

CHAPTER 112: PAWNBROKERS

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§ 112.01 PAWNBROKER DEFINED.

Any person who loans money on pledge of personal property or other valuable thing, other than securities or printed evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things, on condition of selling the same back again at a stipulated price, is hereby declared and defined to be a **PAWNBROKER**.

(1996 Code, § 7-3-1) Penalty, see § 10.99

§ 112.02 LICENSE.

No person shall carry on the business of a pawnbroker in the town unless the person has obtained a license and paid the proper fee therefor, as required by the business license ordinance of the town.

(1996 Code, § 7-3-2) Penalty, see § 10.99

Cross-reference;

Business licenses, see § 110.01

§ 112.03 BOND.

Every person desiring a license to engage in the business of pawnbroker in the town shall, before being issued a license, file with the Clerk-Treasurer, a bond in the sum of \$1,000 executed with a surety company authorized to do businesses in the state and conditioned upon the favorable performance of the duty and obligations pertaining to the business so licensed.

(1996 Code, § 7-3-3) Penalty, see § 10.99

§ 112.04 RECORDS TO BE KEPT.

All persons operating pawn shops and all dealers in secondhand articles within the corporate limits of the town shall furnish to the town police each day a list of all articles of property purchased by them or pawned to them on the previous day. All the persons failing to provide a list of articles shall be guilty of a misdemeanor.

(1996 Code, § 7-3-4) Penalty, see § 10.99

§ 112.05 DEALINGS WITH MINORS.

No keeper of any pawn shop shall himself or herself, or through any other person, either directly or indirectly, take in pawn, purchase or receive by way of pawn, barter, exchange or bailment any personal property of any kind whatsoever of any minor under the age of 18 years, unless the minor shall be accompanied by his or her parent or guardian, or by some other responsible adult known to the keeper of the pawn shop who shall vouch for the ownership of the property or goods presented.

(1996 Code, § 7-3-5) Penalty, see § 10.99

§ 112.06 SIGN REQUIRED ON DOOR.

Every person holding a pawnbroker's license shall put on or over the principle entrance to his or her shop a sign stating that the shop is licensed and containing the name of the owner or proprietor of the business.

(1996 Code, § 7-3-6) Penalty, see § 10.99

§ 112.07 COMPLIANCE TO STATE LAW.

In addition to the requirements of this chapter, pawnbrokers shall comply with all the provisions of the state which may be applicable to them and to the town.

(1996 Code, § 7-3-7) Penalty, see § 10.99

CHAPTER 113: YARD SALES

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- 113.07 Hours of sale
- 113.08 Public address system prohibited
- 113.09 Alcoholic beverages prohibited
- 113.10 Display of merchandise
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- 113.99 Penalty

§ 113.01 YARD SALE DEFINED.

For the purposes of this chapter a *YARD SALE* is hereby defined as a periodic exhibiting of used personal property for the purpose of sale thereof by an individual, family unit or charitable or non-profit organization that is not a retail merchant who has paid a town business license to operate at a designated location.

(1996 Code, § 7-4-1) (Ord. passed 5-17-1982)

§ 113.02 PERMIT REQUIRED.

(A) It shall be unlawful for any individual, family unit or charitable or non-profit organization to conduct a yard sale without first obtaining a permit from the town for each day of the sale.

(B) An application for a permit to conduct a yard sale shall be made with the Town Clerk-Treasurer at least 24 hours prior to the yard sale, and it shall contain the time and place the sale is to be held and the type of articles to be sold.

(C) Upon receipt of the application, the Clerk-Treasurer shall, in his or her discretion, issue the permit to the applicant subject to public safety and convenience.

(D) The cost of each daily permit shall be as fixed from time to time by the Council. A maximum of three permits per calendar year for each individual, family unit or charitable or non-profit organization shall be issued. The permit shall be conspicuously posted at the location on site of the sale.

(E) A permit shall not be issued to any individual, family unit or charitable or non-profit organization who does not reside or which is not located within the corporate limits of the town. (1996 Code, § 7-4-2) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.03 LOCATION OF SALE.

Yard sales shall be conducted on the premises owned or occupied by the individual, family unit or charitable or non-profit organization conducting the sale. Yard sales shall not be conducted at a retail mercantile location. Nothing in this chapter shall be construed to prohibit the sale of foods for charitable purposes by a charitable or nonprofit organization at a retail mercantile location. (1996 Code, § 7-4-3) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.04 PARKING REQUIREMENTS.

A sufficient parking area shall be provided for all patrons attending the sale in order that the free and unobstructed flow of traffic on any and all adjacent streets shall not be adversely affected. (1996 Code, § 7-4-4) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.05 RESALE OF MERCHANDISE PROHIBITED.

No used merchandise shall be purchased and offered for resale at the site in question. (1996 Code, § 7-4-5) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.06 SIGNS ALLOWED.

Only one non-illuminated sign, not to exceed two square feet in area, may be displayed to advertise the sale and the same shall be placed only on the premises whereon the sale is being conducted. (1996 Code, § 7-4-6) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.07 HOURS OF SALE.

The hours of sale shall be limited to the period of 8:00 a.m. until 6:00 p.m. and the operation of sales on Sunday is prohibited. (1996 Code, § 7-4-7) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.08 PUBLIC ADDRESS SYSTEM PROHIBITED.

The use of sound amplifying or public address systems is prohibited.
(1996 Code, § 7-4-8) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.09 ALCOHOLIC BEVERAGES PROHIBITED.

The sale or offer of free alcoholic beverages at or near the sale premises by the individual, family unit or charitable or non-profit organization conducting the sale is prohibited.
(1996 Code, § 7-4-9) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.10 DISPLAY OF MERCHANDISE.

Merchandise offered for sale shall not be displayed on public property. No sale of goods, wares or merchandise may be displayed on private property in a manner so as to materially impede the visibility of pedestrians or vehicular traffic on or off the premises in question.
(1996 Code, § 7-4-10) (Ord. passed 5-17-1982) Penalty, see § 113.99

§ 113.11 INSPECTION OF SALES PREMISES.

For the purpose of enforcing the provisions in this chapter, the town, its proper officials, representatives and employees shall have the right of entry upon any premises whereon evidence of a yard sale may be found. The nominees, upon determination of a violation of this chapter, are authorized the power to prohibit the continuation of the sale.
(1996 Code, § 7-4-11) (Ord. passed 5-17-1982)

§ 113.99 PENALTY.

The failure to comply with any of the provisions of this chapter is hereby designated as a misdemeanor with the penalty therefor, being as provided in § 10.99. Each day that a violation continues shall constitute a separate offense.
(1996 Code, § 7-4-12) (Ord. passed 5-17-1982)



CHAPTER 114: SEXUALLY ORIENTED BUSINESSES

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- 114.01 Definitions
- 114.02 Permit and/or license required
- 114.03 Classifications
- 114.04 Issuance of license
- 114.05 Fees
- 114.06 Inspections
- 114.07 Expiration of license
- 114.08 Suspension of permit and/or license
- 114.09 Revocation of permit and prohibited acts
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- 114.11 Location
- 114.12 Operating hours

- 114.99 Penalty

§ 114.01 DEFINITIONS.

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

ADULT ARCADE. Any commercial place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing adult material, specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE.

(1) A commercial establishment which, as its principal business purpose, offers for sale or rent, for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe adult material, specified sexual activities or specified anatomical areas; or

(b) Instruments, novelties, devices or paraphernalia designed for the use in connection with specified sexual activities, as defined herein but are used as birth control devices or devices for disease prevention, are excluded from this definition.

(2) A commercial establishment may have other principal business purposes that do not involve disseminating adult material or specified sexual activities or specified anatomical areas and still be categorized as an **ADULT BOOKSTORE** or **ADULT VIDEO STORE**. Other business purposes will not serve to exempt the commercial establishment from being categorized as an **ADULT BOOKSTORE** or **ADULT VIDEO STORE** so long as one of its principal business purposes is the offering for sale or rent specified materials which depict or describe specific sexual activities or specified anatomical areas.

(3) An establishment will not be considered an **ADULT BOOKSTORE** or **ADULT VIDEO STORE** if the establishment demonstrates either:

(a) The adult material is accessible only by employees and the gross income from the sale comprises less than 10% of the gross income from the sale or rental of goods or services at the establishment; or

(b) The items of adult material offered for sale or rental comprise less than 10% of the inventory of stock used in trade and/or publicly displayed in the establishment and which are not accessible to minors.

ADULT CABARET. A nightclub, bar, club, tavern, restaurant or similar commercial establishment which features:

(1) Service to patrons by persons in a state of nudity or semi-nudity;

(2) Live performances, characterized by the exposure of "specified anatomical areas", depiction of specified sexual activities or by sexual conduct; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions characterized by the depiction or description of adult material, specified sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT USE OR BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, sexually oriented escort agency, nude model studio or sexual encounter center.

ADULT MATERIAL. Any book, magazine, newspaper or other printed or written material, any picture, drawing, photograph, motion picture or other pictorial representation, any statue or other figure,

any recording, transcription or mechanical, chemical or electrical reproduction, any other articles, equipment or machines which depicts or describes specified sexual activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel or similar commercial establishment which:

(1) Offers accommodations to the public for any form of consideration where patrons are provided closed-circuit television transmissions, films, motion picture, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

(2) Offers a sleeping room for rent with rates for a period of time that is less than ten hours;
or

(3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown and where a substantial portion of the presentation time is devoted to the showing of material which depicts or describes adult material, specified sexual activities or specified anatomical areas.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons appearing nude or semi-nude, or engaged in live performances characterized by the exposure of specified anatomical areas or specified sexual activities.

AVAILABLE TO THE PUBLIC. That the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement or for a separate fee for each item or performance.

CHILD CARE CENTER. A private establishment enrolling four or more children between two and five years of age and where tuition, fees or other forms of compensation for the care and/or education of the children is charged, and which is licensed or approved to operate as a child care center.

DAY CARE EDUCATION CENTER. See **CHILD CARE CENTER.**

DISSEMINATE. To transfer possession of, with or without consideration.

ESTABLISHMENT. Includes any of the following:

(1) The opening or commencement of any adult entertainment business as a new business;

(2) The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business;

- (3) The additions of any adult entertainment use to any other existing adult entertainment use or business;
- (4) The relocation of any adult entertainment business;
- (5) The reinstatement or application for reinstatement of a revoked permit or license; or
- (6) An existing adult entertainment business which continues to operate after passage of this chapter.

LICENSEE or PERMITTEE. A person in whose name a permit and/or license to operate an adult entertainment business or use has been issued, as well as any other individual listed as an applicant on the application for a permit or license.

NUDE DANCING ESTABLISHMENT. An establishment operated for commercial gain wherein performers or employees of the establishment display or expose to others specified anatomical areas regardless of whether the performer or employee is actually engaging in dancing.

NUDE MODEL STUDIO. An establishment which, as one of its principal businesses, provides a person or persons appearing in a state of nudity, semi-nudity or displaying "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or offer any form of consideration. Exempted from this definition is a proprietary school, licensed by the state; a college, junior college or university supported entirely or partly by taxation; or a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university that is supported entirely or partly by taxation, or any other school defined and regulated by S.C. Code Title 59, as amended.

NUDE, NUDITY or a STATE OF NUDITY. The appearance of a bare human anal cleft, anus, male genitals, female genitals or female breast.

PERFORMANCE. Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

PERSON. An individual, corporation, partnership, association, firm, club, proprietorship or other legal or commercial entity, including any type of charity organization.

PROMOTE. To cause, permit, procure, counsel or assist.

SCHOOL. Any building or part thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

SERVICE TO PATRONS. The provision of services to paying guests in establishments providing food and beverages, including, but not limited to, hosting, hat checking, cooking bartending, serving, table setting and clearing, waiter and waitressing and entertaining.

SEMI-NUDE, SEMI-NUDITY or IN A STATE OF SEMI-NUDITY. A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL CONDUCT. Any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual act such as erotic touching, caressing or fondling or the simulation thereof, of the breasts, buttocks, anus or genitals or any portion thereof.

SEXUAL ENCOUNTER CENTER. A person, business or commercial enterprise that, as one of its business purposes, offers for any form of consideration specified sexual activities between male and female persons and/or persons of the same sex.

SEXUALLY-ORIENTED BUSINESS. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexually-oriented escort agency, nude model studio, massage parlor or sexual encounter center.

SPECIFIED ANATOMICAL AREAS.

(1) Less than completely and/or opaquely covered male or female pubic region, anal cleft, anus or female breast below a point immediately above the top of the areola; and/or

(2) Male genitals in a discernible turgid state, whether covered or not covered or the more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES. Includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (3) above.

TRANSFER OF OWNERSHIP OR CONTROL OF AN ADULT ENTERTAINMENT BUSINESS. Includes any of the following:

(1) The sale, lease or sublease of the business;

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

(3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, and includes transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
(Ord. 97-01, passed 2-10-1997)

§ 114.02 PERMIT AND/OR LICENSE REQUIRED.

(A) A person commits a misdemeanor if he or she operates a sexually oriented business without a valid business license issued by the town for the particular type of business.

(B) An application for a license must be made on a form provided by the Town Clerk-Treasurer's office. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(C) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Health Department, Fire Department and Building Official. The Health Department, Fire Department and Building Official shall complete their inspections and certify same to the Town Clerk-Treasurer's Office within 21 days of receipt of the application by the Town Clerk-Treasurer's Office.

(D) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10% or greater interest in the business must sign the application for a license as an applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having 10% or greater interest in the corporation must sign the application for a license as an applicant.

(E) The fact that a person possesses other types of state or town license and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business license.
(Ord. 97-01, passed 2-10-1997) Penalty, see § 114.99

§ 114.03 CLASSIFICATIONS.

The following are classified as sexually oriented businesses:

(A) Adult arcades;

(B) Adult bookstores or adult video;

(C) Adult cabarets;

(D) Adult motels;

(E) Adult motion picture theaters;

(F) Adult theaters;

(G) Nude motel studios; and

(H) Sexual encounter centers.

(Ord. 97-01, passed 2-10-1997)

§ 114.04 ISSUANCE OF LICENSE.

(A) The Town Clerk-Treasurer's Office shall approve the issuance of a license to an applicant within 30 days after receipt of an application unless he or she finds one or more of the following to be true:

(1) An applicant is under 18 years of age;

(2) An applicant or an applicant's spouse is overdue in his or her payment to the town for taxes, fees, fines or penalties assessed against him or her or imposed upon him or her in relation to a sexually oriented business or has felony record in relation or location of a sexually oriented business;

(3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a questions or request for information on the applicant form;

(4) An applicant is residing with a person who has been denied a license by the county to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months;

(5) The premises to be used for the sexually oriented business has not been approved by the Health Department, Fire Department and the Building Official as being in compliance with applicable laws and ordinances;

(6) The license fee required by this chapter has not been paid; and/or

(7) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this chapter.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(Ord. 97-01, passed 2-10-1997)

§ 114.05 FEES.

The annual fee for a sexually oriented business license is \$500.
(Ord. 97-01, passed 2-10-1997)

§ 114.06 INSPECTIONS.

(A) An applicant or license shall permit representatives of the town's Police Department, Health Department, Fire Department, Planning Commission or other town departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

(B) A person who operates a sexually oriented business or his or her agent or employee commits a misdemeanor if he or she refuses to permit the lawful inspection of the premises any time it is occupied or open for business.
(Ord. 97-01, passed 2-10-1997) Penalty, see § 114.99

§ 114.07 EXPIRATION OF LICENSE.

Each sexually oriented business license shall expire one year from the date of issuance and may be renewed only by making application as provided in § 114.04.
(Ord. 97-01, passed 2-10-1997)

§ 114.08 SUSPENSION OF PERMIT AND/OR LICENSE.

The Town Clerk-Treasurer's Office shall suspend a license for a period not to exceed 30 days if he or she determines that a licensee or an employee of a licensee has:

- (A) Violated or is not in compliance with any section of this chapter;
- (B) Engaged in excessive use of alcoholic beverages while on the premises of the adult entertainment business;
- (C) Refused to allow an inspection of the premises of the adult entertainment business;
- (D) Knowingly permitted gambling by any person on the adult entertainment business premises; or
- (E) If premises of permittee has been deemed as not in compliance with applicable laws and ordinances as determined by health, fire or building officials.
(Ord. 97-01, passed 2-10-1997)

§ 114.09 REVOCATION OF PERMIT AND PROHIBITED ACTS.

(A) The Town Clerk-Treasurer's Office shall revoke a license if a cause of suspension, as described in § 114.08, occurs and the license has been suspended within the preceding 12 months.

(B) The Town Clerk-Treasurer's Office shall revoke a license if he or she determines that:

(1) A licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;

(2) A licensee or an employee has knowingly allowed prostitution on the premises;

(3) A licensee or an employee knowingly operated the adult entertainment business during a period of time when the licensee's business license was suspended;

(4) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the licensed premises; or

(5) A licensee is delinquent in payment to the town or state any taxes, fees, fines or penalties as assessed against him or her.

(Ord. 97-01, passed 2-10-1997) Penalty, see § 114.99

§ 114.10 TRANSFER OF LICENSE.

A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

(Ord. 97-01, passed 2-10-1997)

§ 114.11 LOCATION.

(A) A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business within 1,000 feet of:

(1) A church;

(2) A public or private elementary or secondary school;

(3) A public park adjacent to any residential district;

(4) A family oriented recreation facility including but not limited to a roller skating rink, an ice skating rink or a public swimming pool;

- (5) A day nursery of licensed child care facility;
- (6) A public library;
- (7) A video poker business or business that has video poker machines on the premises;
- (8) A cemetery;
- (9) A government building or government-owned property; and/or
- (10) Residentially zoned property or property being used for residential purposes.

(B) A person commits a misdemeanor if he or she causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(C) A person commits a misdemeanor if he or she causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(D) For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of any land used listed in division (B) above.

(E) For purposes of division (C) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
(Ord. 97-01, passed 2-10-1997) Penalty, see § 114.99

§ 114.12 OPERATING HOURS.

No sexually oriented business shall open for business on Sunday. This section shall not apply to an adult motel, nor to a business whose hours of operation are regulated by state law.
(Ord. 97-01, passed 2-10-1997) Penalty, see § 114.99

§ 114.99 PENALTY.

(A) A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of § 114.11 is subject to a suit for injunction as well as prosecution for criminal violations.

(B) The violations shall be punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days.

(C) Each day a violation continues shall constitute a separate offense.
(Ord. 97-01, passed 2-10-1997)



TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL PROVISIONS**
- 131. OFFENSES AGAINST PUBLIC PEACE AND ORDER**
- 132. OFFENSES AGAINST PROPERTY**
- 133. OFFENSES AGAINST PERSONS**
- 134. OFFENSES AGAINST PUBLIC WELFARE**



CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 Aiders or abettors
- 130.02 Disruption of Council

§ 130.01 AIDERS OR ABETTORS.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any of the ordinances of the town. The person shall be held and deemed an accessory. (1996 Code, § 9-1-1) Penalty, see § 10.99

§ 130.02 DISRUPTION OF COUNCIL.

It shall be unlawful for any person to interrupt the proceedings of any meeting of the Council, or be guilty of disorderly conduct therein, or to commit any contempt of either. (1996 Code, § 9-1-2) Penalty, see § 10.99

Cross-reference:

Meetings of Council, see §§ 30.20 et seq.



CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND ORDER

Section

- 131.01 Disorderly conduct
- 131.02 Public drunkenness
- 131.03 Drinking in public
- 131.04 Interference with streets, sidewalks and the like
- 131.05 Instigating, aiding or participating in riot
- 131.06 Disturbing school
- 131.07 Interference with officers
- 131.08 Fireworks
- 131.09 Fires and fireworks near buildings
- 131.10 Noise

§ 131.01 DISORDERLY CONDUCT.

(A) It shall be unlawful to conduct oneself in a disorderly manner with the purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof by:

- (1) Engaging in fighting or threatening, or in violent or tumultuous behavior;
- (2) Making unreasonable noise or an 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.

(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 or any neighborhood.

(1996 Code, § 9-2-1) Penalty, see § 10.99

Statutory reference:

Additional disorderly acts, see S.C. Code, § 16-17-530

§ 131.02 PUBLIC DRUNKENNESS.

It shall be unlawful for any person to be upon the streets or in any place in a drunken condition.
(1996 Code, § 9-2-2) Penalty, see § 10.99

Cross-reference:

Alcoholic beverages, see Chapter 111

§ 131.03 DRINKING IN PUBLIC.

It shall be unlawful for any person or persons to drink or to be in possession of an open container of any kind of intoxicating, alcoholic or non-alcoholic beverages, as defined by S.C. Code, § 61-4-10, on the streets, alleyways, highways or other public places.

(1996 Code, § 9-2-3) (Ord. 91-07, passed 8-12-1991) Penalty, see § 10.99

§ 131.04 INTERFERENCE WITH STREETS, SIDEWALKS AND THE LIKE.

It shall be unlawful for any person to close up or in any manner interfere with the free use of any public street or thoroughfare, sidewalk or alley without the previous written consent of Council.

(1996 Code, § 9-2-4) Penalty, see § 10.99

Cross-reference:

Parades, see §§ 92.40 through 92.47

Streets and sidewalks generally, see Chapter 92

§ 131.05 INSTIGATING, AIDING OR PARTICIPATING IN RIOT.

Any person, upon conviction of engaging in a riot, rout or affray as defined in S.C. Code, § 16-5-130, when no weapon was actually used and no wound inflicted shall be subject and liable for each offense.

(1996 Code, § 9-2-5) Penalty, see § 10.99

§ 131.06 DISTURBING SCHOOL.

(A) It shall be unlawful for any person willfully or unnecessarily:

(1) To interfere with or to disturb in any way or in any place the students or teachers of any school or college;

(2) To loiter about the school premises; or

(3) To act in an obnoxious manner thereon.

(B) It shall further be unlawful for any person to do any of the following, except on business, without the permission of the principal or person in charge:

(1) Enter upon any school premises; or

(2) Loiter around the premises.

(1996 Code, § 9-2-6) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-17-420

§ 131.07 INTERFERENCE WITH OFFICERS.

Any person or persons who shall resist or obstruct any officer in the discharge of his or her duty, or who shall aid or abet any person or persons in resisting or obstructing any officer in the discharge of his or her duty, shall be deemed guilty of a misdemeanor.

(1996 Code, § 9-2-7) Penalty, see § 10.99

Cross-reference:

Law enforcement, see §§ 34.01 et seq.

Statutory reference:

Hindering law enforcement and other officers, rescuing prisoners, see S.C. Code, § 16-5-50

§ 131.08 FIREWORKS.

(A) It shall be unlawful for any person to fire, shoot or discharge any fireworks of any description, except for public displays as provided in division (D) below and during the periods of July 3 from 10:00 p.m. until 1:00 a.m.; July 4 from 12:00 p.m. until 9:00 p.m. and December 31 from 10:00 p.m. until 1:00 a.m. upon consultation with the Fire Chief and giving the Mayor the authority to nullify exceptions if needed.

(B) The term **FIREWORKS** shall not include toy paper pistol caps which contain less than twenty-five hundredth (0.025) grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale and use of these items shall be permitted at all times.

(C) Nothing in this section shall apply:

(1) To the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation;

(2) To illumination devices for photographic use;

(3) To the military or naval forces of the state or United States;

(4) To peace officers; and

(5) To the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

(D) Any person desiring to hold a public display of fireworks shall secure from the Council a written permit to hold the display as provided in the state statutes, and shall comply with all applicable requirements of state law. No permit shall be issued to allow any public display of fireworks within the fire limits, or at any location whereby, in the judgment of Council, life or property may be endangered. (1996 Code, § 9-2-8) (Ord. 2011-04, passed 12-12-2011) Penalty, see § 10.99

Statutory reference:

Storage, sale and use of fireworks and explosives, see S.C. Code, §§ 23-35-130 et seq.

§ 131.09 FIRES AND FIREWORKS NEAR BUILDINGS.

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

(1996 Code, § 9-2-9) Penalty, see § 10.99

§ 131.10 NOISE.

(A) The creation and continuation of any loud, disturbing and unnecessary noise is hereby prohibited. It shall be unlawful for any person to cause, make or contribute to creating any loud or disturbing noise of a character, intensity or duration as to be detrimental to the life or health of any citizen.

(B) The following acts among others are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but that enumeration shall not be deemed to be exclusive:

(1) *Blowing horns.* The sounding or blowing of any horn or signal device of any automobile, motorcycle, motor bus or other vehicle, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any signal device of any loud or harsh noise; and the sounding of the device for any unnecessary period of time;

(2) *Radios, phonographs, television and the like.* The playing of any radio, phonograph, piccolo, television or any musical instrument in a manner or with a volume so as to annoy or disturb any person, or the playing of the instrument in a manner so as to annoy or disturb the quiet, comfort or repose of any person in any dwelling, hotel or other residence;

(3) *Pets.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity;

(4) *Use of vehicle.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or used or repaired in a manner, so as to create loud or unnecessary noises, particularly grating, grinding, rattling, riveting or other disturbing noises;

(5) *Blowing whistles.* 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;

(6) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;

(7) *Devices using compressed air.* The use of any mechanical device operated by compressed air, unless the noise created thereby is effectively muffled and reduced;

(8) *Building operations.* 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 6:00 p.m., on week days, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the Chief of Police;

(9) *Noises near schools, churches and the like.* The creation of any excessive noise on any street adjacent to any school or institution of learning, library or court, while the same is in session, or adjacent to any church during church services, which interfere with the work or worship in any like place or institution; provided, that signs must be displayed in the streets, indicating that the same is a school, church, library or court;

(10) *Loading and unloading operations.* The creation of loud and excessive noises in connection with loading or unloading any vehicle, or opening or destroying bales, boxes, crates and containers;

(11) *Bells or gongs.* The sounding of any bell or gong, attached to any building or premises, which disturbs the quiet or repose of any person in the vicinity thereof;

(12) *Hawking, peddling or soliciting.* Shouting, loud talking, crying or soliciting by peddlers, hawkers, solicitors and vendors, which disturbs the quiet and peace of the neighborhood, or any person therein;

(13) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance or event, show, sale or the display or advertisement of merchandise, by the creation of noise;

(14) *Loudspeakers or amplifiers on vehicles.* The use of any mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes, except by special permission of the Mayor; and

(15) *Business noises at night near residences.* The operation of any garage, filling station, auto repair business, taxi cab 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 so as to create loud and disturbing noises, of a frequency or a volume so as to annoy or disturb the quiet and comfort of any citizen and particularly the creating of

disturbing noises of a frequency and volume 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.
(1996 Code, § 9-2-10) Penalty, see § 10.99

CHAPTER 132: OFFENSES AGAINST PROPERTY

Section

- 132.01 Trespass
- 132.02 Trespass for various purposes
- 132.03 Removing, destroying or leaving down fences
- 132.04 Failure to leave premises when ordered
- 132.05 Damaging property
- 132.06 Advertising posted on property
- 132.07 Petit larceny
- 132.08 Shoplifting
- 132.09 Failing to return books and the like borrowed from certain public institutions
- 132.10 Bad checks
- 132.11 Abandoned and junked vehicles

§ 132.01 TRESPASS.

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 the entry, shall be a misdemeanor. When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of the land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.

(1996 Code, § 9-3-1) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-11-600

§ 132.02 TRESPASS FOR VARIOUS PURPOSES.

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

(1996 Code, § 9-3-2) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-11-610

§ 132.03 REMOVING, DESTROYING OR LEAVING DOWN FENCES.

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, crops or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose shall be guilty of a misdemeanor. (1996 Code, § 9-3-3) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-11-650

§ 132.04 FAILURE TO LEAVE PREMISES WHEN ORDERED.

Any person or persons who, when requested to leave the premises of another or the house where in any one or more persons shall live or conduct business (except offices of public officers), shall refuse to do so, shall be deemed guilty of a misdemeanor. (1996 Code, § 9-3-4) Penalty, see § 10.99

§ 132.05 DAMAGING PROPERTY.

Any person or persons who shall injure any animal, the property of another, or who shall damage any goods, wares or merchandise, or other personal property of another person or any public property shall be deemed guilty of a misdemeanor. Any person or persons who shall damage or destroy any fencing, fences, trees, shrubbery or buildings on the land of another or belonging to any other person or persons shall be deemed guilty of a misdemeanor. (1996 Code, § 9-3-5) Penalty, see § 10.99

Statutory reference:

Malicious injury to personal property, see S.C. Code, § 16-11-510

Malicious injury to real property, see S.C. Code, § 16-11-520

§ 132.06 ADVERTISING POSTED ON PROPERTY.

(A) It shall be unlawful to place any advertisement, business, political or otherwise, or any notice or sign of any nature on public property within the town, by the use of a placard, picture, paper, circular, printing or by any means or device whatsoever.

(B) It shall be unlawful to place any such advertisement, notice or sign of any nature on property in which the municipality has an interest or the right to regulate, such as telephone poles, telegraph poles, electric poles or towers, and the like.

(C) It shall be unlawful to place any advertisement, notice or sign of any nature on private property, without written consent of the owner or lessee of the property. (1996 Code, § 9-3-6) Penalty, see § 10.99

§ 132.07 PETIT LARCENY.

It shall be unlawful for any person or persons to commit the crime of petit larceny as defined in S.C. Code, § 16-13-30, within the corporate limits.
(1996 Code, § 9-3-7) Penalty, see § 10.99

§ 132.08 SHOPLIFTING.

No person shall willfully take possession of any goods, wares or merchandise offered for sale by any store or other mercantile establishment within the town with the intention of converting them to his or her own use without paying the purchase price thereof.
(1996 Code, § 9-3-8) Penalty, see § 10.99

Statutory reference:

Shoplifting, see S.C. Code, § 16-13-110

§ 132.09 FAILING TO RETURN BOOKS AND THE LIKE BORROWED FROM CERTAIN PUBLIC INSTITUTIONS.

Whoever borrows from any municipal, school, college or other institutional library or gallery, museum, collection or exhibition any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article belonging to or in the care of the library, gallery, museum, collection or exhibition under any agreement to return it and who thereafter fails to return the book, magazine, manuscript, pamphlet, publication, recording, film or other article shall be given written notice, mailed to his or her last known address or delivered in person, to return the borrowed article within 15 days; and in the event that the person shall thereafter willfully and knowingly fail to return the borrowed article within 15 days, the person shall be guilty of a misdemeanor.

(1996 Code, § 9-3-9) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-11-340

§ 132.10 BAD CHECKS.

The following sections of the Code of Laws of South Carolina 1976 are adopted by reference and are incorporated into this code of ordinances and shall be enforced by the town through the magistrate's court:

(A) Section 34-11-60: Drawing and uttering fraudulent check, draft or other written order;

(B) Section 34-11-70: Prima facie evidence of fraudulent intent in drawing and uttering check, draft or written order; reasonable and probable cause for prosecution;

(C) Section 34-11-80: Stopping payment on check, draft or order with intent to defraud;

(D) Section 34-11-90: Jurisdiction of offenses and penalties;

(E) Section 34-11-95: Report of convictions to South Carolina Law Enforcement Division; release of information; and

(F) Section 34-11-100: Effective payment of dishonored check, draft or other order after institution of prosecution.

(1996 Code, § 9-3-10) (Ord. passed 12-10-1984) Penalty, see § 10.99

§ 132.11 ABANDONED AND JUNKED VEHICLES.

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

REAL PROPERTY. Any real property within the town which is by a street or highway.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power, other than human power, designed to travel on the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles and tractors.

(B) *Abandonment prohibited.* No person shall abandon any vehicle within the town and no person shall leave any vehicle at any place within the town for a time and under circumstances so as to cause it to appear to have been abandoned.

(C) *Wrecked, junk and the like, vehicles not to be left on streets.* No person shall leave any partially dismantled, non-operating, wrecked or junk vehicle on any street or highway within the town.

(D) *Storage of wrecked, junk and the like, vehicles on private property.* No person in charge or control of any real property within the town whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junk or discarded vehicle to remain on the property longer than 30 days. This section shall not apply to:

(1) A vehicle in an enclosed building;

(2) A vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to operation of the business enterprise; or

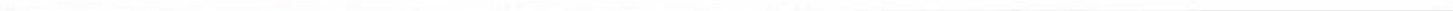
(3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(E) *Removal and impoundment generally.* The Chief of Police shall have full power of authority to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this section or which appears to be lost, stolen or unclaimed. The vehicle shall be impounded until lawfully claimed or disposed of in accordance with S.C. Code, §§ 56-5-5620 et seq. or §§ 56-5-5810 et seq.

(1996 Code, § 9-3-11) (Ord. passed 5-11-1981) Penalty, see § 10.99

Cross-reference:

Junkyards, see § 110.03



CHAPTER 133: OFFENSES AGAINST PERSONS

Section

- 133.01 Assault and battery
- 133.02 Pointing pistol or gun at any person

§ 133.01 ASSAULT AND BATTERY.

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

(1996 Code, § 9-4-1) Penalty, see § 10.99

§ 133.02 POINTING PISTOL OR GUN AT ANY PERSON.

It shall be unlawful for any person to present or point at any other person any loaded or unloaded firearm and upon conviction therefor, any like person shall be punished by fine or imprisonment. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances.

(1996 Code, § 9-4-2) Penalty, see § 10.99

Cross-reference:

Carrying certain weapons prohibited, see § 134.04

Concealed weapons, see § 134.03

Discharge of dangerous devices, see § 134.05

Statutory reference:

Pointing firearm at another, see S.C. Code, § 16-23-410



CHAPTER 134: OFFENSES AGAINST PUBLIC WELFARE

Section

- 134.01 Indecent exposure
- 134.02 Gambling or games of chance
- 134.03 Concealed weapons
- 134.04 Carrying of weapons
- 134.05 Discharge of dangerous devices
- 134.06 Unlawful to leave abandoned wells open
- 134.07 Failing to remove doors from abandoned refrigerators

§ 134.01 INDECENT EXPOSURE.

It shall be unlawful for any person to commit willful and malicious indecent exposure of his or her person in any public place, on property of others or to the view of any person on any street or highway. (1996 Code, § 9-5-1) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-15-130

§ 134.02 GAMBLING OR GAMES OF CHANCE.

It shall be unlawful for any person to engage in gambling or games of chance within the corporate limits.

(1996 Code, § 9-5-2) Penalty, see § 10.99

Statutory reference:

Gambling offenses, see S.C. Code, §§ 16-19-10 et seq.

§ 134.03 CONCEALED WEAPONS.

It shall be unlawful for any person to carry concealed about his or her person any pistol, dirk, metal knuckles, razor, ice pick, hawkbill knife or any spring or clasp knife, which has a blade more than three

inches in length, or other weapon usually used for the infliction of personal injuries. If a person has a concealed weapons permit, this section shall not apply to them.

(1996 Code, § 9-5-3) Penalty, see § 10.99

Cross-reference:

Discharge of firearms in town, see § 134.05

Pointing firearm at another, see § 133.02

Statutory reference:

Similar state law, see S.C. Code, § 16-23-460

Weapons offenses generally, see S.C. Code, §§ 16-23-10 et seq.

§ 134.04 CARRYING OF WEAPONS.

(A) It shall be unlawful for any person to carry about the person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries.

(B) This section shall not apply to peace officers while in the discharge of their duties.

(1996 Code, § 9-5-4) Penalty, see § 10.99

§ 134.05 DISCHARGE OF DANGEROUS DEVICES.

It shall be unlawful to fire or discharge any firearm, air rifle, sling shot or other device which may be potentially harmful to any persons or property, within the town limits, provided this section shall not apply to law enforcement officers while engaged in the lawful performance of duties nor to honor guards at funerals nor to theatrical productions.

(1996 Code, § 9-5-5) Penalty, see § 10.99

§ 134.06 UNLAWFUL TO LEAVE ABANDONED WELLS OPEN.

It shall be unlawful for any owner or tenant to permit or allow any abandoned well to remain open and unprotected, curbed or fenced in or on any place or premises owned or occupied in the town.

(1996 Code, § 9-5-6) Penalty, see § 10.99

Statutory reference:

Similar state law, see S.C. Code, § 16-3-1020

§ 134.07 FAILING TO REMOVE DOORS FROM ABANDONED REFRIGERATORS.

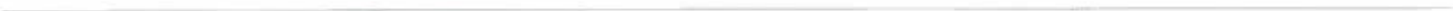
Any person who abandons or discards an icebox, refrigerator, ice chest or other type of air-tight container of a capacity sufficient to contain any child and who neglects, prior to the abandonment, to remove the door, lid or other device for the closing thereof, and any owner, lessee or other person in

charge of property who knowingly permits any abandoned icebox, refrigerator, ice chest or other type of air-tight container to remain on property without removing the lid or other closing device therefrom shall be guilty of a misdemeanor.

(1996 Code, § 9-5-7) Penalty, see § 10.99

Statutory reference:

Similar state law, see § 16-3-1010



TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. BUILDING REGULATIONS**
- 152. MOBILE HOMES; MOBILE HOME PARKS**
- 153. CONTRACTORS**
- 154. PLANNING AND ZONING COMMISSION**

- 155. PROPERTY NUMBERING**
- 156. FLOOD DAMAGE PREVENTION**



CHAPTER 150: GENERAL PROVISIONS

Section

150.01 Vested rights

§ 150.01 VESTED RIGHTS.

(A) *Scope and title.* All applicable ordinances, municipal code sections and regulations relating to zoning, planning and land development within the municipality are subject to this section, which shall be known as the “Vested Rights to Develop Property Ordinance”.

(B) *Definitions.*

(1) Except as hereinafter set forth, the words, terms and phrases when used in this section shall have the meaning as set forth in S.C. Code, § 6-29-1520, as enacted by Act 287 of 2004.

(2) “Site specific development plan”, in addition and as a supplement to the definition set forth in S.C. Code, § 6-29-1520, as enacted by Act 287 of 2004, is further defined to mean those documents that comprise a complete application for a zoning permit, certificate of zoning compliance, variance, special exception, planned unit development, sketch plat or sketch plan, or other similar approval that authorizes the landowner to proceed with investment in grading, installation of utilities, streets and other infrastructure, and to undertake other significant expenditures necessary to prepare for application for a building permit.

(C) *Establishment and conditions of vested rights.*

(1) A vested right to develop property in accord with a site specific development plan is triggered upon the final approval of the site specific development plan by the final official or body of the municipality authorized to approve a site specific development plan and the payment to the municipality of all applicable established fees.

(2) Except as hereinafter set forth, a vested right established by this section is subject to the conditions and limitations as set out in S.C. Code, §§ 6-29-1540 and 6-29-1550, as enacted by Act 287 of 2004.

(3) A vested right for an approved site specific development plan expires two years after the date of final approval by the final official or body authorized to approve a site specific development plan.

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(4) No vested rights are established for phased development plans, including approved or conditionally approved phased development plans and including phased development plans applicable to property proposed for annexation. An approved or conditionally approved site specific development plan is required prior to approval with respect to each phase of a phased development plan.

(5) A vested site specific development plan may be amended if the amendment conforms to, or does not cause greater nonconformity with, the then current provisions of the municipal zoning, planning, and land development ordinances, municipal code sections or regulations. Approval or conditional approval of an amendment does not re-set or re-start the expiration period of a vested right.

(6) No sooner than three months, and no later than 45 days prior to the expiration of the two-year vested right period for an approved site specific development plan, the landowner of property with a vested right in a site specific development plan may apply to the authorized official or body for an annual extension of the vested right. The authorized official or body must approve an application for an annual extension of the vested right unless an amendment to the land development ordinances or regulations have been adopted that prohibits approval. No more than five annual extensions of the vested right may be approved.

(D) *Form Ordinance*. The provisions and notes of the "Form Ordinance" are hereby adopted by reference and incorporated herein as fully as if set out at length herein.
(Ord. 2005-03, passed 6-13-2005)

CHAPTER 151: BUILDING REGULATIONS

Section

Permits; Bond; Certificates

- 151.01 Permits; required; to be issued only to certain people
- 151.02 Permit, inspection and certification of occupancy fees
- 151.03 License required
- 151.04 Bonds required of contractors
- 151.05 Renewal of plumbers' and electricians' certificates
- 151.06 Allowing another to use license or name
- 151.07 Compliance with other requirements

Codes Adopted by Reference

- 151.40 Adoption by reference

PERMITS; BOND; CERTIFICATES

§ 151.01 PERMITS; REQUIRED; TO BE ISSUED ONLY TO CERTAIN PEOPLE.

(A) Before work upon the installation or alteration of any plumbing, electrical or mechanical fixtures in any building is commenced, a permit therefor must be procured from the appropriate county office.

(B) The permit will be issued to a master/journeyman plumber, master/journeyman electrician, licensed mechanical contractor or those individuals who have been certified by the county.
(1996 Code, § 5-1-1) (Ord. 87-09, passed 1-11-1988)

§ 151.02 PERMIT, INSPECTION AND CERTIFICATE OF OCCUPANCY FEES.

All fees for permits, inspections and certificates of occupancy required by this chapter shall be as prescribed by ordinance or resolution of the Council, which ordinances and resolutions are continued in force as existing, and as modified in the future, until repealed. Any and all fees provided for in this section are nonrefundable.

(1996 Code, § 5-1-2) (Ord. 87-09, passed 1-11-1988)

§ 151.03 LICENSE REQUIRED.

(A) Every person, firm, company or corporation engaged or intending to engage in any business, trade or profession within the corporate limits of the town shall obtain the proper business license from the town in accordance with Chapter 110 of this code of ordinances, and as amended to require certification of tradesmen.

(B) It shall be unlawful for any tradesman or contractor in the electrical, plumbing, heating and air conditioning fields to obtain a business license to conduct business within the corporate limits of the town unless the tradesman or contractor has a master trades certification in the appropriate field as issued by the state or any approved municipal trades examining board within the state. Any contractor who employs a tradesman who has a masters trades certification in the appropriate field shall satisfy the provisions of this section.

(C) Any tradesman or contractor who has a current business license at the time this chapter is adopted shall be exempt from this section of the chapter provided the tradesman or contractor continues to obtain a business license annually thereafter.

(D) Proof of town license shall be required by the county prior to issuing permits inside the town limits.

(1996 Code, § 5-1-3) (Ord. 87-09, passed 1-11-1988) Penalty, see § 10.99

§ 151.04 BONDS REQUIRED OF CONTRACTORS.

(A) Tradesmen in the electrical, plumbing, heating and air conditioning fields shall be required to maintain in force a bond of indemnity or certificate of liability insurance in the amount of \$10,000 from an insurance company authorized to do business in the state, conditioned to repay to the town any sums which it may have to pay for damages to any person or property. This shall be required prior to issuance of a new or renewed business license.

(B) General contractors/builders shall be required to maintain in force a bond of indemnity or certificate of liability insurance in the minimum amount of \$10,000 or add amount equal to the largest building permit obtained or to be obtained during the current license year. The \$10,000 limit shall be a minimum required to obtain a business license and further coverage exceeding \$10,000 to be required prior to approval of any building permit for construction valued over \$10,000. Coverage shall be required equal to the valuation or stated on permit approval.

(C) Bonds required under divisions (A) or (B) above shall be conditioned on the following:

(1) The faithful observance of the ordinances of the town, including full compliance with the adopted codes;

(2) Payment by the contractor of any damages to persons or property caused by his or her negligence in work done pursuant to his or her license and/or certification;

(3) Payment by the contractor of any damages to person or property caused by an excavation or obstruction in or on any of the roads, or other public places in the county caused by any act, default or negligence on the part of any person, whether an independent contractor or not, who shall do any work for the contractor or any agent or the person so working for the contractor;

(4) Payment by the contractor for any damages to person or property caused by any act whatsoever done or suffered by way of the contractor by way of any person, whether an independent contractor or not, who shall do any work for the contractor, or by way of any agent of the person so working for the contractor; and

(5) Payment by the contractor of all fines and penalties imposed for violation of any ordinances or of any rule or regulation of the town.
(1996 Code, § 5-1-4) (Ord. 87-09, passed 1-11-1988)

§ 151.05 RENEWAL OF PLUMBERS' AND ELECTRICIANS' CERTIFICATES.

(A) Each master or journeyman plumber or electrician having a county certificate must renew the certificate at the end of each calendar year.

(B) If not so renewed after the end of the year and within 30 days following notification by the county of its expiration, the holder thereof will be required to take a satisfactory examination given either by the State Licensing Board or the Municipal Association of the state.
(1996 Code, § 5-1-5) (Ord. 87-09, passed 1-11-1988)

§ 151.06 ALLOWING ANOTHER TO USE LICENSE OR NAME.

No person, firm or corporation carrying on a plumbing, electrical, mechanical or licensed general contracting business in the town shall allow his or her name to be used by any person, directly or indirectly either to obtain a permit, send in notices, or to do any work under his or her license.
(1996 Code, § 5-1-6) (Ord. 87-09, passed 1-11-1988)

§ 151.07 COMPLIANCE WITH OTHER REQUIREMENTS.

(A) The town may establish or continue local permit requirements to provide compliance with zoning, licensing, flood plain monitoring or other reasons as necessary. If the town requires a building permit or permit authorization, the county shall not issue a permit within that incorporated area without first obtaining proof that a town permit or authorization has been issued.

(B) If no permit or authorization is required from the town, the county should provide a copy of any building or inspection permit to the town in a timely manner not exceeding ten days from the date of issuance to assure that proper town business licenses are obtained.
(1996 Code, § 5-1-7) (Ord. 87-09, passed 1-11-1988)

CODES ADOPTED BY REFERENCE

§ 151.40 ADOPTION BY REFERENCE.

The town is under the jurisdiction and enforcement of Edgefield County Building Department.



CHAPTER 152: MOBILE HOMES; MOBILE HOME PARKS

Section

152.01 Mobile home regulations

§ 152.01 MOBILE HOME REGULATIONS.

The town is under the jurisdiction and enforcement of Edgefield County Building Department for all mobile home regulations.





CHAPTER 153: CONTRACTORS

Section

153.01 Contractors regulations

§ 153.01 CONTRACTORS REGULATIONS.

The town is under the jurisdiction and enforcement of Edgefield County Building Department for all contractors regulations.



CHAPTER 154: PLANNING AND ZONING COMMISSION

Section

- 154.01 Membership
- 154.02 Organization; meetings; rules; staff and finances
- 154.03 General powers and duties

§ 154.01 MEMBERSHIP.

(A) The Planning and Zoning Commission shall consist of five members, to be appointed by the Town Council. The terms of office of the members shall be for four years, except that of the members first appointed, two shall be appointed for a term of two years, two for three years and one for four years.

(B) Any vacancy in membership shall be filled for the unexpired term by Town Council, who shall also have the authority to remove any member for cause, on written charges, after a public hearing.

(C) All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.
(1996 Code, § 5-1-1) (Ord. 86-06, passed 9-8-1986)

§ 154.02 ORGANIZATION; MEETINGS; RULES; STAFF AND FINANCES.

(A) The Planning and Zoning Commission shall elect a Chairperson and Vice-Chairperson from among its members.

(B) The term of the Chairperson and other officers shall be one year with eligibility for re-election.

(C) It shall appoint a Secretary, who may be an officer or an employee of the Council or the Planning and Zoning Commission.

(D) The Planning and Zoning Commission shall adopt rules for the transaction of business and shall keep a record of its recommendations, transactions, findings and determinations; and shall meet at the call of the Chairperson and at times as the Chairperson or Commission may determine.

(E) All meetings of the Planning and Zoning Commission at which official action is taken shall be open to the public and all records of the Commission shall be a public record.

(F) The Commission may appoint the employees and staff as it may deem necessary for its work and may make expenditures for salaries of any employees and staff, contracts with consultants, and for the purchase of required equipment and supplies.

(G) The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by Town Council.
(1996 Code, § 5-1-2) (Ord. 86-06, passed 9-8-1986)

§ 154.03 GENERAL POWERS AND DUTIES.

(A) From and after the time when the Planning and Zoning Commission shall have organized and selected its officers and shall have adopted its rules of procedure, then the Commission shall have all the powers, duties and responsibilities set forth in S.C. Code, Title 6, Chapter 7.

(B) In general, the Planning and Zoning Commission shall have the power to:

(1) Prepare and revise periodically a comprehensive plan and program for the development of its jurisdiction;

(2) Prepare and recommend for adoption to the Town Council as a means for implementing the plan and program:

(a) Zoning ordinances, maps and appropriate revisions thereof for its jurisdiction;

(b) Regulations for the subdivision of land and appropriate revisions thereof within its jurisdiction, and to administer the regulations that may be adopted;

(c) An official map and appropriate revision thereof showing the exact location of existing or proposed public streets, highway and utility rights-of-way and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites or open spaces within its political jurisdiction or a specified portion thereof; and

(d) A capital program for its jurisdiction based on the comprehensive plan and the capital improvements necessary to implement the plan. Such a capital program shall include an annual capital budget based on estimates of the cost of proposed projects and the means of financing them. The Commission shall submit the capital program, including the capital budget, to Town Council as directed.

(3) Establishing principles and policies for guiding action in the development of the town;

(4) Preparing and recommending to Town Council for adoption ordinances promoting orderly development in accordance with the comprehensive plan;

(5) Determining whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the town;

(6) Reviewing and recommending to Town Council any needed changes in the zoning ordinance and the official zoning map of the town, as well as the subdivision regulations, official map and other codes, ordinances and controls related to the town's development; and

(7) Keeping the Mayor and Town Council and the general public informed and advised as to these matters.

(1996 Code, § 5-1-3) (Ord. 86-06, passed 9-8-1986)



CHAPTER 155: PROPERTY NUMBERING

Section

Posting of Address Numbers

- 155.01 Number placement
- 155.02 Size and composition of numbers
- 155.03 Number location

Administration for Addressing Properties

- 155.15 Assignment of addresses to new principal buildings
- 155.16 Posting of addresses on new principal buildings
- 155.17 Deadline for posting of address numbers on existing principal buildings

- 155.99 Penalty

POSTING OF ADDRESS NUMBERS

§ 155.01 NUMBER PLACEMENT.

When each dwelling or building has been assigned its respective number or numbers, the owner, occupant or agent shall be required to display the assigned number or numbers in accordance with the following provisions. The cost of the numbers will be paid by the property owner, occupant or agent and not by the county or the town.

(1996 Code, § 5-5-1) (Ord. 95-06, passed 9-11-1995)

§ 155.02 SIZE AND COMPOSITION OF NUMBERS.

(A) Numbers shall not be less than three inches in height, and shall be made of a durable and clearly visible material which is in a contrasting color to the building.

(B) Reflective numbers for night-time identification are strongly recommended.

(1996 Code, § 5-5-2) (Ord. 95-06, passed 9-11-1995)

§ 155.03 NUMBER LOCATION.

(A) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the road.

(B) Whenever the building is more than 50 feet from the road, or when the numbers at the door are not clearly visible from the road, the number must be placed near the walk, driveway or common entrance to the building, and upon a mailbox, gate post, fence or other appropriate place so as to be easily read from the road.

(1996 Code, § 5-5-3) (Ord. 95-06, passed 9-11-1995)

ADMINISTRATION FOR ADDRESSING PROPERTIES**§ 155.15 ASSIGNMENT OF ADDRESSES TO NEW PRINCIPAL BUILDINGS.**

(A) Whenever any principal dwelling or building is erected or located in the town subsequent to the effective date of the ordinance codified in this chapter, it will be the duty of the owner to obtain the correct address as designated by the E-911 Committee for the property, and to attach immediately the number or numbers to the building as provided by this chapter.

(B) No building permit shall be issued for any dwelling or building until the owner has obtained the official address from the E-911 Committee.

(1996 Code, § 5-5-4) (Ord. 95-06, passed 9-11-1995)

§ 155.16 POSTING OF ADDRESSES ON NEW PRINCIPAL BUILDINGS.

The certificate of occupancy for any major structure erected, repaired or modified after the effective date of the ordinance codified in this chapter shall be withheld by the Building Department until the address is posted on the structure as outlined in this chapter.

(1996 Code, § 5-5-5) (Ord. 95-06, passed 9-11-1995)

§ 155.17 DEADLINE FOR POSTING OF ADDRESS NUMBERS ON EXISTING PRINCIPAL BUILDINGS.

All owners of existing principal buildings and developments: (including residences, commercial structures, mobile homes, apartments, condominiums, office parks and the like) shall post the assigned address number in the manner outlined in this chapter within six months of receipt of the assigned address numbers.

(1996 Code, § 5-5-6) (Ord. 95-06, passed 9-11-1995)

§ 155.99 PENALTY.

Any person who violates any provisions of this chapter shall be guilty of a misdemeanor and shall be subject to a fine not exceeding \$500 and/or to imprisonment for a term not exceeding 30 days. Each day which the violation continues shall constitute a separate offense.
(1996 Code, § 5-5-9) (Ord. 95-06, passed 9-11-1995)



CHAPTER 156: FLOOD DAMAGE PREVENTION

Section

156.01 Flood damage prevention regulations

§ 156.01 FLOOD DAMAGE PREVENTION REGULATIONS.

The town is under the jurisdiction and enforcement of Edgefield County Building Department for all flood damage prevention regulations.



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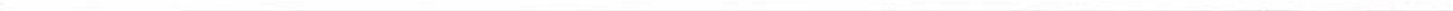
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