pipes, etc., if it is not in the best financial interest of the town to do so.

d. The charge shall be in addition to the tap fees for water and sewers.

e. Both charges shall be in advance.

f. At such time as a fee shall be charged to tap into the town water and sewerage systems, said fee shall be set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

g. Charges become effective on and after the first day of the month.

(Editor's Note. See also Article IV, this chapter, as to fees.)

17.108. SEWER CONNECTIONS REQUIRED. SEPTIC TANKS. EXCEPTIONS.

- a. Every building which is located such that the property line thereof is within three hundred (300) feet of a sewerage system shall be connected thereto within ninety (90) days of official notice to do so and shall utilize the same for wastewater disposal. Said connection shall be made prior to occupancy of any new building.
- b. Owners may continue to use existing septic tanks of the type and kind approved by the Anderson County Health Department. Owners shall not be required to connect to a public sewer as long as the septic tank is maintained properly; provided, however, when such tank malfunctions, connection to the sewer shall be required. (See §17.212, this chapter, for septic tanks allowed.)
- c. Should it be impractical to connect with a sewer, any such real estate within a distance of three hundred (300) feet from such sewer, by reason of insufficient fall and lack of proper drainage or for other good and sufficient cause duly shown unto the town, the property owner shall not be required to connect therewith.
- d. If the owners of property or buildings referred to hereinabove shall fail or neglect to comply strictly with all of the provisions of the preceding sections of this article within the requisite time, it shall be the duty of the Town Clerk to give notice in writing thereto. Said notice shall be by Certified Mail, Return Receipt Requested, to such owner, his agent or tenant, that such connection with a public sewer, or installation of a sanitary septic tank, must be made as required by this article.
- e. No connection shall be made with the public sewer or sanitary septic tank unless a permit therefor has been obtained from the Town Clerk.
- f. When a connection with the public sewer is made, all expenses to the user incident to making such connections and laying said sewer therefrom shall be paid by the owner of the premises.
- g. The installation and all connections made to public sewers and the building of all septic tanks and the drainage thereof and therefrom shall be done by the owner of the real estate.
- h. All connections with the public sewer and septic tanks referred to hereinabove shall be maintained in such condition and repair so that the same will not allow any overflow, seepage or other condition which may be or may become injurious or obnoxious to any member of the public.
- i. Upon failure of any work to comply herewith, the town may require any faulty or insufficient work or material to be removed and replaced with such materials, workmanship and labor as required.

j. It shall be unlawful for any person, firm or corporation to connect to the sewerage system without proper authority.

17.109. WATER CONNECTIONS REQUIRED.

Every residence or other building requiring water service, which is located within three hundred (300) feet of a water main shall be connected thereto and shall utilize the same for water for the premises.

17.110. PROPERTY OWNER RESPONSIBLE FOR INSTALLATION. WATER. SEWER.

It shall be the responsibility of the property owner to install and maintain that portion of the water or sewer utility from the point of connection to the municipal water or sewerage system to the point of connection with the premises served thereby.

17.111. BACKFLOW PREVENTER.

An approved backflow preventer shall be installed at the water meter on the owner's or user's side, as required by DHEC.

17.112. FIRE PREVENTION. USE OF WATER.

a. The demands of the West Pelzer Fire Department shall be paramount to the requirements of other customers, and the town hereby reserves the right to suspend the furnishing of water to customers when said department may be using water to extinguish a fire.

b. Any water taken from the fire system for the purpose of filling, refilling and testing shall have the prior approval of the town water department. Excluded from the above shall be water used during fire emergencies.

c. Any water usage or connections other than fire or fire preventative measures is hereby prohibited.

d. Violations of this section shall constitute grounds for immediate disconnection at the customer's expense.

17.113. INSPECTOR OF SEWERS AND PLUMBING; DESIGNATION, DUTIES, AUTHORITY.

The Mayor may appoint a competent person with knowledge of plumbing and house drainage, who shall be designated as Inspector of Sewers and Plumbing and who shall perform such other duties as may be necessary.

(WPTC §19-22)

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Sections 5-31-20 and 6-11-280 and generally accepted municipal utility practices.

17.201. POLLUTION OF WATER SUPPLY.

It shall be unlawful to defile or pollute the public water system or to make connection therewith or maintain any connection whereby water from any other source may be pumped or allowed to flow into the public distribution system which may result in a cross-connection.

17.202. ILLEGAL CONNECTION, TAMPERING WITH UTILITY SYSTEMS, WELLS.

It shall be unlawful for any person, firm or corporation to:

1. connect with, use or tap any public water or sewer main without specific authorization of the Mayor and Council, in writing first obtained, other than normal connections for which connection fees shall have been paid.
2. discharge any substance which may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage in said system;
3. connect or permit to remain connected, any open gutter or rain water conductor or cesspool with any sanitary sewer line;
4. after notice to cease and desist, violate the provisions of this article; and
5. tamper with any manhole cover, filter, bed or other appurtenance of the system without written authority or direct supervision of the proper municipal employee.
6. This section shall apply to private wells.

17.203. RESERVED.17.204. ILLEGAL RECONNECTION WHEN SERVICE IS DISCONTINUED FOR
NONPAYMENT.

It shall be unlawful to reconnect water or sewer service or to continue to use such service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including a reconnection fee, as provided in §17.403.c, this chapter.

17.205. WATER METERS. TAMPERING WITH. CHANGES. DEFRAUDING.

a. It shall be unlawful for any person to alter, change, deface, remove or otherwise tamper with or change any water meter or to make any connection to the town's utility systems, without written permission from the town.

b. The subscriber shall be responsible to ensure that no one tampers with or changes any water meter connection with his knowledge. Water turned on at his meter after service has been discontinued by the town shall constitute his knowledge of the meter being tampered with.

c. Any person, firm or corporation to whom water is furnished from or by means of a meter, who shall, willfully and with intention to cheat and defraud the town, alter or interfere with such meter shall be guilty of a misdemeanor.

17.206. DESTRUCTION, DEFACEMENT, ETC. UNLAWFUL.

a. It shall be unlawful for any person or persons to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other fixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances.

b. It shall also be unlawful for any person or persons to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves, or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

17.207. OBSTRUCTION, ABUSE OF UTILITIES. RESPONSIBILITY OF OWNER.

a. It shall be unlawful to place in any water closet, or allow to enter any soil pipe, any paper other than what is commonly known as toilet paper, or material or substance likely to block, obstruct the flow or damage the pipeline or sewerage system or to dispose of any flammable, noxious or chemically active material harmful to life or property into the sewerage system.

b. The occupant of premises which connect with the water and/or sewerage systems shall be accountable for any abuse of said systems; and in all cases where stoppages are caused by abuse of said systems, the property owner shall defray the expenses of remedying the condition.

17.208. CUTTING STREET TO MAKE WATER OR SEWER CONNECTION. PERMIT REQUIRED.

a. Application for permission to cut or excavate any public street shall be made to and approved by the inspector who shall require payment to the Clerk/Treasurer of the amount prescribed by Town Council, to replace any pavement which is removed.

b. A permit to make a water or sewer connection also shall first be obtained.

17.209. STEAM EXHAUST DEPOSITS PROHIBITED.

It shall be unlawful to allow or permit exhaust steam into the public sewers, open gutters, cesspools, etc., of the town.

17.210. TAPPING WATER MAIN WITHOUT PERMIT.

It shall be unlawful for any person, firm or corporation to extend service pipes or perform any work connected with the extension thereof, attached to the mains and water supply on any premises within the town limits without first obtaining permission therefor in writing from the town.

17.211. DOUBLE METERS.

It shall be unlawful to install double meters onto the town water system.

17.212. SEPTIC TANKS. WHEN PERMITTED.

Septic tanks may be used where approved by SCDHEC, where sewer lines are not assessable; provided, however, that no new or additional septic tanks be approved where sewer lines are provided.

(See also §17.108.b, this chapter.)

17.213. COVERING SEWER WITHOUT INSPECTION. SUSPENSION OF LICENSE.

a. It shall be unlawful for any person to cover or cause to be covered any sewer line without due inspection and approval of the same by the inspector of sewers and plumbing.

b. A violation of this section shall authorize the Inspector of Sewers and Plumbing to excavate and examine said line, at the expense of the plumber.

c. The license of the plumber may be suspended until said expense is paid or for such period as Council may direct .

17.214. DITCHES OR TRENCHES FOR PIPES CONNECTING TO PUBLIC SEWER.

a. All ditches or trenches opened for the purpose of laying pipes in connection with the sewerage system of the town shall be carefully and compactly closed and filled after the pipes are laid. This applies particularly to openings made to make connection with any pipe already laid. Such work shall be skillfully and carefully done and the earth carefully.

b. No cut completely across a street may be made for placement of pipe until permission is granted by the inspector of sewers and plumbing.

17.215. SEWER SERVICE DISCONTINUED. OCCUPANCY OF PROPERTY.

It shall be unlawful for any occupant to reside in a residence or other building more than five (5) days, after sewer service has been discontinued.

17.216. PROHIBITED CONNECTIONS TO SEWERAGE SYSTEM.

a. It shall be unlawful for any person to connect an open gutter, cesspool or rainwater conductors with the sanitary sewerage system, either directly or indirectly.

b. It shall be unlawful for any person to make any connection to a sewer line of the town for the purpose of discharging surface water, oils or any chemicals or substances that would hinder the efficiency of the operation of the disposal plants.

17.217. PROHIBITED DISCHARGES TO SEWERAGE SYSTEM.

It shall be unlawful for any person to discharge kitchen waste, bath water, water from clothes washers, sink drains, or sewage of any sort into a drain, ditch or upon a street or lot or connect a pipe or other device, directly or indirectly, with a drain or ditch by means of which said discharges may be transferred to said drains or ditches.

17.218. VIOLATION. EFFECT.

A conviction for the violation of any section of this article shall not operate as a release or discharge from the requirement of such section. The town shall have a first lien upon the property affected thereby and may recover the amount due in any court of competent jurisdiction, and shall have all rights and remedies for the collection of same as is given under the laws of the state.

17.219. PROHIBITED ACTS NOT ALL-INCLUSIVE.

The prohibited acts enumerated herein shall not be deemed all-inclusive.

ARTICLE III. PLUMBING

Editor's Note. This article derives from Chapter 12, Article 12, of the 1996 West Pelzer Town Code and generally accepted municipal practices.

17.301. PLUMBING AND SEWERAGE SYSTEM. SUPERVISION.

a. The plumbing and sewerage system shall be under the control of the Inspector of Sewers and Plumbing, and the duty of securing and enforcing a full compliance with all rules and regulations governing house connections with the public sewers shall be vested in the Town Council, the Inspector of Sewers and Plumbing or his authorized agent.

b. The duly authorized agents of the sewer and plumbing systems shall be the Inspector of Sewers and Plumbing who shall be appointed by the Mayor.

17.302. PLUMBING WORK. SUPERVISION OF LICENSED PLUMBER.

No person shall be permitted to perform any plumbing work in connection with the sewerage system of the town, unless he is in the employ or under the supervision of a licensed plumber.

17.303. EMPLOYING UNLICENSED PERSON FOR SANITARY PLUMBING WORK.

It shall be unlawful for any person, firm or corporation to knowingly employ an unlicensed person to perform sanitary plumbing work.

17.304. MANNER OF INSTALLING PLUMBING. PIPES AND FIXTURES.

All plumbing, pipe laying and fixtures shall be installed under the supervision of the Inspector of Sewers and Plumbing.

17.305. TOILETS. CONNECTION WITH SEWERAGE SYSTEM REQUIRED.

a. Except as otherwise provided by law or ordinance, in every existing building not already supplied and in every building hereafter erected, where there is continuous human occupancy or employment, there shall be installed a sufficient number of suitable and convenient toilets connected with the sewerage system.

b. In dwellings and multifamily houses there shall be at least one (1) separate toilet within each separate apartment.

ARTICLE IV. RATES AND FEES

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, §5-31-250 and §5-31-900; data furnished by the town and generally accepted municipal utility practices.

17.401. ESTABLISHMENT OF RATES. TO BE POSTED. CHANGES.

a. The Mayor and Council shall establish a schedule of charges for services rendered by the water and sewerage systems, both inside and outside the town. Said schedule shall be reviewed periodically to ensure that it is equitable and fair to user and town.

b. A monthly fee shall be charged to each water customer to cover testing charges assessed to the town by the "Safe Water Act" of the South Carolina Department of Health and Environmental Control (DHEC).

c. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

d. Any changes to said schedule shall be by ordinance.

17.402. WATER, SEWER DEPOSIT REQUIRED. REFUND.

a. A one-time water deposit fee shall be required in advance from all applicants who apply for water service and/or sewer service.

b. Whenever service is discontinued, the deposit shall be returned, without interest, after first deducting all outstanding charges for utility services.

c. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.403. BILLINGS. WATER AND SEWER LATE CHARGES.

a. Each monthly utility bill shall become effective on and after the first day of the month.

b. If any bill remains unpaid by the 10th day of the month, following the month for which the service was rendered, a penalty shall be added.

c. If payment is not received by the 21st of the month in which billed, at the close of business, or postmarked or deposited in night depository before 5:00 p. m., a penalty plus a late fee shall be charged.

17.306. SINK REQUIRED IN EVERY RESIDENCE AND BUSINESS.

Each residence and business in the town shall have at least one (1) sink located in the residence or business.

17.307. TRAPS FOR WASHES FOR VEHICLES.

Traps for automobile washes for vehicles shall be made by using two (2) iron or terra cotta cylinders or pipes which shall not be less than eighteen (18) inches in diameter, inside measurements, and two (2) feet in depth, the bottom of same to be made tight, and shall not be made less than six (6) inches thick. The tops of these traps shall be made of heavy cast iron with frame and cover or lids. The cover or lid next to the sewer shall be solid.

17.308. HOUSE OR YARD PLUMBING. PROHIBITED DEPOSITS.

a. It shall be unlawful for any person to deposit any matter or substance in a building or yard plumbing of any kind which may be liable to impair or obstruct the flow of the water or sewerage systems.

b. Depositing kitchen refuse, fruit peelings, waste, rags, stiff paper or any such matter in a water closet bowl is hereby prohibited.

d. After all cut-off notices have been prepared or service discontinued, a penalty plus an additional fee shall be charged before service is resumed. If any above date fall on Saturday, Sunday or legal holiday, the following work day shall be observed. No second notice will be given. (This information may be condensed and printed on utility billing notices.)

e. All fees shall be set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(WPTC §19-4)

17.404. FEES OR CHARGES. FAILURE TO PAY.

a. The town hereby reserves the right to discontinue service to any premises for failure to pay water and sewer charges when due and payable as set out in this article.

b. Before the water and/or sewer can be returned to service, when disconnected for nonpayment, a fee shall be paid each and every time the water and/or sewer is reconnected.

17.405. NO FREE SERVICE.

It shall be unlawful to furnish water or sewer service free of charge to any person, firm or corporation.

17.406. WATER METERS REQUIRED. READINGS.

All water service furnished by the town shall be by the use of meters which shall be read at least once each month.

17.407. SAME. SEPARATE METERS.

A separate meter shall be installed for each dwelling unit or business establishment which makes use of water furnished by the town.

17.408. SAME. RESIDENTIAL COMPLEXES.

Each different unit in a residential complex, such as an apartment, shall have a separate water meter, unless a master meter is authorized.

17.409. CONNECTIONS. FEE REQUIRED.

a. For each new water and sewer connection to the utility systems there shall be charged a connection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

b. No new connection shall be made until payment is made to the town for the cost of the connection fee or the actual cost of installation, whichever is greater.

17.410. DISCONTINUANCE OF SERVICE. DELINQUENT CHARGES.

a. Consumers wishing to discontinue the use of any utility service shall give notice thereof to the Clerk/Treasurer. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

b. When water is not supplied by the town water system, but a sewer connection is provided, and the service charge becomes delinquent, necessitating a discontinuance of service, the fee to reconnect shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.411. WATER HYDRANT USAGE. DEPOSIT.

a. Any person, firm or corporation using water from a water hydrant shall obtain permission therefor from the Clerk/Treasurer and shall pay a deposit therefor.

b. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

ARTICLE V. PUBLIC UTILITY CONSTRUCTION

Editor's Note. This article derives from generally accepted municipal practices.

17.501. PERMIT REQUIRED. HEARING.

a. It shall be unlawful for any person, firm or corporation to use streets to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure facility for utilities, communications, cable television or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance which prescribes the term, fees and conditions for use and a permit obtained therefor.

b. The Mayor and Council, after written notice of not less than ten (10) days to the person seeking the permit shall grant a hearing at which the parties in interest shall be heard.

c. The decision of the Mayor and Council shall be final and binding on all parties.

17.502. SAME. INSTALLATION.

Property owners shall be responsible for the installation and maintenance of utility lines to the point where same are connected with the town's utility systems.

17.503. EXCAVATION FOR PIPE LAYING.

a. All ditches or trenches opened for the purpose of laying pipes, whether on private premises or across streets or sidewalks, shall be carefully and compactly filled after the pipes are laid.

b. All paving disturbed in connection with the work shall be skillfully and carefully repaired and restored to its original status.

17.504. RIGHT OF ENTRY FOR INSPECTION.

a. As a condition precedent to connecting to the town's utility systems, representatives of the town shall be permitted to enter the premises of any utility user at reasonable times, to inspect or examine utility pipes and their connections and the use of water on the premises.

b. It shall be unlawful for any person to refuse entrance for such purposes as herein authorized.

ARTICLE VI. PENALTIES

17.601. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

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CHAPTER 18. VEHICLES. TRAFFIC

Editor's Note. This chapter derives, generally, from Title 56 of the 1976 South Carolina Code of Laws, Chapter 17 of the 1996 West Pelzer Town Code and generally accepted municipal practices relating to traffic control.

ARTICLE I. IN GENERAL

18.101. SHORT TITLE.

This chapter may be cited as the "Traffic Ordinance."

18.102 UNIFORM ACT. DEFINITIONS.

For the purpose of this chapter, and local enforcement, applicable provisions of Title 56, Chapter 5 of the 1976 South Carolina Code of Laws, as amended, is hereby adopted and made a part of this code, including definitions set forth therein.

18.103. JURISDICTION OF MUNICIPAL COURT.

a. The Municipal Court may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed thirty (30) days imprisonment or five hundred dollars (\$500.00) fine, or both.

b. The Court may have trial jurisdiction over such traffic cases the same as magistrates.

(1976 SC Code §56-5-6150)

18.104. AUTHORITY.

Pursuant to §5-7-30 of the 1976 South Carolina Code of Laws, as amended, the Chief of Police is hereby authorized to:

1. Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, "U" turns, school zones and other official traffic-control devices indicating the place or manner of operating or parking vehicles, including "loading zones."

2. Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.

3. Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

4. Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street.

5. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the Town Council.

18.105. TRAFFIC CONTROL DEVICES. PLACEMENT. MAINTENANCE.
SPECIFICATIONS. OBEDIENCE. INTERFERENCE.

a. The Council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.

b. All such traffic control devices shall conform to the specifications of SCDOT.

(1976 SC Code §56-5-930)

c. Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals and lines painted on the streets to guide vehicular traffic.

d. No person shall willfully, without lawful authority, attempt to or alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof. In addition, any unauthorized person found in possession of any street sign or traffic control device from the town shall be deemed in violation of this section.

18.106. SPEED LIMIT VARIATION BY TOWN. SCDOT APPROVAL. SIGNS.

a. Whenever the Council shall have determined on the basis of an engineering and traffic investigation that the maximum speed imposed by this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Town Council may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour; or

(3) Decreases the limit outside an urban district, but not to less than twenty-five (25) miles per hour.

b. Any alteration of maximum limits on state highways or extensions thereof in the town, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

(1976 SC Code §56-5-1540)

c. Any altered limit established, as authorized by this article, shall be effective at all times, when appropriate signs giving notice thereof have been erected.

18.107. DRIVER'S AND VEHICLE LICENSES REQUIRED. EXCEPTIONS.

a. No person shall operate a motor vehicle on any street without, in his possession, a valid driver's license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.

(1976 SC Code §56-1-20, §56-3-110 et seq.)

b. This section shall not apply to persons expressly exempt by state law from the requirement of a driver's license nor shall this section be construed so as to interfere with reciprocity rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver's license.

(1976 SC Code §56-1-30)

18.108. UNINSURED VEHICLE. UNLAWFUL.

a. It shall be unlawful to operator any motor vehicle upon or along any public street, road, alley or highway within the town, unless such vehicle has been insured by a licensed carrier with insurance meeting all requirements and specifications of the state or unless such fees or collateral as required by the state have been paid or deposited.

b. This section shall apply to every self-propelled vehicle designed for use upon a highway or street, excluding such vehicles as traction engines, road rollers, farm tractors, tractor cranes, electric shovels, well drillers and vehicles powered by electric power obtained by overhead wires but not operated upon rails.

(Editor's Note. Although this is a state responsibility, this section has been added to facilitate local enforcement.)

18.109. TRANSFER OR REGISTRATION AND LICENSE.

It shall be unlawful for any person to drive, move or operate upon any public street or highway in the town any vehicle for which a transfer of the registration and license are required by the laws of the state and which transfer has not been made as provided by law.

18.110. RESPONSIBILITY OF VEHICLE OWNER.

No person shall knowingly allow, permit or let any vehicle registered in his name to violate any of the ordinances of the town; provided, however, that all violations of parking ordinances shall be presumed to be with the knowledge of the owner of such vehicle.

18.111. FIXING TRAFFIC TICKETS UNLAWFUL.

It shall be unlawful for any official or employee of the town to "fix" any ticket or summons issued by the Police Department for a violation of any traffic ordinance.

ARTICLE II. MOVING TRAFFIC

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Title 56, Chapter 5, §5-7-30; Chapter 17 of the 1996 West Pelzer Town Code and generally accepted municipal practices.

18.201. ADOPTION OF STATE LAWS.

All vehicles shall be operated in accordance and conformity with all current state laws and this Code or amendments thereto, as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if fully set out herein, except those provisions relating solely to SCDOT and those provisions the penalty for which exceeds a fine of five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days, or both.

18.202. CARELESS OPERATION OF A MOTOR VEHICLE. POINTS.

- a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.
- b. Any person failing to do so shall be guilty of the offense of careless operation of a motor vehicle.
- c. Careless driving shall be unlawful and may be considered a lesser offense than reckless driving.
- d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facia evidence of a violation of this section.
- e. The provisions of this article may be used in lieu of tickets requiring points.
- f. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days.

(Editor's Note. "Only a court could determine with finality whether a municipal ordinance prohibiting the careless operation of motor vehicles is inconsistent with state statutory provisions regulating the operation of motor vehicles as to preclude enforcement of such ordinance."

1988 Op Atty Gen. No. 88-16, p 54.")

18.203. RECKLESS DRIVING.

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section.

(1976 SC Code §56-5-2920)

18.204. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.

a. It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to "cut a corner" purposely.

b. It is the intention of this section to prohibit corner-cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

18.205. STOP SIGNS.

When stop signs are erected at the entrance to any intersection, every driver of a vehicle shall stop, before entering the intersection, except when directed to proceed by a police officer or traffic control signal.

18.206. ENTERING INTERSECTION OR MARKED CROSSWALKS.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate said vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

18.207. VEHICLES. BOARDING OR ALIGHTING FROM.

No person shall board or alight from any vehicle while it is in motion.

18.208. SAME. UNLAWFUL RIDING.

No person shall ride on any vehicle nor upon any portion thereof which is neither designated nor intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in a space intended for merchandise.

18.209. OPERATION ON PLAY STREETS.

Whenever authorized signs are erected indicating any street or any part thereof as a play street, no person shall drive a vehicle upon any portion thereof, except drivers of vehicles having business or whose residences are within such closed area.

18.210. LEAKING OR SCATTERING LOAD PROHIBITED.

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.

18.211. DAMAGING PAVED SURFACES PROHIBITED.

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

18.212. SIDEWALKS. PROHIBITIONS.

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle or other vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings.

18.213. OTHER PROHIBITIONS.

a. The use of all unlicensed motor vehicles, including, but not limited to, three-wheelers, four-wheelers, mini-bikes, go-carts, trail-bikes and other unlicensed vehicles is hereby forbidden on the streets, roads or sidewalks, within the corporate limits.

b. The use of such vehicles is hereby declared to be a nuisance.

c. All persons approaching traffic signals shall stay within the parallel lines and shall not change direction in the vicinity of the signal for the purpose of taking advantage of the green light facing in another direction.

(Editor's Note. These prohibitions are declared to be nuisances in that they (1) prevent the free circulation of traffic in, through and from the town; (2) the use thereof endangers the health, safety and welfare of the general public and (3) these conditions can be reduced by said prohibitions.)

18.214. "U" TURNS.

It shall be unlawful for any person driving a vehicle to make a "U" turn or other prohibited turn at any point where such turn is prohibited by posted signs or to accomplish a "U" turn by deviously going into or through private property adjoining a street where such turn is prohibited.

18.215. STREETS UNDER REPAIR, CLOSED TO TRAVEL.

No person shall drive or cause to be driven any vehicle over any street which is being repaired or paved or over any part of a street wholly closed to travel.

18.216. NO-PASSING ZONES.

The Police Chief may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(Editor's Note. In some instances this becomes the responsibility of SCDOT.)

18.217. PASSING UNLAWFULLY.

It shall be unlawful for any vehicle to pass another vehicle proceeding in the same direction when the passing vehicle is within one hundred (100) feet of an intersection, approaching a curve, when a solid yellow line is located in the lane of the passing vehicle or upon a hill or grade.

18.218. ADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior written approval of the Clerk/Treasurer, with a copy to the Police Chief.

18.219. HITCHING TO MOVING VEHICLES.

It shall be unlawful for any person to grasp any motorized vehicle while the it is in motion.

18.220. HORN IN QUIET ZONES.

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle, except in an emergency.

18.221. DOORS OPENING INTO TRAFFIC.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

18.222. LOADS TO BE SECURELY CHAINED.

No person shall haul logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of a dimension not less than one-half (1/2) inch in diameter.

18.223. SPEED RESTRICTIONS.

a. No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(1976 SC Code §56-5-1520 et seq.)

b. The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Town Council.

18.224. LOWER SPEEDS REQUIRED.

The driver of every vehicle shall, consistent with the requirements of this article, drive at an appropriate speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to other traffic or by reason of weather or street conditions.

18.225. IMPEDING FREE FLOW OF TRAFFIC UNLAWFUL.

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in such a manner as to impede the free flow of traffic.

(See §18.602, this chapter, for obstructions by pedestrians.)

18.226. SPECIAL HAZARDS.

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

18.227. RACING OR DRAG RACING PROHIBITED. LOUD MUFFLERS.

a. It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway or to aid, abet or assist in any manner whatsoever in any such race contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

b. All state laws, rules and regulations relative to loud mufflers, racing and speeding of motorcycles and similar vehicles shall be enforced in the town.

18.228. EMERGENCY VEHICLES. RESTRICTIONS.

a. The speed limitations set forth herein shall not apply to authorized police, fire and ambulance emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet.

b. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

18.229. SCHOOL ZONES.

It shall be unlawful for any person driving a motor vehicle within a designated school zone to fail to observe unusual care and caution. Speed limits as posted shall be carefully observed.

18.230. MEDIAN STRIPS. DRIVING VEHICLE ACROSS. EXCEPTIONS.

a. It shall be unlawful for any person to move, drive or cause to be moved any motor vehicle across any median separating any street, highway or road in the town.

b. This section shall not apply to road equipment while in the process of building or improving any streets, highways or roads and the crossing of motor vehicles at marked and improved crossovers or to officially authorized vehicles.

18.231. SHIFTING LANES WITHOUT SAFETY PRECAUTION.

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

18.232. UNATTENDED VEHICLES.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway or street.

18.233. DRIVING WHILE INTOXICATED/UNDER INFLUENCE OF DRUGS.

It shall be unlawful for any person under the influence of intoxicating liquors, narcotic drugs, barbiturates, paraldehydes or drugs, herbs or any substance of like character, whether synthetic or natural, to drive any vehicle within the town.

(1976 SC Code §56-5-2930)

18.234. ACCIDENTS. ASSISTANCE REQUIRED.

Every person driving a vehicle of any kind which strikes or hits any person or another vehicle shall stop such vehicle at once and render such assistance as he can, give his name, post office address, license number and serial number of his vehicle to the other person or driver. He shall assist in calling a police officer and remain at the scene until a police officer arrives.

(Editor's Note. As to state laws relating to accidents, please see §56-5-1210 et seq., of the 1976 South Carolina Code of Laws.)

18.235. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.

It shall be unlawful for any unauthorized person or persons to ride in or on any municipal vehicle, without official authority to do so.

18.236. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.

b. No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

18.237. BICYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a bicycle in a reckless or dangerous manner.

b. No person riding a bicycle shall attach the same or himself to any moving vehicle upon any street.

18.238. SAME. LIGHTS REQUIRED.

Every bicycle operated at night shall be equipped with a lamp on the front exhibiting a white light visible from a distance of five hundred (500) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of at least five hundred (500) feet to the rear except that a red reflector meeting the requirements of this section may be used in lieu of a red light.

18.239. SAME. PENALTY.

The penalty for a violation of §18.237 and §18.238 shall be confiscation of said bike, until a fine which may be imposed by the Municipal Court is paid.

ARTICLE III. PARKING. STANDING. STOPPING

Editor's Note. This article is derived from Article III of Chapter 17 of the 1996 West Pelzer Town Code and parking standards used by other municipalities in this state.

18.301. PARKING. AUTHORIZED.

a. In addition to the other provisions of this article relative to parking, the Town Council may designate areas or spaces on town streets where the parking of vehicles is either permitted, prohibited or limited to a specific time or otherwise restricted.

b. When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.

c. When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

18.302. SAME. MANNER.

Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one (1) space. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.

18.303. SAME. TICKETS AUTHORIZED.

a. The Chief of Police may, subject to the restrictions imposed in the foregoing sections, post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.

b. The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.

c. Failure to pay such amount within the prescribed time, however, shall subject the owner thereof to be summoned to municipal court and punished within its discretion.

18.304. BLOCKING STREETS AND ALLEYS. EXCEPTION.

- a. No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.
- b. No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic.
- c. A driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

18.305. LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed sixty (60) minutes.

18.306. HANDICAPPED PERSONS. PARKING. PENALTY.

- a. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.
- b. A person violating the provisions of this subparagraph, upon conviction, is guilty of a misdemeanor and must be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

(Editor's Note. Section 56-3-1950 of the 1976 South Carolina Code of Laws defines "handicapped.")

Section 56-3-1960 of the 1976 South Carolina Code of Laws authorizes a handicapped person to park in any metered or timed parking place without a fine, as long as the vehicle displays a current handicapped license plate.

Section §56-3-1965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons. **§56-3-1970 requires a penalty of two hundred dollars (\$200.00) as set forth in this section for each offense.** §56-3-1971 authorizes "All law enforcement officers..." to issue "a uniform parking violations ticket..." to vehicles violating designated spaces for handicapped persons.)

18.307. SIGNAL OF POLICE OFFICER. DUTY TO STOP.

It shall be unlawful for any person operating a motor vehicle upon the public streets, alleys or ways of the town, when signaled to stop by a police officer, by the sounding of a siren, exhaust whistle, bell or word of mouth or any whistle known as a police signal device, to fail to stop upon the signal of any of these devices and comply with the demands of the said officer. Upon appropriate signal from said officer the vehicle shall be permitted to resume its movement.

18.308. STOP SIGNS. DUTY TO STOP.

The driver of a vehicle shall stop at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

18.309. SCHOOL ZONES.

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

18.310. VISION OBSTRUCTION OF TRAFFIC UNLAWFUL.

No vehicle shall be parked on any street if the vehicle obstructs the vision of traffic approaching the vehicle in any direction, or which causes vehicles approaching the parked vehicle to alter their normal course of movement.

18.311. DISABLED VEHICLES.

a. The operator of any vehicle which becomes disabled on any street within the town shall:

- (1) Move the disabled vehicle to the extreme right side of the road;
- (2) Notify the Police Department immediately that the vehicle is disabled;
- (3) Make arrangements to have the vehicle removed from the town street and actually have the vehicle removed as quickly as possible by wrecker, tow truck or other method; and,
- (4) Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

b. Any person furnishing wrecker or tow car service, for any to the reasons stated in this section, at the request of a police officer, shall hold said vehicle for a wrecker or tow car fee and storage fee, and shall not release said vehicle until the fee has been paid by the owner or responsible person.

(Editor's Note. See Article V, this chapter, for Abandoned Vehicles.)

18.312. FIRE LANES DESIGNATED. PARKING PROHIBITED. PENALTY.

a. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be designated by the use of no-parking signs, yellow curbing and/or pavement markings.

b. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.

c. Any violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30)

18.313. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

a. Except at the direction of a Police Officer, no person shall stop, stand or park a vehicle, whether occupied or not:

- (1) on a sidewalk;
- (2) within an intersection;
- (3) on a crosswalk;
- (4) where official traffic-control devices prohibit stopping, standing or parking.
- (5) to obstruct a street, private driveway or a crossing for pedestrians.

b. Except to momentarily pick up or discharge passengers, no person shall stop, stand or park a vehicle, whether occupied or not:

- (1) in a traveled portion of the street or highway;
- (2) in front of a public or private driveway;
- (3) within fifteen (15) feet of a fire hydrant;
- (4) at any place where official traffic-control devices prohibit stopping, standing or parking.
- (5) on the left side of the street, except for funeral processions.

c. Any person who stops, stands or parks a vehicle in a prohibited area within the corporate limits of the town shall be deemed to be in violation of this article.

d. The violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §56-5-2530)

18.314. HEAVY VEHICLES IN RESIDENTIAL AREAS.

a. No vehicle shall be parked on any street within any residential subdivision of the town which has a load capacity in excess of one (1) ton, provided that this section shall not apply to vehicles making deliveries or pickup within any subdivision while actually engaged in unloading or loading operations.

b. This section shall not apply to pickup trucks of less than one (1) ton.

ARTICLE IV. FUNERALS

Editor's Note. See §14.1001.c, this code as to official funerals.

18.401. DRIVING INTO FUNERAL PROHIBITED. EXCEPTIONS.

a. No driver of a vehicle shall drive between vehicles comprising a funeral while in motion and when such vehicles are conspicuously identified as required herein.

b. This provision shall not apply at intersections where traffic is controlled by traffic signals or police officers.

18.402. IDENTIFICATION.

A funeral procession of vehicles shall be identified as such by a display on the outside of each vehicle, when designated by the Chief of Police.

18.403. DRIVERS IN PROCESSIONS TO FOLLOW CLOSELY.

Each driver in a funeral shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as practical and safe, with headlights on.

ARTICLE V. ABANDONED VEHICLES

Editor's Note. This article provides for the control of abandoned vehicles on public and private property under certain circumstances, as utilized by other municipalities. (See §18.311, this chapter, for disabled vehicles.)

18.501. INOPERABLE VEHICLES.

For the purposes of this article, the following words and phrases shall have the following meanings, notwithstanding other sections of this code relating thereto:

Abandoned Vehicle shall mean any vehicle parked for forty-eight (48) hours in excess of the time allowed for such parking by any provision of this chapter.

Junk Automobile shall mean any automobile with such present value that it would not be economical to repair or store it.

Unoperational automobile shall mean an automobile incapable of moving under its own power without repair.

18.502. UNLICENSED. SALVAGE. REPAIR ON PRIVATE PROPERTY.

a. It shall be unlawful for the owner of any property in the town to permit a vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be brought upon or remain upon his property unless it is in a completely enclosed building. This provision, however, shall not apply to a licensed car dealer, new or used, upon property operated for his business.

b. No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, or for the purpose of storage or repair, unless said vehicle has a current vehicle license and unless said vehicle is covered or sheltered in such a fashion as to adequately prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes, other insects, rats or other vermin.

18.503. IMPOUNDMENT. DISPOSITION. EXPENSES. FORFEITURE.

a. If any such vehicle is found parked in violation of this code, or abandoned on the streets of the town, it shall be the duty of a police officer to cause such vehicle to be removed and conveyed to a designated place by the Chief of Police at the owner's expense. The owner, or person in whose name such vehicle is registered, shall be given immediate personal notice, if he is a resident of the town. If he is a nonresident, he shall be given notice by Certified Mail, Return Receipt Requested, if his address can be ascertained.

b. If the address of such owner cannot be ascertained, the Chief of Police, or his agent, shall advertise that such vehicle has been abandoned and impounded, giving an accurate description thereof. He shall include the name of the person licensed to operate it, the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within thirty (30) days. Such notice shall be published once a week for two (2) consecutive weeks in any newspaper published in the town. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash at public auction to the highest bidder in front of the Town Hall or such other place as may be designated therefor.

c. The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale, and the balance, if any, deposited with the Clerk/Treasurer, subject to the claim of the owner which shall be filed and proved within twelve (12) months thereafter.

d. If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town.

18.504. RECORDS TO BE MAINTAINED.

The Chief of Police shall keep a written record of such vehicle, the name of the registered owner, the license tag and the circumstances under which it was found, impounded, stored and sold, including the amount received at the sale and any amount deducted therefrom.

ARTICLE VI. PEDESTRIANS

Editor's Note. This article derives from Chapter 17 of the 1996 West Pelzer Town Code to provide for the safety of pedestrians and from generally accepted municipal practices.

18.601. OBEDIENCE TO TRAFFIC CONTROL SIGNALS REQUIRED.

Pedestrians shall strictly comply with the directions of any official traffic control signal or police officials.

18.602. USE OF RIGHT HALF OF CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of a crosswalk and shall not obstruct a crossing or an entrance to a building.

18.603. WALKING ON STREETS AND ROADWAYS.

Where sidewalks are not provided, any pedestrian walking along and upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

18.604. EMERGENCY VEHICLES. DUTY OF PEDESTRIAN.

A pedestrian, upon the approach of fire apparatus, police patrol or ambulance, shall remain on the sidewalk until such vehicle shall have passed or stopped.

18.605. DRIVERS TO EXERCISE DUE CARE WITH REGARD TO PEDESTRIANS.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary. He shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.

ARTICLE VII. TAXICABS

Editor's Note. This article derives from Chapter 9, Article IV, of the 1996 West Pelzer Town Code, Number 73 of the West Pelzer Questionnaire and generally accepted municipal practices.

18.701. LICENSE. REQUIRED TO OPERATE.

It shall be unlawful for a taxicab, or other vehicle for hire, shall operate in the town after the fifth day of January in any year, without a current license therefor.

18.702. SAME. RECORDS.

It shall be the duty of the Town Clerk, when issuing said license, to number it consecutively, to keep a record of same and to insert the number of said vehicle on the license.

18.703. SAME. REVOCATION.

a. Any driver licensed under this article shall suffer immediate revocation of his license by the Chief of Police, when said driver shall be convicted of:

(1) having in his possession or selling alcohol or drugs or otherwise violating the laws of the town or state; or,

(2) transporting any person for immoral purposes from place to place.

b. No similar license shall be granted to him during the same calendar year.

c. Appeals shall be made to the Mayor and Council.

18.704. OPERATORS. PERSONAL QUALIFICATIONS.

Operators of vehicles for hire shall submit references as to their personal habits, honesty, sobriety and ability to operate vehicles to the Chief of Police, and such other personal qualifications as Council may prescribe.

18.705. PERMITS. REQUIRED.

- a. Each person, before operating a vehicle for hire, shall obtain a driver's permit (badge) from the Town Clerk in addition to any required by the state. He shall have it in his possession and placed in a conspicuous place on his person. The permit shall bear the number issued by the Town Clerk.
- b. The cost of such permit shall be paid by the applicant.
- c. To loan, sell, exchange or buy a permit from any person, other than the Town Clerk, shall be sufficient reason for Council to revoke both the driver's permit and license.
- d. Temporary permits shall be issued only by order of the Mayor. The expiration date and the number of the vehicle shall be plainly stamped thereon.

18.706. SAME. SUSPENSIONS.

Any operator of a vehicle for hire convicted or forfeiting bond in any case of violating traffic laws or other laws of the state or ordinances of the town shall, upon recommendation of the Chief of Police, be subject to having his driver's permit suspended for a term of not less than two (2) days, or indefinitely, at the discretion of the Mayor.

18.707. VEHICLES. IDENTIFICATION.

All vehicles for hire shall be identified on both the front and rear with letters and numbers at least four (4) inches in height. They shall be legible and of a color contrasting with the color of said vehicle.

18.708. SAME. OPERATOR TO HAVE SAME NUMBER.

Each operator of a vehicle for hire shall have the same number on his driver's permit as is assigned to the vehicle.

18.709. SAME. INSURANCE REQUIRED.

- a. Before a license can be issued, as a prerequisite to its operation, every vehicle for hire shall be insured with automobile liability insurance.
- b. Insurance shall be at least the minimum amount prescribed by state law.
- c. The policy shall be continued in full force and effect during the term of the license.

18.710. SAME. INSPECTIONS BY STATE.

a. Each vehicle for hire shall be subject to inspection by the South Carolina Department of Public Safety.

b. The receipt or sticker or other means of receipt indicating such inspection shall be posted inside said vehicle in a conspicuous place for the inspection by passengers or police.

18.711. SAME. INSPECTIONS BY TOWN.

The Chief of Police, or his agent, shall make periodic inspections of vehicles for hire while the same are in operation, to ensure that this article is being complied with to the fullest extent practicable.

18.712. SAME. CRUISING. SOLICITING.

It shall be unlawful for the operator of a vehicle for hire to cruise upon the public streets of the town for the purpose of soliciting business.

ARTICLE VIII. PENALTIES

18.801. PENALTY.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 19. DROUGHT RESPONSE

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CHAPTER 19. DROUGHT RESPONSE

Editor's Note. In 1985 the South Carolina General Assembly enacted Act No. 63 (§49-23-90 of the 1976 South Carolina Code of Laws) which affected every municipality in this state. The act required every municipality "engaged in the business...of supplying water for any purpose...to develop and implement drought response ordinances". They "...must be consistent with State Drought Response Plan..." In 1993 the Water Resources Commission was changed to the "Department of Natural Resources".

In 1987 the South Carolina Water Resources Commission required every city and town in the state to adopt an ordinance to guide the Mayor and Council in times of extreme drought. The Commission prepared a recommended ordinance which cities and towns adopted and which is included in this code. It is technical in part and may need clarification by the Commission, should the occasion arise. It is to be noted that the ordinance is effective only in times of extreme drought.

Further, the act provided any proposed ordinance must first be submitted to the department for review to determine consistency with the State Drought Response Plan. Since this ordinance was recommended by the commission, it is assumed to be approved thereby.

Section 49-23-100 of the 1976 South Carolina Code of Laws, provides for penalties for municipalities not conforming to the provisions of Act No. 63.

This chapter meets the intent of the Commission.

ARTICLE I. IN GENERAL

19.101. DECLARATION OF POLICY, PURPOSE AND INTENT.

a. Purpose: To (1) meet the mandate and requirements of the South Carolina Department of Natural Resources and to (2) achieve the greatest public benefit from domestic water use, sanitation, fire protection, and to provide water for other purposes in an equitable manner, The Town of West Pelzer, South Carolina, hereby adopts the following regulations and restrictions on the delivery and consumption of water.

b. This chapter is hereby declared to be necessary for the preservation of public health, safety and welfare and shall take effect upon its adoption.

c. Whenever, in the judgment of the Mayor and Council it becomes necessary to conserve water in the service area, due to drought or other causes, the Mayor is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water use demands. The proclamation shall attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection and other essential needs become endangered. Immediately upon the issuance of such a proclamation, regulations and restrictions set forth herein shall become effective and remain in effect until the water shortage is terminated and the proclamation is rescinded.

d. Water uses, regulated or prohibited hereunder, are considered to be non-essential; continuation of such uses during times of water shortage are deemed to constitute a waste of water, subjecting the offender(s) to penalties.

19.102. DEFINITIONS.

For the purposes of this article, the following definitions shall apply:

Aesthetic water use shall mean water used for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial water use shall mean water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Conservation shall mean reduction in water use to prevent depletion or waste of the resource.

Customer shall mean any person, company or organization using water supplied by the town.

Domestic water use shall mean water used for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases:

a. Moderate drought shall mean when the Palmer Index reaches the range -1.50 to -2.99 and moderate drought conditions have been verified by best available information and conditions indicate this situation is expected to persist.

b. Severe drought shall mean when the Palmer Index reaches the range -3.00 to -3.99 and severe drought conditions have been verified by best available information.

c. Extreme drought shall mean when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

d. Palmer Index shall mean a measure of the severity of a drought or a wet spell in an area. Dry conditions shall be associated with negative values; wet conditions with positive values and normal conditions shall have a value of zero.

Drought Response Committee shall mean a committee composed of state and local representatives created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor.

Essential water use shall mean water used specifically for fire fighting, maintaining instream flow requirements and to satisfy federal, state or local public health and safety requirements.

Even numbered address shall mean street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M and locations without addresses.

Odd numbered address shall mean addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Institutional water use shall mean water used by government, public and private educational institutions, public medians and rights of way, churches and their places of worship, water utilities and other lands, buildings and organizations within the public domain.

Landscape water use shall mean water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Water shortage shall mean a lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

19.103. NONESSENTIAL WATER USE.

Nonessential water use categories may be curtailed during severe or extreme drought. Examples of nonessential water uses shall be as follows:

1. Residential and Institutional:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard surfaced areas.

(b) Washing buildings or structures for purposes other than immediate fire protection.

(c) Flushing gutters or permitting water to run or accumulate in any gutter or street.

(d) Washing any motor bike, motor vehicle, boat, trailer or other vehicle.

(e) Maintaining fountains, reflection ponds and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

(f) Filling or maintaining public or private swimming pools.

(g) Sprinkling lawns, plants, trees and other flora on private or public property, except as otherwise provided under this chapter.

2. Commercial and Industrial:

(a) Serving water routinely in restaurants.

(b) Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

(c) Irrigating golf courses and any portion of its grounds, except as otherwise provided under this chapter.

(d) Obtaining water from hydrants for construction purposes, fire drills or for any purpose other than fire fighting.

(e) Serving customers who have been given a ten (10) day notice to repair leaks and have failed to comply.

(f) Expanding commercial nursery facilities, placing new irrigated agricultural land in production or planting or landscaping when required by site design review process.

19.104. RESPONSES TO MODERATE, SEVERE AND EXTREME DROUGHT ALERT PHASES.

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are classified as moderate, severe and extreme.

Proclamations by the Mayor shall coordinate an appropriate response to the level of drought which exists.

Proclamations by the Mayor and Council setting forth responses to the various drought alert phases shall be based upon drought monitoring data, recommendations, declarations and/or notifications supplied by the regional Drought Response Committee or the South Carolina Department of Natural Resources.

1. Moderate Drought Alert Phase: When conditions indicate that a moderate drought condition is present, and is expected to persist, the South Carolina Department of Natural

Resources will activate the Drought Information Center. It will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media.

(a) Goal:

- (1) A fifteen percent (15%) voluntary water use reduction for agricultural, commercial, industrial and institutional purposes.
- (2) A thirty percent (30%) voluntary water use reduction for residential customers.

(b) General Responses:

- (1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of nonessential water uses as provided herein.
- (2) Institute an increased water supply system maintenance effort to identify and correct water leaks.
- (3) Encourage water customers to comply with the listed voluntary water-use restrictions in all categories, while moderate drought conditions exist.

(c) Water-use restrictions:

(1) Agriculture, Irrigation and Livestock:

- (a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(2) Commercial, Industrial, and Institutional:

- (a) Reduce aesthetic, domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

(3) Residential:

- (a) Reduce water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.
- (b) Reduce domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

2. Severe Drought Alert Phase: A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the South Carolina Department of Natural Resources. In such cases, the Commission will notify the Mayor and issue press releases concerning the drought conditions to the news media.

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial, industrial and institutional purposes.

(2) A thirty percent (30%) water use reduction for residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial, Industrial, and Institutional:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary for maintaining health and safety.

(c) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd

numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Residential:

(a) Restrict water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.

(b) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(c) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(d) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

3. Extreme Drought Alert Phase: The South Carolina Department of Natural Resources will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media. **Water use restrictions imposed during extreme drought conditions shall be mandatory.**

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial and industrial purposes.

(2) A thirty percent (30%) water use reduction for Institutional and residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial and Industrial:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Institutional:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(4) Residential:

(a) Restrict water use to fifty-five (55) gallons per person per day, and a maximum of two hundred twenty (220) gallons per household per day.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

19.105. NEW WATER SERVICE CONNECTIONS.

a. Correspondence regarding water availability, pipeline extension agreements and applications requesting service shall include conditions relating to water shortages.

b. No applications for new, additional, further expanded or an increase in size of water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed, unless such action is in compliance with the provisions of this chapter.

19.106. WATER RATES AND FEES.

a. In the event of an extreme drought related water shortage, the Mayor and Council is hereby authorized to monitor water use and limit households to sixty (60) gallons per household member per day. Domestic water use above this limit shall be subject to a per gallon fee.

b. Institutional, commercial, industrial and recreational water users shall be subject to a water use fee per one thousand (1000) gallons of water used, if the town deems adequate conservation measures have not been implemented.

c. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

19.107. RATIONING.

In the event a drought threatens the preservation of public health and safety, the rationing of water by the Mayor and Council is hereby authorized.

19.108. VARIANCES.

a. Persons not capable of immediate water use reduction, or curtailment, because of equipment damage or other extreme circumstances, shall commence gradual reduction of water use curtailment/reduction and shall apply for a variance from curtailment.

b. Persons requesting exemption from the provisions of this chapter shall file a petition with the Mayor and Council for variance within ten (10) days after such curtailment becomes effective.

c. When the provisions of this chapter have been invoked, persons requesting an exemption shall file a petition for variance with the town within ten (10) days of the effective date of water use curtailment or reduction. The town shall respond to requests for variances within five (5) days of receipt of information or within twenty (20) days of declaration of the curtailment, whichever comes first.

d. Petitions shall contain the following information:

(1) Name and address of the petitioner(s).

(2) Purpose of water use.

(3) Specific provision from which relief is requested.

(4) Detailed statement as to how the curtailment declaration adversely affects the petitioner.

(5) Description of the relief desired.

(6) Period of time for which the variance is sought.

(7) Economic value of the water use.

(8) Damage or harm to the petitioner or others if petitioner complies with this article.

(9) Restrictions with which the petitioner is expected to comply and the compliance date.

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

(11) Other pertinent information, as requested.

e. In order for a variance to be granted, petitioner shall show one or more of the following conditions:

(1) Compliance cannot be technically accomplished during the duration of the water shortage.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

f. The Mayor and Council may, in writing, grant temporary variances for existing water uses otherwise prohibited if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The Mayor and Council shall ratify or revoke any such variance at its next scheduled meeting. Any such variance so ratified may be revoked by later action of the Mayor and Council.

g. No such variance shall be retroactive or otherwise justify any violation occurring prior to the issuance of the variance.

h. Variances granted by the Mayor and Council shall be subject to the following conditions, unless waived or modified thereby:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

19.109. ENFORCEMENT.

a. Employees of the town shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.

b. They shall have the authority to issue written notices to appear when violations of this chapter occur during any declared moderate, severe or extreme drought or water shortage.

ARTICLE II. LEGALITY OF CHAPTER

19.201. CONTROL.

a. In the event that any portion of this chapter is held to be unconstitutional for any reason, the remaining portions hereof shall not be affected.

b. The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and other rules and regulations of the town.

ARTICLE III. PENALTIES

19.301. FINES AND PENALTIES.

a. Except as otherwise stated herein, violators of any provision of this chapter shall be subject to the following penalties:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
First offense	Infraction	\$ 25.00
Second offense	Infraction	\$ 50.00
Third and subsequent offense within the same drought period	Misdemeanor	\$ 100.00

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

b. After issuing one warning by certified mail, the water service of any person or customer may be disconnected whenever it is determined that such person has failed to comply with the provisions of this chapter.

(1) Services disconnected under such circumstances shall be restored only upon payment of a reconnection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code, and any other costs incurred by the town in discontinuing service.

(2) In addition, suitable assurances shall be given to the town that the same action shall not be repeated during the drought or water shortage.

CHAPTER 20. FLOOD DAMAGE CONTROL

ARTICLE I. IN GENERAL

20.101. Flood Damage Control Vested in Anderson County.

CHAPTER 20. FLOOD DAMAGE CONTROL

ARTICLE I. IN GENERAL

Editor's Note. To provide flood insurance for the citizens of Anderson County, the county adopted a Land Use Ordinance on March 20, 1990. Provisions for flood damage control were provided in Chapter 61, Article II, §38-426 through §38-455. Such provisions are federally required to obtain flood insurance; as a result of the ordinance, such insurance should be available to West Pelzer residents.

(Source: Clerk's Office, County Council, as to the Land Use Ordinance.)

20.101. FLOOD DAMAGE CONTROL VESTED IN ANDERSON COUNTY.

The citizens of The Town of West Pelzer are hereby authorized to obtain flood insurance, subject to the provisions and requirements of Anderson County's Land Use Ordinance, Chapter 61, Article II, §38-426 through §38-455.

APPENDIX A

FREEDOM OF INFORMATION ACT

Editor's Note. Act No. 118, of the 1987 South Carolina Legislature repealed Chapter 3 of Title 30 of the 1976 South Carolina Code of Laws, (commonly called the "Freedom of Information Act"). A new Chapter 4 was added, effective May 26, 1987, which incorporated numerous changes in the Act.

Recent changes include Act No. 269 (1992), Act No. 458 (1996) and Act No. 356 (1998) and are reproduced herein for ease of reference.

§30-4-10. Short Title.

§30-4-15. Findings and Purpose.

§30-4-20. Definitions.

§30-4-30. Right to inspect or copy records; fees; notification as to public availability of records.

§30-4-40. Disclosures.

§30-4-50. Certain matters declared public information.

§30-4-60. Meetings of public bodies shall be open.

§30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

§30-4-80. Notice of meetings of public bodies.

§30-4-90. Minutes of meetings of public bodies.

§30-4-100. Injunctive relief; costs and attorney's fees.

§30-4-110. Penalties.

§30-4-10. Short Title.

This Chapter shall be known and cited as the "Freedom of Information Act."

§30-4-15. Findings and Purpose.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

§30-4-20. Definitions.

(a) "Public body" means any department of the State, and state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this Chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation are not public bodies for the purpose of this Chapter.

(b) "Person" includes any individual, corporation, partnership, firm, organization or association.

(c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this act. Nothing herein authorizes or requires the disclosure of those records where the public body, prior to January 20, 1987, by a favorable vote of three-fourths of the membership, taken after receipt of a written request, concluded that the public interest was best served by not disclosing them. Nothing herein authorizes or requires the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of the institutions required to be made by law.

(d) "Meeting" means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

(e) "Quorum" unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body.

§30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records.

(a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by §30-4-40, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. Such records shall be furnished at the lowest possible cost to the person requesting the records. Records shall be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for such public body to provide the records in such form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged for examination and review to determine if such documents are subject to disclosure. Nothing in this chapter shall prevent the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of such costs prior to searching for or making copies of the records.

(c) Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

(d) The following records of a public body must be available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

(1) minutes of the meetings of the public body for the preceding six months;

(2) all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and

(3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

§30-4-40. Disclosures.

(a) A public body may but is not required to disclose the following information.

(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential; and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.

(*) All materials, regardless of form, gathered by a public body during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item 'materials relating to not fewer than the final three applicants' do not include an applicants income tax returns, medical records, social security number, or information otherwise exempt from disclosure by this section.

(*) (Editor's Note. At the time of this publication, no number had been assigned.)

(A) Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented.

(B) Any data, records, or information developed collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item, applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.

(C) The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation, to a state regulatory agency.

(D) The exemptions in this item do not extend to the institution's financial or administrative records.

(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person-to person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

(3) Records of law enforcement and public safety agencies not otherwise available by law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

- (A) Disclosing identity of informants not otherwise known;
- (B) The premature release of information to be used in a prospective law enforcement action;
- (C) Disclosing investigatory techniques not otherwise known outside the government;
- (D) By endangering the life, health, or property of any person.

(4) Matters specifically exempted from disclosure by statute or law.

(5) Documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; however:

(A) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;

(B) a contract for the sale or purchase of real estate shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts of sale or purchase where the execution of the deed occurs within twelve months from the date of sale or purchase;

(C) confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed.

(6) All compensation paid by public bodies except as follows:

- (A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;
- (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;
- (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the compensation range for that classification including longevity steps, where applicable;
- (D) For unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.
- (E) For purposes of this subsection (6), "agency head" or "department head" means any person who has authority and responsibility for any department, of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

(7) Correspondence or work product of legal counsel for a public body and any other material that would violate attorney-client relationships.

(8) Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this Chapter and not specifically exempted by any other provisions of this Chapter.

(9) Memoranda, correspondence, documents, and working papers relative to efforts or activities of a public body to attract business or industry to invest within South Carolina.

(10) Any standards used or to be used by the South Carolina Revenue and Taxation for the selection of returns for examination, or data used or to be used for determining such standards, if the Commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.

(11) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, "gift to a public body" includes, but is not limited to, gifts to any of the state-supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure. If the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

(b) If any public record contains material which is not exempt under subsection (a) of this section, the public body shall separate the exempt and nonexempt material available in accordance with the requirements of this Chapter.

§30-4-50. Certain matters declared public information.

a. Without limiting the meaning of other Sections of this Chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of §30-4-20, §30-4-40 and §30-4-70 of this Chapter:

- (1) The names, sex, race, title and dates of employment of all employees and officers of public bodies;
- (2) Administrative staff manuals and instructions to staff that affect a member of the public;
- (3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (4) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the public body;
- (5) Written planning policies and goals and final planning decisions;
- (6) Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;
- (7) The minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to 30-4-70;
- (8) Reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) Statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

b. No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.

§30-4-60. Meetings of public bodies shall be open.

Every meeting of all public bodies shall be open to the public unless closed pursuant to §30-4-70 of this Chapter.

§30-4-70. Meetings which may be closed: procedure: circumvention of chapter: disruption of meeting: executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, where the legal advice related to a pending, threatened or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.

(3) Discussion regarding the development of security personnel or devices.

(4) Investigative proceedings regarding allegations of criminal misconduct.

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

(6) Before going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to §30-4-70 (a)(1) or §30-4-70(a)(5), the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session to be stated. No action may be taken in executive session except (a) to adjourn or (b) to return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

(b) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(c) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

(d) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.

§30-4-80. Notice of Meeting of Public Bodies.

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

(b) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

(c) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.

(d) Written public notice must include but need not be limited to posting a copy of the notice at the principle office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(e) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

§30-4-90. Minutes of Meetings of Public Bodies.

(a) All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include but need not be limited to:

(1) The date, time, and place of the meeting.

(2) The members of the public body recorded as either present or absent.

(3) The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.

(4) Any other information that any member of the public body requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with §30-4-70 of this chapter.

(c) All or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to §30-4-70 of this chapter, provided that in so recording there is no active interference with the conduct of the meeting. Provided, further, that the public body shall not be required to furnish recording facilities or equipment.

§30-4-100. Injunctive Relief; Costs and Attorney's Fees.

(a) Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of this chapter in appropriate cases as long as such application is made no later than one year following the date on which the alleged violation occurs or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

(b) If a person or entity seeking such relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof.

§30-4-110. Penalties.

Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days for the second offense and shall be fined three hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense.

(Editor's Note. This reproduction is from the Code of Laws of South Carolina published by the Lawyers Cooperative Publishing Company, Rochester, New York. It should be noted that annotations, case notes, history of sections, opinions of the Attorney General and research references have not been included above. The reader is referred to the parent volumes for that data.)

APPENDIX B

Editor's Note. The following is a sample ordinance to illustrate one way of amending this code. The amended section has been chosen arbitrarily, as an example only, and it is not to be considered as official action.

On the following pages, additional suggestions are listed for the guidance and convenience of municipal officials when ordinances are to be considered.

All ordinances are required, by this code, to be numbered. They should either be an amendment to this code, or a new section/chapter to be added.

=====

SAMPLE ORDINANCE FORM

SAMPLE ORDINANCE FORM

ORDINANCE NO. _____

AN ORDINANCE ENTITLED

CHANGE IN TIME OF REGULAR COUNCIL MEETINGS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF WEST PELZER, SOUTH CAROLINA:

SECTION 1. Section 2.201 of the Town Code is hereby amended by rescinding the time authorized for regular Council meetings (6:00 p.m.) and inserting in lieu thereof "1:30 p.m.," so that when amended the time for regularly scheduled meetings of Council shall be 1:30 p.m..

(THIS IS SAMPLE WORDING ONLY)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

(THIS PARAGRAPH CANCELS ANY CONFLICTING ORDINANCES.)

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

(THIS PARAGRAPH LIMITS ANY RULING BY THE COURTS TO THE SPECIFIC SECTION TO WHICH THE RULING APPLIED.)

SECTION 4. This ordinance shall become effective upon its final adoption.

(ALL ORDINANCES MUST HAVE AN EFFECTIVE DATE.)

First Reading

W. Bill Alexander, Mayor

Second Reading

Wendel T. Trotter, Jr., Mayor Pro Tempore

ATTEST:

Maida H. Kelly, Council Member

Town Clerk

Rey A. McClain, Council Member

AS TO FORM:

Joe R. Turner, Council Member

Town Attorney

(ALL ORDINANCES MUST HAVE TWO READINGS, AT LEAST SIX DAYS APART, AND MUST BE SIGNED BY THE MAYOR AND SIGNED AND ATTESTED BY THE MUNICIPAL CLERK.)

ADDITIONAL NOTES TO BE USED AS GUIDANCE FOR AMENDMENTS TO THIS CODE:

1. Some municipalities prefer to repeal the entire amended section and have it retyped in its entirety to avoid future confusion or misunderstanding as to the intent of Council. Others prefer the "short version," as above. This is especially true if the amended section is lengthy. Either way is local choice.
2. If a date other than that of second reading is to be the effective date, it should be inserted accordingly as a part of Section 3 (of the sample ordinance) or the appropriate section number in the amending ordinance. Example: "effective on December 1, 2000."
3. More space than that shown in the sample ordinance can be utilized between sections, the date of readings and the signatures of the Mayor and Administrator-Clerk to space it more aesthetically on the page.
4. Upon adoption of the ordinance, the original copy, with signatures, should be placed in the "*Book of Ordinances*" (as discussed in §2.111 of this code).
5. Also upon adoption, the official copy of the code should be amended accordingly and copies reproduced and distributed to the holders of the code and inserted in any extra copies which have not been distributed, to keep all copies current. The Clerk/Treasurer should retain a list of all persons to whom a code has been distributed so that they may receive copies of future amendments. Such amendments are called "Supplements."
6. When the code is amended, each change should be noted by Supplement number and date at the bottom of the amended page, left hand corner, to denote the change. Example: Supplement #1. 8-5-2001, Supplement #2. 10-1-2001, etc.
7. Such changes should be noted also in the general Table of Contents, Chapter Table of Contents and the Index, as appropriate. Maintaining a chronological list of all supplements in the "*Book of Ordinances*" by date of supplement will prove helpful for future reference.
8. For EMERGENCY ORDINANCES, see §2.119 of this code.
9. Amending or repealing ordinances should be noted on the original copy of the ordinance repealed or amended, as required by law and as codified in §2.112 of this code.
10. As to updating this code, some municipalities prefer to do so as amendments are made; others prefer doing so on a quarterly, semiannual or annual basis. This code requires, at a minimum, an annual update. If a different updating schedule is preferred, the requirement should be amended accordingly. (See §2.115 of this code.)

EXCERPT

1976 CODE OF LAWS OF SOUTH CAROLINA

CHAPTER 9

MAYOR-COUNCIL FORM OF GOVERNMENT

§5-9-10 Applicability of Chapter 7.

§5-9-20 Structure of mayor-council form of government; election of council members.

§5-9-30 Responsibilities and powers of mayor.

§5-9-40 Establishment of municipal departments, offices and agencies by council; employment of administrator to assist mayor; offices and agencies under direction of mayor administered by officer appointed by mayor.

§5-9-10. APPLICABILITY OF CHAPTER 7.

Except as specifically provided for in this chapter, the structure, organization, powers, duties, functions and responsibilities of municipal government under the mayor-council form shall be as prescribed in Chapter 7.

§5-9-20. STRUCTURE OF MAYOR-COUNCIL FORM OF GOVERNMENT; ELECTION OF COUNCIL MEMBERS.

a. Under the mayor-council form of government there shall be a municipal council composed of a mayor and not less than four council members.

b. The members of council shall be elected in accordance with Chapter 15.

§5-9-30. RESPONSIBILITIES AND POWERS OF MAYOR.

The mayor shall be the chief administrative officer of the municipality. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under Chapters 1 through 17. He shall have the following powers and duties:

(1) to appoint and, when he deems it necessary for the good of the municipality, suspend or remove all municipal employees and appointive administrative officers provided for by or under Chapters 1 through 17, except as otherwise provided by law, or personnel rules adopted pursuant to Chapters 1 through 17. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) to direct and supervise the administration of all departments, offices and agencies of the municipality except as otherwise provided by Chapters 1 through 17;

(3) to preside at meetings of the council and vote as other councilmen;

(4) to act to insure that all laws, provisions of Chapters 1 through 17 and ordinances of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;

(5) to prepare and submit the annual budget and capital program to the council;

(6) to submit to the council and make available to the public a complete report on the finances and administrative activities of the municipality as of the end of each fiscal year; and

(7) to make such other reports as the council may require concerning the operations of municipal departments, offices and agencies subject to his direction and supervision.

§5-9-40. ESTABLISHMENT OF MUNICIPAL DEPARTMENTS, OFFICES AND AGENCIES BY COUNCIL; EMPLOYMENT OF ADMINISTRATOR TO ASSIST MAYOR; OFFICES AND AGENCIES UNDER DIRECTION OF MAYOR ADMINISTERED BY OFFICER APPOINTED BY MAYOR.

The council may establish municipal departments, offices and agencies in addition to those created by Chapters 1 through 17 and may prescribe the functions of all departments, offices and agencies, except that no function assigned by law to a particular department, office or agency may be discontinued or assigned to any other agency. The mayor and council may employ an administrator to assist the mayor in his office.

All departments, offices and agencies under the direction and supervision of the mayor shall be administered by an officer appointed by and subject to the direction and supervision of the mayor.

APPENDIX D

ORDINANCES NOT REPEALED BY THIS CODE

Editor's Note. As pointed out in the enacting ordinance of this code, certain ordinances have not been codified due to the nature of the ordinance. These have been listed below. The original of each ordinance listed below is maintained, where appropriate, by the Clerk/Treasurer.

Those ordinances which pertain to the following are not included:

1. Annexation
2. Assessments
3. Bonded indebtedness
4. Budgets
5. Buildings
6. Business Licenses
7. Contracts
8. Fair Housing
9. Franchises
10. Grant agreements
11. Leases
12. Loans
13. Options
14. Planning
15. Property Conveyances
16. Sale, lease or contract to sell lands
17. Subdivision Plats
18. Tax Levies and other charges
19. Zoning

The Town of West Pelzer, South Carolina
 Schedule of Rates and Fees

December 31, 2000

Section	Description	Fee																					
2.306	Filing fee for the office of Mayor	\$ 50.00																					
2.306	Filing fee for the office of Council member	25.00																					
5.407.a	Mobile Home permit fee	25.00																					
8.111.a 14.812.a	Returned check fee	3.00																					
8.502.a	Solid waste fee to be included in each business license and forwarded to Anderson County.	50.00																					
17.401.a	Water rates: Inside Town Users: <table border="0" data-bbox="414 1207 1209 1806"> <thead> <tr> <th data-bbox="414 1207 690 1249"><u>Step</u></th> <th data-bbox="706 1207 820 1249"><u>Gallons</u></th> <th data-bbox="1226 1207 1469 1249"></th> </tr> </thead> <tbody> <tr> <td data-bbox="414 1249 690 1302">First (min.)</td> <td data-bbox="706 1249 820 1302">1,000</td> <td data-bbox="1226 1249 1469 1302">8.00</td> </tr> <tr> <td data-bbox="414 1354 690 1407">Second</td> <td data-bbox="706 1354 820 1407">2,000</td> <td data-bbox="1226 1354 1469 1407">1.70</td> </tr> <tr> <td data-bbox="414 1459 690 1512">Third</td> <td data-bbox="706 1459 820 1512">2,000</td> <td data-bbox="1226 1459 1469 1512">1.80</td> </tr> <tr> <td data-bbox="414 1564 690 1617">Fourth</td> <td data-bbox="706 1564 820 1617">6,000</td> <td data-bbox="1226 1564 1469 1617">1.90</td> </tr> <tr> <td data-bbox="414 1669 690 1722">Fifth</td> <td data-bbox="706 1669 820 1722">20,000</td> <td data-bbox="1226 1669 1469 1722">2.00</td> </tr> <tr> <td data-bbox="414 1774 690 1827">Over</td> <td data-bbox="706 1774 820 1827">30,000</td> <td data-bbox="1226 1774 1469 1827">2.10</td> </tr> </tbody> </table>	<u>Step</u>	<u>Gallons</u>		First (min.)	1,000	8.00	Second	2,000	1.70	Third	2,000	1.80	Fourth	6,000	1.90	Fifth	20,000	2.00	Over	30,000	2.10	
<u>Step</u>	<u>Gallons</u>																						
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Fourth	6,000	1.90																					
Fifth	20,000	2.00																					
Over	30,000	2.10																					

Section	Description	Fee																					
17.401.a	<p>Water rates:</p> <p>Outside Town Users:</p> <table border="1" data-bbox="410 415 1214 1045"> <thead> <tr> <th data-bbox="410 415 695 457"><u>Step</u></th> <th data-bbox="703 415 1214 457"><u>Gallons</u></th> <th data-bbox="1222 415 1472 457"></th> </tr> </thead> <tbody> <tr> <td data-bbox="410 468 695 510">First (min.)</td> <td data-bbox="703 468 1214 510">1,000</td> <td data-bbox="1222 468 1472 510">10.00</td> </tr> <tr> <td data-bbox="410 562 695 604">Second</td> <td data-bbox="703 562 1214 604">2,000</td> <td data-bbox="1222 562 1472 604">2.00</td> </tr> <tr> <td data-bbox="410 657 695 699">Third</td> <td data-bbox="703 657 1214 699">2,000</td> <td data-bbox="1222 657 1472 699">2.10</td> </tr> <tr> <td data-bbox="410 751 695 793">Fourth</td> <td data-bbox="703 751 1214 793">6,000</td> <td data-bbox="1222 751 1472 793">2.20</td> </tr> <tr> <td data-bbox="410 846 695 888">Fifth</td> <td data-bbox="703 846 1214 888">20,000</td> <td data-bbox="1222 846 1472 888">2.30</td> </tr> <tr> <td data-bbox="410 940 695 982">Over</td> <td data-bbox="703 940 1214 982">30,000</td> <td data-bbox="1222 940 1472 982">2.40</td> </tr> </tbody> </table>	<u>Step</u>	<u>Gallons</u>		First (min.)	1,000	10.00	Second	2,000	2.00	Third	2,000	2.10	Fourth	6,000	2.20	Fifth	20,000	2.30	Over	30,000	2.40	
<u>Step</u>	<u>Gallons</u>																						
First (min.)	1,000	10.00																					
Second	2,000	2.00																					
Third	2,000	2.10																					
Fourth	6,000	2.20																					
Fifth	20,000	2.30																					
Over	30,000	2.40																					
17.401.a	<p>Sewer Rates:</p> <p>Inside Town Users:</p> <table border="1" data-bbox="410 1262 1214 1885"> <thead> <tr> <th data-bbox="410 1262 695 1304"><u>Step</u></th> <th data-bbox="703 1262 1214 1304"><u>Gallons</u></th> <th data-bbox="1222 1262 1472 1304"></th> </tr> </thead> <tbody> <tr> <td data-bbox="410 1314 695 1356">First (min.)</td> <td data-bbox="703 1314 1214 1356">1000</td> <td data-bbox="1222 1314 1472 1356">12.00</td> </tr> <tr> <td data-bbox="410 1409 695 1451">Over</td> <td data-bbox="703 1409 1214 1451">1000</td> <td data-bbox="1222 1409 1472 1451">80.00</td> </tr> <tr> <td data-bbox="410 1503 695 1545">RDA</td> <td data-bbox="703 1503 1214 1545"></td> <td data-bbox="1222 1503 1472 1545">4.50</td> </tr> </tbody> </table>	<u>Step</u>	<u>Gallons</u>		First (min.)	1000	12.00	Over	1000	80.00	RDA		4.50										
<u>Step</u>	<u>Gallons</u>																						
First (min.)	1000	12.00																					
Over	1000	80.00																					
RDA		4.50																					

Section	Description	Fee								
17.401.a	Sewer Rates: Outside Town Users: <table border="0" data-bbox="422 409 836 703"> <thead> <tr> <th><u>Step</u></th> <th><u>Gallons</u></th> </tr> </thead> <tbody> <tr> <td>First (min.)</td> <td>1000</td> </tr> <tr> <td>Over</td> <td>1000</td> </tr> <tr> <td>RDA</td> <td></td> </tr> </tbody> </table>	<u>Step</u>	<u>Gallons</u>	First (min.)	1000	Over	1000	RDA		 16.00 90.00 7.00
<u>Step</u>	<u>Gallons</u>									
First (min.)	1000									
Over	1000									
RDA										
17.401.b	Monthly fee for testing charges assessed to the town by the "Safe Water Act"	0.50								
17.402	Water deposit fee: Renters Homeowners	 100.00 60.00								
17.403	Penalty fee for failure to pay water bill. By the 10 th day of the month following the month in which service was rendered. By the 21 st day of the month following the month in which service was rendered.	 5.00 Service Discontinued								
17.403	Water reconnection fee Inside Town Users Outside Town Users	 25.00 25.00								

Section	Description	Fee
17.409	Water connection fee for installation Inside Town Users: 3/4" Meter 1" Meter Larger than 1" Meter	 460.00 550.00 550.00 plus expenses
17.409	Water connection fee for installation Outside Town Users: 3/4" Meter (\$460.00+\$125.00) 1" Meter (\$550.00+125.00) Larger than 1" Meter (\$550.00+\$125.00)	 585.00 675.00 675.00 plus expenses
17.409	Sewer connection fee for installation Inside Town Users: 4" Connection or larger	 510.00 plus expenses
17.409	Sewer connection fee for installation Outside Town Users: 4" Connection or larger (\$510.00+\$125.00)	 635.00 plus expenses

Section	Description	Fee
17.410	Sewer reconnection fee Inside Town Users Outside Town Users	
17.411	Water Hydrant Usage Deposit Gallons of usage	Per meter

Step	Gallons	Rate Inside Town	Rate Outside Town
Water: First (min.)	1000	12.00	17.00
Second	2000	2.10	2.50
Third	3000	2.20	2.60
Fourth	5000	2.30	2.70
Fifth	20000	2.40	2.80
Over	30000	2.50	2.90
Sewer: First (min.)	1000	16.00	20.00
All Over:	1000	1.90	2.35
Other: Minimim Bill:		RDA-In:	4.50
Delinquency:	5.00	RDA-Out:	7.00
Garbage:	5.00	Water Eff. Date:	05/14/02
DHEC:	.50	Sewer Eff. Date:	07/16/02

Enter the break points for gallons and the billing rate per 1000 gallons in the table above.

1=N/A 2=Chg 3=N/A 4=Print 5=N/A 6=Finl 7=Help 8=N/A 9=N/A 10=N/A

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Town of West Pelzer
Council Workshop
Minutes
Monday March 28, 2016
6:30pm
West Pelzer Town Hall

Those present for West Pelzer: Mayor Blake Sanders, Councilman Johnny Rogers, Jim Riddle, Donnie Jeanes and Jimmy Jeanes, Town Clerk Paula Payton, Court Clerk Shane Black, Chief Mike Clardy and Jeff Pearson.

Those present for Pelzer: Councilman Roger Scott, Will Ragland, Olene Bear, Town Clerk Heather Holcombe, Town Admin. Skip Watkins.

Discussion of Pelzer/West Pelzer joint sewer operations and police protection

Discussion of 2016/2016 West Pelzer budget, policies and procedures

No action was taken; discussion only.

Meeting adjourned at approximately 8:30pm.