The Town of North

South Carolina

THE CODE OF ORDINANCES

2004

Carolina Municipal Codes
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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 Act No. 118, of the 1987 South Carolina Legislature repealed Chapter 3 of Title 30 of the 1976 South Carolina Code of Laws, (commonly called the "Freedom of Information Act"). Numerous changes to the act have been made since its initial passage, and this appendix is current through the 2002 legislative session.

§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 other wise 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.

<u>§30-4-50. Certain matters declared public information.</u>

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 options, 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.

<u>§30-4-80. Notice of Meeting of Public Bodies.</u>

(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 that 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.)

The Town of North
South Carolina

MEMBERS OF COUNCIL

W. Earl Jeffcoat
Mayor

Deborah S. Cook
Council Member

Paul Drew
Council Member

Aubrey C. Gleaton
Council Member

Harriett M. Lane
Council Member

Cheryl H. Townsend
Clerk-Treasurer

Mark P. Fallaw
Police Chief

J. Cecil Moore, Jr.
Municipal Judge

FOREWORD

With the advent of the *1975 Home Rule Act* by the South Carolina General Assembly, a Code of Ordinances was prepared by the Municipal Association of South Carolina for the Town of North, South Carolina. The code was adopted by the Mayor and Council and members at that time were Mayor M. E. Livingston, Mayor Pro Tem Bill Mack, J. E. Hendrix and Paul Inabinett. No official date of adoption of said code was indicated in the document.

Since that time various ordinances have been adopted by Council, and, apparently, no effort has been made to codify them as required by §5-7-290 of the State of South Carolina 1976 Code of Laws. In view of this, the Mayor and Council entered into a Memorandum of Agreement with the publishers of this code in order to bring the code current.

That action was necessary to ensure that all ordinances adopted and not codified since the adoption of the original code have now been codified. All ordinances not contained herein have been repealed, except specific ones that are set forth in the ordinance adopting this revision. They also are enumerated in Appendix D of this document for easy reference.

Several appendices and one exhibit have been included in the 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 code will find it user-friendly, and any questions should be addressed to the Mayor, any member of Council or to the Town Clerk-Treasurer.

THE MAYOR AND COUNCIL
NORTH, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is a complete revision of all ordinances of the town. Editor's Notes are shown at the beginning or end of chapters, sections or paragraphs, to provide 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 and/or date of adoption, when available. For example, an arbitrary reference such as (Ord. #30. 5-8-04) or (Ord. 5-8-04) 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. a. When NQ is used as a reference, it refers to the North Questionnaire completed by the town prior to the recodification of this code. Example: (NQ 4) means question #4 on the questionnaire.

b. When NTC is used as a reference, it shall mean the Code of Ordinances adopted by the Mayor and Council following the adoption of the 1975 *Home Rule Act* by the South Carolina General Assembly.

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.

R. Powell Black
Editor

ORDINANCE NO. _____

AN ORDINANCE TO CODIFY THE ORDINANCES OF THE TOWN OF NORTH

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF NORTH:

SECTION 1. There is hereby adopted a codification of the ordinances of THE TOWN OF NORTH into a CODE OF ORDINANCES, which has been compiled from ordinances adopted by the town.

SECTION 2. This code may be referred to as the *Code of Ordinances of 2003* or the *North Town Code* or the *Town Code*.

SECTION 3. a. 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.

b. The municipal judge may order restitution in an amount not to exceed five thousand dollars ($5,000.00). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.

c. A municipal judge may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay.

(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.

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 with this code, 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; franchises; grant agreements; leases; loans; options; planning and zoning; property conveyances; sale, lease or contract to sell lands; subdivision plats; and tax levies and other charges 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 upon its final adoption on second reading.

_____	_____
First Reading	W. Earl Jeffcoat, Mayor
_____	_____
Second Reading	Deborah S. Cook, Council Member
	_____
	Paul Drew, Council Member
ATTEST:	_____
	Aubrey C. Gleaton, Council Member
_____	_____
Town Clerk	Harriett M. Lane, Council Member

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CHAPTER 1. GENERAL PROVISIONS

ARTICLE I. CERTIFICATE OF INCORPORATION

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.

A copy of the town’s Certificate of Incorporation is on the following page.

ARTICLE II. THE CODE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, NTC Title 1, Chapter 3, the North Questionnaire and generally accepted municipal definitions.

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 North, South Carolina*. 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 as provided by state law 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 North.

COUNCIL OR TOWN COUNCIL shall mean the Mayor and Council of the Town of North.

COUNTY shall mean the County of Orangeburg.

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 North.

MUST shall be mandatory.

NAME OF MAYOR AND COUNCIL, TOWN COUNCIL, CLERK/TREASURER OR OTHER OFFICER shall be construed as though the words *of the Town of North* 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.

NORTH TOWN CODE (NTC) shall mean the Code of Ordinances adopted by the Mayor and Council following the adoption of the 1975 *Home Rule Act* by the South Carolina General Assembly.

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 North.

SHALL 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.

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 Orangeburg County Treasurer.

(NQ 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 North.

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

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.

(Editor's Note. In certain chapters, additional definitions have been added, the text requiring it.)

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.

a. 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.

b. Each day a violation of this code or any ordinance, rule or regulation shall continue, it 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 like manner and to the same extent as other offenders.

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 that 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 North 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 North 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, 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. This article has been added, to set forth the authority contained in South Carolina law for all municipalities in this state. It derives from Title 5, Chapter 7, Section 10 of the *1976 South Carolina Code of Laws*:

> *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.*

ARTICLE IV. PENALTIES

1.401. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

(Editor's Note. A penalty section has been included in this code as the last article of each chapter.)

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CHAPTER 2. ADMINISTRATION

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; NTC Title 1, Chapters 1, 2, and 3; the North Questionnaire and generally accepted municipal practices. (Also, see Article IV, this chapter, for Municipal Elections.)

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

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

(1976 SC Code §5-5-10, §5-9-10, et seq.) (NTC 1-1-1) (Appendix C)

2.102. TOWN COUNCIL. COMPOSITION.

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

2.103. SAME. TERMS.

a. The term of office for Mayor shall be two (2) years.

b. For Council it shall be two (2) years.

(1976 SC Code §5-15-40) (NQ 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 §2.416, this code.)

(1976 SC Code §7-5-120)

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 three hundred sixty dollars ($360.00), per annum.

(NQ 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.

d. Payment for personal vehicle travel shall be computed at the current tax rate, per mile.

(NTC §1-2.4)

(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.

(Editor's Note. See also §2.305, this chapter.)

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 such member of the Council shall perform the duties of the Mayor 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 North 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)

ARTICLE II. ORDINANCES. RESOLUTIONS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; NTC Title 1, Chapter 4; the North Questionnaire and generally accepted municipal practices. (Also, see Article IV, this chapter, for Municipal Elections.)

2.201. 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. All ordinances should be numbered. 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. 04-1, No. 04-2, No. 04-3, etc.)

2.201. 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)

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.

(Editor's Note. See Appendix B for details of ordinance preparation. §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 facia of the genuiness of the same.

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....)

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

2.203. SAME. BOOK OF.

a. The Clerk/Treasurer shall place in a book the original copy of all ordinances passed by the Council.

b. The book shall be known as the *Book of Ordinances.*

c. 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)

2.204. SAME. NOTATION OF AMENDMENTS OR REPEALS. REFERENCE.

a. 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.

b. The words "amended," or "repealed" shall be added with a reference inserted in the margin on the ordinance as to where the amending or repealing ordinance can be found.

2.205. SAME. ENACTING CLAUSE.

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

2.206. 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)

2.207. 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)

2.208. SAME. FORM OF. 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, when requested, approval of the Town Attorney as to form.

9. The Mayor shall sign and the Clerk/Treasurer shall attest all ordinances, following adoption thereof; provided, however, all members may sign.

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

2.209. 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.)

2.210. SAME. FINAL FORM BEFORE ADOPTION.

All ordinances shall be complete in the form when it is adopted on second reading.

(1976 SC Code §5-7-270)

(Editor's Note. See Article II, this chapter, for requirement of six days between readings.)

2.211. 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 emergency requirements.)

2.212. SAME. 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 law enforcement 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)

2.213. RESOLUTIONS. INTRODUCTION.

a. A voice motion by a member of Council shall be considered to be the introduction of an oral resolution that 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.

2.214. SAME. ADOPTION.

Written or oral resolutions may be adopted on one (1) reading.

ARTICLE III. MEETINGS OF TOWN COUNCIL

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; NTC Title 1, Chapter 3; the North Questionnaire and generally accepted municipal practices.

2.301. MEETINGS. REGULAR. PLACE.

a. The regular meetings of Town Council shall be held on the second Monday of each month, at 7:30 p. m., local time. (See §2.303 herein, for change in date.)

(NQ 6)

b. In the event an official town holiday falls on the scheduled Town Council meeting date, the regular meeting shall 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.

2.302. 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.

2.303. 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.)

2.304. 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.)

2.305. SAME. MAYOR TO PRESIDE.

The Mayor shall preside at all Council meetings.

2.306. AGENDA.

a. Matters to be considered at a regular meeting or work session shall be placed on a written agenda and posted at least twenty-four hours (24) before the meeting.

b. Special meetings shall be posted at least twenty-four (24) hours prior to the meeting, and the time of posting shall be indicated on the notice.

(1976 SC Code §30-4-80.a)

c. Council members may add items to the agenda at any time prior to the posting.

d. Items shall be removed from the agenda, only with the consent of a majority of Council.

e. The agenda shall be prepared by the Town Clerk.

(NQ 7)

2.307. 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.

(NQ 8) (See also §2.315, this code.)

2.308. 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 Mayor.

2.309. 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. §2.309.b is a direct quote from the 1976 SC Code, §5-7-160.)

2.310. 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, who shall be selected by a majority vote of members.

2.311. MOTIONS. TO BE IN WRITING.

A motion shall be reduced to writing, at the request of the Mayor or of a majority of Council.

2.312. 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 §14.709, this code.)

2.313. ORDER OF BUSINESS.

The order of proceedings of Council meetings, when desired, may be substantially as follows, or as otherwise provided by Council:

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.

2.314. 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." Some municipalities permit the mayor to make a motion without leaving the chair.)

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. 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)

2.315. CONDUCT OF MEETINGS. GENERALLY.

(Editor's Note. This section derives from generally accepted municipal practices.)

a. The presiding officer shall not abuse his position by controlling or directing debate to favor his views.

b. 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.

c. The presiding officer shall have the same rights/responsibilities as other Council members with regard to making motions and voting, without leaving the chair.

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

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

f. 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, if requested to do so.

g. 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.

h. 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.

i. 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.

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

2.316. 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.

2.317. 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.

2.318. 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.

2.319. 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.

(NQ 16)

2.320. 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.

(NQ 16)

2.321. 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.

2.322. 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 IV. 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. *(Section 5 of the Voting Rights Act of 1965, as amended.)*

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.

An ordinance of April 11, 1994 authorized the Orangeburg County Election Commission to conduct town elections. Various functions were distributed among both the town and the county commission; to wit:

THE COUNTY:

1. *Issue public notice of election.*
2. *Preparation of ballots.*
3. *Recruit and train poll workers.*
4. *Assemble voting materials and provide return statements.*

THE TOWN:

1. *Bear cost of the election.*
2. *Bear cost and pickup of ballots from printer.*
3. *Pay poll workers.*

THE MUNICIPAL ELECTION COMMISSION:

1. *Conduct filing petitions by candidates.*
2. *Tally results the day of election.*
3. *Certify results of the election.*

This article derives from the 1976 South Carolina Code of Laws, §5-15-40 et seq., as amended; NTC Title 8 and generally accepted municipal practices.

2.401. 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.)

2.402. 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 §5-15-40 et seq. and §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.

(Editor's Note. Section 5-15-145 of the 1976 South Carolina Code of Laws authorizes municipalities to transfer authority for conducting municipal elections to the County Election Commission and outlines procedures to be followed.)

2.403. DATE OF ELECTIONS. AT LARGE.

a. All general Council elections shall be held on the first Tuesday after the first Monday of each odd numbered year.

b. All municipal elections shall be at large.

(1976 SC Code §5-15-50) (NQ 10)

2.404. VOTING HOURS. PLACE.

Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the North Town Hall or as otherwise determined by Council and incorporated in the minutes of Council.

(1976 SC Code §7-13-60) (NQ 14)

2.405. FILING. STATEMENT OF CANDIDACY. PETITIONS.

a. A Statement of Candidacy shall be filed by all candidates for election, not less than sixty (60) days prior to an election.

b. Petitions shall be required.

(1976 SC Code §5-15-70) (Ordinance of April 11, 1994) (NQ 12.b)

2.406. SAME. FEES.

The filing fee for the office of Mayor shall be forty dollars ($40.00); for the office of Council it shall be twenty dollars ($20.00).

(NQ 13)

2.407. OATH.

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

2.408. CERTIFICATION.

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

2.409. 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)

2.410. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.411. SUCCESSORS TO BE QUALIFIED.

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

2.412. 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 at the first meeting of Council

following their election.

(NQ 15)

2.413. POLITICAL PARTIES.

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

(NQ 12)

2.414. NONPARTISAN ELECTIONS. RUNOFFS. TIE VOTES. CONTESTED. RESULTS.

a. As prescribed in §5-15-62 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 §5-15-62, et seq., 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) (NQ 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)

2.415. 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.)

2.416. QUALIFICATIONS FOR VOTING.

Every citizen of the Town of North 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) (See also §2.104, this code.)

ARTICLE V. MAYOR AND COUNCIL

Editor's Note. This article derives from Title 5, Chapter 9, Article 30, of the 1976 South Carolina Code of Laws.

2.501. RESPONSIBILITIES AND POWERS OF MAYOR.

The Mayor shall be the chief administrative officer of the municipality. He shall be responsible to Council for the administration of all town affairs placed in his charge. 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 said Chapters 1 through 17, except as otherwise provided by law, or personnel rules adopted pursuant to said 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 said Chapters 1 through 17;

3. To preside at meetings of Council and vote as other Councilmen.

4. To act to insure that all laws, provisions of said Chapters 1 through 17 and ordinances of 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 Council;

6. To submit to 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;

7. To make such other reports as Council may require concerning the operations of municipal departments, offices and agencies subject to his direction and supervision.

(Editor's Note. See also §2.106, this chapter.)

2.502. ESTABLISHMENT OF MUNICIPAL DEPARTMENTS, OFFICES, AGENCIES BY COUNCIL.

Council may establish municipal departments, offices and agencies in addition to those created by said 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.

2.503. EMPLOYMENT OF ADMINISTRATOR TO ASSIST MAYOR.

The Mayor and Council may employ an administrator to assist the Mayor in his office.

2.504. OFFICES AND AGENCIES.

All departments, offices and agencies thus established shall be administered as determined by the Mayor and Council.

ARTICLE VI. CLERK/TREASURER

Editor's Note. This article derives, as amended, from §5-7-220 of the 1976 South Carolina Code of Laws and NTC Title 1, Chapter 4.

2.601. APPOINTMENT.

a. The Council shall appoint an officer who shall have the title of Clerk/Treasurer.

b. The Clerk also may be referred to as the Town Clerk.

c. The Clerk shall hold office at the pleasure of the Council.

(1976 SC Code §5-7-220)

(Editor's Note. The above reference requires the appointment of the Clerk to be made by Council.)

2.602. 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 shall be paid by the town.

2.603. 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 Council.

(1976 SC Code §5-7-220)

2.604. COMPENSATION.

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

ARTICLE VII. MUNICIPAL ATTORNEY

Editor's Note. This article derives, as amended, from §5-7-230 of the 1976 South Carolina Code of Laws and NTC Title 1, Chapter 4.

2.7601. APPOINTMENT. TERM OF OFFICE. RESIDENCE.

a. The Council may 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.)

2.702. 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 that 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.

2.703. COMPENSATION.

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

ARTICLE VIII. PERSONNEL

Editor's Note. This article derives from Title 5, Chapter 9, Article 30, of the 1976 South Carolina Code of Laws and has been added to assist in personnel matters.

2.801. 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.

2.802. 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.

2.803. 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.

2.804. 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, which may be in their possession at the time of dismissal, suspension or resignation from employment with the Town of North.

2.805. 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	Labor Day
Martin Luther King Birthday	Thanksgiving Day
Washington’s Birthday	Day after Thanksgiving
Good Friday	Christmas Eve Day
Memorial Day	Christmas Day
Independence Day	Day after Christmas

b. Holidays which fall on Saturday or Sunday shall be observed the following Monday.

2.806. MILITARY.

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

2.807. JURY DUTY.

a. 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.

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

(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.)

2.808. AT-WILL EMPLOYMENT.

It is hereby declared to be the policy of the Town of North that, notwithstanding any policies, memoranda or handbooks promulgated by the town or any employment practices of the town:

1. All employees of the Town of North are employed at-will and may resign or be discharged from employment at any time.

2. Only the Mayor and Council shall have the right to enter into contracts for other than at-will employment on the town's behalf.

3. Any contract for other than at-will employment must:

(a) be in writing;

(b) be executed by the Mayor and Council;

(c) specify the duration of the employment; and

(d) specifically state that the contract is being created pursuant to the authority of the Mayor and Council under this chapter.

*(Editor's Note. In its May 2003 edition of **UPTOWN**, the Municipal Association explained in detail the reasons for this section.)*

CHAPTER 3. ANIMALS. FOWL

ARTICLE I. IN GENERAL

3.101. Definitions.
3.102. Identification Tag or Plate Required.
3.103. Impoundment of Animals Running At Large Without Identification Collars or Tags.
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CHAPTER 3. ANIMALS. FOWL

Editor's Note. This chapter derives from NTC Title 6 and an ordinance adopting the animal and fowl ordinances of Orangeburg County.

ARTICLE I. IN GENERAL

3.101. DEFINITIONS.

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

Animal/litter control officer means the person appointed by county administrator to serve at the will of the administrator, with the duties and powers described in this chapter.

Animal shelter means any premises designated by the county council for the purpose of impounding, caring for or destroying animals held under the terms of this chapter.

Animals means all mammals of the order carnivore, four (4) months or more of age. This includes dogs, cats and other related carnivorous animals.

County means the unincorporated area of the county and any municipality which may have entered into a contract with the county council in payment for animal control services to be rendered to the municipality and which shall have adopted appropriate legislation to that effect.

Dangerous animals means, for purposes of this chapter, if the following conditions exist in any situation, an animal shall be considered a dangerous animal within the meaning of this chapter when:

1. Running at large off the premises of its owner.

2. It's owner is not personally present to exercise control or management, or if present is not able to or fails to exercise control or management.

3. It exhibits wildness, or anger, or fierceness, or hostility by snarling and the baring of teeth, or the bristling of hair.

4. It has snapped at, or charged at or darted at in a threatening manner, or chased, or attacked, or threatened to attack, any person, cattle, horse, hog, mule, goat, sheep or domestic fowl.

If all of the foregoing conditions exist in the same situation, the animal shall be considered a dangerous animal within the terms of this chapter even if the animal has identification of ownership and a rabies tag.

Diseased animal means any animal which is afflicted with a disease which may adversely affect the health of man or another animal.

Euthanize means to put to death in a humane manner.

Farmer means the owner or lessee of land used to produce an agricultural crop or to manage livestock for marketing.

Owner means any person who:

1. Has a right of property in an animal;

2. Keeps an animal or has it in care or acts as its custodian; or

3. Permits a pet or animal to remain on or about the premises owned or leased by that person.

Impounded or impoundment means the act of receiving into custody by enforcement officers of any animal for confinement within the animal shelter.

Nuisance animal means an animal that does excessive, continuous, or untimely barking; which molests passerby; habitually attacks other domesticated animals; trespasses upon school grounds or trespasses upon private property in such a manner as to damage the property.

Running at large means being off of property in possession of the owner of the animal and not under the physical control of the owner by means of a leash or other restraining device.

Stray animal means an animal running at large which has no known owner, and no owner identification tag as required by this chapter.

Under restraint means an animal which is accompanied by its owner and under the physical control of the owner by means of a leash or other restraining device, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner’s permission.

Vicious animal means any animal:

1. Evidencing an abnormal inclination to attack persons or animals without Provocation (S. C. Code 1976, §47-3-10); or

2. Having tendency to do any act that might endanger safety of persons and property of others in a given situation.

The owner of an animal is deemed to have knowledge of its vicious or dangerous disposition. An animal is not entitled to one (1) bite.

3.102. IDENTIFICATION TAG OR PLATE REQUIRED.

Every owner is required to ensure that an identification tag or plate is securely fastened to the animal's collar or harness. The tag or plate will clearly indicate the name and address of the owner and must be worn by the animal at all times. An animal running at large without such identification shall be deemed abandoned by its owner, and a potential public nuisance.

3.103. IMPOUNDMENT OF ANIMALS RUNNING AT LARGE WITHOUT IDENTIFICATION COLLARS OR RABIES TAGS.

Any animal running at large which has no identification collar or rabies tag as required by this chapter shall be deemed as abandoned property as to which the county may assert a paramount interest as the health, safety and protection of the public. The county may take title to such animals, by and through the animal/liter control officers, may impound such animals and give owners a chance to redeem or destroy or authorize destruction of such animals according to this chapter or state law.

3.104. INVESTIGATION AND ENFORCEMENT AS TO NONDANGEROUS STRAYS.

Any person who may be bothered or disturbed by the repeated presence on their property of any nuisance animal belonging to another and not a dangerous animal as defined under S. C. Code 1976, §47-3-710 et seq., may call or go to the animal/litter control officer and report the circumstances and information concerning the complaint. The animal/litter control officer shall make such investigation, as he may deem sufficient.

3.105. SEARCH WARRANT TO ENTER PREMISES. REMOVAL OF ANIMALS.

The animal/litter control officers may obtain a search warrant to enter any premises upon which there is probably cause to believe that violation of this chapter exists. The animal/litter control officer may then demand to examine such animal and take possession of the animal, when, in the animal/litter control officer's opinion, it requires removal from the premises and a violation of this chapter has occurred.

3.106. CRUELTY AND ABANDONMENT.

The animal/litter control officer shall investigate all complaints of cruelty to or abandonment of animals pursuant to the laws of the state and shall take lawful action to stop such cruelty or abandonment.

3.107. REMOVAL OF IDENTIFICATION AND RABIES TAGS PROHIBITED.

It shall be unlawful in the county for any person to remove the identification or the current rabies tag from an animal as provided for in this chapter. The assertion that someone other the owner removed such tags shall not be a defense to any action or procedure under this chapter, the owner being deemed hereunder absolutely responsible for attachment of the tags.

3.108. ANIMALS IN HEAT.

The owner of a female animal in heat shall keep the animal in a building or enclosure or in a veterinary hospital or kennel so as not to create a nuisance by attracting other animals.

3.109. UNLAWFUL ACTS.

It shall be unlawful for any animal owner or other keeper of an animal to:

1. Allow his animal to run at large off of property owner, rented or controlled by him with the exception of hunting dogs in pursuit of game which originated on property owned, rented or controlled by him.

2. Keep a vicious or unruly animal unless under restraint of fence, chain or other means so that such animal cannot reach persons not on land owned, leased or controlled by him.

3. Release or take out of impoundment without proper authority any animal or resist county animal control personnel engaging in the capture and impoundment of an animal.

4. Release a hunting dog in such a manner so as such dog is more likely to hunt on property not owned, rented or controlled by him.

3.110. RESTRAINT.

The owner shall keep his animal under reasonable restraint at all times. It shall be unlawful for an owner or keeper of any dog, licensed or unlicensed, to permit the dog to leave or to be beyond the premises upon which the dog is usually kept, except when accompanied and controlled by the owner or keeper and secured by means of a collar or harness, with a chain or leash attached thereto and held by the owner, keeper or person in charge of the animal. No animal shall be permitted to be on school grounds or in shopping areas or similar public places unless on a leash or “at heel” at all times.

3.111. NUISANCE.

It shall be unlawful for any owner to fail to exercise proper care and control of his animal to prevent such animal from becoming a public nuisance.

3.112. ABANDONED, UNCLAIMED ANIMALS.

It shall be unlawful for the owner of any animal in the county to abandon such animal. If any animal is unclaimed as provide for in this section it may be disposed of pursuant to the regulations existing at the animal shelter.

3.113. DISEASED ANIMALS.

No animals afflicted with a contagious disease shall be allowed to run at large or to be exposed in any public place whereby the health of any person or animals may/might be affected, nor shall such an animal be shipped or removed from the premises of the owner except under the supervision of the animal/litter control officer of the county.

3.114. REPORTING A VIOLATION.

Any citizens reporting a violation of this chapter must identify himself to the animal/litter control officer or public works department and must sign a nuisance violation report if the violation is a nuisance.

3.115. ENFORCEMENT.

Enforcement of all sections of this chapter regarding having any animal on a leash or “at heel” will be enforced on a complaint basis only.

ARTICLE II. ANIMAL/LITTER CONTROL OFFICER

3.201. POWERS AND DUTIES. EXCEPTIONS.

a. The animal/litter control officer shall have the power to enforce this chapter and to cooperate with the health department in quarantining animals to carry out the duties and assume the responsibilities of this chapter. For the purpose of enforcing this chapter, the sheriff, deputy sheriffs, magistrates, constables, and the police officers of any incorporated municipality which contracts with county council are authorized and instructed to assist the animal/litter control officers.

b. Any member of the North Police Department is hereby authorized to exercise the provisions of this chapter, when circumstances warrant.

3.202. EMPLOYEE STATUS.

The animal/litter control officer or his assistants shall be county employees. The animal/litter control officer or his assistants shall not serve in an agency capacity to the sheriff or deputy sheriffs or be subject to their direction and control.

3.203. PERSONNEL.

Upon approval of county council, the animal/litter control officer and/or the county administrator may employ such personnel and provide such equipment as may be necessary to enforce the provisions of this chapter.

3.204. MAINTENANCE OF RECORDS.

The animal/litter control officer shall maintain such records as may be prescribed by the county administrator and as necessary to account for the functions and activities of that office.

3.205. OPERATING PROCEDURES.

The animal/litter control office shall have a published telephone number and shall be open to receive citizens' complaints ands requests each day except Saturdays, Sundays and holidays. The animal/litter control officer or his assistants will patrol areas of the county as often as possible for the purpose of enforcing this chapter. The animal/litter control officer may require a signed complaint whenever deemed advisable.

3.206. SUBJECT TO SUPERVISION AND CONTOL OF PUBLIC WORKS DIRECTOR.

The animal/litter control officer and all related functions of that office shall be directly under the public works director's office and under the director's supervision and control. The individual or individuals shall be hired and fired by the public works director.

3.207. INTERFERENCE WITH OFFICERS PROHIBITED.

No person shall interfere with, hinder or molest the animal/litter control officers in the execution of their duties, or seek to release an animal in the custody of the animal/litter control officers except as provided in this chapter.

ARTICLE III. ANIMAL SHELTERS

3.301. PURPOSE.

Animal shelters shall be operated to impound, care for, quarantine or euthanize animals held pursuant to this chapter.

3.302. CONTRACTS FOR OPERATION AUTHORIZED.

The Town of North may enter into contracts with eleemosynary corporations or associations, or other organizations, for the operation of the animal shelters and may contract with Orangeburg County for the use or operation of animal shelters.

ARTICLE IV. IMPOUNDMENT AND REDEMPTION

3.401. DELIVERY OF STRAY ANIMALS.

Stray animals may be delivered to the animal shelters at no charge to persons making such delivery. Animal shelter personnel shall make a reasonable effort to locate the owners of animals before making permanent disposition thereof.

3.402. AUTHORIZED FOR STRAY AND VICIOUS ANIMALS.

Authorized animal/litter control officers shall have the authority to seize all stray animals and vicious animals and take such animals to a designated animal shelter. Any person on whose property a vicious or stray animal is found may seize the animal and deliver it to the animal shelter for impoundment.

3.403. NOTICE TO OWNERS.

Animals impounded pursuant to this chapter shall be kept at a designated animal shelter. Upon impoundment, the animal/litter control officer shall make a reasonable effort to ascertain the owner of an animal and if the owner is discovered the animal/litter control officer shall notify him of the terms for the animal's release.

3.404. RELEASE OF IMPOUNDED ANIMALS.

An owner shall obtain release of an impounded animal upon payment of a quarantine fee and a boarding fee as approved by the county council, and upon presentation of a current rabies inoculation certificate, rabies tag and collar or harness with identification of ownership of the animal.

3.405. BOARDING FEE.

An additional fee per twenty-four (24) hour period shall be charged for feeding and caring for an impounded animal, which fee shall be approved by the county administrator.

3.406. PERIOD OF IMPOUNDMENT AND DISPOSITION OF UNCLAIMED ANIMALS.

Any impounded animal that has been inoculated shall be detained for a period of twenty-one (21) days for redemption by its owner, or if the owner is known, the animal shall be detained for twenty-one (21) days after the owner is notified. If the animal is not redeemed by its owner in that period, it may be offered for adoption or disposed of humanely. If an animal has no rabies tag attached to its collar, it may be disposed of humanely if unclaimed for three (3) days. If an animal is in critical condition from wounds, or disease, it may be destroyed immediately.

(1976 SC Code §47-5-130)

3.407. REDEMPTION OF VICIOUS ANIMALS.

In the case of a vicious animal which the owner has failed on two (2) occasions to control properly, and which has been impounded, redemption may be made only with the consent of the county administrator on recommendation of the animal/litter control officer or his agent.

3.408. APPLICATION FOR REDEMPTION.

The owner of an impounded animal must apply for the redemption of the animal. The animal may not be released unless authorized by the animal/litter control officer or his agent with assurance from the owner that proper care and custody will be maintained.

3.409. ADOPTION.

a. Any animal impounded under the provisions of this chapter may, at the end of the detention provided for in this chapter, have its title transferred to the Humane Society, the SPCA, or be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this chapter. All required fees must be paid at the time of adoption.

b. No unspayed female animal, which has been impounded by reason of its being a stray, shall be allowed to be adopted from the animal shelter, unless the prospective owner has arranged to have the animal spayed or unless this requirement is waived by special permission of the animal/litter control officer.

3.410. INJURED, DISEASED AND DEAD ANIMALS.

a. Any animal received by veterinarians in critical condition from wounds, injuries or diseases, may be destroyed at the veterinarian's discretion if the owner cannot be contacted within one (1) hour. If the animal is suffering great pain, it may be destroyed immediately.

b. The owner of any animal that dies shall immediately provide for its burial or cremation if the owner knows of its death and the location of its remains. If the owner fails to do so within three (3) hours after notice, the animal/litter control officer shall arrange for the disposal and the owner shall be required to pay the costs thereof.

3.411. PROPERTY DAMAGES BY ANIMALS.

When any animal shall go upon the premises of any other person that its owner, the owner of such trespassing animal shall be liable for all property damages done by it upon the premises. The owner of the premises sustaining such damages may within three (3) days after the incident file a sworn complaint and a valid, independent estimate of the damages with the animal/litter control officer if the damages are not estimated at more than one hundred dollars ($100.00). The animal/litter control officer shall contact the owner of the animal and seek payment or adjustment of the claim. If the animal/litter control officer's efforts are not successful, the animal/litter control officer shall inform and cooperate with the owner of the damaged premises in obtaining civil process for recovery of damages not exceeding one hundred dollars ($100.00) from the appropriate magistrate, if so requested by the owner. The animal/litter control officer shall have no duty or authority in reference to claims in excess of one hundred dollars ($100.00), or complaints made more than three (3) days after the date of the incident.

ARTICLE V. 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; NTC Title 6, Chapter 5; Question 20 of the North Questionnaire and generally accepted municipal practices.

3.501. ESTABLISHED.

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

3.502. KILLING, INJURING, MOLESTING BIRDS.

The Town of North 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.

3.503. 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 Orangeburg 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.

3.504. FARM LANDS, SWAMPS EXCLUDED.

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

ARTICLE VI. PENALTIES

3.601. PENALTY.

Any person who violates a provision of this chapter shall be deemed guilty of a misdemeanor. Citations for enforcement of the provisions of this chapter shall be made by the use of an ordinance summons pursuant to S. C. Code 1976, §56-7-80.

CHAPTER 4. BEAUTIFICATION

ARTICLE 1. COMMISSION

4.101. Commission Created.
4.102. Membership. Compensation. Terms.
4.103. Function and Authority
4.104. Meetings.
4.105. Reports.
4.106. Interference With Commission.
4.107. Utility Exemption.

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 North Questionnaire and generally accepted municipal practices.

ARTICLE 1. COMMISSION

4.101. COMMISSION CREATED.

There is hereby created a "Beautification Commission."

4.102. MEMBERSHIP. COMPENSATION. TERMS.

a. The Commission shall consist of three (3) members who shall be appointed by the Town Council and who shall serve without compensation.

b. Members shall serve such staggered terms as may be determined by Council. 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 Council.

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 Council.

ARTICLE II. PENALTIES

4.201. PENALTY. EXCEPTIONS.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 5. BUILDINGS. PLANNING COMMISSION

ARTICLE I. ADMINISTRATION

5.101. Homeowner's Provisions.
5.102. Ordinary Repairs, Maintenance Authorized.
5.103. Liability Not Assumed by Town.
5.104. Unfit Dwellings.
5.105. Utility Connections
5.106. Smoke-Free Municipal Building
5.107. Appeals.

ARTICLE II. CODES

5.201. Codes Adopted.
5.202. Personnel.
5.203. Fees.
5.204. Notification of Quitting Required.
5.205. Work Without a Permit.
5.206. County’s Approval Prerequisite to Connect With Current Installations.
5.207. Code Compliance Required.
5.208. Board of Adjustments and Appeals. Term of Office.

ARTICLE III. BUILDING NUMBERS

5.301. Numbers Required for Buildings and Property.

ARTICLE IV. MOBILE HOMES

5.401. Parks. Courts Mobile Homes.

ARTICLE V. FAIR HOUSING

5.501. Month Designated.
5.502. Program. Minimum Elements.

ARTICLE VI. PLANNING COMMISSION

5.601. Commission Established.
5.602. Composition of Commission. Terms.
5.603. Compensation.
5.604. Removal of Members.

ARTICLE VII. PENALTIES

5.701. Penalty.

CHAPTER 5. BUILDINGS. PLANNING COMMISSION

ARTICLE I. ADMINISTRATION

Editor's Note. This article derives from the 1976 South Carolina Code of Laws §40-59-160, Questions 22 through 25 of the North Questionnaire and generally accepted municipal practices.

5.101. HOMEOWNER'S PROVISIONS.

a. Nothing in this chapter shall prevent any homeowner from constructing or maintaining buildings, or installing 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.)

5.102. 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. 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.

5.104. UNFIT DWELLINGS.

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

(1976 SC Code §31-15-20)

5.105. UTILITY CONNECTIONS.

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

5.106. SMOKE-FREE MUNICIPAL BUILDING.

a. The Town Hall of the Town of North is hereby declared to be a smoke-free environment.

b. Violation hereof shall constitute a misdemeanor.

5.107. APPEALS.

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

ARTICLE II. CODES

Editor's Note. On April 7, 2003, the Orangeburg County Council adopted Ordinance No. 2003-7-7-2, entitled ***AN ORDINANCE TO AMEND SECTION 6.1 (a) OF THE CODE OF ORDINANCES FOR ORANGEBURG COUNTY SO AS TO ADOPT BY REFERENCE THE UPDATED MANDATORY BUILDING CODES AS REQUIRED BY THE STATE OF SOUTH CAROLINA.***

The North Town Council previously adopted the county's ordinances to enable the county to apply the requirements therein to the Town of North. This article updates the town's ordinance to comply with the county's ordinances.

5.201. CODES ADOPTED.

The following codes are hereby adopted by reference, as though they were copied herein but without appendixes unless specifically noted:

1. International Building Code 2000 Edition
2. International Plumbing Code 2000 Edition
3. International Mechanical Code 2000 Edition
4. International Fuel Gas Code 2000 Edition
5. International Energy Conservation Code 2000 Edition
6. National Electrical Code 2000 Edition, with S. C. amendments
7. International Residential Code 2000 Edition, with S. C. Amendments
8. 1998 Edition of the ICC/ANSI A117.1, Accessible and Useable Buildings and Facilities
9. Building Energy Efficiency Standards Act

5.202. PERSONNEL.

The referenced ordinances and general state statutes concerning the Council-Administrator form of government shall apply to personnel-related matters involving building officials, deputies, inspectors and assistants specified therein.

5.203. FEES.

a. Generally. No permit shall be issued until the required fees are paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure is paid.

b. Schedule of Fees. The Council hereby established the following schedule of fees for permits, and appeals:

(1) BUILDING PERMIT

(a) Residential (General contractor's cost, including plumbing, mechanical equipment and other systems)

$999.00 and under .....no permit required
$1,000.00-$4,000.00, minimum fee.....$12.00
$4,001.00 and above, per thousand or fraction thereof.....$3.00
Applied to a standard per square foot value of $41.50

(b) Commercial

$999.00 and under .....no permit required
$1,000.00-$4,000.00, minimum fee.....$16.00
$4,001.00-$150,000 per thousand or fraction thereof.....$4.00
$150,001 and above per thousand or fraction thereof.....$3.00
Applied to the actual contract price

(c) Garages, Porches, Stoops and Basements

$999.00 and under .....no permit required
$1,000.00-$4,000.00, minimum fee.....$12.00
$4,001.00 and above, per thousand or fraction thereof.....$3.00
Applied to a standard per square foot value of $15.00

(d) Carports and Decks

$999.00 and under .....no permit required
$1,000.00-$4,000.00, minimum fee.....$12.00
$4,001.00 and above, per thousand or fraction thereof.....$3.00
applied to a standard per square foot value of $10.00

(e) Re-inspection Fee (An inspector has been called to inspect a project that is not ready and/or the project has not met the Code's minimum requirements). Builders will be given one (1) additional inspection free of charge.
A flat rate will be charged for every inspection thereafter.....$15.00

(f) Inspection for which no fee is specifically indicated (As a service agency, inspections of older structures, due to a concern of the property owner wanted an objective opinion, could be performed).
Flat rate per inspection.....$25.00

(2) Electrical Permit
$1.00 - $1,000.00, minimum.....$10.00
$1001.00 and above: $10.00 plus each additional $1,000.00 or fraction thereof.....$3.00

(3) Gas, heating and air conditioning
$1.00 - $1,000.00, minimum.....$10.00
$1001.00 and above: $10.00 plus each additional $1,000.00 or fraction thereof.....$3.00

(4) Plumbing Permit

$1.00 - $1,000.00, minimum.....$10.00
$1001.00 and above: $10.00 plus each additional $1,000.00 or fraction thereof.....$3.00

(5) Related Fees.

(a) Permit transfer fee. A permit transfer fee of five dollars ($5.00) shall be paid for each transfer of a permit.

(b) Permit refund fee. A permit refund fee of ten dollars ($10.00) shall be paid for each refund of a permit fee.

(c) Appeal from Building Official to Board of Adjustment. A fee of thirty dollars ($30.00) shall be paid for each appeal from the Building Official to the Board of Adjustment.

(d) Moving of building or structures. A fee of fifty dollars ($50.00) shall be paid for moving of buildings or structures. Applicant responsible for any other required or related fee such as sheriff's department escort services.

(e) Plan review fees. Responsibility of applicant as required by Code with fees established and as required by Building Code Congress International.

(f) The following fees shall be charged for mobile homes:

(i) A fee of one hundred fifty dollars ($150.00) for a single-wide.

(ii) A fee of two hundred fifty dollars ($250.00) for a double-wide.

(g) A demolition fee of fifty ($50.00) shall be charged for any building or structures.

5.204. NOTIFICATION OF QUITTING REQUIRED.

a. Should any person to whom a permit was issued quit the construction or installation for any reason, he shall notify the Building Official and state the reason. If the construction installation was partially completed, the person for whom the permit was issued, upon quitting the installation, shall notify the Building Official and request an inspection. Acceptance of, or violations against the work shall be recorded by the inspector on the permit record. No refund of the permit fee shall be granted to the person to whom the permit was issued.

b. If the holder of a permit quits the installation and fails to notify the Building Official, the owner or his agent may notify the Building Official and request inspection. Upon inspection, the holder of the permit shall be sent a notice of any violation. The owner may then secure another qualified person to proceed with the work.

c. If no work was done, the holder of the permit shall be entitled to a refund on his permit; provided, however, that a minimum charge shall be made.

5.205. WORK WITHOUT A PERMIT.

Should work for which a permit is required be started without obtaining said permit, the fees herein shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

5.206. COUNTY'S APPROVAL PREREQUISITE TO CONNECTION WITH CURRENT INSTALLATIONS.

No public service shall connect to its system any new or previous installations of wiring, extension to existing installations until the utility has received notice from the county that code requirements have been met.

5.207. CODE COMPLIANCE REQUIRED.

It shall be unlawful to construct any structure or a part of a structure that is not in compliance with this article and that is not in conformity with this chapter.

5.208. BOARD OF ADJUSTMENTS AND APPEALS. TERM OF OFFICE.

The herein referenced codes are supplemented by adding the following stipulation as to the term of Board members: "Members shall serve a three (3) year term."

ARTICLE III. BUILDING NUMBERS

Editor's Note. In many other towns, house numbers are assigned by the Clerk, the Post Office or the county's 911 emergency system. This Article has been added to give guidance, since all buildings should be numbered and streets named for safety reasons in emergencies.

5.301. NUMBERS REQUIRED FOR BUILDINGS AND PROPERTY.

a. All buildings and properties located within the corporate limits shall display a number, as provided herein.

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.

(NQ 70)

ARTICLE IV. MOBILE HOMES

Editor's Note. This article derives from an ordinance dated June 9, 1997, amending Chapter 5 of the town's Code of Ordinances for the purpose of governing the placement, construction and location of mobile homes and establishing development standards for mobile home parks or courts within the municipal limits.

5.401. PARKS . COURTS. MOBILE HOMES.

a. Placement of individual mobile homes on individual lots shall front on a public road.

b. Each mobile home shall be required to have separate taps, connections and meters for all utilities provided which shall be connected directly to the system of the utility provider.

c. The mobile home shall be securely underpinned and anchored as required by the Standard Building Code. The securing of a unit must be inspected and approved by the authorized appointed official of the Town prior to occupancy.

d. Each mobile home shall have vinyl skirting constructed of bricks, concrete blocks, or other appropriate material that extends from the exterior wall to the ground. The tongue shall be removed where so designed.

e. All mobile home parks or courts shall comply with the following development standards:

(1) the minimum park or court area shall be two (2) acres.

(2) Maximum density shall not exceed eight (8) units per acre.

(3) The park or court shall be served by municipal water and sewer systems, a system storm drainage, and refuse disposal facilities, not less than forty (40) feet from any mobile home.

(4) Roadways which are not to be dedicated as public streets shall have a minimum travel width of twenty (20) feet exclusive of parking.

(5) All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than four hundred (400) foot intervals.

(6) Each individual mobile home site shall be at least twenty-five (25) feet from any other site and at least twenty-five (25) feet from the right-of-way of any drive which provides common circulation and access.

(7) Mobile homes shall be placed on one of the following types of foundations which shall be subject to approval of the appropriate official of the Town:

(a) Piers under frame of masonry construction.

(b) Foundations shall be so constructed as to prevent settling and accumulation of water under the mobile home.

(c) All mobile homes placed on a concrete slab foundation or on a concrete or masonry footing foundation shall be provided with appropriate skirting of solid durable material around the entire perimeter.

(d) Each mobile home shall be securely underpinned and anchored in accordance with the Standard Building Code.

(e) A business license shall be required for the opening or operation of a mobile home park or court in the Town of North. Said license may be revoked by the Town Council for the violation of this chapter or other applicable ordinance and regulations governing the operation of such uses. Said revocation shall be in addition to other remedies provided by this code.

f. Town Council may permit a special exception for the temporary use of a mobile home in connection with the primary residence of said owner or the use of mobile home for temporary business purposes if approved by Town Council upon a finding that said use shall not adversely affect surrounding property and environmental conditions, shall not be contrary to the public interest and not cause substantial detriment to the public good. If any such use is approved, Council shall have authority to place additional conditions on said use.

ARTICLE V. FAIR HOUSING

Editor's Note. The Fair Housing Act is Title VIII of the Civil Rights Act of 1968, as amended. This act prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, sex, national origin, familial status and disability.

The Town of North passed a resolution pursuant to federal law declaring the month of April Fair Housing month. This is an annual event that the Town of North undertakes in order to insure that all citizens are aware of the Fair Housing Law and the Town of North's obligation with all aspects of this law.

5.501. MONTH DESIGNATED.

a. The month of April is hereby designated as Fair Housing Month in the Town of North.

b. It is the intent of Town Council that all citizens of North 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.

(NQ 26)

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

5.502. PROGRAM. MINIMUM ELEMENTS.

a. The Town of North shall publicize this section and, through said publicity, shall encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the Federal and State Fair Housing Law and amendments and any applicable state or local laws or ordinances.

b. Said program will at a minimum include a printing and publicizing of this policy and other applicable fair housing information through local media and community contracts; and distribution of posters, flyers and any other means that will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

ARTICLE VI. PLANNING COMMISSION

Editor's Note. This article derives from Ordinance No. 04-14-03, adopted June 3, 2003.

5.601. COMMISSION ESTABLISHED.

There is hereby established a Planning Commission which shall have the powers and duties as provide in South Carolina Code Title 6, Chapter 29, 6-29-310, et seq.

5.602. COMPOSITON OF COMMISSION. TERMS.

The Commission shall consist of five (5) members appointed by Town Council for terms of three (3) years, staggered so that one third (1/3) of the members shall have terms expiring in each year. Members shall serve until their successors are appointed and qualified. No member of the Planning Commission shall be the holder of an elected public office in the town or county.

5.603. COMPENSATION.

Members of the Commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted funds, pursuant to reimbursement policies and procedures for employees of the town.

5.604. REMOVAL OF MEMBERS.

Members of the Commission may be removed at any time by Council for cause. The existence of cause shall be discussed by the Council in executive session as permitted by the *Freedom of Information Act*. The determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of Council, is deemed to adversely affect the public interest, including lack of attendance at meeting, may constitute cause.

ARTICLE VII. PENALTIES

5.701. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 6

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

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

7.101. Jury Commission.
7.102. Juries.

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.

On July 1, 1998, the Town of North entered into an agreement with Orangeburg County whereby a county magistrate would serve the town in the capacity of Municipal Judge, ex-officio, and would preside over the municipal court.

The agreement is filed in the office of the Town Clerk and open for public review during normal working hours. Such an agreement is provided for at §14-25-25 (a) of the 1976 South Carolina Code of Laws.

7.101. JURY COMMISSION.

The Town Council shall serve as the Jury Commission, until such commission shall have been appointed by the Council.

(NQ 32.a)

7.102. JURIES.

Jurors shall be paid ten dollars ($10.00) per person per session.

(NQ 32.b)

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 NTC Title 1, Chapter 5, Article A; Question Numbers 33 through 49 of the North Questionnaire; pertinent additions by the editors and generally accepted municipal practices.

8.101. FISCAL YEAR.

The fiscal year shall begin on September 1 of each year and shall end on August 31 of the following year.

(NQ 33)

8.102. BUDGET AND ACCOUNTING YEAR.

The fiscal year shall constitute the budget and accounting year for all town functions.

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

a. Before the beginning of the budget year, the Administrator 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 §5-9-40) (NQ 34.a)

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

c. 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.

d. 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.

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

f. It shall be the duty of the Clerk/Treasurer to notify the appropriate officials of Orangeburg 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.

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.

(Editor's Note. Currently, such notice is given after first reading but before second reading.)

(NQ 34.c)

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

(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.)*

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 the Clerk/Treasurer.

(NQ 35)

8.111. RETURNED CHECKS. FEE.

All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee of thirty dollars ($30.00) for each such check.

(NQ 36) (Also see §14.812, this code.)

(Editor's Note. The previous North Code set forth a fee of five dollars ($5.00). Many towns now charge in excess of twenty dollars ($20.00))

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. The above reference 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 has an agreement with Orangeburg County whereby the counties agree to collect taxes for the Town of North.

(NQ 40-44)

8.201. COUNTY AUTHORIZED TO BILL AND COLLECT TAXES. DELINQUENT.

The Assessor, Auditor and Treasurer of Orangeburg County are hereby authorized to bill and collect taxes, owing to the municipality, including those delinquent,

(1976 SC Code §5-7-300) (NQ 40)

(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 Orangeburg County Auditors.

8.203. TAX EXEMPTION FOR DISABLED VETERANS. WIDOWS.

Pursuant to §12-37-220, Subsection 10 (1) of the South Carolina Code of Laws, 1976, as amended, a veteran, who is one hundred percent permanently and totally disabled from a service-connected disability, shall be exempt from municipal taxes for the dwelling house in which he resides and a lot not to exceed one acre of land owned in fee or for life, or jointly with a spouse, if the veteran or qualifying surviving spouse files a certificate signed by the county service officer, of the total and permanent disability .with the State Department of Revenue.

8.204. SAME. WIDOWS OF LAW ENFORCEMENT OFFICERS .

The exemption set forth above also is allowed the surviving spouse of a law enforcement officer as defined in Section 23-6-400(D)(1) of the South Carolina Code of Laws, 1976, as amended, killed in action in the line of duty who owned the lot and dwelling house in fee or for life, or jointly with his or her spouse, so long as the spouse does not remarry, resides in the dwelling, and obtains the fee or a life estate in the dwelling.

8.205. SAME. PARAPLEGICS OR HEMIPLEGIC PERSON.

The provisions set forth in §8.203 and §8.204, herein, shall apply to paraplegics or hemiplegic persons, as provided in §12-37-220(10.2) of the South Carolina Code of Laws, 1976, as amended.

(Editor's Note. Please refer to the referenced sections, et seq., for further details.)

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****. (See also Chapter 11, herein, entitled MOBILE HOMES AND MOBILE HOME PARKS.)*

Mobile homes 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.

a. Mobile homes shall be considered real property for tax purposes and shall be classified and assessed for ad valorem taxation; provided, however, 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.

b. 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. This article derives from NTC Chapter 5, Article C and Questions 45 through 47 of the North Questionnaire.

8.401. PURCHASING AGENT. DESIGNATED. DUTIES.

The Clerk/Treasurer, or an officer of the town designated by the Clerk/Treasurer, shall be the purchasing agent for the town 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.

2. The storage and distribution of all supplies, materials and equipment required by an office, department of the town.

3. Establishing written specifications, whenever practicable, for supplies, materials and equipment required by an office, department of the town. Such specifications shall be definite and certain and shall permit of competition.

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

5. Soliciting and maintaining 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.

6. Obtaining as full and open competition as possible on all purchases, contracts and sales.

8.402. FORMAL CONTRACT PROCEDURE.

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed five thousand dollars ($5,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals. No contract or purchase shall be subdivided to avoid the requirements of this section. All sales of personal property which has become obsolete or unusable, when the estimated value shall exceed five thousand dollars ($5,000.00), shall be sold by formal written contract or at a public auction to the highest responsible bidder, after due notice inviting proposals and bidders.

8.403. BIDDING. COMPETITIVE. REQUIRED EXCEPTION.

Before any purchases or contracts for supplies, materials, equipment or services exceeding one hundred dollars ($100.00) are made, the purchasing agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding one thousand dollars ($1,000.00), oral bids may be accepted. All other bids shall be in writing. Competitive bidding shall be encouraged for all contracts, purchases or sales. However, in the event of an emergency affecting the public welfare, health or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the purchasing agent with the Council and shall be entered in the minutes of the Council.

8.404. AWARD TO LOWEST BIDDER. ADVERTISING. WHEN REQUIRED.

All contracts for town improvements, materials, equipment or services costing more than five thousand dollars ($5,000.00) shall be awarded to the lowest responsible bidder after publication in a newspaper of general circulation in the town at least five (5) days before the last day set for receipt of proposals; provided, however, that in case of professional services, this section shall not apply. The newspaper notice required herein shall include a general description of the articles or services to be purchased, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

8.405. BID DEPOSITS.

When deemed necessary by the purchasing agent, bid deposits shall be prescribed in the public notices inviting bids. Upon entering into a contract, bidders shall be entitled to return of bid deposit where the purchasing agent has required such. A successful bidder shall forfeit any bid deposit required by the purchasing agent upon failure on his part to enter into a contract within ten (10) days after the award; provided, however, that the town, in its uncontrolled discretion, may waive this forfeiture.

8.406. SEALED BID PROCEDURES.

Procedure for sealed bids shall be as follows:

1. *Sealing.* Bids shall be submitted to the purchasing agent securely sealed in an envelope, and shall be identified on the envelope in accordance with bid instructions.

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

3. *Tabulation*. A tabulation of all bids received shall be available for public inspection.

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

5. *Bidders in default to town*. The purchasing agent shall not accept the bid of a vendor or contractor who is delinquent in the payment of taxes, license, or other monies due the town.

6. *Award of contract*.

(a) *Authority in agent*. The purchasing agent shall have the authority to award contracts within the purview of this article; provided, however, that contracts in excess of one thousand dollars ($1,000.00)shall not be awarded without prior approval of Council.

(b) *Lowest responsible bidder*. Contracts shall be awarded to the lowest responsible bidder. In determining “lowest responsible bidder,” in addition to price, the purchasing agent shall consider:

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

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

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

(4) the quality of performance of previous contracts or services;

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

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

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

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

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

7. *Award to other than low bidder*. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the papers relating to the transaction and held for a period of not less than twelve (12) months.

8. *Tie bids. Local vendors*. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. If two (2) or more of such bids are submitted by local bidders, the purchasing agent shall award the contract to one of the local tie bidders by drawing lots in public. The purchasing agent, local bidders, and vendors should bear in mind, however, that to award a contract to a local vendor where he is not the lowest responsible bidder, or where price, quality and service are not equal, is to give preference to one minute segment of the citizenry against the best interest of the community as a whole.

9. *Performance bonds*. The purchasing agent shall have authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interest of the town.

10. *Payment bond labor and material bond*. The purchasing agent may require a payment bond and a labor and material bond, before entering into a contract, in such form and amount as he shall deem necessary to protect the best interest of the town.

8.407. MATERIALS TESTING.

The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the town government or any outside laboratory.

8.408. FINANCIAL INTEREST OF TOWN OFFICIALS AND EMPLOYEES PROHIBITED.

No member of the Town Council or any officer or employee of the town shall have a financial interest in any contract or in the sale to the town or to a contractor supplying the town of any land or rights or interests in any land, material, supplies or services; except when a majority of the Town Council determines such exception is in the best interest of the town, provided, that no Council member whose interest is involved shall vote on the question. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the town shall render the contract voidable by the Town Council.

(Editor's Note. This section derives from an ordinance adopted August 18, 1998.)

8.409. RECORDS OF OPEN MARKET ORDERS AND BIDS.

The purchasing agent shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.

8.410. STOCK REPORTS.

All offices, departments or agencies of the town government shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn-out or scrapped.

8.411. SURPLUS STOCK.

The purchasing agent shall have authority to transfer surplus stock to other offices, departments or agencies of the town.

8.412. SUPPLIES UNSUITABLE FOR PUBLIC USE, SALE OR EXCHANGE.

The purchasing agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade in the same on, new supplies. Such sales shall be made to the highest bidder and in conformance with §8.402, this chapter. All monies received from such sales shall be paid into the appropriate fund of the town.

8.413. GIFTS AND REBATES.

The purchasing agent and every officer and employee of the town are expressly prohibited from accepting, directly or indirectly, 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.

8.414. COOPERATIVE PURCHASING.

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the town would be served thereby; provided that the purchasing agent of the town is given the authority to make purchases of supplies and equipment through the property division of the state budget and control board, without the formality of publication and receiving competitive bids.

8.415. WAIVER.

The Mayor and Council, by a majority vote, may waive any provision of this article when deemed in the best interest of the town. Factors to be considered may include available sources, the time and place of performance and other relevant circumstances making the use of competitive bidding inappropriate. Nothing in this article is intended to authorize letting contract without competitive bids when state law requires such bids.

ARTICLE V. BUSINESS LICENSES

Editor's Note. Business License Ordinances are not included in codes, due to the technical nature. 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 North, 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.

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

8.503. YARD SALES. FEE REQUIRED.

Yard sales shall be permitted without charge; provided, however, notice thereof shall be given to the Clerk/Treasurer.

(NQ 48)

ARTICLE VI. PENALTIES

8.601. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 9. FIRE DEPARTMENT AND FIRE PREVENTION

ARTICLE I. PROHIBITED ACTS

9.101. False Alarms.
9.102. Parking at Hydrants. Obstructing Fire Equipment or Members.
9.103. Following or Parking Near Fire Equipment. Bystanders.
9.104. Failure to Obey Lawful Orders.
9.105. Driving over Fire Hose.
9.106. Opening Fire Hydrants.
9.107. Burning Trash.
9.108. Fire Hazard Upon Lots, Buildings, Premises; Accumulation, Growth, etc.
9.109. Fires Near Buildings.
9.110. Right of Entry During Emergencies.
9.111. Responding to Alarms. Right-of-Way.
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ARTICLE II. OPEN BURNING

9.201. Open Burning Prohibited.

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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. North has such an agreement with Orangeburg County dated January 1, 2004.

ARTICLE I. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws and generally accepted municipal practices and acts prohibited by other municipalities for the protection of the citizens of North. (See §56-5-760 of the South Carolina Code of Laws for operation of emergency vehicles.)

The 1976 South Carolina Code §5-27-910 permits volunteer firemen, charitable and eleemosynary organizations in this state to solicit funds from motorists on highways and streets located within a municipality with a permit issued by the governing body.

9.101. 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)

9.102. 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.

9.103. 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.

9.104. FAILURE TO OBEY LAWFUL ORDERS.

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

b. They may require motor vehicles or other vehicles parked within the area to be moved immediately and block the street from other vehicles.

9.105. 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)

9.106. 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.

9.107. 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.

9.108. 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.

9.109. 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.

9.110. 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.

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

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

9.112. LAW ENFORCEMENT OFFICERS TO ENFORCE PROVISIONS.

Law enforcement officers shall enforce the provisions of this chapter.

ARTICLE II. OPEN BURNING

9.201. OPEN BURNING PROHIBITED.

All open burning is prohibited without special permit issued by the fire chief in exceptional cases, except as follows:

1. Open fires may be set in performance of an official duty of any public officer if the fire is necessary for the prevention of a hazard which cannot be abated by other means, for the instruction of public firefighters under the supervision of the fire chief, or for the protection of public health.

2. Fires may be used for cooking of food, provided no smoke violation or other nuisance is created.

3. Salamanders or other devices may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created.

4. Fires may be set in the course of agricultural operation in growing crops or raising fowl or animals, provided no nuisance is created.

5. Open fires may be set for recreational purposes, such as campfires, provided no smoke violation or other nuisance is created.

6. Fires started in violation of this article shall be promptly extinguished by the person or persons responsible for same upon official notice.

7. During the existence of a pollution alert, as may be declared by designated authorities, all exceptions are void and no open fires shall be kindled.

8. Where possible, all open burning in progress during an alert shall be extinguished immediately by responsible persons when officially notified.

ARTICLE III. FIRE DISTRICT

Editor's Note. Section 5-15-1110 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.

a. The area designated by the Town Council and shown on a map shall constitute the fire limits, as required by law.

b. When prepared, the map shall be retained in the office of the Town Clerk.

(NQ 50.f)

ARTICLE IV. PENALTIES

9.401. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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. DHEC Provisions Adopted.
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10221. Duty of Owner or Occupant to Keep Premises Clean. Sweeping Litter Into Street, Sidewalk or Drain.

ARTICLE III. VACANT LOTS, PREMISES, LAND

10.301. Accumulations. Prohibited.
10.302. Same. Summons For Failure to Maintain Lots.
10.303. Same. How Summons Given.
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ARTICLE IV. TOILET FACILITIES

10.401. Pit Privy Defined. Declared Unlawful.
10.402. Disposal of Human Excrement.
10.403. Building Contracts to Provide For Waste Disposal.

ARTICLE V. PENALTIES

10.501. Penalty.

CHAPTER 10. HEALTH AND SANITATION

Editor's Note. The state Department of Health and Environmental Control (DHEC) oversees health and sanitation matters and has prescribed instructions therefor. This chapter derives from the North Questionnaire Number 53 and generally accepted municipal practices.

ARTICLE I. IN GENERAL

10.101. DHEC PROVISIONS ADOPTED.

All health matters, generally shall conform in all respects to the requirements of DHEC.

(NQ 53)

10.102. 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.

10.103. DEBRIS REMOVAL.

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

b. Anyone 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.

10.104. HOG PENS PROHIBITED.

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

ARTICLE II. WASTE REMOVAL

Editor's Note. On April 1, 2003, the Town of North entered into an agreement with Waste Management of South Carolina, Inc. For the purpose of engaging in the business of providing refuse collection. The term of the agreement was for five (5) years, subject to extension by either party upon ninety (90) days notice.

This article derives from that agreement, and full details are not incorporated in this code verbatim; however, certain provisions have been added in this article to facilitate ease of use. The original copy of the agreement is filed with the Town Clerk and is available for review during normal business hours.

10.201. ROLL-CART CONTAINERS. COMPOSITION. MAINTENANCE.

a. Roll-carts shall be provided by the contracting corporation.

b. Said carts shall be composed of plastic on wheels, having a volume of not less than sixty (60) gallons and not more than ninety-six (96) gallons.

c. Maintenance of said carts shall be the responsibility of the contracting corporation.

10.202. SERVICES PROVIDED. DISPOSAL.

a. Service shall be provided by the contracting corporation once per week.

b. Service shall begin no earlier than 7:00 a.m. and not later than 7:00 p.m.

c. The following days shall be considered holidays for purposes of this article:

(1) New Year's Day

(2) Good Friday

(3) Memorial Day

(4) Independence Day

(5) Labor Day

(6) Thanksgiving Day and the next day

(7) Christmas Day and the preceding eve

d. Disposal of all waste collected for disposal shall be the responsibility of the contracting corporation.

10.203. RESIDENTIAL REFUSE CONTAINERS.

Roll-out containers shall be used for residential collection, unless otherwise permitted by Council. Replacements shall be determined by Council.

10.204. DAMAGE, DESTRUCTION OR REMOVAL OF CONTAINERS.

It shall be unlawful for any person to damage, destroy or move from its proper location any garbage container used in the collection of garbage and/or refuse.

10.205. INTERFERING WITH COLLECTION PRACTICES.

No person or persons shall interfere or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents.

10.206. CLEANING CONTAINERS.

It shall be the responsibility of the occupant/user to keep their individual container reasonably clean.

10.207. STORAGE AREA TO BE KEPT CLEAN.

It shall be the responsibility of the occupant/user to keep the pickup point free of litter. Containers shall not be filled to overflow capacity in order to prevent litter distribution when emptying the container.

10.208. COLLECTORS TO EXERCISE REASONABLE CARE.

Collectors shall exercise reasonable care in the handling of containers and shall not willfully break, deface or injure same.

10.209. PLACING GARBAGE FOR COLLECTION.

Each occupant/user shall place garbage for collection at the proper time in the proper manner near the sidewalk or highway in front of his residence and shall remove container from sidewalk or highway after collection within a reasonable time thereafter.

10.210. REMOVAL OF DEAD ANIMALS.

Owners of dead animals shall be responsible for removal and proper disposal.

10.211. TREE LIMBS, UNDERBRUSH, LEAVES, ETC.

All tree limbs, branches, underbrush and other yard waste shall be placed at, not in, the street for collection. Leaves shall be bagged.

10.212. BUILDING MATERIALS, ETC.

Every person, firm or corporation, including a property owner, after completing or during the construction or alteration of a building, shall remove all trash incident to such construction or alteration.

10.213. SOLID WASTE DISPOSAL.

No person or persons shall deposit or cause to be deposited any form of solid waste on any public or private property.

10.214. GARBAGE COLLECTION FEES.

a. A fee shall be charged each residence and business for the collection of solid waste.

b. The said fee shall be collected with the water bill.

c. Anyone not paying a water bill shall pay the garbage collection fee to receive garbage collection service.

d. Failure to comply with this article may result in garbage being left on the premises.

e. Such fees shall be as determined by Mayor and Council.

10.215. PUTRESCIBLE MATTER NOT TO BE AS USED AS FILL.

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

10.216. REMOVAL OF ACCUMULATIONS OF DELETERIOUS MATTER.

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

10.217. LITTERING PROHIBITED. RESPONSIBILITY FOR REMOVAL.

a. No person shall dump, throw, drop, deposit, discard or otherwise dispose of litter or other solid waste upon any public property in the town or upon private property in this town or in the waters of the town, whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley, except:

(1) When such property is designated by the town for the disposal of litter and other solid waste and such person is authorized to use such property for such purpose.

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.

b. Responsibility for the removal of litter from property or receptacles shall be upon the owners of the property or upon the owner of the property where the receptacle is located.

10.218. LIABILITY OF DRIVER WHEN LITTER IS THROWN FROM VEHICLE.

The driver of any vehicle, other than a commercial carrier, shall be held liable if it cannot be determined which vehicle occupant committed any acts in violation of this article.

10.219. UNLAWFUL DISPOSAL.

a. It shall be unlawful for any owner, manager, employee, agent or independent contractor who works for a retail, commercial or institutional establishment (such persons include solicitors, vendors, etc.) to deposit materials from that business in any receptacle maintained on a sidewalk, at any other location for disposal of litter by pedestrians or motorists, or at any other unauthorized disposal site.

b. Any establishment or institution which cannot meet any of the prescribed requirements of this section shall make appropriate arrangements for collection and disposal thereof or transport to a state-permitted landfill.

10.220. CONTAINERS REQUIRED AT CERTAIN ESTABLISHMENTS.

To help prevent or reduce litter by pedestrians and motorists, owners of publicly patronized or used establishments and institutions, as may be designated by the public services department, shall provide on their premises, and maintain in good condition, adequate containers that meet standards prescribed by the public services department. Owners shall regularly empty these containers into roll carts or bulk containers for collection by the private collection service. This requirement shall be applicable to, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, motels, hospitals, schools, colleges and universities.

10.221. DUTY OF OWNER OR OCCUPANT OT KEEP PREMISES CLEAN. SWEEPING LITTER INTO STREET, SIDEWALK OR DRAIN.

a. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.

b. Owners, agents, occupants or lessees whose properties abut a public right-of-way shall be responsible for keeping the area up to and including the curb gutter or street line free of litter and unsightly growth.

c. It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage system. Sidewalk and strip sweeping shall be picked up and put into roll carts, litter containers or commercial bulk containers.

d. The director of public services shall provide written notice to the owner, agent, occupant or lessee identifying any deficiencies or violation requiring correction five (5) days prior to any other enforcement action taken in regard to the provisions of this section.

ARTICLE III. VACANT LOTS, PREMISES, LAND

Editor's Note. This authority derives from Section 5-7-80 of the 1976 South Carolina Code of Laws; NTC Title 6, Chapter 3 and generally accepted municipal practices.

10.301. 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.

10.302. SAME. SUMMONS FOR FAILURE TO MAINTAIN LOTS.

The Chief of Police is hereby authorized 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.

10.303. 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.

10.304. 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 before the Magistrate, 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 Magistrate.

ARTICLE IV. TOILET FACILITIES

10.401. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

a. Section 44-55-210 of the 1976 South Carolina Code of Laws, prohibits any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

b. The term "pit privy" as used in this article shall mean a building used for affording privacy while in the act of urination or defecation.

(NQ 55)

10.402. 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 sanitary septic tank constructed in accordance with DHEC requirements.

10.403. 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 V. PENALTIES

10.501. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 11. MOBILE HOMES AND MOBILE HOME PARKS

ARTICLE I. IN GENERAL

11.101. Definitions.
11.102. Parking Regulations.
11.103. License Required.
11.104. Garbage and Waste. Sewer System.
11.105. Water Supply.

ARTICLE II. PENALTIES

11.201. Penalty.

CHAPTER 11. MOBILE HOMES AND MOBILE HOME PARKS

ARTICLE I. IN GENERAL

Editor's Note. This chapter derives from NTC Title 5, Chapter 1, §5-1-3 and generally accepted municipal practices

11.101. DEFINITIONS.

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

Mobile Home shall mean any vehicle or similar portable structure having no foundation other than wheels, jacks or skirtings, and so designed or construed as to permit occupancy for dwelling or sleeping purposes.

Mobile Home Unit shall mean a plot of ground within a park, designed for the accommodation of one mobile home.

Mobile Home Park shall mean any mobile home park, camp or any space where two or more mobile homes are occupied for dwelling or sleeping purposes, as approved by the Planning Commission.

11.102. PARKING REGULATIONS.

a. It shall be unlawful for any person to park a mobile home on any premises within the corporate limits of the town for sleeping or dwelling purposes, except in a designated mobile home park which has been approved by the State Department of Health and Environmental Control and the County Board of Health. It shall be located in an area approved by the Planning Commission and operated under an unrevoked permit duly issued by the State DHEC and duly licensed by the town.

b. It shall further be unlawful for any person to occupy a mobile home for sleeping or dwelling purposes while it is parked on any premises within the corporate limits. Except where it is located in a designated mobile home park.

c. It shall be unlawful for any person to place or park a mobile home on premises in the corporate limits for sleeping or dwelling purposes, after it has been partly dismantled by having the wheels or jacks, or skirtings, or any of them, removed therefrom and other supports placed thereunder. It shall be unlawful for any person to occupy or use any such partially dismantled mobile home for sleeping or dwelling purposes where so placed or parked in the corporate limits. This section shall not apply to mobile homes that are placed or parked in designated mobile home parks, as is provided for in this section.

d. It shall be unlawful for any person to place or park, or cause to be placed or parked, a mobile home on any premises within the corporate limits, outside a designated mobile home park approved and licensed as set forth in this §11.102.a, this article, without obtaining a permit therefor from the municipality, provided, that no permit shall be required for the placing or parking of a mobile home in an approved licensed, and designated mobile home park as described in §11.102.a, this article, and provided further that any person may obtain a permit from the Clerk to place or park a mobile home on premises within the corporate limits on making written application therefor, furnishing the following information:

(1) Description;

(2) Make and serial number of the mobile home;

(3) The location where it is desired to place or park the mobile home;

(4) The purpose for which the mobile is to be used; and

(5) Length of time it is proposed to have the mobile home remain parked at that location.

e. No permit shall be issued allowing the parking of a mobile home in a residential section. No permit shall be issued to allow a mobile home to be parked in any other section except where the mobile home is offered for sale by a licensed dealer in a sales lot, or that the same be stored or used as an office or storage place. The Clerk shall furnish an application form for mobile home permits and shall not issue such permits until the written application has been prepared and filed by the applicant and investigated and approved by the appropriate town official. The official shall not approve such application until he has made an investigation and determined that the applicant is entitled thereto.

f. Any person feeling aggrieved on being refused such permit, shall have the right to appeal the matter to Council by serving written notice thereof on the Clerk within five (5) days after such refusal, excluding the date of such refusal, starting the grounds of such appeal. Such appeal shall be heard at the next regular meeting of Council, unless continued for cause.

g. Any person feeling aggrieved at the action taken by Council shall have the right to appeal therefrom to a court of competent jurisdiction, that in the event of an appeal to the court, notice thereof in writing shall be served on the Clerk within five (5) days after the decision of Council, stating the grounds of appeal.

h. Notwithstanding any other provision of this section, it shall be unlawful for any person to park or otherwise place a mobile home on any lot or parcel of land within the fire limits of the town. It shall likewise be unlawful for any owner of a tract or lot of land located within the fire limits of the town to rent, lease or otherwise allow such tract or lot of land to be used for the parking of a mobile home, whether on a permanent or temporary basis.

11.103. LICENSE REQUIRED.

It shall be unlawful for any persons to establish, maintain or operate within the corporate limits any mobile home park, without obtaining a business license from the Clerk, and paying the required fee as provided by Council.

1. Any persons applying for such license shall first file with the Clerk a complete copy of the plan of the proposed park. This plan, with legal description of the property shown, shall be drawn to scale and must show clearly the extent and area to be used for park purposes. All proposed roadways or driveways shall be shown, together with all proposed toilet and washroom and laundry facilities. The plan shall be filed with the Town Clerk for future reference.

2. Before any license is granted, plans shall be submitted to and approved by the Planning Commission and shall comply with all regulations of DHEC and the County Board of Health.

3. No annual business license shall be issued to the owner or operator of a park who has defaulted in the payment of any license tax imposed under the terms of this article. Failure to pay the license tax imposed hereunder shall be sufficient grounds for the town to discontinue all municipal services to such park.

11.104. GARBAGE AND WASTE. SEWER SYSTEM.

a. Each mobile home park shall ensure safe and adequate provisions for the centralized collection of waste and garbage provided by the owner or operator of the mobile home park.

b. Said provisions shall have a proper and acceptable sewerage system, either by connection to the municipal system, either such is available, or to a septic tank system, all of which shall comply fully with all laws, ordinances or regulations prescribed by the County Board of Health and DHEC.

11.105. WATER SUPPLY.

All land used as a mobile home park shall be provided with an ample and adequate supply of water approved by the local health department. Where water from sources other than that of the municipal supply is proposed to be used, the source of supply shall be approved first by the County Board of Health, which shall make regulations providing for the periodical examination of the water.

ARTICLE II. PENALTIES

11.201. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 12.

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

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CHAPTER 13. POLICE

Editor's Note. Section 5-7-260 of the 1976 South Carolina Code of Laws authorizes a municipal governing body to establish, alter or abolish any department by ordinance. The provisions of this chapter derive from the 1976 South Carolina Code of Laws, as amended; NTC Title 2, Chapter 1 and generally accepted municipal practices.

ARTICLE I. IN GENERAL

13.101. COMPOSITION. APPOINTMENT. OATH OF OFFICE.

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.

(NQ 58.)

c. 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.)

13.102. CHIEF OF POLICE. AUTHORITY.

a. The Chief of Police, subject to the Mayor, shall have administrative supervision over the police department.

b. He shall be responsible for the enforcement of state laws and town ordinances, protection of life and property, preservation of law and order, investigation of crimes and suppression of vice.

c. The chief shall direct the proper assignment of police officers, establish training programs, maintain adequate records, provide traffic control and enforcement, cooperate with other law enforcement agencies, establish departmental rules and regulations, and be responsible for the custody of town prisoners.

d. The chief and police officers are given the same authority over lands owned by the

town or leased to the town beyond the town limits as they have within the town.

e. He shall perform such additional duties as may be assigned to him by the Mayor.

13.103. FUNCTIONS.

The Police Department shall perform the following functions:

1. Provide protection for persons and property against unlawful acts and reduce the opportunity for committing crime within the town;

2. Maintain an active crime prevention and control program in order to ensure the security of the citizens;

3. Provide police patrol services in all areas of the town;

4. Investigate crimes and identify the perpetrators of crimes;

5. Recover stolen property and investigate and apprehend those who receive stolen property.

6. Arrest, apprehend and prosecute offenders;

7. Maintain detention facilities to house persons arrested on various charges;

8. Design and implement training programs for employees of the department;

9. Maintain and administer records and identification facilities for processing of persons arrested, including the processing, storage and control of evidence;

10. Maintain a communications system;

11. Maintain and supply uniforms and clothing for all uniformed personnel; and

12. Perform such other functions as prescribed by the town Council or by directives of the Mayor.

13.104 SPECIAL POLICE OFFICERS.

a. The Mayor, upon any emergency or apprehension of riot or tumult or mob violence or threatened violence, and during any of the public elections, may appoint as many special police officers as he may deem necessary; provided that such special police officers shall no be paid at a higher rate than that paid to regular patrolmen at the time such services are performed.

b. Such special police officers shall be subject to the provisions of this article and all rules and regulations of the Police Department.

13.105. MUTUAL AID ABSENT EMERGENCIES.

a. In the absence of emergency conditions, the Chief of Police is hereby authorized to enter Mutual Aid Agreements with other political subdivisions for mutual aid.

b. The agreements shall be written and shall state the conditions and terms of the temporary employment of officers to be transferred.

(Editor's Note. On February 11, 2004, the police chiefs of North and the Town of Swansea entered into such an agreement, as authorized by SC Code 1976, §23-1-21.)

13.106. 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.

13.107. BONDS AND FINES.

An official written receipt shall be given for all cash bonds and fines which are hereby authorized.

13.108. SAME. BAIL MONEY.

Upon receipt of bail money, the apprehended person may be released.

13.109. SURETY BOND.

All 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. EXCEPTIONS.

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

b. Exceptions hereto shall include, but not be limited to, surveillance, undercover and covert operations.

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.

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. TEMPORARY TRANSFER OF LAW ENFORCEMENT OFFICERS. WRITTEN

AGREEMENT. COMPENSATION. BOND.

a. Any officer of the Town of North may be transferred on a temporary basis to work in law enforcement in any other municipality or county in this state under the conditions set forth in this section, and when so transferred shall have all powers and authority of a law enforcement officer employed by the jurisdiction to which he is transferred.

b. Prior to any transfer as authorized herein, the Mayor and Council shall enter into written agreements stating the conditions and terms of the temporary employment of officers to be transferred. The bond for any officer transferred shall include coverage for his activity in the municipality or county to which he is transferred in the same manner and to the same extent provided by bonds of regularly employed officers of that municipality or county.

c. Agreements made pursuant to subsections herein shall provide that temporary transfers shall in no manner affect or reduce the compensation, pension or retirement rights of transferred officers and such officers shall continue to be paid by the Town of North with the reimbursement for their services by the county or municipality to which they are transferred.

(1976 SC Code §23-1-210)

13.116. 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.

(1876 SC Code §5-7-120)

13.117. 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 Chapter 8, Article IV, 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 Mayor and Council shall discipline the Chief of Police.

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.

13.312. AIDING OR ABETTING VIOLATION.

It shall be unlawful for any person to aid or abet any other person in the violation of this code or of any ordinance, or part thereof, of the town, or to procure, encourage, incite or advise any other person to violate this code or any ordinance.

ARTICLE IV. PENALTIES

13.401. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

Editor's Note. This article is commonly referred to as the "Ordinance Summons" or "Summons Ordinance." It is authorized by §56-7-80 of the 1976 South Carolina Code of Laws. These provisions follow recommendations of the Municipal Association.

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 North, 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 Magistrate 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 that shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance that 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 Magistrate. Bonds shall be posted in the manner prescribed by him. Town officers, when appointed, and other law enforcement officers shall be prohibited from accepting bonds, except as may be otherwise permitted by this code.

i. A custodial arrest may be made using this summons if:

(1) it is a freshly committed offense;

(2) it is committed in the officer's presence; and

(3) it is triable in Municipal Court.

(NQ 60)

ARTICLE II. ALCOHOLIC BEVERAGES

Editor's Note. This article derives from The 1976 South Carolina Code of Laws; NTC Titles 7 and 9, and generally accepted municipal practices. 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 law enforcement officers.

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. The Municipal Judge shall send such cases occurring within the corporate limits but beyond its jurisdiction to try to the higher courts.

(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 from generally accepted municipal practices, 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 law enforcement officers.

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 constitute a misdemeanor.

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.

14.308. 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.

14.309. 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.

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 law enforcement officer without a warrant.

ARTICLE IV. MUSICAL DEVICES. ENTERTAINMENTS

Editor's Note. This article derives from NTC Title 9, Article 2, the North Questionnaire Number 62 and from generally accepted municipal practices. (See Chapter 15, Article V for advertising noises.)

14.401. RADIOS, PHONOGRAPHS, MUSICAL INSTRUMENTS AND OTHER SOUND-AMPLIFYING DEVICES.

a. *Disturbing the public generally*. It shall be unlawful for any person to maintain and operate in any building or on any premises in the town any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in such a manner as to create unreasonably loud, excessive or disturbing noises and where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public or which is so placed and operated that the sounds coming therefrom would cause the annoyance or inconvenience of travelers upon any street, park or public place or of persons on neighboring premises.

b. *Disturbing persons in hotel or dwelling*. It shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between 11:30 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.

c. *Creating public nuisance*. It shall be unlawful for any person to operate, or cause or permit to be operated, any instrument or sound-producing or sound-amplifying device so loudly as to unreasonably disturb persons in the vicinity thereof in such a manner as renders the instrument or device a public nuisance.

d. *Permit for special occasions*. Upon application to the Town Council, permits may be granted to responsible organizations to broadcast programs of music, speeches or general entertainment as a part and in recognition of the community or town events, public festivities, provided that traffic on the streets is not obstructed by reason thereof.

(1979 SC Code §§2-2088-2-2091) (NQ62)

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 that open onto a public street.

ARTICLE V. GAMING OPERATIONS

Editor's Note. The state has made gambling for profit to the player illegal. This article derives from NTC Title 9, Article 3 and 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 North.

14.502. DEFINITIONS.

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

b. 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.

14.503. GAMBLING PROHIBITED. EXCEPTIONS.

a. It shall be unlawful for any person to engage n 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 or 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)

c. Notwithstanding the provisions of this article, 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 case prizes shall be awarded; and

(4) Prior to the conduction 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.

14.504. SAME. CONFISCATION AND DESTRUCTION.

a. Upon the charging of any person of a violation of this article, it shall be the duty of police officers to seize and take into possession any gaming device, machines, punchboard, tipboard or other device of whatever name or kind pertaining to games of chance.

b. Upon conviction, destruction of the gaming device of whatever name or kind is hereby authorized by police officers.

14.505. 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.

14.506. GAMBLING DEVICES. DESTRUCTION.

Pursuant to 1976 SC Code §52-15-20, the Chief of Police is hereby vested with the authority to destroy gambling or gaming devices of any kind whatsoever that shall come into his possession and caused by a violation of state or town gambling laws immediately after final disposition of a case, unless otherwise directed by court order.

14.507. MAINTAINING FARO BANK, GAMING TABLE, ETC.

No person shall keep, operate or maintain at any place within the town any faro bank, or bank of the same or like kind, or gaming table or other device for gambling by whatsoever name it may be called, and any person found guilty of a violation of this section shall be guilty of a misdemeanor.

14.508. SAME. WININGS TO BE FORFEITED.

All and every sum of money staked, bet or pending on the event of any game prohibited in this article is hereby declared to be forfeited to the general fund of the town.

14.509. ENFORCEMENT AND PENALTIES.

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.

ARTICLE VI. OFFENSES AGAINST MORALITY, DECENCY AND PUBLIC WELFARE

Editor's Note. This article derives, in part, from the 1976 South Carolina Code of Laws; NTC Title 9 and generally accepted municipal practices and appropriate state statutes.

14.601. IMMORAL PURPOSES. SOLICITATION. ASSIGNATION. PREMISES.

It shall be unlawful for any person to invite, maintain 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, et seq.)

14.602. 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)

14.603. 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)

14.604. 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)

14.605. ADULT CLUBS.

a. Adult clubs are defined as businesses catering to adults for the purpose of exciting its customers in a salacious manner.

b. Such clubs are hereby declared unlawful in the Town of North.

14.606. OBSCENE MATERIAL. DISPLAY OR SALE.

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.

(1976 SC Code §14-25-90, §16-15-150, et seq.)

14.607. INDECENT EXPOSURE. LANGUAGE.

It shall be unlawful for any person to make any indecent exposure of his person or to curse or use any obscene or indecent language or to permit same on any of the streets, alleys or other public ways or places in the town.

(1976 SC Code §16-15-130)

14.608. 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.

14.609. 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 §5-7-30) (See §14.701 of this code for "Disorderly Conduct.")

14.610. LOITERING.

As used in this section, the term “loitering” shall mean remaining idle in essentially one location, spending time idly, loafing or walking around aimlessly in a public place in such a manner as to:

1. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;

2. Create or cause to be created a danger of a breach of the peace;

3. Obstruct or hinder the free passage of vehicles or pedestrians;

4. Obstruct or interfere with any person lawfully in any public place;

5. Engage in begging;

6. Engage in gambling;

7. Engage in prostitution;

8. Solicit or engage in any business, trade or commercial transaction unless specifically authorized or licensed to do so;

9. Unlawfully use or possess an unlawful drug; or

10. Unlawfully use or possess alcoholic beverages, beer or wine.

14.611. SAME. VIOLATIONS.

a. Any person loitering in any public place as defined herein may be ordered by any police officer to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

b. Nothing in this section shall be construed or enforced in such a manner as to restrict freedom of speech, religion or association.

14.612. 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)

14.613. 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.

(1976 SC Code §14-25-90)

14.614. INTERFERENCE WITH STREETS, SIDEWALKS, ETC.

a. It shall be unlawful for any person to distribute material, make any solicitation, or conduct any transaction with any pedestrian or occupant of a vehicle traveling or standing within that portion of a street set aside for vehicular travel, including medians, islands and parking spaces.

b. It shall be unlawful for any person while upon any public sidewalk to accost or stop or to attempt to accost or stop persons passing by with the thought of inducing them to enter any place where merchandise is sold, or to solicit trade, business or patronage for any hotel, roominghouse, eating house, store or mercantile establishment, theater or motion picture theater, shine parlor or other business of any kind or character whatsoever, or to molest or seek or attempt to molest persons on such sidewalks by such solicitation.

14.615. SPITTING.

It shall be unlawful for any person to spit upon any sidewalk or other public place, or upon the floor, walls or any other part of any building or room which is used by the public.

(1976 SC Code §14-25-90)

14.616. SCHOOL DISTURBANCES.

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)

14.617. DANCE HALLS UNLAWFUL ON SUNDAYS.

It shall be unlawful for any person to keep open or operate any public dance hall, or allow any person to continue thereat, between the hours of 12:00 midnight Saturday, and 7:00 a.m., Monday, and all such places shall be and remain closed to the public between such hours.

14.618. FORTUNE-TELLING.

It shall be unlawful, without a valid permit or license, to engage in the business, trade or profession of fortune-telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

(1976 SC Code §40-41-310) (NQ 67)

14.619. DISPLAY OR SALE OF OBSCENE MATERIAL.

It shall be unlawful for any person to post or make indecent, obscene or profane writing or pictures, or to make, sell or offer for sale any indecent or lewd book, picture or anything of like character.

14.620. BEGGING; OBSTRUCTING PEDESTRIAN OR VEHICULAR TRAFFIC.

a. The following definitions apply for the purposes of this section:

(1) *Aggressively beg* shall mean to beg with intent to intimidate another person into giving money or goods.

(2) *Beg* shall mean to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

(3) *Obstruct pedestrian or vehicular traffic* shall mean to walk, stand, sit, lie or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to Article VI of this chapter pertaining to parades and processions, shall not constitute obstruction of pedestrian or vehicular traffic.

(4) *Public place* shall mean an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

b. It shall be unlawful for any person within the town in any public place to aggressively beg or obstruct pedestrian or vehicular traffic.

(Editor's Note. 1976 SC Code §5-27-910 permits volunteer firemen, charitable and eleemosynary organizations in this state to solicit funds from motorists on highways and streets located within a municipality with a permit issued by the governing body.)

ARTICLE VII. OFFENSES AGAINST THE PEACE

Editor's Note. This article derives from NTC Title 9, Article 1, and 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 §14.609, 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. DESTRUCTION OF WEAPONS.

All instruments, devices and objects which are seized after the effective date of the ordinance from which this article is derived on condemnation as being distributed or possessed in violation of this article may be destroyed by the municipality only after compliance with the following procedure: Within fifteen (15) days after conviction for a violation of this article or within ninety (90) days from the date of acquisition of all instruments, devices and objects described in this article by the police department, the items seized under this article are to be destroyed, unless such items are to be used as evidence in cases before a superior court, or those items are considered suitable for public display by the police department in education programs.

14.704. 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)

14.705. DESTRUCTION OF WEAPONS.

All instruments, devices and objects which are seized after the effective date of the ordinance from which this article is derived on condemnation as being distributed or possessed in violation of this article may be destroyed by the municipality only after compliance with the following procedure: Within fifteen (15) days after conviction for a violation of this article or within ninety (90) days from the date of acquisition of all instruments, devices and objects described in this article by the police department, the items seized under this article are to be destroyed, unless such items are to be used as evidence in cases before a superior court, or those items are considered suitable for public display by the police department in education programs.

14.706. 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.

c. It shall be unlawful for any person to sell, offer for sale or possess a switchblade knife within the town.

(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)

14.707. DESTRUCTION OF WEAPONS.

All instruments, devices and objects which are seized after the effective date of the ordinance from which this article is derived on condemnation as being distributed or possessed in violation of this article may be destroyed by the municipality only after compliance with the following procedure: Within fifteen (15) days after conviction for a violation of this article or within ninety (90) days from the date of acquisition of all instruments, devices and objects described in this article by the police department, the items seized under this article are to be destroyed, unless such items are to be used as evidence in cases before a superior court, or those items are considered suitable for public display by the police department in education programs.

14.708. 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.

14.709. DISRUPTION OF COURT, TOWN COUNCIL, RELIGIOUS SERVICES.

a. It shall be unlawful for any person to interrupt the proceedings of the Court, Town Council or any other official public meeting, including religious services, or be guilty of disorderly conduct therein or to commit any contempt of thereof.

b. 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.

c. Any person who shall interrupt or disturb any audience or other group of people who may be assembled in any place of amusement by any noise or loud talking, indecent behavior or other annoyance which may in any manner interfere with good order and decorum, shall be deemed guilty of a misdemeanor.

(1976 SC Code §16-17-520)

14.710. CRIME WATCH AREA. TOWN DESIGNATED.

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

(NQ 68)

14.711. 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)

14.712. 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 §15.503, 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 Town Council.

(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.

(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))
(NQ 60) (See also §14.401, this code, as to musical devices.)

14.713. FAILURE TO PAY FOR FOOD OR OTHER SERVICES AT RESTAURANT.

It shall be unlawful for any person while a guest at any restaurant, cafe or eating establishment within the corporate limits of the town to intentionally abscond without paying for food or other services obtained therein.

14.714. CURFEW.

a. Any youth sixteen (16) years or under shall not be on the streets within the town limits after eleven (11) p.m. until six (6) a.m. unless accompanied by a parent.

b. Failure to adhere to this section shall constitute a misdemeanor.

14.715. TRICK OR TREAT.

The hours from 6:00 p.m. to 9:00 p.m. shall be utilized for purposes of “trick or treat” during Halloween on public property.

(NQ 65)

14.716. ENTERTAINMENT EXCEPTIONS.

Entertainment functions to be held inside the town limits that might cause excess noise or any disturbance shall first be approved by the Town Council.

ARTICLE VIII. OFFENSES AGAINST PROPERTY

Editor's Note. This article derives from appropriate state statutes; NTC Title 9, Article 4; 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 shall constitute 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 constitute a misdemeanor.

(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 or any department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for other town purposes.

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.

b. A collection fee of thirty dollars ($30.00) will be assessed for each such check.

(1976 SC Code §34-11-60) (NQ 36) (Also see §8.111, this code.)

(Editor's Note. The previous North Code set forth a fee of five dollars ($5.00). Many towns now charge in excess of twenty dollars ($20.00))

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.

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 official in charge.

14.816. JUNKYARDS.

Junkyards shall not be permitted within the corporate limits.

(NQ 67)

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. OFFENSES COMMITTED ON MUNICIPAL PROPERTY OUTSIDE 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 such offense in the municipal court in the same manner and to the same extent as other offenders against such provisions and such ordinances.

14.819. OBTAINING PROPERTY BY FRAUD.

It shall be unlawful for any person to obtain, or get into his hands or his possession, any money, good, chattels, jewels or other property of any other person by color and means of any false token, fraud or false representation.

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.

14.904. ICEBOXES, ETC.

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

Abandon shall mean the throwing away on vacant property, junk heaps, trash piles or debris accumulations of an icebox, refrigerator or other closed cabinet, box device or any other act which would constitute an abandonment thereof.

Dangerous exposure or access shall mean the placing of an icebox, refrigerator, closed cabinet or device not in use in a garage, barn, outbuilding, porch, yard, lot or other portion of premises where children or other persons may come upon it and may be attracted to it.

14.905. SAME. ABANDONMENT PROHIBITED. LATCHES, LOCKS TO BE REMOVED.

a. It shall be unlawful for any person to abandon, dangerously expose or afford access to , or cause or permit to be abandoned or dangerously exposed or access afforded to any icebox, refrigerator or other closed cabinet, box or device, unless the door thereto has been removed from such icebox, refrigerator or other closed cabinet, box or device or unless the latch or lock holding each door thereof shut is dismantled or removed so that the door may be opened by any child person from within by simply pushing on it.

b. Jamming or obstructing the lock or latch shall not be sufficient compliance with this section.

c. The lock or latch must be removed or dismantled so that accidental latching or locking is impossible.

d. This prohibition shall apply to and include any such box, cabinet or device, including the above, which seals off or impeded the free circulation of air in and through the interior of the box, cabinet or device.

14.906. RESPONSIBILITY FOR COMPLIANCE.

The duty of complying with the provisions of this article is imposed alike on the owner of the icebox, refrigerator, closed cabinet or device and the owner or any occupant of the premises where an abandonment or dangerous exposure or access occurs.

14.907. INSPECTION OF PREMISES.

The town building official, the Chief of Police and the Fire Chief or other proper town official or employee shall have full power and authority to inspect any and all premises located within the town limits for the purpose of enforcing the terms of this article.

14.908. INTERPRETATION OF ARTICLE.

The provisions of this article shall be liberally construed to effect the remedy intended and prevent loss of lives of children and other persons.

14.909. 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)

ARTICLE X. DRUGS

Editor's Note. This article has been inserted at the specific request of the Police Chief to facilitate his policing of drug problems.

14.1001. DEFINITIONS.

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

Drug paraphernalia shall mean all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of town, state and federal law. It includes, but is not limited to, the following:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance;

4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

5. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;

6. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

7. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

8. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

9. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

10. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;

11. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
(b) water pipes;
(c) carburetion tubes and devices;
(d) smoking and carburetion masks;
(e) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
(f) miniature cocaine spoons and vials;
(g) chamber pipes;
(h) carburetor pipes;
(i) electric pipes;
(j) air-driven pipes;
(k) chillums;
(l) bongs;
(m) ice pipes or chillers;

12. In determining whether an object is drug paraphernalia, the court may consider, in addition to all other logically relevant factors, the following:

(a) statements by an owner or by anyone in control of the object concerning its use;

(b) prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(c) the proximity of the object, in time and space, to a direct violation of this article;

(d) the proximity of the object to controlled substances;

(e) the existence of any residue of controlled substances on the object;

(f) direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this article, the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) instructions, oral or written, provided with the object concerning its use;

(h) descriptive materials accompanying the object which explain or depict its use;

(i) national or local advertising concerning its use;

(j) the manner in which the object is displayed for sale;

(k) whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;

(m) the existence and scope of legitimate use for the object in the community;

(n) expert testimony concerning its use.

14.1002. OFFENSES.

a. It shall be unlawful for any person, business or corporation, knowing the drug-related nature of the object, to sell, lend, rent, lease, give, exchange or otherwise distribute to any person any drug paraphernalia.

b. It shall be unlawful for any person, business or corporation, knowing the drug-related nature of the object, to display for sale, or possess with the intent to distribute, any drug paraphernalia.

c. It shall be unlawful for any person to use or to possess with intent to use any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this article.

d. The term “knowing” as used in this section, shall mean either actual or constructive knowledge of the drug-related nature of the object, and a person, business or corporation has constructive knowledge of the drug-related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug-related nature of the object.

14.1003. EXCEPTIONS.

Anything in this article to the contrary notwithstanding, the provisions of this article shall not apply to the manufacture, sale, distribution or advertisement of any product or object designed and sold primarily for scientific research, industrial, veterinary or agricultural purposes, or for bona fide medical or clinical use.

14.1004. DESTRUCTION OF INSTRUMENTS.

All instruments, devices and objects which are seized after the effective date of the ordinance from which this article is derived on condemnation as being distributed or possessed in violation of this article may be destroyed by the municipality only after compliance with the following procedure: Within fifteen (15) days after conviction for a violation of this article or within ninety (90) days from the date of acquisition of all instruments, devices and objects described in this article by the police department, the items seized under this article are to be destroyed, unless such items are to be used as evidence in cases before a superior court, or those items are considered suitable for public display by the police department in drug education programs.

ARTICLE XI. PARADES. DEMONSTRATING. PICKETING

Editor's Note. This article has been inserted from NTC Title 8, Article 1, court decisions and generally accepted municipal practices.

14.1101. 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 or the military forces of this state.

(Editor's Note. See §18.601, this code, for other funeral processions.)

14.1102. PERMIT REQUIRED. ISSUANCE.

Upon receipt of an application for a permit for a parade, procession or gathering, the Clerk/Treasurer shall issue a permit therefor, subject to considerations of the public convenience and public welfare.

14.1103. 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 North.

14.1104. APPEALS.

Appeals shall be made to the Council.

ARTICLE XII. PENALTIES

14.1201. MISDEMEANOR.

The violation of any provision of this chapter 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.

a. Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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

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CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

Editor's Note. This article derives from NTC Title 7, Chapter 3 and 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 Town Council.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

Editor's Note. This article derives from NTC Title 7, Chapter 3 and 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. STREET VENDORS

Editor's Note. This article derives from NTC Title 7, Chapter 4 and generally accepted municipal practices.

15.301. FINDINGS. PURPOSE.

It is found and declared that:

1. The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic.

2. Vending on the public streets and sidewalks within the central business district and within three hundred (300) feet of the central business district promotes the public interest by contributing to an active and attractive pedestrian environment.

3. Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety and welfare.

4. Vending within this area shall be restricted to specific locations and items as set forth in this article.

15.302. DEFINITIONS.

Central business district shall mean that area included on both sides of East and West Main Streets, bounded by Partridge Trail on the north and by Pou Street on the south.

Stand shall mean any table, showcase, bench, rack, pushcart, wagon or any other device or wheeled vehicle which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.

Vendor shall mean any person engaged in the selling, or offering for sale, of food, beverages, or permitted merchandise on the public streets or sidewalks, from a stand or motor vehicle or from his person.

Permitted merchandise shall mean food, beverages, flowers, cards, pens and souvenirs of the region. No items of clothing other than T-shirts or caps shall be permitted to be sold.

15.303. LICENSE REQUIRED FOR STREET VENDORS.

It shall be unlawful to sell, or offer for sale, any food, beverage or permitted merchandise on any street or sidewalk within the town without first obtaining a license therefor and it shall be unlawful to sell any other items not permitted by this article on the streets or sidewalks in the area of the central business district and within three hundred (300) feet of it. The required license shall be either a street vendor's license or an encroachment permit. Sales from vehicles are specifically prohibited in this area.

15.304. APPLICATIONS.

The application for a vendor's license shall include the following:

1. The name, home address and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending business.

2. A description of the type of food, beverage or merchandise to be sold.

3. The proposed location of the vending business.

4. A description and photograph of any stand to be used in the operation of the business.

5. Three (3) prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application, of any person who wills sell or offer for sale any food, beverage or merchandise on any street or sidewalk within the town.

6. Proof of compliance with state requirements for licensing food-vending carts.

7. Proof of an insurance policy, issued by an insurance company licensed to do business in the state of South Carolina, protecting the licensee and the town from all claims for damages to property and bodily injury, including death, which may arise from operation under or in connections with the license. Such insurance shall name as additional insureds the town and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the town. The policy shall be in an amount of not less than three hundred thousand dollars ($300,000.00).

15.305. ISSUANCE OF LICENSE. FEE.

a. Not later than thirty (30) days after the filing of a completed application of a vendor's license, the applicant shall be notified by the Clerk/Treasurer of the decision on the issuance or denial of the license. Upon issuance of the license, the annual business license fee shall be due and payable.

b. No license shall be issued to an applicant where either the applicant or any employee has a conviction within the last ten (10) years for a crime of violence, crime involving moral turpitude, or a crime involving drug convictions. A license issued pursuant to this section is valid for a period of one (1) year from January 1 to December 31. The license fee may be prorated on a quarterly basis and the fee shall be paid for any portion of the quarter in which the business is operated; after March 31, three-fourths (3/4) of the fee shall be due; after June 30, one-half (1/2) of the fee shall be due; and after September 30, one-quarter (1/4) of the fee shall be due. No part of the fee may be refunded. A license to vend on the sidewalk shall specify the location from which vending is permitted and shall only be valid for vending at that location. Vending licenses shall be issued only for those locations approved by the Council and each location may be restricted to sales of specific items of permitted merchandise. An encroachment permit application shall have priority over an application for a vendor's permit. A food vendor permit shall not be issued for a location in front of an existing restaurant or food business.

15.306. PROHIBITED CONDUCT.

No vendor shall:

1. Leave any stand unattended.

2. Store, park or leave any stand overnight on any street or sidewalk. Or park any motor vehicle other than in a lawful parking place, in conformance with town and state parking regulations.

3. Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

4. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.

5. Allow any items relating to the operation of the vending business to be placed anywhere other than in, or under the stand from which the business is operated.

6. Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his stand where such items have not been described in his application.

7. Solicit or conduct business with persons in motor vehicles.

8. Sell anything other than that which he is licensed to vend.

9. Sound or permit the sounding of any device which produces a loud noise, or use or operate any loud speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

10. Vend without the insurance coverage specified.

11. Sell from a stand on the sidewalk so as to block the sidewalk or restrict the passageway to less than four (4) feet, or to block the entranceway to any building, nor shall a license be issued for such activity under any circumstances. Also, no vending shall be permitted to block any driveway, crosswalk or bus stop.

12. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's permission.

15.307. SIZE REQUIREMENTS FOR VENDING STANDS.

No stand shall exceed four (4) feet in width and six (6) feet in length and six (6) feet in height.

15.308. ADVERTISING.

No advertising, except the posting of prices, shall be permitted on any stand except to identify the name of the product or the name of the vendor.

15.309. DISPLAY OF LICENSE.

All licenses shall be displayed at all times during the operation of the vending business to include the vendor's license, business license, and any state inspection or license required.

15.310. RENEWAL.

All licenses are valid for the entire licensing period unless revoked or suspended prior to expiration. An application to renew a license shall be made not later than thirty (30) days before the expiration of the current license.

15.311. DENIAL. SUSPENSION. REVOCATION.

Any license may be denied, suspended or revoked for any of the following reasons:

1. Fraud or misrepresentation contained in the application for the license.

2. Fraud or misrepresentation made in the course of carrying on the business of vending.

3. Conduct of the licensed business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals.

4. Conduct which is contrary to the provisions of this article.

5. Abandonment of the location by failure to operate a vending operation during at least three fourths (3/4) of the normal business days available.

ARTICLE IV. PEDDLERS

Editor's Note. This article derives from NTC Title 7, chapter 5 and generally accepted municipal practices.

15.401. DEFINITION.

For the purposes of this article, the word "peddler" shall mean and include any person who shall go from house to house or from place to place in the town soliciting, selling or taking orders for or offering for sale or to take orders from any goods, wares, merchandise, services, photographs, newspapers, magazines or subscriptions to newspapers or magazines. The word "peddler" shall also include all peddlers as they maybe otherwise defined and all solicitors, hawkers, canvassers, itinerant or transient merchants or vendors of goods, wares, merchandise or services as the same may commonly be defined by state law or ordinance.

15.402. PEDDLER REFUSING TO LEAVE.

Any peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave those premises after having been notified by the owner or possessor of the premises, or his agent, to leave the same, shall be deemed guilty of a misdemeanor.

15.403. HOURS OF OPERATION.

It shall be unlawful for any peddler to engage in the business of peddling between the hours of one-half (1/2) hour before sunset and 9:00 a.m. the following morning; or at any time on Sundays.

15.404. SALE OF GOODS ON STREETS, PARKING LOTS.

It shall be unlawful for any person to sell or offer for sale or peddle goods, wares or merchandise upon the public streets or public parking lots in the town.

15.405. BOND REQUIRED.

a. In addition to the payment of such license fee as established from time to time by the Mayor and Council, before any license shall be issued under the provisions of this code, the applicant therefor shall furnish a bond in the penal sum of one thousand dollars ($1,000.00) to the town signed by the applicant and signed as surety by some surety company authorized to do business in the state, conditioned upon the final delivery of goods, wares, merchandise, services, photographs, magazines or newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal on said bond, at the time of delivery, and that may be discovered by such purchaser or customer within thirty (30) days after delivery. Such bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to any agent or employee of the principal.

b. Only one bond shall be required of each applicant, even though such applicant shall have one or more agents or employees; provided such bond shall be made to cover the activities of all such agents or employees.

15.406. CONTENTS OF LICENSE.

Each license issued under the provisions of this code shall be signed by the town Clerk/Treasurer, shall be dated as of the date of its issuance and shall state the duration or term of such license on the face thereof. Any license not dated and signed as herein required, or which was issued in violation of this section, shall be void.

15.407. DURATION OF LICENSE.

Every license issued under the provisions of this code shall be valid for the period of time stated therein, but in no event shall any such license be issued for a period of time in excess of one (1) year.

15.408. DISPLAY OF LICENSE.

Every peddler licensed under the provisions of this code and doing business within the town shall display his license upon the request of any person and failure so to display such license shall be deemed a misdemeanor.

ARTICLE V. ADVERTISING NOISES

Editor's Note. This article derives from NTC Title 9, Chapter 2 and generally accepted municipal practices. (For noises from musical devices, see Chapter 14, Article IV, this code.)

15.501. 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 that 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.

15.502. 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.

15.503. 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 VI. PENALTIES

15.601. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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 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; NTC Title 3, Chapter 1, Article A; and generally accepted municipal practices. (See §5.301, this code, for house numbering.)

ARTICLE I. IN GENERAL

16.101. MAINTENANCE AND CONSTRUCTION. EXCEPTIONS.

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 Orangeburg County.

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 Council.

b. No person shall have authority to name any street, without written approval of the Mayor and Council.

c. Should a builder, contractor or individual violate this section, he shall have his license revoked that shall remain revoked until this section has been complied with.

16.103. TOWN MAP.

a. The official map of the town, when prepared shall be kept in the office of the Town Clerk.

b. The names of said streets shall be as shown on said map, and new streets accepted by the town hereafter shall likewise be included.

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.

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 law enforcement officer or a traffic control device.

(1976 SC Code §56-5-2530)

16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.

a. 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.

b. 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 1976 South Carolina Code of Laws; NTC Title 3, Chapter 1, Article C; 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 shall constitute a misdemeanor.

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 shall obtain from the Town Clerk written permission 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 PROHIBITED.

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. 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.

16.208. 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 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. 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 streetlights.

16.211. SIDEWALKS. MERCHANDISE. EXCEPTIONS. ADVERTISING.

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.

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.

d. 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 before the Municipal Court, as provided in §14.101 of this code.

e. 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.

16.212. DRAINING WATER, OTHER LIQUIDS ONTO STREETS OR SIDEWALKS PROHIBITED.

a. It shall be unlawful for any person to place, or cause to be deposited any materials or decayed matter of any kind, so that it falls or flows 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)

16.213. LOTS DRAINING TOWARD SIDEWALK.

When required by the Council, 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 as required by law.

(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 Town Clerk shall be informed prior thereto. 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 that may pose a danger to motorists or pedestrians.

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.

a. 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.

b. 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. TREES AND SHRUBS ON STREETS.

No person shall cut, scar, mutilate, dig up or otherwise injure or destroy any trees or shrubs within the public right-of-way.

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. CAMPING ON PUBLIC PROPERTY. UNLAWFUL.

It shall be unlawful to camp on any public property, including streets, without permission from the Mayor.

16.222. APPEALS.

Appeals from this chapter shall be made to the Town Council.

ARTICLE III. EXCAVATIONS

Editor's Note. This article derives from NTC Title 3, Chapter 1, Article B and generally accepted municipal practices.

16.301. PERMISSION REQUIRED. BOND REQUIRED.

a. It shall be unlawful 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. (As to the jurisdiction of municipalities, see §16-11-700, 1976 South Carolina Code of Laws.)

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.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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 §5-31-430 of the 1976 South Carolina Code of Laws providing for the powers of municipalities with respect to operation of water systems, §5-31-1910 authorizing municipalities to extend its water lines outside corporate town limits, §6-1-40 requiring county approval thereof, NTC Title 4, Chapter 2, Articles A and B and generally accepted municipal practices.

An Ordinance adopted June 13, 1988 was entered into the Town Code as Supplement No. 1, 12-87. The ordinance provided for a Sewer Use Ordinance, as required by DHEC. Due to its technical provisions, and with other technical ordinances, the Sewer Use Ordinance is not reproduced herein; rather, it has been incorporated in the code as Chapter 21. It is not rescinded but is referenced for further study.

This chapter includes every-day provisions for use of the sewer and water utilities. Where possible, certain provisions the Sewer Use Ordinance have been included; otherwise, the editors have provided many sections from other municipalities that have been found by them to be most helpful.

Since the current code provided for the creation of a water and sewer department, the creation is not reproduced in this code; however, the provision for the combination and functions of the departments are reiterated for information purposes.

ARTICLE I. WATER AND SEWER

17.101. UTILITY DEFINED. DEPARTMENT FUNCTIONS.

a. The word utility used in this chapter shall mean the water and sewerage utilities of the Town of North and any other public utility such as telephone, electric, gas, cable or any similar service provider.

b. The water and sewer departments shall be responsible for the construction, operation and maintenance of the town utility systems.

17.102. UTILITIES COMBINED. DHEC PROVISIONS. CONFLICTS.

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 there is hereby adopted the *Rules and Regulations Governing the Development of Subdivisions for Water Supply and Waste Disposal*, as prescribed by the DHEC.

c. The same are hereby adopted and incorporated as fully as if set out at length herein.

d. Should any provision of this chapter be determined to be in conflict with the Sewer Use ordinance, the provisions of said ordinance shall prevail.

17.103. SERVICE. APPLICATION REQUIRED.

a. Any person desiring utility service furnished by the town shall make application therefor to the Town Clerk.

a. Such application shall contain the uses for which the utility is desired and other such data as deemed necessary by the Town Clerk.

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., should it be in the best interest of the town to do so.

d. The charge shall be in addition to the tap fees for water and sewers.

e. Charges shall be in advance.

f. A fee shall be paid to tap onto the water and sewerage systems as set forth on the schedule posted in the office of the Town Clerk.

g. All connections outside the town shall be approved by the Mayor and Council.

17.108. SEWER CONNECTIONS REQUIRED. SEPTIC TANKS. EXCEPTIONS.

a. When available, 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. If the owner of property or buildings referred to hereinabove shall fail or neglect to comply strictly with all of the provisions of the preceding section 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 the 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.

c. Owners may continue to use existing septic tanks of the type and kind approved by the Orangeburg County Health Departments. 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 §17.314, this chapter, for septic tanks allowed.)

d. 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.

e. It shall be unlawful for any person, firm or corporation to connect to the sewerage system without proper authority.

f. 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.

g. 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.

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. FIRE PREVENTION. USE OF WATER. EXCEPTIONS.

a. During fire-fighting emergencies, the demands of the North 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 water system 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 to the water system, 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 and shall constitute a misdemeanor.

17.111. 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 charge therefor.

b. Such charge shall be set forth in the schedule of charges posted in the office of the Town Clerk.

ARTICLE II. GENERAL PROVISIONS

Editor's Note. This article derives from NTC Title 4, Chapter 2, Article A and generally accepted municipal practices.

17.201. CHARGES FOR SERVICES. TO BE POSTED.

All charges for connections to the town's utility systems, water rates, charges for meters and water service for sprinklers shall be fixed from time to time by the Council and posted by the Town Clerk.

17.202. DISCONTINUANCE OF SERVICE FOR FAILURE TO PAY CHARGES. REINSTATEMENT OF SERVICE.

a. The Council shall have authority to discontinue water service to any premises for failure to pay sprinkler, sewer or water charges at the time the same are payable.

b. Service shall be reinstated only in accordance with rules and regulations established by the Council and at the time in force and effect.

17.203. RESPONSIBILITY OF PROPERTY OWNERS FOR INSTALLATION.

Property owners shall be responsible for installation and maintenance of sewer lines up to the point where they are connected with sewer mains; they shall be responsible for installation of water lines up to the point where the lines are connected with the water mains; and shall be responsible for maintenance of water lines on the premises served and up to the point of connection with the water meter.

ARTICLE III. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Section 6-11-280 and generally accepted municipal utility practices.

17.301. ILLEGAL CONNECTION, TAMPERING WITH UTILITY SYSTEMS.

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.

2. discharge any substance from any source that may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage therein;

3. connect or permit to remain connected any open gutter or rain water conductor or cesspool with any sanitary sewer line;

4. fail to cease and desist, after notice, to 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.

17.302. 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.

17.303. CUTTING OFF OR TURNING ON WATER WITHOUT PERMISSION.

It shall be unlawful for any person other than an authorized agent of the town to cut off or turn on water at the water meter, without prior express consent of town officials.

17.304. ILLEGAL AND UNMETERED HOOKUP. PENALTY.

a. A penalty fee shall be charged for illegal and unmetered hookups to the water or sewerage systems owned and operated by the town.

b. Such charge shall be set forth in the schedule of charges posted in the office of the Town Clerk.

17.305. 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.

17.306. 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.

17.307. 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.

17.308. 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.

17.309. CUTTING STREET TO MAKE WATER OR SEWER CONNECTION. PERMIT REQUIRED.

a. Application for permission to cut or excavate any pubic 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.

17.310. 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.

17.311. 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.

17.312. 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.

17.313. DOUBLE METERS UNLAWFUL.

It shall be unlawful to install double meters onto the town utilities.

17.314. SEPTIC TANKS. WHEN PERMITTED.

Septic tanks may be used where approved by DHEC, 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.c, this chapter.)

17.315. DITCHES OR TRENCHES FOR PIPES CONNECTING TO 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.

(Editor's Note. See also §16.301, this code.)

17.316. CONNECTIONS TO SEWERAGE SYSTEM PROHIBITED.

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.

17.317. DISCHARGES TO SEWERAGE SYSTEM PROHIBITED.

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.

17.318. 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.

17.319. DEFILING OR POLLUTING WATER PROHIBITED.

It shall be unlawful for any person in any way to defile or pollute the water in any pipe or reservoir connected with the waterworks of the town.

17.320. 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 and shall have all rights and remedies for the collection of same as is given under the laws of this state.

17.321. PROHIBITED ACTS NOT ALL-INCLUSIVE.

The prohibited acts enumerated herein shall not be deemed all-inclusive.

ARTICLE IV. RATES AND FEES

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

17.401. ESTABLISHED. TO BE POSTED. CHANGES.

a. The Mayor and Council shall establish a schedule of fees for services rendered by utility systems. Said schedule shall be reviewed periodically to ensure that it is equitable and fair to the user and the 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 DHEC.

c. All changes to said schedule shall be by ordinance.

d. In addition to the said fees set forth herein, a monthly fee shall be charged each water customer to cover testing charges assessed the town by the DHEC *Safe Water Act*.

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 charge shall be set forth in the schedule of charges posted in the office of the Town Clerk.

17.403. BILLINGS. WATER AND SEWER.

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 of ten percent (10%) shall be added.

c. 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 workday shall be observed. No second notice will be required. (This information may be condensed and printed on utility billing notices.)

d. Such charge shall be set forth in the schedule of charges posted in the office of the Town Clerk.

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 charges posted in the office of the Town Clerk.

b. No new connection shall be made until payment is made to the town of the cost of the connection fee or the actual cost of installation, whichever is greater.

17.410. LATE CHARGES. POSTED.

The schedule of late charges for water consumed and services provided shall be in accordance with schedules as established from time to time. Such charges shall be set forth in the schedule of charges posted in the office of the Town Clerk.

17.411. SPRINKLER SYSTEMS. HYDRANTS, HOSE CONNECTIONS. VIOLATIONS.

a. Every building equipped with a sprinkler system shall be assessed as set forth in the schedule of charges posted in the office of the Town Clerk.

b. Each fire hydrant or hose connection attached to the town water system and located on private property shall be assessed as set forth in the schedule of charges posted in the office of the Town Clerk.

c. Violations of this section shall constitute grounds for immediate disconnection at the customer's expense.

17.412. PERSONS NOT UTILIZING WATER AND SEWER SERVICE.

Any person not utilizing water and sewer services furnished by the town, but who utilizes its garbage pickup services, shall be responsible for payment for the services as if they were receiving water and sewer services.

ARTICLE V. PRIVATE WELLS

Editor's Note. This article derives from NTC Title 4, Chapter 4 and provides for the regulation of private wells. To ensure compliance with the terms thereof, it has been reproduced in this code in its entirety with only minor changes in the format. Also, DHEC has regulations regarding well construction.

17.501. PROHIBITED. EXCEPTIONS. PERMIT REQUIRED. APPLICATION FOR NEW WELLS.

No person, firm or corporation shall dig or drill a well in the Town of North without the written permission of the Town Council and shall make application and show the following facts:

1. the name of the applicant;

2. the exact location of the proposed well;

3. the size of the well;

4. the estimated depth of the well;

5. the length of the casing to be used in connection with the well;

6. the purpose for which the water from the well is to be used;

7. the maximum amount of water to be obtained from the well;

8 the aquifer from which the water is to be obtained; and,

9. an opinion from a geologist, expert in the field, that the drilling and the proposed use of the well will not interfere with the public water supply of the town, nor tend to contaminate the water supply of the town, nor tend to add dissolved iron to the supply of water for the town.

17.502. PERMIT FEE.

Each application shall be accompanied by an application fee as set forth in the schedule of charges posted in the office of the Town Clerk, to be used by the town to verify the facts contained in the application and for other purposes.

17.503. LICENSES REQUIRED.

a. No permit shall be issued to a person who does not possess a current certification as a well driller by the South Carolina Board of Certification of Environmental Systems Operators.

b. No permit shall be issued to drill a well to a person who does not possess a current town business license.

17.504. CONSIDERATION OF APPLICATION.

The Mayor and Council shall notify the applicant of the date on which his application is to be considered and shall provide the applicant an opportunity to be heard with respect to the application.

17.505. PROTECTION OF TOWN WATER SUPPLY.

No drilling of a well will be permitted which would, in the opinion of geologists, expert in the field, tend to reduce the public water supply of the town or endanger the water supply through contamination or addition of dissolved iron to the water supply.

17.506. INSPECTION OF DRILLING; RECORDS.

If the application for the drilling of a well is favorably acted upon by the town, it will be drilled subject to inspection by the town, and a log of the well will be maintained by the driller and a copy thereof furnished to the town. At the completion of the drilling and the installation of the pump, the driller of the well will supply to the town a certificate, under oath, that the well was drilled in compliance with the application.

17.507. MONTHLY ANALYSIS OF WATER.

On the first day that the well is used, a supply of one (1) gallon of water from the well will be furnished to the town or its designated agent. A further supply of one (1) gallon on the same day of each month thereafter shall be furnished to the town or its agent so that the proper analyses may be run on the water supply. In addition thereto, the property may be physically inspected by the town, and a fee as fixed from time to time by the Mayor and Council will be charged in connection therewith and shown on the schedule of charges posted in the office of the Town Clerk.

17.508. DISCONTINUANCE OF USE IN CERTAIN CASES.

From the monthly inspection, if an analysis of the well and the water obtained therefrom or if, from any other source, it is determined that the well and its operation is contaminating the aquifer from which the water is obtained; or if it is determined that the well and its operation is causing an increase in the iron content of the public water supply of the town, the well shall be immediately shut down and not used thereafter.

17.509. CONNECTION WITH PUBLIC WATER SUPPLY.

The water system fed by the well shall not be connected to the town's system at any time. The property owner is directly responsible for the prevention of any crossover connection.

17.510. SEWER CHARGES ESTABLISHED.

The town shall have the right to place a meter on every well dug, repaired, altered or modified from which water enters the public sewer system. Sewer charges for the handling of such water shall be imposed on the basis of the town's sewer rate schedule as set forth in the schedule of charges posted in the office of the Town Clerk.

17.511. SALES OF WATER PROHIBITED.

No water obtained from a private well may be sold within the area served by the town water system.

17.512. COMPLIANCE WITH STATE STANDARDS.

All wells constructed within the town shall meet the applicable standards of the State Department of Health and Environmental Control and the Water Resources Commission.

17.513. EFFECT OF PROVISIONS.

a. This article shall apply to and include abandoned wells and the repair of existing wells.

b. There shall be no future private wells within the town without written approval by the Mayor and Council. No permit shall be required of those existing wells that have previously been accepted by the town prior to the effective date of this article, provided that such wells shall be subject to all other standards and requirements of this article.

ARTICLE VI. PUBLIC UTILITY CONSTRUCTION

Editor's Note. This article derives from NTC Title 2, Chapter 2 and generally accepted municipal practices.

17.601. 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.

17.602. 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.

17.603. 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.

17.604. 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 VII. PENALTIES

17.701. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding 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, NTC Title 8, Article A and generally accepted municipal practices relating to motor vehicles, traffic control and abandoned vehicles.

ARTICLE I. IN GENERAL

18.101. ADOPTION OF STATE LAW. SHORT TITLE.

a. There is hereby adopted by reference and made a part hereof, as if set out in full, those provisions of state law known as the *Uniform Act Regulating Traffic on Highways*, as contained in *Title 56, Chapter 5 of the 1976 South Carolina Code of Laws*.

(Editor's Note. Attorney General Opinion No. 2460, p. 125 (1967-68) opinioned that the cited state law may be incorporated by reference in an ordinance by municipalities. State law further provides that municipalities may regulate traffic, provided the regulations do not conflict with state law. (§56-5-30, §56-5-710))

b. This chapter may be cited as the "Traffic Ordinance" or "Traffic Code."

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, are 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.

(Editor's Note. State law limits the authority of the court to a maximum of five hundred dollars ($500.00).

b. The Court may have trial jurisdiction over such traffic cases the same as magistrates.

(1976 SC Code §56-5-6150)

18.104. FIXING TRAFFIC TICKETS UNLAWFUL.

It shall be unlawful for any official or employee of the town to "fix" any ticket or summons issued by any law enforcement officer for a violation of any traffic ordinance.

18.105. TRAFFIC CONTROL DEVICES. PLACEMENT. MAINTENANCE. SPECIFICATIONS. OBEDIENCE. INTERFERENCE.

a. The Council may, from time to time, request South Carolina Department of Transportation (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.

(These provisions are required by the 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. SERVICE STATIONS AND GARAGES TO BE KEPT CLEAN AND SANITARY.

a. Every person owning or operating a public service station or public garage shall keep the premises in such a neat and sanitary manner and shall keep the sidewalks, walkways and driveways in and about such service station or garage free from grease, oil, water or other substance.

b. Service stations or garages shall at all times be subject to the inspection of the director of public services or his designated representatives.

c. The owner or operator shall promptly carry out the order of any such inspector with regard to the keeping of such station or garage.

18.110. 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.

18.111. 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.

ARTICLE II. OPERATION OF VEHICLE. MOVING TRAFFIC

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Title 56, Chapter 5, §5-7-30, NTC Title 8, Chapter 2 and generally accepted municipal practices.

18.201. 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.)

18.202. 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)

18.203. CORNER CUTTING. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.

It shall be unlawful for any person to drive a vehicle over any sidewalk area and through any driveway, parking lot or business entrance at any intersection, in making either a right or left turn, except for the purpose of coming to a complete stop to obtain or render some service or make a sale or purchase. It is the intention of this section to prohibit “corner cutting” by driving a vehicle from one street into another across any sidewalk and/or driveway and/or through any driveway.

18.204. 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 law enforcement officer or traffic control signal.

18.205. 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.

18.206. VEHICLES. BOARDING OR ALIGHTING FROM.

No person shall board or alight from any vehicle while it is in motion.

18.207. 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.

18.208. 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.

18.209. 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.

18.210. 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.

18.211. SIDEWALKS.

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.

18.212. "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.

18.213. 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.

18.214. 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.

18.215. 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 Mayor.

18.216. HITCHNG TO MOVING VEHICLES.

It shall be unlawful for any person to grasp any motorized vehicle while the it is in motion.

18.217. 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.

18.218. 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.

18.219. 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.

18.220. SPEED RESTRICTIONS.

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.)

18.221. 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.

18.222. 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.

18.223. SPECIAL HAZARDS.

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

18.224. RACING. ENGINES. DRAG RACING. MUFFLERS. NOISE. SPINNING WHEELS.

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.

c. It shall be unlawful for any person in the operation of a motor vehicle to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of such motor vehicle upon any of the streets of the town.

d. It shall be unlawful for any person to race the engine of any motor vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the vehicle.

e. Any driver of any motor vehicle who shall willfully cause such vehicle to “dig out” or cause any such vehicle to make unnecessary noise by reason of operating such vehicle in such manner as to cause the wheels thereof to spin or slide on the roadway of any street when starting such vehicle or while making any turning movement shall be deemed guilty of a misdemeanor.

18.225. 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.

18.226. 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.

18.227. UNATTENDED VEHICLES.

a. It shall be unlawful for any person driving or in charge of a motor vehicle to leave such vehicle unattended on any street, alley, other public property, or new or used car lot, or on any private parking lotto which the general public is invited and at which there is no attendant, without first stopping the engine, locking the ignition and removing the ignition key from the vehicle.

b. Whenever any police officer shall find a motor vehicle standing unattended with the ignition key in the vehicle in violation of this section, such police officer shall prepare a citation against the owner of the vehicle and shall affix the citation to the vehicle.

c. The registered owner of a vehicle found in violation shall be held prima facie responsible for any such violation.

d. The provisions of this section shall not be applicable to vehicles used for public transportation, vehicles used for delivery and emergency purposes or vehicles owned and operated for governmental purposes by the town, county or state.

18.228. 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)

18.229. 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 for assistance and shall remain at the scene until an 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.)

18.230. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.

It shall be unlawful for any unauthorized person or persons to ride in or on a municipal vehicle, without official authority to do so.

18.231. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a motorcycle (cycle) in a reckless or dangerous manner on any public right-of-way.

b. No person riding a motorcycle shall attach his cycle or himself to a moving vehicle upon any street.

18.232. BICYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a bicycle (cycle) in a reckless or dangerous manner.

b. No person riding a bicycle shall attach his cycle or himself to a moving vehicle upon any street.

18.233. SAME. LIGHTS REQUIRED.

It shall be unlawful to operate a bicycle at night unless it is 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; provided, however, that a red reflector meeting the requirements of this section may be used in lieu of a red light.

18.234. SAME. RIDING BICYCLES ON SIDEWALKS.

It shall be unlawful for any person to operate a bicycle upon any sidewalk or pedestrian walkway.

18.235. RIDING BICYCLES, MOPEDS OR MOTORCYCLES IN PARKS AND RECREATION AREA.

No bicycles, mopeds or motorcycles shall be ridden in parks or in recreation areas except in areas specifically designated by signs for such use.

18.236. SAME. PENALTY.

The penalty for a violation of §18.232 through §18.235 shall be confiscation of said bike.

ARTICLE III. PARKING. STANDING. STOPPING

Editor's Note. This article is derived from the 1976 South Carolina Code of Laws, Chapter 56, NTC Title 8, Chapter 2 and 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.

a. Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto.

b. Vehicles parked within marked areas shall not occupy any part of more than one (1) space.

c. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.

18.303. SAME. TICKETS AUTHORIZED.

a. The Council may authorize, subject to the restrictions imposed in the foregoing sections, signs and devices relating to the limitations upon parking at particular places.

b. Failure to pay the penalty within the prescribed time shall subject the owner thereof to be summoned by the Magistrate and punished within his discretion.

18.304. HANDICAPPED PERSONS. PARKING. PENALTY.

a. The Police Chief is hereby authorized to designate parking spaces for handicapped persons.

(1976 SC Code §56-3-1965)

b. It shall be unlawful for any vehicle to be parked in a designated handicapped parking space without the proper display of a handicapped placard (or mirror hanger) visible from the outside of the vehicle or a lawfully issued license plate.

c. When a vehicle is parked in a parking space reserved for handicapped persons, the driver or a passenger must be the legitimate holder of either an official handicapped placard or a current vehicle license plate.

d. Any person violating the provisions of subparagraph b, hereof, shall be deemed guilty of a misdemeanor and, upon conviction, fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days for each offense, or both, as required by the 1976 SC Code, §56-3-1970.

(Editor's Notes:

1. 1976 SC Code §56-5-1960 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 or official placard.

2. 1976 SC Code §56-3-1971 authorizes all law enforcement officers to issue a uniform parking violations ticket to vehicles violating designated spaces for handicapped persons.)

18.305. 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 law enforcement officer.

18.306. 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.

18.307. SIGNAL TO STOP.

a. It shall be unlawful for any person operating a motor vehicle upon the public streets, alleys or ways of the town to fail to stop when signaled to do so, by the sounding of a siren, exhaust whistle, bell or word of mouth or any whistle known as a police signal device.

b. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or other person authorized to direct, control or regulate traffic.

18.308. STOP SIGNS. DUTY TO STOP.

The driver of a vehicle shall stop at an intersection where a stop sign is erected . He shall then 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.

18.309. 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.

18.310. DISABLED VEHICLES.

The operator of any vehicle which becomes disabled on any street within the town shall:

(1) Move the disabled vehicle to the extreme right side of the road; and

(2) Make immediate arrangements to have the vehicle removed as quickly as possible by wrecker, tow truck or other method.

(Editor's Note. See Article V, this chapter, for abandoned vehicles and/or junk.)

18.311. 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.

(1976 SC Code §5-7-30)

18.312. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

a. Except at the direction of a law enforcement 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 shall be

deemed to be in violation of this article.

d. The violation of this article shall be deemed a misdemeanor.

(1976 SC Code §5-7-30, §56-5-2530)

ARTICLE IV. PARADES, PROCESSIONS

Editor's Note. This article derives from NTC Title 8, Chapter 1, §8-10-18.

18.401. PERMIT REQUIRED.

Any person, firm, association, organization or corporation desiring to parade or meet in or upon the streets, areas, public buildings or parks shall register with and obtain a written permit from the business license department of the town.

18.402. APPLICATION.

a. Any person, firm, association, organization or corporation desiring to apply for a permit to parade or meet in public gatherings in or upon the public streets, areas, public buildings or parks shall file, on a form to be supplied by the business license department, an application stating the following:

1. name of applicant;

2. permanent address of applicant;

3. purpose of the parade or public gathering; and,

4. names, addresses and phone numbers of the organizers of such a parade or public gathering.

b. Upon proper registration with the business license department, and provided the parade or public gathering is otherwise lawful and complies with the standards of this article, a written permit shall issue to be valid for a certain date to be named by the town within thirty (30) days from the date of issuance.

c. In addition, such permit shall designate a particular route to be followed by the paraders and marchers and no other route shall be permitted. The Town Clerk/Treasurer shall designate the place of the public gathering and no other public gathering shall be permitted for such applicant.

18.403. CONSIDERATIONS.

In deciding whether to issue a permit under the provisions of this section, the Town Clerk/Treasurer shall consider in addition to all other considerations, the following:

1. the number of persons to participate;

2. the anticipated traffic conditions at the time and date proposed for the activity;

3. the schedule of other similar activities for which permits may have been issued;

4. the adequacy of adult supervision for any minor scheduled to participate;

5. the availability of town personnel whose presence on duty may be required by the activity and by the necessity to protect the general public; and

6. the adequacy of public facilities in the location proposed for the activity to accommodate the proposed activity and the normal public use of public facilities in the proposed location.

ARTICLE V. ABANDONED VEHICLES

Editor's Note. This article derives from NTC Title 6, Chapter 4 (an ordinance adopted by Council on March 10, 2003) and generally accepted municipal practices. (See §18.310, this chapter for disabled vehicles.)

18.501. ABANDOMENT UNLAWFUL.

It shall be unlawful for any person to abandon or permit to be abandoned any motorized vehicle for self propulsion, including, but not limited to, any automobile, boat, golf cart, any dismantled or partially dismantled vehicle or motor vehicle, vehicle or motor vehicle parts or accessories, on any public street, right-of-way, public grounds or upon any privately-owned property; and it shall be unlawful for any person owning or controlling any privately-owned property to abandon a vehicle or to permit the abandonment of a vehicle as described in this article.

18.502. ABANDONMENT DETERMINED.

For the purpose of this article, a vehicle shall be determined to have been abandoned under one (1) or more of the following circumstances:

1. any vehicle left upon a street or highway in violation of a law or ordinance;

2. any vehicle failing to display a current license plate;

3. any vehicle that is dismantled or partially dismantled, damaged or left exposed, uncovered, unscreened or unenclosed;

4. any vehicle incapable of self propulsion or incapable of being driven or operated in the manner for which it was originally intended;

5. any vehicle left, stored or abandoned on property owned, operated or controlled by the town without written consent;

6. any vehicle left on private property without the consent of the owner, occupant or lessee thereof for a period in excess of twenty-four (24) hours; or

7. any vehicle left, stored or abandoned on any public street or right-of-way of the town for a period in excess of seven (7) days.

18.503. DEFINITIONS.

The following words shall have the meanings ascribed to them in this section:

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

Private property shall mean any real estate property within the town which is privately owned and which is not public property as defined in this article.

Public property shall mean any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property, right-of-way or facility.

18.504. PARKING AND STORAGE OF CERTAIN VEHICLES.

a. Any person in charge or control of any property within the town, whether as an owner, tenant, occupant, lessee, or otherwise, must park or store all abandoned vehicles in a completely enclosed building, conceal the vehicle with a cover specifically designed for the purpose of protecting the particular vehicle or construct a privacy fence as defined in §18.504.b.3, below, that prevents sight or view from a public location or adjoining properties.

b. Any owner notified of a violation of this article shall comply therewith within thirty (30) days by one of the following means:

(1) remove the vehicle completely from view by storing the vehicle inside a completely enclosed building; or

(2) conceal the vehicle with a cover specifically designed for the purpose of protecting the particular vehicle; or

(3) construct a privacy fence as defined in this paragraph for the area containing the vehicle that prohibits sight or view of the vehicle from a public location or adjoining properties. Any constructed privacy fence shall be made of chain link design with aluminum or plastic panel weave or may be designed of solid wood privacy fencing. Fencing must be of a sufficient height, design and construction as to totally prohibit sight or view of the vehicle from a public location or adjoining properties. All fencing must be maintained as to continue to prevent sight or view of the vehicle as well as to ensure that the fencing itself is not unsightly.

18.505. HEALTH HAZARDS. DEFINED.

a. Any person who parks, stores, maintains or otherwise keeps a vehicle determined by the town to be a health hazard is in violation of this article.

b. For purposes of this article, a health hazard is defined as any abandoned vehicle parked, stored, maintained or otherwise kept on any parcel of property within the incorporated limits of the town that presents opportunity to create or accumulate moisture, attract infestation by mosquitoes, other insects, rats or other vermin.

18.506. SALVAGED VEHICLES.

No person shall salvage or otherwise maintain upon private property any unoperational, dismantled or partially dismantled vehicle for the purpose of removing parts or for storage or repair, unless said vehicle has a current vehicle license and unless the vehicle is covered or concealed in accordance with this article.

18.507. EXCEPTIONS.

a. Vehicles designed or used specifically for the primary purpose of vehicle showing or for the primary purpose of racing are exempt from the regulation requiring that the vehicle maintain a currently registered vehicle license if the vehicle is not normally required to maintain a current vehicle license by state or local law.

b. All vehicles exempted in this article shall be stored in accordance with all other regulations described in this article.

18.508. PROPERLY LICENSED BUSINESS.

An person who owns, operates, controls or maintains a licensed business or commercial location and who possesses necessary federal, state and/or local jurisdictional licenses to sell, remodel, refurbish, renovate, paint, restore or otherwise repair any vehicle designed for self propulsion, including, but not limited to, any automobile, boat, golf cart, any dismantled or partially dismantled vehicle, vehicle parts or accessories, shall be exempt from certain requirements of this article as follows:

1. Properly licensed business owners or operators may park, store, maintain or keep vehicles offered for sale upon their licensed private business or commercial property and in public view, but may not block or obstruct a public street or right-of-way;

2. Properly licensed business owners or operators may park, store, maintain or keep vehicles under repair upon their licensed private business or commercial property and in public view for ninety (90) days, if the vehicle is being actively repaired and has a current vehicle license;

3. Properly licensed business owners or operators must store all other vehicles in

accordance with the regulations of this article.

18.509. VIOLATIONS.

a. Any person who permits any vehicle to remain in the town in violation of this article after having been provided thirty (30) days notice, shall be issued a uniform citation with a scheduled court date. The bond and/or fine for the violation shall not exceed one hundred dollars ($100.00) or fifteen (15) days imprisonment; provided, however, no subsequent summonses shall be written or issued for the same violation until after disposition of the primary violation in a court of competent jurisdiction.

b. Any person who permits any vehicle to remain in violation of this article after having been convicted in a court of competent jurisdiction for a first offense for five (5) consecutive days after the conviction, shall be issued a second uniform traffic citation. The fine for the subsequent violations shall not exceed five hundred dollars ($500.00) or thirty (30) days imprisonment. Each day of violations shall constitute a separate offense.

c. Sufficient notice is hereby determined when a copy of same has been posted in a conspicuous place upon the vehicle or upon the private property on which the vehicle is located and a duplicate copy is sent by registered mail to the last known address of the owner of the vehicle or the owner or occupant of the private property.

ARTICLE VI. FUNERALS

Editor's Note. This article derives from generally accepted municipal practices. (See §14.1001.c, this code as to official funerals.)

18.601. DRIVING INTO FUNERAL PROHIBITED.

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.

18.602. IDENTIFICATION.

A funeral procession of vehicles shall be identified as such by the lead vehicles by a display on the outside of each vehicle.

18.603. 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 VII. PEDESTRIANS

Editor's Note. This article derives from generally accepted municipal practices to provide for the safety of pedestrians.

18.701. WALKING ON STREETS AND ROADWAYS.

Where sidewalks are not provided, any pedestrian walking upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

18.702. 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.

18.703. HITCHHIKING PROHIBITED.

No person shall stand on public property for the purpose of soliciting a ride from a driver of any vehicle.

(NTC 8-1-6)

ARTICLE VIII. RAILROADS

Editor's Note. South Carolina Code of Laws, §5-7-35 provides as follows:

> *No ordinance of a municipality which affects the operation of any railroad, as defined by §58-17-10, is effective until a certified copy of the ordinance has been sent to the division superintendent or local agent of the railroad company affected, by certified mail, return receipt requested. If a municipality annexes an area in which a railroad company operates, any existing ordinance which affects the company is not effective until the division superintendent or local agent of the company has been sent a certified copy, by certified mail, return receipt requested, of the ordinance declaring the area annexed.*

This chapter derives from Chapter 58 of the 1976 South Carolina Code of Laws, as amended, NQ 74, and generally accepted municipal practices.

18.801. DEFINITIONS.

For the purposes of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Grade Crossing shall mean a crossing at grade of a public street or highway over a track or tracks of a railroad.

(1976 SC Code §58-15-1610)

Railroad shall mean a carrier of persons or property on cars, other than streetcars, operated on stationary rails.

(1976 SC Code §56-5-270)

Railroad Signal or *Sign* shall mean any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of a railroad track or the approach of a railroad train.

(1976 SC Code §56-5-560)

Railroad Train shall mean a steam engine, electric or other motor, with or without cars coupled thereto and operated on rails.

(1976 SC Code §56-5-280)

18.802. SPEED OF ENGINES.

a. It shall be unlawful to run an engine on any railroad within the municipality faster than twenty-five (25) miles per hour.

b. On failing to comply with the conditions of this section, the railroad company so offending may be fined for each and every offense, on conviction before the Municipal Court, provided that a summons is served on the agent, president, secretary or treasurer of such company so violating.

18.803. POISON SPRAY ON RAILROAD RIGHTS-OF-WAY.

It shall be unlawful for any railroad, its agent or employees operating any railroad in and through the municipality to spray with poison the weeds and grass along the railroad right-of-way within the corporate limits.

18.804. DANGEROUS RAILROAD CROSSINGS. STOP SIGNS.

Council may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. No stop signs shall be erected without the approval of SCDOT.

18.805. CROSSING SIGNS.

The railroad company shall not be required to place and maintain warning signs alongside public roads and streets within the corporate limits, unless required to do so by the Mayor and Council.

(1976 SC Code §58-17-1390)

18.806. ADVERTISING. USE OF CROSSING SIGNS.

It shall be unlawful for any person to use for advertising purposes the kind of cross usually used as a crossing sign by railroads.

(1976 SC Code §58-15-890)

18.807. WARNING BELLS AT CROSSINGS.

It shall be unlawful for any engine or locomotive or steam railroad to cross any street crossing on grade within the limits of the town unless a warning is given by the ringing of bells, as occasion demands, within at least fifty (50) yards of such crossing; provided, however, that at all street crossings where watchmen are stationed, or electric warning signals operated, this section shall not apply.

(1976 SC Code §58-15-910)

18.808. BLOCKING OF STREETS BY TRAINS.

a. It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the train in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except when engaged in switching.

b. It shall be unlawful for any railroad train to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

(1976 SC Code §57-7-240)

c. At no time shall trains block more than two (2) crossings at one time, unless the train is in motion.

18.809. COMPLAINT OF RAILROAD CONDUCT.

The Mayor and Council are hereby authorized to apply directly to the South Carolina Public Service Commission for relief from conduct of any railroad within the corporate limits.

(1976 SC Code §58-17-190)

18.810. DISREGARDING WARNING SIGNALS.

Any person disregarding the warning signals at any railroad whose tracks cross any street at grade within the town limits shall be guilty of a misdemeanor.

18.811. REMOVAL OF PLATFORMS OR OBSTRUCTIONS ON CROSSINGS.

Any railroad company having any platform or obstruction on any of the street crossings within the town limits, and who shall, on notice served on the agent, president, secretary or treasurer of such company to remove such platform or obstruction within seven (7) days from the date of such notice being served, shall, on conviction, be guilty of a misdemeanor.

ARTICLE IX. PENALTIES

18.901. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 19. DROUGHT RESPONSE

ARTICLE I. IN GENERAL

19.101. Ordinance Adopted.
19.102. Control

ARTICLE II. PENALTIES

19.201. Penalty.

CHAPTER 19. DROUGHT RESPONSE

Editor's Note. In it's December, 2002, issue of UPTOWN, the Municipal Association informed all members that, "The General Assembly passed the South Carolina Drought Response Act of 2000 requiring local governments supplying water to enact a drought response ordinance. The ordinance spells out a plan to handle drought conditions before and as they occur. The act required municipalities to adopt an ordinance based on a model prepared by the South Carolina Department of Natural Resources (DNR) by May 2003."

The act required certain provisions, among others, that must be in the new ordinance:

a. A description of alternate water sources, including time, costs and problems associated with putting alternate sources online;

b. A water-use reduction plan and schedule for moderate, severe and extreme drought conditions; and

c. An implementation plan.

Municipalities that supply water must submit their proposed ordinance to the Department of Natural Resources by May 30, 2003, and must be adopted by October 30, 2002. As required, a copy of the proposed ordinance has been submitted to the Department of Natural Resources by its approval, and the provisions of this chapter meet those requirements.

To meet the requirements of DNR, on June 9, 2003, the Town Council adopted a Drought Management Plan and a Drought Response Ordinance.

ARTICLE I. IN GENERAL

19.101. ORDINANCE ADOPTED.

a. The provisions of the DROUGHT RESPONSE ORDINANCE, adopted June 9, 2003, are hereby adopted by reference.

b. The ordinance shall be filed in the office of the Town Clerk and available for public inspection during normal working hours.

c. The provisions thereof shall continue in full force and effect, as if fully set forth herein in the their entirety, until such time as they may be amended by the Mayor and Council.

(Editor's Note. Penalties for violations are set forth in the ordinance.)

19.102. CONTROL.

a. In the event that any portion of this chapter is held to be unconstitutional for any reason by a court of competent jurisdiction, 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 II. PENALTIES

19.201. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 20. FLOOD DAMAGE PREVENTION

ARTICLE I. IN GENERAL

20.101. Flood Damage Prevention. Permit Required.

ARTICLE II. PENALTIES

20.201. Penalty.

CHAPTER 20. FLOOD DAMAGE PREVENTION

ARTICLE I. IN GENERAL

Editor's Note. In order for the citizens of a municipality to obtain flood insurance, federal guidelines require the county in which the municipality is situate to adopt an ordinance regulating construction in a flood plain. Georgetown County adopted a NORTH FLOOD DAMAGE PREVENTION ORDINANCE on June 9, 2003.

20.101. FLOOD DAMAGE PREVENTION. PERMIT REQUIRED.

a. Subject to the provisions of the NORTH FLOOD DAMAGE PREVENTION ORDINANCE, adopted June 9, 2003, the citizens of the Town of North are hereby authorized, when eligible, to obtain flood insurance.

b. Any person, firm or corporation shall obtain a permit for construction when desiring to construct a building of any kind within the corporate limits of the Town of North, provided such building is situate within the flood plain areas as shown on maps maintained by the Town Clerk.

c. The Town Clerk is hereby directed to prepare the necessary details pertaining to such permit and the administration thereof.

d. The violation of this chapter is hereby declared a misdemeanor and subject to the penalty set forth in Article II of this chapter.

e. The ordinance shall be filed in the office of the Town Clerk and available for review during normal working hours.

ARTICLE II. PENALTIES

20.201. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

CHAPTER 21. SEWER USE

ARTICLE I. IN GENERAL

21.101. Ordinance Adopted.

ARTICLE II. PENALTIES

20.201. Penalty.

CHAPTER 21. SEWER USE

Editor's Note. This article derives from an ordinance adopted by the Mayor and Council on August 11, 1986. The ordinance was required by the South Carolina Department of Health and Environmental Control (DHEC). It was codified in the North Code of Ordinances, Title 4, Chapter 2, Article B, entitled *Sewer Use*.

ARTICLE I. IN GENERAL

21.101. Ordinance Adopted.

a. The provisions of the Sewer Use ordinance adopted by the Mayor and Council on August 11, 1986, and codified in the North Code of Ordinances at Title 4, Chapter 2, Article B, entitled *Sewer Use* are hereby adopted by reference.

b. The provisions thereof shall continue in full force and effect, as if fully set forth herein until such time as they may be amended by the Mayor and Council.

c. The ordinances shall be filed in the office of the Town Clerk and available for review during normal working hours.

ARTICLE II. PENALTIES

21.201. PENALTY.

a. Unless otherwise provided, any person, persons, firm, company or representative of any firm or company violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

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"). Numerous changes to the act have been made since its initial passage, and this appendix is current through the 2002 legislative session.

§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 other wise 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.

<u>§30-4-50. Certain matters declared public information.</u>

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 options, 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.

<u>§30-4-80. Notice of Meeting of Public Bodies.</u>

(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 that 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 NORTH, SOUTH CAROLINA:

SECTION 1. Section 2.201 of the Town Code is hereby amended by rescinding the time authorized for regular Council meetings (7:30 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. Earl Jeffcoat, Mayor
_____	_____
Second Reading	Deborah S. Cook, Council Member
	_____
	Paul Drew, Council Member
ATTEST:	_____
	Aubrey C. Gleaton, Council Member
_____	_____
Town Clerk	Harriett M. Lane, Council Member

(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 July 1, 2004."

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 §2.203 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 that 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. 8-5-2004, Supplement #2. 10-1-2004, 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 §2.211 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 §2.204 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 §2.207 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. Franchises
9. Grant agreements
10. Leases
11. Loans
12. Options
13. Planning and Zoning
14. Property Conveyances
15. Sale, lease or contract to sell lands
16. Subdivision Plats
17. Tax Levies and other charges

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