

**TOWN OF JOHNSTON, S C  
CODE OF ORDINANCES**

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**AMERICAN LEGAL PUBLISHING CORPORATION  
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**PUBLISHER'S ACKNOWLEDGMENT**

In the publication of this Code of Ordinances, every effort was made to provide easy access to local law by municipal officials, the citizens of this municipality, and members of the business community.

We want to express our grateful appreciation to all municipal officials for their untiring efforts in the preparation of this Code of Ordinances.

**AMERICAN LEGAL PUBLISHING CORPORATION**

Stephen G. Wolf, Esq.  
President

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**JOHNSTON, SOUTH CAROLINA**

**TOWN OFFICIALS**

Mayor	J. Andrew Livingston, III
Mayor Pro-Tem	Tyra B. Miller
Council member	Terrence Culbreath
Council member	Thomas E. Stone
Council member	Tommy Burton
Council member	Frank Nicholson, III
Clerk/Treasurer	Frances H. Quarles



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**10. GENERAL CODE CONSTRUCTION; GENERAL PENALTY**

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## CHAPTER 10: GENERAL CODE CONSTRUCTION; GENERAL PENALTY

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### § 10.01 DESIGNATION AND CITATION.

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

### § 10.02 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.

**§ 10.03 DEFINITIONS.**

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

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

**BOND**. When **BOND** is required, an undertaking in writing shall be sufficient.

**CLERK/TREASURER**. The Municipal Town Clerk/Treasurer. The title may be used interchangeably with "Clerk", "Town Clerk" or "Clerk/Treasurer", if one person holds both positions.

**COMPUTATION OF TIME**. The time within which an act is to be done, 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. The day the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor the holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

**CORPORATE LIMITS, CORPORATION LIMITS**. Whenever the words **CORPORATE LIMITS, CORPORATION LIMITS** or words of similar import are used, they shall mean the legal boundary of the Town of Johnston.

**COUNCIL** or **TOWN COUNCIL**. The Mayor and Council, as defined in S.C. Code § 5-11-20.

**COUNTY**. The County of Edgefield, State of South Carolina.

**DELEGATION OF AUTHORITY**. Whenever a provision appears in this code requiring the manager of a department or other officer of the town to do some act or perform some duty, it shall be constructed to authorize the manager of the department or other officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section designate otherwise.

**EMERGENCY VEHICLE**. Vehicles of the Fire and Police Departments, ambulances and/or emergency vehicles or public service corporations as are designated or authorized by the State Department of Highways and Transportation or by the Town Council.

**GENDER**. See § 10.04(B).

**IN THE TOWN**. Any territory, jurisdiction of which, for the exercise of the town's regulatory power, has been conferred on it by public or local law.

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

**JOINT AUTHORITY.** All words giving joint authority to three or more persons or offices shall be construed as giving the authority to a majority of the persons or officers.

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

**MAY.** The act shall be permissive.

**MINOR.** All references to *MINORS* in this code shall be deemed to mean persons under the age of 18 years, except as otherwise provided in laws relating to the sale of alcoholic beverages.

**MONTH.** A calendar month, unless defined otherwise.

**MUNICIPALITY.** May be used interchangeably with *TOWN* and shall mean the entire area within the corporate limits.

**NAME OF OFFICIAL, BOARD AND THE LIKE.** Whenever reference is made to an official, board, commission, department and the like, by title only, it shall be construed as though the words "of the Town of Johnston" were added.

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

**NUMBER.** See § 10.04(A).

**OATH or 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 those cases, the words *SWEAR* and *SWORN* shall be the equivalent to words *AFFIRM* and *AFFIRMED* and vice versa.

**OWNER.** 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 the building or land.

**PERSON.** A corporation, firm, partnership, association, organization and any other group as a unit, as well as an individual or individuals.

**PERSONAL PROPERTY.** Every species of property, except real property, as defined in this section.

**PRECEDING** and **FOLLOWING**. The next before and the next after, respectively.

**PREMISES**. Place or places.

**PROPERTY**. Real and personal property.

**PUBLIC PLACE**. Any park, cemetery, schoolyard or open space adjacent thereto and any river or other waterway.

**REAL PROPERTY** and **REAL ESTATE**. Lands, tenements and the hereditaments.

**RESIDENCE**. The place adopted by a person as the person's place of habitation, and to which, whenever the person is absent, the person 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 the person's **RESIDENCE**.

**RESIDENCE DISTRICT**. Territory contiguous to, and including, a street not comprising a business district when the property on the street for a distance of 300 feet or more is in the main improved with dwellings or dwellings and buildings in use with residences.

**ROADWAY**. The portion of a street improved, designed or ordinarily used for vehicular travel.

**SEAL**. The town or corporate seal.

**SHALL**. The act shall be mandatory.

**SIDEWALK**. 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 intended for the use of pedestrians.

**SIGNATURE** or **SUBSCRIPTION**. A mark, when a person cannot write.

**STATE**. The State of South Carolina.

**STATUTE REFERENCES.**

(1) Whenever reference is made, for example, to S.C. Code § 44-1-160, it shall be constructed to refer to the code of Laws of South Carolina, § 44-1-160, as amended, or whatever section is to be cited.

(2) Whenever reference is made, for example, to Acts 1944, p.1301, it shall be constructed to refer to page 1301 of the Acts of South Carolina 1944, or whatever page and year is to be cited.

**STREET.**

(1) Streets, avenues, boulevards, highways, roads, alleys, lanes, bridges and all other public thoroughfares and shall mean the entire width thereof between abutting property lines.

(2) It shall be construed to include a sidewalk or footpath, unless the contrary is expressed or unless the construction would be inconsistent with the manifest intent of the Council.

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

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

**TOWN.** The Town of Johnston, South Carolina.

**WEEK.** Seven days.

**WRITING.** The words **WRITING** or **WRITTEN** shall include printing and any other mode of representing words and letters.

**YEAR.** A calendar year, unless otherwise defined.

#### § 10.04 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.

(A) 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.

(B) All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.

(C) All words importing the present tense shall apply to the future also.

#### § 10.05 CATCHLINES.

The catchlines of the several sections of this code, printed in capital letters, are intended as mere catchwords to indicate or emphasize the contents of the sections, not as any part of the section nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are ended or reenacted.

#### § 10.06 SEVERABILITY.

It is hereby declared to be the intention of the Town Council that, if any section, division, sentence, clause or phrase of this code shall be declared unconstitutional by the valid judgment or decree of any

court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, divisions and sections of this code since the same would have been enacted without the incorporation in this code of any unconstitutional phrase, clause, sentence, division or section.

#### **§ 10.07 EFFECT OF REPEAL OR EXPIRATION.**

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.

#### **§ 10.08 AMENDMENTS.**

(A) All ordinances adopted subsequent to the adoption of this code, which amend, repeal or, in any way, affect this code, shall be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and divisions, or any part thereof by subsequent ordinances, the 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 shall be made by amending the provisions by specific reference to the section number of this code in substantially the following, but not necessarily the exact, language: "that § (number to be inserted) of the Town Code of the Town of Johnston is hereby amended as follows: \_\_\_\_\_."

(C) In the event a new section not heretofore existing in the code is to be added, the following language may be used: "that the Johnston Town Code, is hereby amended by adding a section, to be numbered § \_\_\_\_\_ (number to be inserted), which section shall read as follows: \_\_\_\_\_." The new section shall then be set out in full as enacted and the sections of this code may be renumbered to accomplish the intention.

(D) All divisions, sections, chapters or provisions to be repealed shall be specifically repealed by division, section or chapter number, as the case may be.

#### **§ 10.09 ALTERING THE CODE.**

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

Penalty, see § 10.99



**§ 10.10 LIABILITY FOR VIOLATIONS.**

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

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

**§ 10.11 PROSECUTION FOR DIFFERENT PENALTIES.**

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

**§ 10.12 MUNICIPAL UNIFORM ORDINANCE SUMMONS.**

(A) (1) Any person or entity violating any provision of the code, or any code adopted pursuant thereto, within the corporate limits of the town, may be issued a uniform ordinance summons.

(2) Issuance of the uniform ordinance summons shall vest jurisdiction in the Municipal Court to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

(3) The uniform ordinance summons may be issued by any town law enforcement officer or any other town employees designated by the Council as code enforcement officers.

(4) The bond amount for violations shall be prescribed by the Chief Municipal Court Judge. Town law enforcement or code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons.

(5) The uniform ordinance summons shall not be used to perform a custodial arrest.

(B) This section does not apply to any ordinance which regulates the use of motor vehicles on the public roads.

**§ 10.13 RECORDING, FILING, PUBLICATION OF ORDINANCES.**

All ordinances passed by the Council shall be recorded by the Municipal Clerk/Treasurer in proper books with indexes. The originals shall be filed in the Clerk/Treasurer's office and due proof of the

publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk/Treasurer, and attached thereto, or written and attested upon the face of the record of the ordinance.

**Statutory reference:**

*Proof of ordinance of municipality, see S.C. Code § 19-3-10*

**§ 10.14 EFFECTIVE DATE OF ORDINANCES.**

All ordinances shall take effect upon their publication, unless an ordinance shall otherwise specify the time when it shall go into effect.

**§ 10.15 SUPPLEMENTATION OF CODE.**

(A) By contract or by town personnel, supplements to this code shall be prepared and printed whenever authorized or directed by the Town Council. A supplement to the code shall include all substantive permanent and general parts of ordinances passed by the Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the code. The pages of a supplement shall be so numbered that they will fit properly into the code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, the code will be current through the date of adoption of the latest ordinance included in the supplement.

(B) In preparing a supplement to this code, all portions of the code which have been repealed shall be excluded from the code by the omission thereof from reprinted pages.

(C) When preparing a supplement to this code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the code printed in the supplement and make changes in the catchlines, headings and titles;

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

(4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this section", "this division" and the like, as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code); and

(5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code.

**§ 10.16 CERTAIN ORDINANCES NOT AFFECTED BY CODE.**

(A) Nothing in this code, or the ordinance adopting this code, shall affect any ordinance:

(1) Promising or guaranteeing the payment of money for the town, authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness or any contract or obligations assumed by the town;

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

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

(4) Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating and the like any street or public way in the town;

(5) Making any appropriation;

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

(7) Establishing or prescribing grades of streets in the town;

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

(9) Dedicating or accepting any plat or subdivision in the town or prescribing subdivision regulations;

(10) Adopting, extending or contracting the boundaries of the town;

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

(12) Prescribing zoning regulations or rezoning particular property; and

(13) Any other ordinance, or part thereof, which is not of a general and permanent nature.

(B) All ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this code. The ordinances are on file in the Town Clerk/Treasurer's office.

**§ 10.99 PENALTY.****(A) General penalty; continuing violation.**

(1) Whenever in this code or in any ordinance or resolution of the municipality or rule, regulation or order promulgated by any officer or agency of the municipality under authority duly vested in him, her 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 provisions of this code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500 and/or by imprisonment for a period not exceeding 30 days; provided, however, that, no penalty shall exceed the penalty provided by the state law for similar offenses.

(2) Each day any violation of this code or any ordinances, rules or regulations shall continue shall constitute a separate offense.

**(B) Violations of rules, regulations and orders.** Except as otherwise provided in this code, the violation of any rules, regulations or orders promulgated by any officer or agency of the municipality under authority vested in him or her or it by law or by the provisions of the code or any ordinance or resolution shall be unlawful.

**(C) Use of ordinance summons.** Any municipal law enforcement or code enforcement officer of the town is authorized to use an ordinance summons to cite municipal ordinance violations. The use of the ordinance summons shall conform with S.C. Code § 56-7-80, as amended.

**(D) Liability of corporations; agents for violations.**

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

(2) 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 the corporation or unincorporated association or organization for the violation by it of any provision of this code, where the violation was the act or omission, the result of the act, omission or order of any person.

**Editor's note:**

*The section deals with liability of corporations by persons authorized to act for it. The legal terminology for this is respondeat superior or vicarious liability, which simply means that one may commit a crime through the agency of another. State v. Johnson. 255 S.C. 14, 176 S.E.2d. 575 (1970).*

**Statutory references:**

*Authority, see S.C. Code § 5-7-30*

*Limitation on fine and term of imprisonment, see S.C. Code § 5-7-30*

*Maximum penalties that Municipal Judge may impose, see S.C. Code § 14-25-65*

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## CHAPTER 30: TOWN COUNCIL; MAYOR

### Section

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### ***GENERAL PROVISIONS***

#### **§ 30.01 COMPOSITION AND ELECTION OF COUNCIL.**

The Council shall be composed of a Mayor (at large) and five Council members who shall be elected by single member districts at an election held as provided in Chapter 33, and as provided in the applicable state law.

(1996 Code, § 1-2-1) (Ord. 95-01, passed 4-10-1995)

#### **§ 30.02 POWERS VESTED IN COUNCIL.**

Except as otherwise provided, all powers of the town and the determination of all matters of policy shall be vested in the Council, with each member, including the Mayor, having one vote.

(1996 Code, § 1-2-2)

#### **§ 30.03 COMPENSATION.**

The Mayor and Council members shall receive salaries as fixed by Council; provided, no increase or decrease in salary shall take effect during the term of Council in which the change is approved. Provided further, a decrease in salary shall take effect immediately if approved by unanimous vote of all the members of Council.

(1996 Code, § 1-2-3)

#### **§ 30.04 TERM OF MAYOR AND COUNCIL MEMBERS.**

The Mayor and Council members shall hold office for the period of four years, or until their successors shall be duly elected and qualified.

(1996 Code, § 1-2-4)

#### **§ 30.05 OATH OF MAYOR AND COUNCIL MEMBERS.**

The Mayor and Council members before entering upon the duties of their respective offices shall take the following oath, to-wit: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this state, to exercise the duties of the office to which I have been elected and that



I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. "As Mayor (or Council Member) of the Town of Johnston, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God."

(1996 Code, § 1-2-5)

***Constitutional reference:***

*Oath of officials, see Art. VI, Sec. 5, S.C. Constitution*

***Statutory reference:***

*Oath of Mayor and Council members, see S.C. Code, § 5-15-150*

**§ 30.06 EMERGENCY POWERS OF MAYOR.**

(A) A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbance, catastrophe or for any other reason, municipal 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 people within the town 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, and in order more effectively to protect the lives, safety and property of the municipality, to define and impose a curfew applicable to all persons within the jurisdiction of the municipality.

(C) The Mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the municipality and to specific hours of the day or night; and to exempt from the curfew police officers, firefighters, doctors, nurses and others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the municipality.

(1996 Code, § 1-2-6)

***MEETINGS OF COUNCIL AND RULES OF PROCEDURE***

**§ 30.20 DATE, TIME AND PLACE.**

(A) The regular meeting of the Council shall be held at the Town Hall on the second Monday of each month at time and place agreed upon by a majority vote of Council, unless changed by a majority vote of members present at any regular or special meeting. The Council shall give written public notice of regular meetings of Council at the beginning of each calendar year. The notice shall include the dates, times and places of regular meetings of the Council.

(B) Special meetings of the Council may be held on the call of the Mayor or a majority of the members of the Council. Notice of a special or re-scheduled meeting shall be given as early as is practicable but not later than 24 hours in advance of the time of the meeting by the Clerk-Treasurer. The public notice shall include the agenda, date, time and place of the special or rescheduled meeting and shall be given at least 24 hours in advance of the time of the meeting to all available members of the Council by the Clerk-Treasurer.

(C) All regular, special or re-scheduled meetings of the Council shall be open to the public. (1996 Code, § 1-3-1) (Ord. 2010-03, passed 9-13-2010)

### § 30.21 EXECUTIVE SESSIONS.

(A) Council may hold a meeting closed to the public as permitted by the State Freedom of Information Act, being S.C. Code, §§ 30-4-10 et seq., and this code at times and in a place as may be deemed necessary and in the public interest.

(B) Prior to going into executive session the Council shall vote on the question and when the vote is favorable the Mayor or presiding officer shall announce the purpose of the executive session.

(C) No formal action may be taken in executive session. The words *FORMAL ACTION* mean a recorded vote committing the Council to a specific course of action. Council may hold a closed meeting for the purpose of receiving executive session information by an affirmative vote of three-fourths of its members present and voting when required by some reason so compelling as to override the general public policy in favor of public meetings; provided, that no budgetary matters shall be discussed in the closed sessions except as otherwise provided by law. The reasons and the votes of the members shall be recorded and be matters of public record.

(1996 Code, § 1-3-2) (Ord. 2010-03, passed 9-13-2010)

### § 30.22 MINUTES OF COUNCIL MEETINGS.

The Clerk-Treasurer shall attend all meetings of the Council and keep minutes of the proceedings of the Council. He or she shall write the minutes out in a book designated as "The minutes of the Council of Johnston", and make an index thereto.

(1996 Code, § 1-3-3)

### § 30.23 PRESENCE OF A QUORUM.

Immediately at the hour appointed for meetings, the Mayor shall take the Chair, and if a quorum is present, shall proceed to do business. In the event of the absence of the Mayor, the Mayor Pro Tem shall take the Chair. It shall be necessary that a majority of the total membership be present to constitute a quorum.

(1996 Code, § 1-3-4)

**§ 30.24 ROBERT'S RULES OF ORDER.**

Except as otherwise required by state law or this code, all proceedings of Council shall be conducted and governed in accordance with *Robert's Rules of Order* and the town attorney shall act as parliamentarian.

(1996 Code, § 1-3-5)

**§ 30.25 AGENCY AND ORDER OF BUSINESS.**

(A) Matters to be considered at a regular meeting or called special meeting, except a called emergency meeting of Council, shall be placed on a written agenda by 4:00 p.m. on the Monday preceding the meeting and shall conform to the order of business of Council.

(B) The Clerk-Treasurer shall post the agenda in a public place by noon of the day preceding the meeting.

(1996 Code, § 1-3-6) (Ord. 91-04, passed 6-10-1991; Ord. 2010-03, passed 9-13-2010)

**§ 30.26 ADDRESSING THE COUNCIL.**

Every member of the Council, when about to speak, shall address the Mayor as "Mr. Mayor" or "Madame Mayor" and in speaking, shall avoid all disrespect to the Council and all personalities, and shall confine himself or herself to the subject under consideration.

(1996 Code, § 1-3-7)

**§ 30.27 RECOGNITION OF SPEAKERS.**

(A) The Mayor, when addressed by a member who rises in order, shall name the member using no title but that of "Mr." or "Madame".

(B) The member who shall rise first in order shall be first heard.

(C) If several members rise about the same time, the Mayor shall decide who shall speak first.

(1996 Code, § 1-3-8)

**§ 30.28 HOW OFTEN MEMBERS MAY SPEAK.**

No member shall speak more than twice on the same question without leave of the Council, except to explain, to answer a question or to ask a question.

(1996 Code, § 1-3-9)

**§ 30.29 VOTING.**

(A) All actions of the Council shall be by vote of a majority of members present at a public meeting.

(B) All votes taken shall be by show of raised hands and shall be recorded in the minutes; provided, however, that upon demand by any member of Council the vote shall be by roll call.

(C) Any member of the Council may, if he or she desires, have his or her reasons for voting for or against any measure recorded in the minutes by gaining recognition by the presiding officer immediately following the vote and then briefly stating his or her reasons.

(D) No member of Council or the Mayor shall vote on any question of a private nature in which he or she is personally or pecuniarily interested.

(1996 Code, § 1-3-10)

**§ 30.30 MEMBERS LEAVING CHAMBER.**

No member of Council shall leave the Council chambers while Council is in public session without permission of the presiding officer.

(1996 Code, § 1-3-11)

**§ 30.31 DEVOLUTION OF POWERS AND DUTIES WHEN MAYOR ABSENT OR INCAPACITATED.**

The Council shall, at the first meeting after inauguration, appoint one of the Council members as Mayor Pro Tem. It shall be the duty of the Mayor Pro Tem to act as Mayor in the absence of the Mayor or when the Mayor is incapable of the duties of his or her office. In the absence or inability to act of both the Mayor and Mayor Pro Tem, the duties of the Mayor shall devolve on and be performed by the Council member as the Council may name.

(1996 Code, § 1-3-12)

**§ 30.32 APPOINTMENT OF COMMITTEES.**

All regular and special committees shall be appointed by the Mayor unless a ballot is called for by Council, provided that if any Council members have any objections to any like committee appointee, the majority of Council shall make the appointment.

(1996 Code, § 1-3-13)

**§ 30.33 APPEARANCE BY CITIZENS.**

Any citizen of the town shall be entitled to appear before the Council at any regular meeting to present any matters pertaining to the town with the exception of personnel matters. Citizens desiring to make a presentation must notify the Clerk-Treasurer in writing prior to the agenda deadline. The notice shall state the subject on which the citizen wishes to address the Council with particularity. Other matters may be considered only by majority vote of Council.

(1996 Code, § 1-3-14)

***ORDINANCES AND RESOLUTIONS GENERALLY***

**§ 30.45 ORDINANCES FOR BENEFIT OF TOWN.**

It shall be the duty of the Council to pass, from time to time, ordinances as in its judgment shall best promote the interest of the citizens and property holders of the town.

(1996 Code, § 1-3-21)

**§ 30.46 STYLE OF ORDINANCES.**

The style of all ordinances shall be "Be it ordered and ordained by the Town of Johnston, South Carolina, in Council assembled and by the authority thereof".

(1996 Code, § 1-3-22)

**§ 30.47 FORM OF ORDINANCES.**

(A) Every proposed ordinance shall be introduced in writing and in the form required for final adoption which shall include:

- (1) A title briefly describing the content;
- (2) Findings, reasons or basis for the ordinance, if desired and appropriate;
- (3) An enacting clause;
- (4) Citation of any ordinance repealed;

(5) The provisions of the ordinance including section numbers if the ordinance is to be codified or amends an existing codified ordinance;

- (6) The effective date of the ordinance;

(7) The name of the person requesting introduction of the ordinance;

(8) The approval of the town attorney as to form and the assignment of an ordinance number;  
and

(9) Space for the signatures of the Mayor or presiding member of Council and the Clerk-Treasurer attesting notice, if required, and adoption.

(B) Written resolutions shall be in a similar form as deemed appropriate by the town attorney.  
(1996 Code, § 1-3-23)

#### § 30.48 INTRODUCTION OF ORDINANCES.

An ordinance may be proposed by any member of Council. A proposed ordinance shall be referred to the town attorney for approval as to form. The town attorney shall render assistance in the preparation of notices and ordinances. After an ordinance is in proper form and required notices have been given, the town attorney shall send the ordinance to the Clerk-Treasurer to be held for public inspection. An ordinance shall be deemed to be introduced when its title is read during a public meeting of the Council.  
(1996 Code, § 1-3-24)

#### § 30.49 INTRODUCTION OF RESOLUTIONS.

A voice motion of a member of Council shall be considered to be the introduction of an oral resolution which shall require no written record other than a notation of the Clerk-Treasurer in the Council minutes. A resolution proposed in writing shall be introduced in the same manner as an ordinance.  
(1996 Code, § 1-3-25)

#### § 30.50 ENACTMENT OF ORDINANCES.

(A) An ordinance to levy a tax, adopt a budget, appropriate funds, grant a franchise, license or right to use or occupy a public street or public property for commercial purposes shall be complete in the form in which it is finally passed, and in that form remain on file with the Clerk-Treasurer for public inspection at least one week before final adoption.

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

(C) Emergency ordinances may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate and shall expire automatically on the sixty-first day following enactment.

(D) The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by a member of Council.

(E) After the introduction of an ordinance, any member of Council or any citizen of the town interested therein may request a public hearing which may be held at any time designated by the Council prior to final adoption.

(F) Upon final adoption by vote of the Council, an ordinance shall be signed by the Mayor or presiding member and attested by the Clerk-Treasurer, who shall file the original in the Council minutes. (1996 Code, § 1-3-26)

**§ 30.51 ADOPTION OF RESOLUTIONS.**

Written or oral resolutions may be adopted on one reading, unless a public hearing is set by a majority of the members of Council present. (1996 Code, § 1-3-27)

**§ 30.52 ORDINANCES ENTERED IN BOOK.**

The Clerk-Treasurer shall enter in a well-bound book copies of all ordinances passed by the Council. The book in which ordinances are thus entered shall be known as the "Ordinances at Large of the Town of Johnston" and shall be indexed. (1996 Code, § 1-3-28)

**§ 30.53 NOTATION OF AMENDING OR REPEALING ORDINANCES.**

The Clerk-Treasurer shall write on the first page of every ordinance if the same has been amended or repealed, as the case may be, the words "amended" or "repealed" with a reference to the page of the ordinance book and where the amending or repealing ordinance can be found. (1996 Code, § 1-3-29)

**§ 30.54 EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.**

(A) 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.

(B) When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect. (1996 Code, § 1-3-30)





## CHAPTER 31: OFFICERS AND EMPLOYEES

### Section

- 31.01 Meeting for the appointment of officers and employees
- 31.02 Vacancies in offices
- 31.03 Enforcement of ordinances, laws and the like
- 31.04 Right of entry
- 31.05 Resisting or interfering with municipal officers or employees
- 31.06 Term of officers and removal
- 31.07 Departments of town
- 31.08 Clerk-Treasurer
- 31.09 Town attorney

### **§ 31.01 MEETING FOR THE APPOINTMENT OF OFFICERS AND EMPLOYEES.**

At the first regular meeting of the Council after the inauguration or as soon thereafter as practicable, the Town Clerk-Treasurer, town attorney and any other officers required by law to be appointed by the Council shall be appointed by the Council.

(1996 Code, § 1-4-1)

### **§ 31.02 VACANCIES IN OFFICES.**

Whenever any officer of the municipality appointed by the Council shall be removed from office, die, resign or be incapacitated so as to be unable to perform the duties incident to that office, a new appointment by the Council to fill the vacancy during the unexpired term for which the office had been conferred on the person so removed, dead, resigned or incapacitated shall be held after notice to each member of the Council.

(1996 Code, § 1-4-2)

### **§ 31.03 ENFORCEMENT OF ORDINANCES, LAWS AND THE LIKE.**

All officers and employees of the town shall enforce obedience to the statutes, provisions of this code or any ordinances, resolutions or rules and regulations or orders issued thereunder, as may relate to their regular duties, and any other statutes, provisions of this code or ordinances, resolutions, rules and regulations, or orders with whose enforcement they are properly chargeable, by any measures

provided therein, by the proper report of any violation thereof, and by instituting the proceedings as may be necessary to the enforcement.

(1996 Code, § 1-4-3)

#### **§ 31.04 RIGHT OF ENTRY.**

Whenever any officer or employee of the town is required or authorized by statute, the provisions of this code, or any ordinance or resolution by rules and regulations or orders issued thereunder, in order to carry out his or her duties thereunder, to enter any premises or vehicles, the officer or employee shall have the right to enter any like premises or vehicle at any reasonable time in pursuance of those duties.

(1996 Code, § 1-4-4)

#### **§ 31.05 RESISTING OR INTERFERING WITH MUNICIPAL OFFICERS OR EMPLOYEES.**

It shall be unlawful for any person to resist or interfere with any member of the Police Department, any member of the Fire Department or any other municipal officer or employee in the discharge of his or her duties.

(1996 Code, § 1-4-5) Penalty, see § 10.99

#### **§ 31.06 TERM OF OFFICERS AND REMOVAL.**

Any officer of the municipality appointed by the Council shall be appointed for a term as the Council may designate, and shall be subject to removal from office or employment for any cause that the Council may deem sufficient; and each appointment to any office or position is made and accepted with special reference to this section.

(1996 Code, § 1-4-6)

#### **§ 31.07 DEPARTMENTS OF TOWN.**

The following departments of the town are hereby established:

(A) Police;

(B) Public Works; and

(C) Fire.

(1996 Code, § 1-4-7)

**§ 31.08 CLERK-TREASURER.**

(A) *Appointment; term.* At the organizational meeting of Council, there shall be appointed by the Council an officer to be known as the Clerk-Treasurer, who shall hold office until his or her successor is duly appointed and qualified unless removed from office by the Council.  
(1996 Code, § 1-4-21)

(B) *Bond.* Before entering upon the duties of his or her office, the Clerk-Treasurer shall enter into bond in a sum as may be required and with the surety company as shall be approved by the Council, for the faithful performance of his or her duties.  
(1996 Code, § 1-4-22)

(C) *Duties.* The Clerk-Treasurer shall collect all claims and accounts that may be due and payable to the town; receive all monies belonging to the town; issue all licenses and badges for which provisions may be made; pay all bills owed by the town when approved by the Council; deposit funds in a bank designated by the Council; make statements of financial conditions of the town as ordered by the Council; keep account of all monies and accounts and report to Council; give notice to all members of the Council of regular and special meetings; and perform other duties as may be required by the Council.  
(1996 Code, § 1-4-23)

**§ 31.09 TOWN ATTORNEY.**

(A) *Appointment.* There may be appointed by the Council at the organizational meeting of Council a lawyer of good reputable standing as town attorney, who must have had at least two years' experience at the Bar. The attorney shall hold office until his or her successor is elected and qualified. The Council, in addition to or in lieu of the appointment of a town attorney, may utilize the services of the qualified attorneys of good reputable standing as it may deem appropriate for legal assistance.  
(1996 Code, § 1-4-31)

(B) *Duties and compensation.*

(1) It shall be the duty of the town attorney whenever called upon by Council, or the necessity arises, to give his or her advice and direction to the Council or any member thereof, or to the Clerk-Treasurer or Chief of Police on any and all legal questions which may arise in the course of the administration of the town government, or in the discharge of the duties of their respective offices; and whenever required to do so by Council, he or she shall give his or her legal opinion in writing. He or she shall draw or supervise the drawing or drafting of all ordinances, and other instruments of writing relative to the business of the town when required to do so by the Council or any member thereof; shall, whenever notified to do so, attend magistrate court and meetings of the Council; and shall take charge of all prosecutions of the offenders and conduct the correspondence on all legal subjects which it may become necessary to investigate; and generally, he or she shall be careful that the Council and officers fall into no error of law in the administration and management of the business and affairs of the town. The town attorney shall receive a retainer for the discharge of his or her general duties as fixed from time to time by the Council.

(2) In the event that the town attorney cannot perform any of the duties specified due to conflict of interest or any other reason, he or she may be excused from those duties, either wholly or in part, by the Council. The Council may consider restrictions in determining the appropriate retainer for the town attorney.

(3) Attorneys who are hired by Council to assist the town attorney or to provide legal assistance in lieu of the services of the town attorney shall be instructed by Council or its authorized representative on a case-by-case basis regarding the duties to be performed. Compensation for those services shall be agreed upon between the attorney involved and Council.  
(1996 Code, § 1-4-32) (Ord. 89-01, passed 2-13-1989)

## CHAPTER 32: TAX AND FINANCE

### Section

#### *General Provisions*

- 32.01 Fiscal year
- 32.02 Budget required
- 32.03 Audit required
- 32.04 Purchases; general requirements
- 32.05 Local businesses

#### *Tax Provisions Generally*

- 32.20 Tax abatement for new manufacturing or additions costing \$50,000 or more
- 32.21 Local hospitality tax; meals and beverages

#### *Property Taxes*

- 32.35 Levy of property taxes
- 32.36 Basis of assessments
- 32.37 Due date of taxes
- 32.38 Collection

### **GENERAL PROVISIONS**

#### **§ 32.01 FISCAL YEAR.**

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

(1996 Code, § 1-5-1)

#### **§ 32.02 BUDGET REQUIRED.**

(A) The Mayor shall prepare and maintain annual budgets which provide for sufficient revenue to meet estimated expenses for each year.

(B) Whenever it shall happen that the ordinary expenses of the town for any year shall exceed the income of the town, the Council shall provide for levying a tax in the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year together with the estimated expenses for the ensuing year.

(C) The budget ordinance, detailing revenue, to include the property tax levy, and expense for each fiscal year, is hereby adopted by reference and made a part of this code as fully as if set forth herein verbatim.

(1996 Code, § 1-5-2)

### § 32.03 AUDIT REQUIRED.

(A) The Council shall provide for an independent annual audit of all financial records and transactions of the town and any agency funded in whole or in part by municipal funds.

(B) The Council shall designate the accountant to conduct the audit no later than 30 days after the beginning of the fiscal year for which the audit is being conducted. The accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the town or any of its officers.

(1996 Code, § 1-5-3)

**Statutory reference:**

*Independent annual audit, see S.C. Code, § 5-7-240*

### § 32.04 PURCHASES; GENERAL REQUIREMENTS.

(A) All purchases of the town must be made by department heads or other officers as designated by the Mayor under valid purchase orders, provided that purchases of less than \$50 may be made by the officers from the petty cash fund.

(B) All purchases of \$500 or more must have the prior approval of the Mayor.

(C) All purchases of \$3,500 or more must be put out to bid and be awarded by the Council. The lowest competitive bid for merchandise of acceptable quality will be accepted, except as provided in § 32.05. The town reserves the right to reject any and all bids. Oral bids may be accepted in emergency situations where the interruption of a project due to the need of an item or service will directly affect the efficient and orderly completion of the project, and when use of normal procedures would cause excessive delay in obtaining the needed part or service.

(D) No purchase shall be subdivided for the purpose of evading these regulations.

(1996 Code, § 1-5-4)

**§ 32.05 LOCAL BUSINESSES.**

(A) All items that can be purchased for \$1,500 or less may be bought from local businesses depending on their availability.

(B) All purchases between \$1,500 and \$5,000 may be made at local businesses if within 7% of the lowest price available elsewhere on a product of comparable quality.

(C) All items \$5,000 or higher may be awarded to local businesses if within 8% of the lowest bid on a product of comparable quality.  
(1996 Code, § 1-5-5)

***TAX PROVISIONS GENERALLY*****§ 32.20 TAX ABATEMENT FOR NEW MANUFACTURING OR ADDITIONS COSTING \$50,000 OR MORE.**

The Town Council shall exempt any and all manufacturers 50% from ad valorem tax for two years on new manufacturing establishments or additions thereto costing \$50,000 or more, provided the new or existing manufacturer qualifies in accordance with Article X, § 3(g), of the State Constitution and provides a written request to the Town Council for exemption prior to incurring any manufacturers tax liability. This exemption shall be available to qualifying manufacturers after the date this section is adopted and shall continue in effect until a time as the Town Council authorizes any changes thereto. (Ord. 2003-05, passed 8-11-2003)

**§ 32.21 LOCAL HOSPITALITY TAX; MEALS AND BEVERAGES.**

(A) (1) There is hereby imposed a Local Hospitality Tax of 2% on the gross proceeds of the sale of meals, food (prepared or altered) and beverages. The tax is imposed on the sales of meals, food, meals (prepared or altered) and beverages in establishments within the town which hold a valid State Department of Health and Environmental Control (SCDHEC) restaurant license (hereinafter "vendor").

(2) Payment of the hospitality tax established hereby shall be the liability of the customer.

(B) The tax imposed by this section shall be collected from the customer when payment for meals or beverages is tendered and shall be held in trust for the benefit of the town until remitted as provided in division (C) below.

(C) Payment of the hospitality tax established herein shall be remitted by the vendor to the town on a monthly basis, along with the return or form as may be established by the town for those purposes, not later than the twentieth day of the month and shall cover the tax due for the previous month.

(1) Any tax not timely remitted shall be subject to and shall pay a penalty of 10% of the sum owed for each month or portion thereof until paid.

(2) The failure to collect from the customer the tax imposed by this section shall not relieve the vendor from making the required remittance. The payment schedule shall comport with the schedule of payment tax payments the covered entity or individual in this section is required to file under state law to remit to the State Department of Revenue.

(D) The failure of any vendor subject to this section to remit to the town the tax imposed by the provisions of this section shall constitute a misdemeanor punishable by a fine of not more than \$500, plus court costs or imprisonment for up to 30 days, or both. Each day of noncompliance with this section shall be deemed a separate offense.

(1) Failure to comply with this section may also result in the revocation or suspension of the business license of the establishment or individual failing to comply with this section.

(2) Appeals shall be governed by the town's business license requirements.

(E) For the purpose of the provisions of this section, the business license official or other authorized agent of the town is empowered to enter upon the premises at all reasonable times of any person or entity subject to this section and to make inspections and examine and audit books and records.

(1) It shall be unlawful for any person or entity to fail to refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event an audit reveals that false information has been filed by the remitter, the cost of the audit shall be added to the correct amount of fees determined to be due.

(2) The business license official may make systematic inspections of all establishments within the town to ensure compliance with this chapter.

(3) Records of inspections shall not be deemed public records.

(4) The business license official shall administer the provisions of this chapter and make reasonable regulations to its administration.

(F) There is hereby established a special account to be known as the Local Hospitality Tax Account into which the taxes remitted shall be deposited by the town and used solely for the purposes provided by law.

(G) This section is subject to the constitution and the laws of the state. If any section, phrase, sentence or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions thereof.

(Ord. 2008-08, passed 12-29-2008; Ord. 2009-03, passed 7-27-2009; Ord. 2010-02, passed 9-13-2010)



**PROPERTY TAXES****§ 32.35 LEVY OF PROPERTY TAXES.**

The Council shall impose by ordinance an annual tax on all real estate lying within the corporate limits and on all personal property within the corporate limits, except as is exempt from taxation under the constitution and laws of this state, as will yield an amount necessary for the general fund operating purposes and for debt service requirements of the municipality.

(1996 Code, § 1-5-11)

**Statutory reference:**

*Authority to levy tax on real and personal property, see S.C. Code, § 5-7-30*

*Ordinance required to levy taxes, see S.C. Code, § 5-7-260*

*Property subject to municipal taxes, see S.C. Code, § 5-21-110*

**§ 32.36 BASIS OF ASSESSMENTS.**

The amount of tax levied by the Council on property within the corporate limits as assessed for taxation for state and county purposes, shall be levied upon the assessed value of the property as based upon the return and assessment for the current year in the office of the county auditor for the purpose of levying state and county taxes for the current year.

(1996 Code, § 1-5-12)

**§ 32.37 DUE DATE OF TAXES.**

All taxes for the year shall be due and payable between October 1 and the following January 15 after assessments in each and every year.

(1996 Code, § 1-5-13)

**§ 32.38 COLLECTION.**

(A) For the purpose of collecting taxes and penalties, the Council may enforce payment against the property of defaulters to the same extent and substantially in the same manner, as is provided by law for the collection of state and county taxes and penalties, except that executions to enforce the payment of taxes and penalties shall be issued under the seal of the corporation by the Clerk-Treasurer thereof and directed to the Chief of Police or any other officer designated by the Council for that purpose.

(B) The Chief of Police, Clerk-Treasurer and other properly designated officers, are hereby invested with all the rights, powers and privileges, and they are hereby charged with all the duties of the officers

designated for the enforcement and collection of delinquent taxes by the constitution and laws of the state and all amendments thereto.

(1996 Code, § 1-5-14)

**Statutory reference:**

*Alternate procedure for collection of property taxes, see S.C. Code, §§ 12-51-40 et seq.*

## CHAPTER 33: ELECTIONS

### Section

- 33.01 Election of Mayor and Council members
- 33.02 Election dates
- 33.03 Nonpartisan election and runoff method; notice
- 33.04 Notice of candidacy
- 33.05 Election managers
- 33.06 Change in polling location for Precinct 2
- 33.07 Ward boundaries

### § 33.01 ELECTION OF MAYOR AND COUNCIL MEMBERS.

(A) The Council shall be composed of a Mayor and five Council members, one Council member from each ward.

(B) The Mayor shall be elected at large.

(C) One Council member shall be elected from each ward municipality by the qualified electors of the ward.

(D) Council members from a particular ward shall be residents of the ward during their entire terms of office.

(E) Mayor and Council members shall serve four-year terms, with Council members serving staggered terms with even-numbered wards having an election at the same time, and odd-numbered wards and the Mayor being elected at another time.

(1996 Code, § 1-7-1) (Ord. passed 2-21-1977; Ord. 87-05, passed 10-12-1987; Ord. 95-01, passed 4-10-1995)

***Editor's Note:***

*Ord. 87-05 changed the method of electing Council members from at large to representation by wards. Ward boundaries were simultaneously established by Ord. 87-04, passed 10-12-87. Terms were also expanded from two to four years by Ord. 87-05. A special election to implement the changes was called by Ord. 87-06. Ord. 95-01 changed the number of Council members to five.*

***Statutory reference:***

*Selection of method of election, see S.C. Code, § 5-15-20*

*Terms of office, see S.C. Code, § 5-15-40*

**§ 33.02 ELECTION DATES.**

(A) Regular nonpartisan elections pursuant to S.C. Code, §§ 5-15-62 and 5-15-70 shall be held on the first Tuesday following the first Monday in April in each even-numbered year.

(B) A runoff election, if necessary pursuant to S.C. Code, § 5-15-62, shall be held two weeks following the election.

(C) In the event of a tie vote for any office, a runoff election shall be held pursuant to S.C. Code, § 5-15-125 two weeks following the election in which the tie vote occurred.

(D) Special elections to fill vacancies shall be held pursuant to S.C. Code, § 7-13-190. (1996 Code, § 1-7-2) (Ord. passed 2-21-1977; Ord. 87-05, passed 10-12-1987; Ord. 95-05, passed 9-11-1995; Ord. 99-04, passed 6-14-1999)

***Editor's Note:***

*Elections were changed from odd to even years by Ord. 87-05. Ord. 95-05 amended § 33.01 in its entirety. Ord. 95-15 established ward boundaries, which are incorporated by reference and can be found in the official records at the town hall.*

**§ 33.03 NONPARTISAN ELECTION AND RUNOFF METHOD; NOTICE.**

(A) The nonpartisan election and runoff method as set out in S.C. Code, § 5-15-62 is hereby adopted as the method of election to be used in the town.

(B) Public notice shall be given at least 90 days prior to each general and special election, and a second election shall be conducted two weeks after the initial election between one more than the number of candidates necessary to fill the office for which no candidate received a majority of the votes cast, with the second election being between the candidates receiving the largest number of votes in the first election, but less than a majority thereof.

(1996 Code, § 1-7-3) (Ord. 99-04, passed 6-14-1999)

***Statutory reference:***

*Nonpartisan election and runoff method, see S.C. Code, § 5-15-62*

*Notice requirements, see S.C. Code, § 5-15-50*

**§ 33.04 NOTICE OF CANDIDACY.**

All individuals offering as a candidate for election to the office of Mayor or Council member shall, at least 60 days prior to the date of the election, file with the Clerk-Treasurer an official notice of his or her intent to seek a specified office.

(1996 Code, § 1-7-4) (Ord. 99-04, passed 6-14-1999)

***Statutory reference:***

*Notices of candidacy, see S.C. Code, § 5-15-70*

**§ 33.05 ELECTION MANAGERS.**

Managers of election shall be appointed by the municipal election commission to carry out the duties and functions of managers as S.C. Code, Title 7, Chapter 13 and Title 5, Chapter 15. (1996 Code, § 1-7-5) (Ord. passed 2-21-1977)

**§ 33.06 CHANGE IN POLLING LOCATION FOR PRECINCT 2.**

The polling location for Johnston Precinct No. 2 be changed from the Johnston Municipal building, 500 Mims Avenue, to the Johnston Elementary School located at 514 Lee Street for all town elections. (Ord. 97-03, passed 4-14-1997)

**§ 33.07 WARD BOUNDARIES.**

The ward boundaries be established as shown per Plan 1 (adopted by reference and incorporated herein as fully as if set out at length herein); provided however, that the map of the town, attached to the ordinance codified herein, with a pictorial view of the specific ward boundaries shall be incorporated in and made specifically a part and parcel of this section by reference thereto. Should any discrepancies arise regarding the exact designation of the boundaries, the map shall have superiority over the written version herein. Upon adoption of this section, this map shall be kept in the official records of the town. (Ord. 2001-08, passed 9-24-2001)



## CHAPTER 34: POLICE DEPARTMENT

### Section

- 34.01 Police Department created; Chief
- 34.02 Powers, duties and functions

#### § 34.01 POLICE DEPARTMENT CREATED; CHIEF.

(A) There is hereby created and established a Police Department for the town, which shall consist of a Chief of Police, and other officers and employees as may be provided for by Council.

(B) The Chief of Police shall be appointed by the Mayor. The Chief of Police shall be the head of the Department and shall have supervision over all officers and employees thereof.  
(1996 Code, § 2-1-1)

#### § 34.02 POWERS, DUTIES AND FUNCTIONS.

(A) All sworn police officers of the town shall be invested with all the powers and subject to all the duties conferred by law upon constables.

(B) In addition to any other duties and functions prescribed by ordinance, the Police Department shall:

- (1) Provide protection for persons and property against unlawful acts;
  - (2) Provide police patrol services, in all areas of the town;
  - (3) Investigate crimes;
  - (4) Apprehend, arrest and assist in the prosecution of perpetrators of crimes; and
  - (5) Maintain an active crime prevention and control program.
- (1996 Code, § 2-1-2)





## CHAPTER 35: FIRE DEPARTMENT

### Section

#### *Fire Department Generally*

- 35.01 Fire Department created; Chief
- 35.02 Membership
- 35.03 Duties and functions
- 35.04 Interfering with firefighters
- 35.05 Tampering with fire equipment
- 35.06 Driving over fire hose
- 35.07 Fire hydrants and waterlines
- 35.08 False fire alarms

#### *Firefighter's Insurance and Inspection Fund*

- 35.20 Acceptance of benefits
- 35.21 Trustees
- 35.22 Receipt and disbursement of funds
- 35.23 Report to State Fire Marshal
- 35.24 State Firefighter's Association
- 35.25 Disbursements over \$100
- 35.26 Use of funds

#### *Fire Inspections*

- 35.40 Fire limits
- 35.41 Annual building inspections
- 35.42 Quarterly building inspections
- 35.43 Reports of inspections
- 35.44 Notice to repair unsafe buildings
- 35.45 Notice and penalty
- 35.46 Fire investigation
  
- 35.99 Penalty

***FIRE DEPARTMENT GENERALLY*****§ 35.01 FIRE DEPARTMENT CREATED; CHIEF.**

(A) There is hereby created and established a Fire Department for the town, which shall consist of a Fire Chief and other volunteer firefighters as may be provided for by Council.

(B) The Fire Chief shall be appointed by Council. The Fire Chief shall be the head of the Department and shall have supervision over all firefighters and employees thereof.  
(1996 Code, § 2-2-1)

**§ 35.02 MEMBERSHIP.**

The names of the persons as may desire to become members of the Fire Department, other than those members above specified, shall be submitted by the Fire Chief with his or her recommendations to the Mayor for his or her approval. As many of those suggested as they may deem advisable may be approved and only those persons so approved shall become members of the Fire Department. Vacancies shall be filled in the same manner. The Mayor shall have the right, in his or her discretion, to remove any member at any time.  
(1996 Code, § 2-2-2)

**§ 35.03 DUTIES AND FUNCTIONS.**

(A) It shall be the duty and function of the Fire Department and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of the fires.

(B) The Fire Department or any of its members shall be subject for call to duty at any time, day or night when needed to extinguish fires or for any other emergency that may arise. At each fire, the Chief will call the roll or make a list of the members present and preserve same as a record in his or her office. While endeavoring to control or extinguish fires, the Fire Department, under order of the Chief, or assistant Chief, may pass through and enter any adjacent buildings or property.

(C) The Fire Chief shall be responsible for the direction of all firefighting, fire prevention and fire service activities. The Fire Chief shall direct the assignment of fire personnel, establish training programs, and, subject to approval of Council, shall promulgate administrative regulations governing the operation of the Fire Department. During the progress of a fire, he or she shall have all rights and powers of a police officer.  
(1996 Code, § 2-2-3)

**§ 35.04 INTERFERING WITH FIREFIGHTERS.**

(A) It shall be unlawful to hinder or obstruct any firefighter or other authorized person while that person is answering a fire call or any other emergency call, or to hinder or obstruct the person who is attempting to extinguish a fire or remedy any emergency while acting in an official capacity.

(B) The failure to obey any lawful order of any official of the Fire or Police Department at the scene of any emergency shall constitute a violation of this section.

(1996 Code, § 2-2-4) Penalty, see § 35.99

**§ 35.05 TAMPERING WITH FIRE EQUIPMENT.**

(A) It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the Fire Department without the express consent of the Fire Department.

(B) **EQUIPMENT** shall be construed to mean all vehicles, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.

(1996 Code, § 2-2-5) Penalty, see § 35.99

**§ 35.06 DRIVING OVER FIRE HOSE.**

It shall be unlawful for any person to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire, for practice of the firefighters or for any other proper purpose of the Fire Department.

(1996 Code, § 2-2-6) Penalty, see § 35.99

**Editor's note:**

*The state traffic law prohibiting following or parking near fire apparatus (S.C. Code, § 56-5-1960) is incorporated by reference in § 70.01 of this code as is S.C. Code, § 56-5-2530, which prohibits parking near fire stations and hydrants*

**Statutory reference:**

*Similar state law, see S.C. Code, § 56-5-3850*

**§ 35.07 FIRE HYDRANTS AND WATERLINES.**

It shall be unlawful for any person, except any authorized town officer or employee or a person expressly authorized by the county water and sewer authority, to open or otherwise tamper with any fire hydrant or waterlines.

(1996 Code, § 2-2-7) Penalty, see § 35.99

**§ 35.08 FALSE FIRE ALARMS.**

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

(1996 Code, § 2-2-8) Penalty, see § 35.99

***FIREFIGHTER'S INSURANCE AND INSPECTION FUND*****§ 35.20 ACCEPTANCE OF BENEFITS.**

The municipality hereby accepts the benefits of S.C. Code, §§ 38-57-10 to 38-57-220, and acts amendatory thereto relative to disposition of funds arising from insurance companies doing business in this state.

(1996 Code, § 2-2-21)

**§ 35.21 TRUSTEES.**

The Mayor, the Chief of the Fire Department and the Council member in charge of the Fire Department are to be appointed trustees of the Firefighter's Insurance and Inspection Fund, and they shall have control thereof and direct its disbursement under rules and regulations as may be adopted by them in accordance with state law. All trustees shall serve without compensation.

(1996 Code, § 2-2-22)

**§ 35.22 RECEIPT AND DISBURSEMENTS OF FUNDS.**

The Clerk-Treasurer is hereby authorized to receive the benefits of the Firefighter's Insurance and Inspection Fund from the State Treasurer. All money so collected shall be set apart, and shall be paid out only upon the orders of the Board of Trustees under the rules and regulations adopted by them.

(1996 Code, § 2-2-23)

**§ 35.23 REPORT TO STATE FIRE MARSHAL.**

The Clerk-Treasurer shall file with the State Fire Marshal on or before October 31 of each year on a blank furnished by him or her, a certificate that the municipality has an organized Fire Department and also a list of the equipment and other facts that may be required. Failure to submit the certificate by the required date in any year will constitute a waiver of rights in the fund for that year.

(1996 Code, § 2-2-24)

**§ 35.24 STATE FIREFIGHTER'S ASSOCIATION.**

The municipality shall be a member of the State Firefighter's Association as required for participation in the Firefighter's Insurance and Inspection Fund. The municipality shall pay to the treasurer of the State Firefighter's Association 5% of the gross proceeds received annually from the 1% tax on fire insurance allocated to the municipality.

(1996 Code, § 2-2-25)

**§ 35.25 DISBURSEMENTS OVER \$100.**

Before any disbursements exceeding \$100 of the fund shall be made by the Clerk-Treasurer, he or she shall first submit to the supervising trustees of the State Firefighter's Association a statement of how the funds are to be expended, and shall receive from the trustees their written approval of the manner and method by which the funds are to be disbursed. If a proposed disbursement is to be expended legally and in accordance with the law, it shall be mandatory upon the supervising trustees to give their approval. Failure on the part of the Clerk-Treasurer to comply with the foregoing shall make him or her liable on his or her official bond.

(1996 Code, § 2-2-26)

**§ 35.26 USE OF FUNDS.**

No funds of a Firefighter's Insurance and Inspection Fund shall be divided among the firefighters in cash. When the Fire Department by a majority shall provide for the expenditure of any like funds for the collective benefit and enjoyment of the entire Department, it shall be mandatory for the local trustees and the State Trustees of the State Firefighter's Association to approve the expenditure. None of the funds shall be expended in any manner for any purpose for which the municipality may be legally liable.

(1996 Code, § 2-2-27)

***FIRE INSPECTIONS*****§ 35.40 FIRE LIMITS.**

The fire limits of the town shall consist of the incorporated areas of the town along with the areas designated by Edgefield Fire Board.

(1996 Code, § 2-2-41)

**§ 35.45 NOTICE AND PENALTY.**

The Chief of the Fire Department or other authorized inspector may report his or her findings to the Council who, after consideration, may issue an order for the immediate correction, removal or discontinuance of the hazard. If the hazard is not corrected within the time fixed in the notice, the offending party shall be subject to penalties as fixed from time to time by the Council for each day the hazard continues.

(1996 Code, § 2-2-46)

**§ 35.46 FIRE INVESTIGATION.**

The Inspector of Buildings shall investigate all fires and file a report to the State Fire Marshal as provided by S.C. Code, §§ 5-25-160 to 5-25-210.

(1996 Code, § 2-2-47)

**§ 35.99 PENALTY.**

If the investigating officer shall consider that any fire is due to criminal carelessness, the person responsible for it shall be indicted before a magistrate for a misdemeanor and, upon conviction for the same, may be fined in a sum not exceeding \$500 or imprisonment for not more than 30 days.

(1996 Code, § 2-2-48)

***Statutory reference:***

*Similar state law, see S.C. Code, § 5-25-190*

**§ 35.41 ANNUAL BUILDING INSPECTIONS.**

At least once in each and every year, the Chief of the Fire Department or his or her deputy shall make a general inspection of all buildings in the corporate limits and ascertain if the laws and ordinances in reference to fire protection are complied with. It shall be the duty of the Chief of the Fire Department to notify the occupant and owner of all premises at all reasonable times of any defects or hazards found in this general inspection, and see that they are properly corrected.

(1996 Code, § 2-2-42)

***Statutory reference:***

*Standards for building inspections, see S.C. Code, §§ 5-25-610 et seq.*

**§ 35.42 QUARTERLY BUILDING INSPECTIONS.**

Once in every three months the Chief of the Fire Department or his or her deputy shall make a personal inspection of every building at all reasonable times within the fire limits, and shall especially inspect the basement and garret. He or she shall make other inspections as may be required by the State Fire Marshal and report all defects or hazards found by him or her in any building, upon a blank furnished him or her by the State Fire Marshal. The Chief of the Fire Department shall notify the owner or occupant of buildings at all reasonable times of any defects or hazards and notify them to correct the same within a reasonable time.

(1996 Code, § 2-2-43)

**§ 35.43 REPORTS OF INSPECTIONS.**

The Chief of the Fire Department shall report before February 15 of each and every year the number and dates of general and quarterly inspections during the preceding year ending December 31, upon blanks furnished by the State Fire Marshal, and furnish other information and make other reports as shall be called for by the State Fire Marshal.

(1996 Code, § 2-2-44)

**§ 35.44 NOTICE TO REPAIR UNSAFE BUILDINGS.**

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

(1996 Code, § 2-2-45)





## CHAPTER 36: TOWN POLICIES

### Section

- 36.01 Personnel ordinance adopted by reference
- 36.02 Limitations on non-profit groups/organizations
- 36.03 Towing regulations
- 36.04 County-wide recreation program

### § 36.01 PERSONNEL ORDINANCE ADOPTED BY REFERENCE.

The personnel ordinance of the town is hereby adopted and incorporated into this code as fully as though set out at length herein. A current copy of the personnel ordinance shall be maintained on file in the office of the Clerk-Treasurer, where it shall be available for public inspection.  
(1996 Code, § 1-8-1)

### § 36.02 LIMITATIONS ON NON-PROFIT GROUPS/ORGANIZATIONS.

(A) Only those groups or organizations that are located within the town limits shall request usage of town property.

(B) No group or organization will be allowed to use town property more than one weekend (as defined below) per calendar year.

(C) Use of town property is limited to one weekend time period per calendar year. The requesting group or organization cannot begin any event before 6:00 p.m. Friday. No events can start prior to 6:00 a.m. Saturday or Sunday, and all events must end by 11:00 p.m. any day selected. No town property can be used for weekday events.

(D) Groups or organizations may be charged for excessive trash or destruction of town property. Property users should endeavor to clean up all property used for their event.

(E) Groups or organizations will make requests for the use of town property to the Town Council at least 30 days in advance. The Council will determine if the group fits the criteria listed above then will approve or disapprove the request.

(F) It shall be unlawful for any group or organization to use town property without permission.  
(Ord. 2002-02, passed 10-14-2002) Penalty, see § 10.99

**§ 36.03 TOWING REGULATIONS.**

The towing ordinance of the town is hereby adopted by reference and incorporated herein as fully as if set out at length herein. A current copy of the towing ordinance shall be maintained on file in the office of the Clerk-Treasurer, where it shall be available for public inspection.  
(Ord. 2002-03, passed 12-9-2002)

**§ 36.04 COUNTY-WIDE RECREATION PROGRAM.**

The Town Council adopts by reference the County Ord. 04-05-557 as referenced in the ordinance from which this section was derived, in its entirety, with the authorization for the county to enforce within the corporate limits of the town all ordinances or any portion thereof, being in conflict with the herein provision, are hereby applied. A current copy of the county ordinance shall be maintained on file in the office of the Clerk-Treasurer, where it shall be available for public inspection.  
(Ord. 2005-02, passed 5-9-2005)

**TITLE V: PUBLIC WORKS**

**Chapter**

- 50. GENERAL PROVISIONS**
  - 51. SOLID WASTE; COLLECTION AND DISPOSAL**
-



## CHAPTER 50: GENERAL PROVISIONS

### Section

#### *Sewage Disposal*

- 50.01 Pit privies
- 50.02 Occupancy dependent on sewer facilities
- 50.03 Use of septic tanks

***Editor's note:***

*By an ordinance of April 24, 1973, the town approved transfer of the town water and sewer system to the County Water and Sewer Authority*

#### **SEWAGE DISPOSAL**

##### **§ 50.01 PIT PRIVIES.**

(A) It shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property in the town.

(B) The term ***PIT PRIVY*** as used in this section shall be understood to be a building which is not connected to a sewer tank and is used for affording privacy while in the act of urination or defecation. (1996 Code, § 6-1-11) Penalty, see § 10.99

##### **§ 50.02 OCCUPANCY DEPENDENT ON SEWER FACILITIES.**

It shall be unlawful for any person to occupy any building or structure in the town for residential purposes unless those premises are connected to county sewer lines or to a septic tank meeting the standards of the Department of Health and Environmental Control. (1996 Code, § 6-1-12) Penalty, see § 10.99

**§ 50.03 USE OF SEPTIC TANKS.**

Septic tanks approved by the State Department of Health and Environmental Control and kept in good sanitary condition will be accepted where sewer lines are not provided, but under no condition will septic tanks be accepted where sewer connection is available.

(1996 Code, § 6-1-13) Penalty, see § 10.99

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## CHAPTER 51: SOLID WASTE; COLLECTION AND DISPOSAL

### Section

- 51.01 Short title
- 51.02 Definitions
- 51.03 Collection by town
- 51.04 Administration
- 51.05 Solid waste containers
- 51.06 Removal or damage to roll-out containers
- 51.07 Out-of-town solid waste prohibited
- 51.08 Collection of certain items prohibited
- 51.09 Contractors' responsibility for debris removal
- 51.10 Bulk containers; special preparation of solid waste
- 51.11 Collection of tree limbs, cuttings, shrubbery and the like
- 51.12 Interfering with collection
- 51.13 Violations

### § 51.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Solid Waste Collection and Disposal Ordinance of the Town of Johnston, South Carolina".

(1996 Code, § 6-2-1)

*Editor's Note:*

*Ord. 95-12, passed 12-11-1995, adopted by reference Edgefield County Ord. 92-93-307, Litter Control, by reference*

### § 51.02 DEFINITIONS.

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

**ASHES.** Refuse resulting from the burning of wood, coal, coke and other combustible materials which have no live embers.

**BUILDING MATERIALS.** Material such as lumber, bricks, plaster, loam and other substances accumulated as a result of repairs to existing buildings or construction of new buildings.

**BULK CONTAINER.** A metal container of not less than two cubic yards or larger than four cubic yards. The container is to be of tight construction and shall be placed at a location easily accessible by the truck handling equipment.

**GARBAGE.** Refuse of animal or vegetable food stuffs resulting from the handling, preparation, cooking and/or consumption of food.

**HAZARDOUS REFUSE.** Materials such as poisons, acids, caustics, infected materials and explosives.

**INDUSTRIAL WASTE.** All waste generated from manufacturing plants, factories, lumber mills, wholesale stores, bottling works, printing establishments and groups.

**MULTIPLE RESIDENTIAL UNIT.** Any duplex apartment or groups of apartments used for dwelling purposes of more than one family.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

**RETAIL AND COMMERCIAL.** Any office, retail store, restaurant, hotel, governmental office or private club.

**ROLL-OUT CONTAINERS.** A plastic wheeled 90-gallon refuse receptacle having a tight-fitting attached lid carrying identification of the town and a designated serial number, and whose design, construction and capacity shall be approved by the town. **ROLL-OUT CONTAINERS** shall be primarily for single-family and multi-family dwellings of four or fewer units.

**RUBBISH.** All refuse other than garbage, ashes or dead animals incidental to the ordinary conduct of the household or of retail business.

**SINGLE RESIDENTIAL UNIT.** Any dwelling place occupied by one family.

**SMALL DEAD ANIMALS.** Dead cats, dogs and other animals of similar size.  
(1996 Code, § 6-2-2)

### § 51.03 COLLECTION BY TOWN.

(A) All refuse, rubbish and garbage in the town shall be collected, conveyed and disposed of by the town, unless excepted by subsequent sections. This section shall not prohibit the actual producers of solid waste or the owners of premises upon which refuse has been accumulated from personally collecting, conveying and disposing of the solid waste. The producers or owners shall still be responsible for adherence to other provisions of this chapter.



(B) This chapter shall not prohibit collectors of solid waste outside the town from hauling or conveying solid waste over town streets, provided the collectors comply with provisions of this chapter and any other governing law or ordinances.  
(1996 Code, § 6-2-3) Penalty, see § 10.99

**§ 51.04 ADMINISTRATION.**

(A) The collection, removal and disposal of all waste produced in the town shall be under the jurisdiction of the Public Works Supervisor.

(B) The Public Works Supervisor shall have the authority to make regulations concerning the days of collection and other matters pertaining to the collection, conveyance and disposal of solid waste as he or she shall find necessary, provided that the regulations are not contrary to law.

(C) The administrative decisions of the Public Works Supervisor may be appealed to the sanitation committee of Council.  
(1996 Code, § 6-2-4) (Ord. 90-03, passed 11-12-1990; Ord. 94-02, passed 6-13-1994)

**§ 51.05 SOLID WASTE CONTAINERS.**

(A) Every person producing or having solid waste collected by the town shall keep on the premises or property occupied or used by him or her roll-out containers or bulk containers as specified herein. Bulk containers and roll-out containers must be located so as to be accessible to town employees using normal collection methods and must be sufficient to handle the accumulations of solid waste on the premises or property in the interval between collections by the town.

(B) Residential solid waste shall be collected at least one day per week. Roll-out containers are to be placed at curbside no later than 7:00 a.m. on the day of collection. Special exceptions to this requirement may be granted to elderly or disabled customers on application to and approval by the town. In these cases the town will place a yellow "H" on the containers so that the town's sanitation crew may easily identify residences of disabled individuals. Collection will be suspended at any location at which a roll-out container is damaged to such an extent as to interfere with usual collection methods. Residential accounts regularly generating solid waste in excess of one roll-out container and who request an additional roll-out container may be required to pay for the additional container. Residential recycling shall be collected once per month.

(C) Residential occupants who generate solid waste in excess of one roll-out container per week, but who, in the judgment of the Public Works Supervisor, do not generate sufficient refuse to require a second roll-out container, shall place the excess solid waste in plastic garbage bags and place the bags at curbside by 7:00 a.m. on the day of collection.

(D) All roll-out containers and recycling roll carts shall be returned to their storage location no later than 7:00 p.m. on the day of collection.

(E) Residents shall be responsible for periodic cleaning of roll-out containers, and shall promptly pick up and remove any waste spilled or dropped from containers during collection.  
(1996 Code, § 6-2-5) (Ord. 90-03, passed 11-12-1990; Ord. 94-02, passed 6-13-1994)

#### **§ 51.06 REMOVAL OR DAMAGE TO ROLL-OUT CONTAINERS.**

It shall be unlawful for any person to remove any roll-out container from the premises to which it is assigned or to maliciously damage any roll-out or bulk solid waste container.  
(1996 Code, § 6-2-6) Penalty, see § 10.99

#### **§ 51.07 OUT-OF-TOWN SOLID WASTE PROHIBITED.**

It shall be unlawful for any person to bring any type of refuse that originates from outside the town limits into the town for collection and disposal by the town labor forces.  
(1996 Code, § 6-2-7) Penalty, see § 10.99

#### **§ 51.08 COLLECTION OF CERTAIN ITEMS PROHIBITED.**

(A) It shall be unlawful to place in roll-out containers hazardous items or other materials which may cause injury to the collection personnel during the normal handling of the containers.

(1) It is prohibited to place yard waste, leaves, limbs, cellulosic materials in roll carts and setting brown goods (furniture, mattress and the like) or white goods (appliances, stoves, refrigerators), curbside for the collection by the town.

(2) No collection of white or brown goods by the town.

(3) No industrial or manufacturing waste to be collected by the town.

(B) Rubbish, ashes or building materials not resulting from normal household use must be removed from the premises by the occupant.  
(1996 Code, § 6-2-8) (Ord. 94-02, passed 6-13-1994) Penalty, see § 10.99

#### **§ 51.09 CONTRACTORS' RESPONSIBILITY FOR DEBRIS REMOVAL.**

Commercial building and remodeling contractors, workmen, landscapers, tree and shrubbery firms, roofers and cleaning and grubbing contractors shall not deposit their debris for regular town collection but may provide for private collection or make special arrangements with the Public Works Supervisor.  
(1996 Code, § 6-2-9) (Ord. 90-03, passed 11-12-1990) Penalty, see § 10.99

**§ 51.10 BULK CONTAINERS; SPECIAL PREPARATION OF SOLID WASTE.**

Food service establishments and other businesses producing garbage consisting of food waste shall place garbage in plastic or paper bags securely tied prior to placing solid garbage in bulk containers (dumpsters).

(1996 Code, § 6-2-10)

**§ 51.11 COLLECTION OF TREE LIMBS, CUTTINGS, SHRUBBERY AND THE LIKE.**

Tree limbs, cuttings, shrubbery and the like, except as otherwise provided in § 51.09, will be collected by the town, provided that the following conditions are met.

(A) Tree limbs, cuttings, shrubbery and the like, will be hauled at a time as trucks and crews are available.

(B) The limbs, cuttings, shrubbery and the like, shall first be cut into pieces not more than six feet long so as to be readily removed by a regular town trash truck and crew.

(C) Bundles shall be placed on the front corner of the owner's or tenant's property, nearest to the public street or public alley.

(1996 Code, § 6-2-12)

**§ 51.12 INTERFERING WITH COLLECTION.**

(A) It shall be unlawful for any person to interfere with town employees while engaged in the collection of solid waste.

(B) Pilfering in recycling containers or removing materials by persons other than ones assigned to the container is prohibited.

(1996 Code, § 6-2-13) (Ord. 94-02, passed 6-13-1994) Penalty, see § 10.99

**§ 51.13 VIOLATIONS.**

(A) Violators of any section of this chapter shall be issued a citation by the Chief of Police. The citation will prescribe the amount of bond to be posted in the municipal court. A warrant will be issued and served on those violators who fail to post bond within five days after issuance of the citation.

(B) The penalty for violation of any section of this chapter shall be as provided in § 10.99. Each day that violation of this chapter continues shall constitute a separate offense.

(1996 Code, § 6-2-14)



**TITLE VII: TRAFFIC CODE**

**Chapter**

**70. GENERAL PROVISIONS**

**71. OPERATION OF VEHICLES**

**72. STOPPING, STANDING AND PARKING**

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## CHAPTER 70: GENERAL PROVISIONS

### Section

- 70.01 Adoption of Uniform Act regulating traffic on highways
- 70.02 Only licensed operators may drive vehicles
- 70.03 Taxes due on motor vehicle
- 70.04 Powers and duties of Council
- 70.05 Authority of Chief of Police to promulgate rules and regulations; special regulations of Council
- 70.06 Obedience to traffic signals
- 70.07 Parking lot jurisdiction
- 70.08 Vehicles leaking or scattering load prohibited
- 70.09 Vehicles prohibited on sidewalk
- 70.10 Glass and other foreign matter in streets
- 70.11 Using vehicles for advertising
- 70.12 Bicycles prohibited on sidewalks in fire zone

### § 70.01 ADOPTION OF UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.

The town hereby adopts by reference and makes a part of this code as fully and completely as if set forth herein verbatim those provisions of state law contained in S.C. Code, Title 56, Chapter 5, as amended, cited as the *Uniform Act Regulating Traffic on Highways*.

(1996 Code, § 8-1-1)

***Cross-reference:***

*Obstruction of traffic flow by persons congregating in streets and sidewalks, see § 92.09*

***Editor's note:***

*The cited state law below may be incorporated by reference in an ordinance by municipalities;  
Op. Att'y Gen., No. 2460, p. 125 (1967-68)*

***Statutory reference:***

*Municipal court authority to try violations of state traffic laws, see S.C. Code, § 56-5-6150*

### § 70.02 ONLY LICENSED OPERATORS MAY DRIVE VEHICLES.

It shall be unlawful for any person, except those expressly exempted by state law, to drive any motor vehicle within the town limits unless the person has a valid motor vehicle driver's license.

(1996 Code, § 8-1-2) Penalty, see § 10.99

**§ 70.03 TAXES DUE ON MOTOR VEHICLE.**

It shall be unlawful for any resident of the town to own or operate any motor vehicle upon the public streets or ways of the town on which personal property taxes due to the town are unpaid or delinquent. Taxes against any motor vehicle owned by any resident of the town are deemed delinquent when same are past due and unpaid and have gone into execution.

(1996 Code, § 8-1-3) Penalty, see § 10.99

**§ 70.04 POWERS AND DUTIES OF COUNCIL.**

(A) The Council, except as otherwise directed by this title and subject to the authority of state and federal highway authorities, shall have the power and is hereby authorized to regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, parking meter spaces in parking meter zones, U-turns, school zones, hospital zones, loading and unloading zones, quiet zones and other signs, markers and official traffic-control devices indicating the place or manner of operating or parking vehicles.

(B) The Council, except as otherwise directed by this title, and subject to the authority of state and federal highway authorities, shall have power to regulate the movement of pedestrians upon the streets and sidewalks by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.

(C) The Council, except as otherwise directed by this title, and subject to the authority of state and federal highway authorities, shall have power to designate bus stops and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs at their respective stops and stands.

(D) The Council, except as otherwise directed by this title, and subject to the authority of state and federal highway authorities, shall have the power to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic, when in the judgment of the Council, the action is necessary.

(E) The Council shall have power to secure all necessary signs, markers or official traffic-control devices to be erected or placed on any street or part of a street when that action is deemed necessary.

(F) The existence of the signs, markers or official traffic-control devices at any place shall be prima facie evidence that the signs, markers or official traffic-control devices were erected or placed by and at the direction of the Council and in accordance with the provisions of this section.

(1996 Code, § 8-1-4)

***Statutory reference:***

*Town may further regulate traffic, provided the additional regulations do not conflict with state law, see S.C. Code, §§ 56-5-30 and 56-5-710*



**§ 70.05 AUTHORITY OF CHIEF OF POLICE TO PROMULGATE RULES AND REGULATIONS; SPECIAL REGULATIONS OF COUNCIL.**

(A) The Chief of Police, with the approval of the Mayor, shall have authority to make, promulgate and enforce special traffic regulations including designation of one-way streets, dangerous intersections, express avenues, school zones and other special regulations for the government of traffic in the town and to provide warning signs or other notices regarding the special traffic areas where, in the opinion of the Chief of Police and the Mayor, conditions warrant the special regulations. In addition thereto, the Council may at any time and from time to time, declare special traffic regulations in areas in addition to those already existing, but in those cases of special traffic regulations by the Council, at least one week's notice by publication, advising of the change of traffic regulations, shall be given before same become effective.

(B) Any person failing or refusing to obey the street regulations so established shall be punished in accordance with the provisions of § 10.99.  
(1996 Code, § 8-1-5)

**§ 70.06 OBEDIENCE TO TRAFFIC SIGNALS.**

Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals within the town limits.  
(1996 Code, § 8-1-6) Penalty, see § 10.99

**§ 70.07 PARKING LOT JURISDICTION.**

(A) Any real property within the town which is used as a parking lot and is open to use by the public for motor vehicle traffic shall be within the police jurisdiction of the town with regard to unlawful operation of motor vehicles in the parking lot.

(B) The parking lots shall be posted with appropriate signs to inform the public that the area is subject to the police jurisdiction of the town with regard to unlawful operation of motor vehicles. The extension of police jurisdiction to those areas shall not be effective until the signs are posted.

(C) In any such area, the Police Department shall have the authority to enforce all town ordinances and state laws relating to the unlawful operation of motor vehicles which the Police Department has with regard to public streets and highways immediately adjoining or connecting to the parking lot.  
(1996 Code, § 8-1-8) Penalty, see § 10.99

**§ 70.08 VEHICLES LEAKING OR SCATTERING LOAD PROHIBITED.**

The owner or operator of every wagon or other vehicle employed in removing or carrying any dirt, sawdust, sand, coal, materials liable to be blown by the wind, or any manure or filth or offensive matter

of any kind or description, along or over any of the streets, shall have and keep the same in the tight and secure condition that the matter shall not be scattered or allowed to fall on any of the streets.  
(1996 Code, § 8-1-9)

**§ 70.09 VEHICLES PROHIBITED ON SIDEWALK.**

It shall be unlawful for any person to ride, propel or park any automobile, motorcycle or other motor vehicle upon any sidewalk, except as may be necessary in entering or leaving the premises or buildings.

(1996 Code, § 8-1-10) Penalty, see § 10.99

**§ 70.10 GLASS AND OTHER FOREIGN MATTER IN STREETS.**

(A) It shall be unlawful to place, throw or deposit upon any street any glass bottle, glass, nails, wire, tacks, cans or any other substance likely to injure any person, animal or vehicle upon the street.

(B) Any person who drops or permits to be dropped or thrown upon any street any destructive or injurious material shall immediately remove it or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

(1996 Code, § 8-1-11) Penalty, see § 10.99

**§ 70.11 USING VEHICLES FOR ADVERTISING.**

No person shall operate or park a vehicle on any street for the primary purpose of advertising.

(1996 Code, § 8-1-12) Penalty, see § 10.99

**§ 70.12 BICYCLES PROHIBITED ON SIDEWALKS IN FIRE ZONE.**

It shall be unlawful for any person to ride a bicycle on any sidewalk where posted.

(1996 Code, § 8-1-13) Penalty, see § 10.99

## CHAPTER 71: OPERATION OF VEHICLES

### Section

- 71.01 Speed restrictions
- 71.02 Driving across private property; U-turns
- 71.03 Blocking intersections
- 71.04 Interfering with processions

### § 71.01 SPEED RESTRICTIONS.

(A) No person shall drive or ride a vehicle within the town limits at a speed greater or less than is reasonable or prudent under conditions then existing.

(B) The speed limit within the town shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Council.  
(1996 Code, § 8-2-1) Penalty, see § 10.99

### § 71.02 DRIVING ACROSS PRIVATE PROPERTY; U-TURNS.

(A) It shall be unlawful for any person driving a vehicle to use the driveway of any filling station or service station as a roadway or thoroughfare.

(B) It shall be unlawful for any person driving a vehicle to make any U-turn or other turn prohibited at any point where the turn is prohibited, and it shall be unlawful to accomplish a U-turn by deviously going into or through private property adjoining the street where the turn is prohibited.  
(1996 Code, § 8-2-2) Penalty, see § 10.99

### § 71.03 BLOCKING INTERSECTIONS.

No driver shall enter an intersection of a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(1996 Code, § 8-2-3) Penalty, see § 10.99

**§ 71.04 INTERFERING WITH PROCESSIONS.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.  
(1996 Code, § 8-2-4) Penalty, see § 10.99

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## CHAPTER 72: STOPPING, STANDING AND PARKING

### Section

- 72.01 Parking prohibited during certain hours
- 72.02 Parking time limited in designated places
- 72.03 Parked vehicle as public nuisance
- 72.04 Impounding authorized; release to owner
- 72.05 Loading zones
- 72.06 Display for sale, washing, greasing and the like, beside roadway

### **§ 72.01 PARKING PROHIBITED DURING CERTAIN HOURS.**

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.  
(1996 Code, § 8-3-1) Penalty, see § 10.99

### **§ 72.02 PARKING TIME LIMITED IN DESIGNATED PLACES.**

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.  
(1996 Code, § 8-3-2) Penalty, see § 10.99

### **§ 72.03 PARKED VEHICLE AS PUBLIC NUISANCE.**

Any vehicle parked continuously in any parking space for 24 hours or more or parked on any street or other public property which is found to be the subject of \$50 or more past due on outstanding bonds under the town parking ordinance is hereby declared to be a public nuisance.  
(1996 Code, § 8-3-3) Penalty, see § 10.99

### **§ 72.04 IMPOUNDING AUTHORIZED; RELEASE TO OWNER.**

(A) Any vehicle identified as a public nuisance may be impounded by the town by having the vehicle towed away and stored in a safe place until claimed by the owner.

(B) No vehicle shall be released to the owner until satisfactory proof of ownership has been demonstrated and all outstanding parking obligations have been paid. Towing and storage charges shall be the responsibility of the owner.

(1996 Code, § 8-3-4) Penalty, see § 10.99

#### § 72.05 LOADING ZONES.

(A) No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious unloading or loading of passengers in any place marked as a passenger zone.

(B) 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 pick-up and loading of materials in any place marked as a loading zone during the time specified. In no case shall the stop for loading and unloading of material exceed 30 minutes.

(1996 Code, § 8-3-5) Penalty, see § 10.99

#### § 72.06 DISPLAY FOR SALE, WASHING, GREASING AND THE LIKE, BESIDE ROADWAY.

No person shall stand or park any vehicle alongside any roadway for the principal purpose of displaying it for sale, or washing, greasing or repairing the vehicle except repairs necessitated by an emergency.

(1996 Code, § 8-3-6) Penalty, see § 10.99

**TITLE IX: GENERAL REGULATIONS**

**Chapter**

**90. ANIMALS**

**91. HEALTH AND SANITATION; NUISANCES**

**92. STREETS AND SIDEWALKS**

**93. CEMETERIES**

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**CHAPTER 90: ANIMALS**

Section

*General Provisions*

- 90.01 Bird sanctuary
- 90.02 Cruelty to animals
- 90.03 Unlawful to abandon animals
- 90.04 Resisting or hindering public officers or employees
- 90.05 Dead animals; disposal
- 90.06 Nuisance conditions
- 90.07 Animals and fowl at large prohibited
- 90.08 Citation of owner
- 90.09 Slaughterhouse prohibited

*Dog Provisions*

- 90.20 Rabies; notice
  - 90.21 Inoculation required
  - 90.22 Unauthorized removal of tags
  - 90.23 Nuisances; howling, diseased, destructive dogs
  - 90.24 Destruction of certain dogs permitted
- 
- 90.99 Penalty

**GENERAL PROVISIONS**

**§ 90.01 BIRD SANCTUARY.**

(A) The entire area embraced within the corporate limits of the town hereby is designated a bird sanctuary.

(B) It shall be unlawful to trap, hunt, shoot or attempt to shoot, or molest in any way any bird or wild fowl or to rob nests or wild fowl nests.

(C) If starlings or similar birds are found to be congregating in numbers in a particular locality that they constitute a menace to health or property in the opinion of the Chief of Police, then the Chief shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of those clubs as are found to exist in the town after at least three days' actual notice of the time and place of the meeting has been given to the representatives of the clubs. If no satisfactory course of action is found to abate the nuisance at the meeting, the birds may be destroyed in numbers and in a manner as is deemed advisable by town employees under the supervision of the Chief of Police.  
(1996 Code, § 6-3-1) Penalty, see § 90.99

#### § 90.02 CRUELTY TO ANIMALS.

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal, or to ride, drive or work it when sick or unfit for work, to override, overwork, overload, ride when overworked, torture, torment or to beat or cruelly whip any animal, and it shall be unlawful for any person owning or having charge of any animal to fail to provide it with proper food, drink, shelter or protection from the weather.  
(1996 Code, § 6-3-2) Penalty, see § 90.99

*Statutory reference;*

*Cruelty to animals, see S.C. Code, §§ 47-1-10 et seq.*

#### § 90.03 UNLAWFUL TO ABANDON ANIMALS.

It shall be unlawful for any person to abandon, or dispose of any animal in the town. Each violation shall constitute a separate offense.  
(1996 Code, § 6-3-3) Penalty, see § 90.99

#### § 90.04 RESISTING OR HINDERING PUBLIC OFFICERS OR EMPLOYEES.

It shall be unlawful for any person in the town to resist, interfere with, hinder or oppose any town officer or employee or any other person acting under their authority in the performance of any of the duties imposed upon them by this chapter.  
(1996 Code, § 6-3-4) Penalty, see § 90.99

#### § 90.05 DEAD ANIMALS; DISPOSAL.

(A) It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural cause or other cause within the town to permit the dead animal to remain within the town for a longer period than may be necessary under the circumstances to remove the dead animal, and under no condition longer than 24 hours.

(B) Any dead animal not so removed within 24 hours shall be removed by police officers at the expense of the person in whose possession the animal died.  
(1996 Code, § 6-3-5) Penalty, see § 90.99

#### § 90.06 NUISANCE CONDITIONS.

(A) Any fowl or animal which by sound, odor or sight materially interferes with, or affects, the health, comfort, peace or quiet of the people is hereby declared to be a nuisance. For the purpose of this section, **ANY FOWL OR ANIMAL** includes horses, mules, cows, dogs, livestock, poultry, birds and other like animals or pets and has reference also to the having, maintaining, keeping and the like, of any barn, pen, stable, enclosure, poultry yard or feeding lot.

(B) Areas of confinement, lots, pens and enclosures shall be of adequate size (minimum of 20,000 square feet for each), shall be located at least 50 feet from other residences or places of business, and shall be maintained in a sanitary condition at all times. **Not more than two of any kind of animal, fowl, bird and the like, shall be allowed in pens, enclosures and the like, unless they are located 500 feet or more from residences or places of business other than those of owner or custodian.** Exceptions may be made for one litter of puppies and the like, after birth and not to exceed 60 days, when weaning should be complete.

(C) The possession of any like animals and fowl in any situation which is not excepted from this section shall constitute a prima facie nuisance. The grounds for investigation or prosecution therefor of violations of this section shall be the personal knowledge of the conditions by the accuser or person initiating appropriate legal action or a complaint in writing signed by the offended party.

(D) Any person who shall fail or refuse to take action or do things that will abate the nuisance when requested in writing to do so by the Chief of Police shall be guilty of a misdemeanor.  
(1996 Code, § 6-3-6) (Ord. passed 5-11-1981) Penalty, see § 90.99

#### § 90.07 ANIMALS AND FOWL AT LARGE PROHIBITED.

It shall be unlawful for any person to allow any domestic animal, including, but not limited to, dogs, cats, livestock or fowl to run at large upon public property or on private property of another without the person's permission.

(1996 Code, § 6-3-7) Penalty, see § 90.99

**Editor's note:**

*Ord. 95-12, passed 12-11-1995, adopted by reference County Ord. 95-96-328,  
Animal Control, by reference*

**Statutory reference:**

*Municipal powers concerning dogs at large, see S.C. Code, § 47-3-70*

**§ 90.08 CITATION OF OWNER.**

Any police officer may issue a summons directed to the owner or person in possession of any animal found in violation of this chapter to appear before the municipal court on a certain day to stand trial for violation of this chapter.

(1996 Code, § 6-3-8)

***Cross-reference:***

*Destruction of certain dogs permitted, see § 90.24*

**§ 90.09 SLAUGHTERHOUSE PROHIBITED.**

No person, firm, corporation or co-partnership shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse or abattoir within the corporate limits of the town.

(1996 Code, § 6-3-9) Penalty, see § 90.99

***DOG PROVISIONS*****§ 90.20 RABIES; NOTICE.**

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, the dog shall be confined by a leash or chain on the owner's premises or shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Police Department of the fact that his or her dog has been exposed to rabies, and at his or her discretion, the Chief of Police is empowered to have the dog removed from the owner's premises to a veterinary hospital and placed under observation for a period of two weeks at the expense of the owner.

(B) It shall be unlawful for any person knowing or suspecting a dog has rabies to allow the dog to be taken off his or her premises or beyond the limits of the town without the written permission of the Chief of Police. Every owner or other person, upon ascertaining a dog is rabid, shall immediately notify the Police Department who shall either remove the dog to the pound or summarily destroy it.

(1996 Code, § 6-3-21) Penalty, see § 90.99

***Cross-reference:***

*Running at large prohibited, see § 90.07*

***Statutory reference:***

*Additional rabies control measures authorized, see S.C. Code, § 47-5-210*

*Authority of town to regulate dogs, see S.C. Code, § 47-3-70*

*Rabies control, see S.C. Code, §§ 47-5-10 et seq.*

**§ 90.21 INOCULATION REQUIRED.**

(A) *Purpose.* All dogs in the town over four months of age shall be inoculated to prevent or retard the canine disease known as rabies or hydrophobia.

(B) *Proclamation by the Mayor.* During the month of April each year, the Mayor shall, by public proclamation, call to the attention of the inhabitants of the town the requirements of division (A) above concerning the inoculation of dogs as aforesaid. The Mayor's proclamation shall also designate the time and place where dogs may be inoculated as required by division (A) above.

(C) *Vaccination.* The vaccination will be accomplished by a veterinarian and a record of the vaccination shall be kept by the veterinarian. A certificate of vaccination shall be given to the owner and a metal tag attesting to the date of the vaccination shall be worn on the collar of each dog vaccinated. (1996 Code, § 6-3-22) Penalty, see § 90.99

**§ 90.22 UNAUTHORIZED REMOVAL OF TAGS.**

Except as otherwise provided, it shall be unlawful for any person to remove from the collar of a dog the metal tags or badge thereto attached and which was issued by a duly licensed veterinarian and the Town Clerk-Treasurer.

(1996 Code, § 6-3-23) Penalty, see § 90.99

**§ 90.23 NUISANCES; HOWLING, DISEASED, DESTRUCTIVE DOGS.**

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

(B) Any person harboring, keeping in possession or having custody or control of any dog which constitutes a nuisance as defined in this section, who shall fail or refuse to take action or do those things as will abate the nuisance when required in writing to do so by the Chief of Police shall be guilty of a misdemeanor.

(1996 Code, § 6-3-24) Penalty, see § 90.99

**§ 90.24 DESTRUCTION OF CERTAIN DOGS PERMITTED.**

Any police officer of the town shall have power to destroy any dog which he or she may have reason to believe is rabid or is badly maimed, or vicious and at large.

(1996 Code, § 6-3-25)

**§ 90.99 PENALTY.**

Except as otherwise provided herein, the violation of any provision of §§ 90.01 through 90.09 shall be a misdemeanor and, upon conviction thereof, the penalty shall be as provided in § 10.99. (1996 Code, § 6-3-10)

## CHAPTER 91: HEALTH AND SANITATION; NUISANCES

### Section

- 91.01 Definition of public health nuisances
- 91.02 Notice to abate
- 91.03 Abatement by town
- 91.04 Refusal to abate a public nuisance
- 91.05 Smoking in town limits
  
- 91.99 Penalty

### § 91.01 DEFINITION OF PUBLIC HEALTH NUISANCES.

(A) Any act of any person or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance.

(B) It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit the property to become unsanitary by allowing any offensive matter or thing upon the lot or premises which may be detrimental to health, including, but not limited to, weeds and grass growing to a greater height than 24 inches, or to permit any trash, rubbish, waste, refuse, manure, straw, hay, broken glass, stagnant water, building materials, discarded appliances or machinery to accumulate and remain upon the premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises the thing which may endanger, injure or damage another's health or property.

(1996 Code, § 6-1-1) Penalty, see § 91.99

### § 91.02 NOTICE TO ABATE.

Whenever it shall come to the attention of the Chief of Police that there exists on any lot or parcel of land in the town any of the conditions enumerated in this chapter, he or she shall forthwith give the owner thereof notice, served upon the owner by a police officer of the town, or in the event the service cannot be had after a reasonable attempt is made, by publishing the same in a newspaper published within the town once a week for two consecutive weeks, that the condition exists and that he or she shall have ten days from the date of the service, or from the final date of publication, in which to remedy the same or the town shall cause the same to be remedied, as provided in § 91.03.

(1996 Code, § 6-1-2) Penalty, see § 91.99

**§ 91.03 ABATEMENT BY TOWN.**

(A) If the person upon whom notice is served, as provided by this chapter, fails, neglects or refuses to remedy the condition within the time allowed, the Police Chief shall certify that fact to the Town Clerk-Treasurer, who shall forthwith cause the condition to be remedied under the direction of the Police Chief.

(B) The actual costs incurred by the town in so remedying the condition shall be deemed to be a lien against the property and if not paid, interest at a rate of 6% per annum against the lot or parcel of land upon which the condition existed shall accrue.  
(1996 Code, § 6-1-3) Penalty, see § 91.99

**§ 91.04 REFUSAL TO ABATE A PUBLIC NUISANCE.**

Any person refusing or neglecting to abate a nuisance after having been directed to do so shall be guilty of a misdemeanor.  
(1996 Code, § 6-1-4) Penalty, see § 91.99

**§ 91.05 SMOKING IN TOWN LIMITS.**

(A) The smoking of cigarettes, cigars and pipes is prohibited at any town-owned or leased recreation facility within 25 feet of the playing area, playground area, bleachers, concession stands and restrooms.

(B) The prohibition on smoking shall be enforced by the Town Police Department.  
(Ord. 2008-06, passed 9-8-2008) Penalty, see § 91.99

**§ 91.99 PENALTY.**

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

(B) A person who smokes in an area where smoking is prohibited by the provisions of § 91.05 shall be guilty of an infraction, punishable by a fine of not less than \$10 nor more than \$25.  
(Ord. 2008-06, passed 9-8-2008)



## CHAPTER 92: STREETS AND SIDEWALKS

### Section

#### *General Provisions*

- 92.01 Approval of names of new streets; change of name
- 92.02 Street and roadway acceptance
- 92.03 Requirements for property draining toward sidewalk
- 92.04 Damaging municipal property
- 92.05 Breaking, removing street lights
- 92.06 Breaking, destroying curbing prohibited; permit required for entrance to property
- 92.07 Blocking sidewalks or streets
- 92.08 Gates opening onto sidewalks
- 92.09 Repair of sidewalks
- 92.10 Repair of fences
- 92.11 Burning matter on streets or sidewalks

#### *Excavations and Obstructions*

- 92.25 Excavation permit required
- 92.26 Danger signals required at excavations
- 92.27 Removing danger signals at excavations
- 92.28 Obstructions prohibited

#### *Parades*

- 92.40 Permit required; compliance with regulations
- 92.41 Application for permit
- 92.42 Chief of Police may waive late application
- 92.43 Action on application; appeal
- 92.44 Standards for issuance of permit
- 92.45 Approval of permit
- 92.46 Contents of permit; revocation
- 92.47 Conduct during parades

#### ***Cross-reference:***

*Animals, see Chapter 90*

*Nuisances; public health and sanitation, see Chapter 91*

**GENERAL PROVISIONS****§ 92.01 APPROVAL OF NAMES OF NEW STREETS; CHANGE OF NAME.**

(A) It shall be unlawful for any person to lay out any new street within the town without first procuring from the Council approval of the name to be assigned to the new street.

(B) No person shall change the name of any street except upon consent of Council as indicated by resolution.

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

**§ 92.02 STREET AND ROADWAY ACCEPTANCE.**

(A) No street or roadway shall be accepted until the same has been paved or surface-treated in a manner acceptable to the town.

(B) Before acceptance, all roadway or street rights-of-way must be deeded to the town in a width of 60 feet.

(1996 Code, § 3-1-2) Penalty, see § 10.99

**§ 92.03 REQUIREMENTS FOR PROPERTY DRAINING TOWARD SIDEWALK.**

Every person owning any property which drains toward a sidewalk, shall provide suitable and proper drainage under the sidewalk as will deliver the gutter and drainage water from the lot to the drainage system of the adjoining streets.

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

**§ 92.04 DAMAGING MUNICIPAL PROPERTY.**

It shall be unlawful for any person to mutilate, deface or injure any public property within the corporate limits, including, but not limited to, any trees, buildings or other property, or to obstruct any street, alleyway, avenue, bridge, ditch or public road within the corporate limits.

(1996 Code, § 3-1-4) Penalty, see § 10.99

**§ 92.05 BREAKING, REMOVING STREET LIGHTS.**

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 any street light.

(1996 Code, § 3-1-5) Penalty, see § 10.99

**§ 92.06 BREAKING, DESTROYING CURBING PROHIBITED; PERMIT REQUIRED FOR ENTRANCE TO PROPERTY.**

It shall be unlawful for any person to break or destroy the curbing of any street or to otherwise deface the same, or to construct any entrance into property from any of the paved streets, unless the person shall have first obtained a permit in writing from the Mayor.  
(1996 Code, § 3-1-6) Penalty, see § 10.99

**§ 92.07 BLOCKING SIDEWALKS OR STREETS.**

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in a manner so as to impede the free flow of traffic.  
(1996 Code, § 3-1-7) Penalty, see § 10.99

**§ 92.08 GATES OPENING ONTO SIDEWALKS.**

It shall be unlawful for any person or corporation to maintain any gate upon his or her premises so as to swing across or into any sidewalk or street.  
(1996 Code, § 3-1-8) Penalty, see § 10.99

**§ 92.09 REPAIR OF SIDEWALKS.**

All owners of lots of land or lands within the corporate limits shall keep the sidewalks adjacent to those lots in good repair.  
(1996 Code, § 3-1-9) Penalty, see § 10.99

**§ 92.10 REPAIR OF FENCES.**

All owners of lands or lots of lands within the corporate limits shall keep all fences adjacent to any street or alley in good repair, and all dilapidated fences adjacent to the street or alley are hereby declared a nuisance and may be removed by the Chief of Police by order of the Council, and the owner shall be billed for any costs of removal incurred by the town.  
(1996 Code, § 3-1-10) Penalty, see § 10.99

**§ 92.11 BURNING MATTER ON STREETS OR SIDEWALKS.**

It shall be unlawful to burn leaves or other matter on the streets or sidewalks.  
(1996 Code, § 3-1-11) Penalty, see § 10.99

**EXCAVATIONS AND OBSTRUCTIONS****§ 92.25 EXCAVATION PERMIT REQUIRED.**

It shall be unlawful for any person to dig up, mutilate or make an excavation in any street or sidewalk for any purpose without a permit from the Mayor.  
(1996 Code, § 3-1-21) Penalty, see § 10.99

**§ 92.26 DANGER SIGNALS REQUIRED AT EXCAVATIONS.**

It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open between sunset and sunrise, unless the trench, ditch or excavation has a sufficient number of lights properly displayed around it as danger signals to prevent accidents to persons or property.  
(1996 Code, § 3-1-22) Penalty, see § 10.99

**§ 92.27 REMOVING DANGER SIGNALS AT EXCAVATIONS.**

It shall be unlawful for any person to remove or extinguish any light which may be placed as a signal at night to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.  
(1996 Code, § 3-1-23) Penalty, see § 10.99

**§ 92.28 OBSTRUCTIONS PROHIBITED.**

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 except as otherwise provided in this title; provided, that this section shall not apply to any employee of the town, county or state while the employee is immediately and actively engaged in the maintenance, improvement or construction of any street, sidewalk or public way in the municipality.  
(1996 Code, § 3-1-24) Penalty, see § 10.99

***Cross-reference:***

*Parades, see §§ 92.40 through 92.47*

**PARADES****§ 92.40 PERMIT REQUIRED; COMPLIANCE WITH REGULATIONS.**

No parade, excepting one by the forces of the United States Army or Navy, the military forces of this state or the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police, upon written application made not less than 48 hours prior to the time of the parade and other regulations as are set forth herein which may apply.

(1996 Code, § 3-1-31) Penalty, see § 10.99

***Editor's note:***

*In addition to the requirements of this subchapter, any parade moving along a state route is required to obtain state approval*

**§ 92.41 APPLICATION FOR PERMIT.**

(A) A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by that officer.

(B) An application for a parade permit shall be filed with the Chief of Police not less than two days nor more than ten days before the date on which it is proposed to conduct the parade.

(C) The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct the parade;
- (2) If the parade is on behalf of, for or by an organization, the name, address, telephone number and the authorized and responsible heads of the organization;
- (3) The name, address and telephone number of the person who will be responsible for the conduct of the parade;
- (4) If the parade is to be held on behalf of or for any person other than the applicant, then the applicant for the permit shall file with the Chief of Police a written authorization empowering him or her to make the application, the authorization to be signed by the person for whom the permit is sought; and
- (5) The date of the parade, the route, the approximate number of persons participating, the time, the composition and the interval of space to be maintained between units of the parade, as well as any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(1996 Code, § 3-1-32) Penalty, see § 10.99

**§ 92.42 CHIEF OF POLICE MAY WAIVE LATE APPLICATION.**

The Chief of Police, where good cause is shown therefor, shall have the authority to consider any application which is filed less than the prescribed minimum time stated in the preceding section.  
(1996 Code, § 3-1-33)

**§ 92.43 ACTION ON APPLICATION; APPEAL.**

The Chief of Police shall act upon the application properly made to him or her within one day after the filing thereof, and if he or she disapproves the application, he or she shall within two days after the date upon which the application was filed give notice of his or her action, stating reasons for denial. Any person aggrieved by the denial shall have a right of appeal to the Council, which appeal shall be taken within five days after notice of rejection, and which appeal shall state, in writing, the grounds upon which the appeal is taken. The Council shall act upon the appeal within 15 days after receipt of notice, and shall be empowered to fix a time and place for public or executive hearing thereon. It shall be the responsibility of an applicant for a permit to call at the office of the Chief of Police to determine whether or not the application has been rejected or granted and any or further notices contemplated herein shall be given to the applicant at the address indicated in the application.  
(1996 Code, § 3-1-34)

**§ 92.44 STANDARDS FOR ISSUANCE OF PERMIT.**

The Chief of Police shall issue a permit as provided for in this chapter upon payment of the prescribed fee and when, from a consideration of the application and from other information as may otherwise be obtained, he or she determines that the parade will not substantially interrupt the flow of traffic, will not require the diversion of an undue or burdensome number of police officers, fire, rescue or health units, the concentration of persons, animals and vehicles will not unduly interfere with fire and police protection, ambulance or rescue service, or place any dangerous burden upon any portion of the route to be traveled, is not reasonably likely to cause injury to persons or property, and is scheduled to move expeditiously and without unreasonable delay over the designated route.  
(1996 Code, § 3-1-35)

**§ 92.45 APPROVAL OF PERMIT.**

The permit by the Chief of Police shall be approved by the Mayor.  
(1996 Code, § 3-1-36)

**§ 92.46 CONTENTS OF PERMIT; REVOCATION.**

The permit issued pursuant to this chapter shall indicate the starting time, the route, speed, space intervals or any other information which the Chief of Police shall find necessary to the enforcement of

this chapter. This permit must be in the possession of the parade chairperson or other person heading or leading the parade, and the terms and conditions of the permit must be observed. Failure to meet these requirements entitles the Chief of Police to revoke the permit, and he or she shall likewise be entitled to revoke the permit in the event that the allowed parade should provoke congestion or undue noise. (1996 Code, § 3-1-37)

**§ 92.47 CONDUCT DURING PARADES.**

No person shall unreasonably interfere with any parade, nor shall the driver of any vehicle drive between or across the path of the vehicles or persons comprising the parade, while they are in the course of conducting the parade. The Chief of Police shall have the authority to prohibit or restrict parking along the parade route, or adjacent thereto, and to take steps as to the Chief may seem reasonably requisite and necessary to clear parked vehicles, or otherwise to provide an open route for the parade. (1996 Code, § 3-1-38) Penalty, see § 10.99





## CHAPTER 93: CEMETERIES

### Section

- 93.01 Damaging shrubbery or other things in cemetery
- 93.02 Defacing monuments in cemetery
- 93.03 Establishment of cemetery

#### **§ 93.01 DAMAGING SHRUBBERY OR OTHER THINGS IN CEMETERY.**

It shall be unlawful for any person to damage or deface any ornamental shrubbery or any other thing put, placed or growing on any lot in any cemetery in the town, by plucking flowers or otherwise tearing, cutting or removing any part thereof.

(1996 Code, § 3-2-1) Penalty, see § 10.99

#### **§ 93.02 DEFACING MONUMENTS IN CEMETERY.**

It shall be unlawful for any person to damage or deface a tombstone or monument in any cemetery in the town, by shooting the same or otherwise chipping, breaking or in any way, marring the surface thereof.

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

#### ***Statutory reference:***

*Destruction of graves or graveyards, see S.C. Code, § 16-17-600*

*Mutilation of monuments, see S.C. Code, § 16-17-600(B)(2)*

#### **§ 93.03 ESTABLISHMENT OF CEMETERY.**

It shall be unlawful for any person to establish or use, within the municipality, any place for the burial of the dead without permission of the Council. This prohibition shall not extend to burial grounds established in the municipality as of the effective date of this code, within the boundaries as established as of that date for that purpose.

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



**TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL PROVISIONS**

**111. ALCOHOLIC BEVERAGES**

**112. PAWNBROKERS**

**113. YARD SALES**

**114. SEXUALLY ORIENTED BUSINESSES**

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## CHAPTER 110: GENERAL PROVISIONS

### Section

#### *General Provisions*

- 110.01 NAICS use
- 110.02 Carnivals and street shows
- 110.03 Junkyards

#### *Business Licenses*

- 110.15 License required
  - 110.16 Definitions
  - 110.17 Purpose and duration
  - 110.18 License tax
  - 110.19 Registration required
  - 110.20 Deductions, exemptions and charitable organizations
  - 110.21 False application unlawful
  - 110.22 Display and transfer
  - 110.23 Administration of subchapter
  - 110.24 Inspections of audits
  - 110.25 Assessments, payments under protest and appeal
  - 110.26 Delinquent license taxes and partial payment
  - 110.27 Notices
  - 110.28 Denial of license
  - 110.29 Suspension or revocation of license
  - 110.30 Appeals to Council
  - 110.31 Consent, franchise or license required for use of streets
  - 110.32 Confidentiality
  - 110.33 Classification and rates
- 
- 110.99 Penalty

**GENERAL PROVISIONS****§ 110.01 NAICS USE.**

This section replaces Ord. 95-13, which amends the due date and incorporates the classification use of the NAICS (North American Industry Classification System) for the United States as published by the Office of Management and Budget. It is necessary from time to time to update the Business License Ordinance. All prior ordinances and resolutions reading business license be repealed and this section shall govern all business licensing.  
(Ord. 2010-04, passed 12-13-2010)

**§ 110.02 CARNIVALS AND STREET SHOWS.**

All carnivals, street shows or similar businesses are forbidden to show, parade or otherwise engage in business without the written permission of the Council. The permit is to specify the date, time, place, length of show, duration of appearance and all other details as shall be required by Council. Fees for permits shall be as fixed from time to time by the Council.  
(1996 Code, § 7-5-1) Penalty, see § 10.99

**Statutory reference:**

*Sunday entertainment requires additional permit, see S.C. Code, § 53-1-10*

**§ 110.03 JUNKYARDS.**

(A) For the purpose of this section, **JUNKYARD** shall mean any property on which the storage or processing of inoperative, disused, dismantled or wrecked vehicles, equipment or machinery, or the storage or processing of scrap metal, waste paper, rags, food processing wastes or other scrap, salvage or junk materials is conducted.

(B) All junkyards shall be completely screened from roads and developed residential areas with an opaque fence or wall a minimum of eight feet in height, maintained in good repair, and painted, except for masonry construction.

(C) No operations shall be conducted which shall cause a general nuisance or endanger the public health.

(D) No junkyard shall be established within 500 feet of a residence in the town.  
(1996 Code, § 7-5-2) Penalty, see § 10.99

**Cross-reference:**

*Storage of junk on residential property, see § 132.11*

**Statutory reference:**

*Junkyard control, see S.C. Code, §§ 57-27-10 et seq.*

**BUSINESS LICENSES****§ 110.15 LICENSE REQUIRED.**

Every person engaged or intending to engage in any calling, business, occupation or profession, in whole or in part, within the limits of the town, is required to pay an annual license tax for the privilege of doing business and obtain a business license as provided in this subchapter. (Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

**§ 110.16 DEFINITIONS.**

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

**BUSINESS.** A calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

**CHARITABLE ORGANIZATION.** An organization that is determined by the Internal Revenue Service to be exempt from federal income taxes under 26 U.S.C. § 501 (c)(3), (4), (6), (7), (8), (10) or (19).

**CHARITABLE PURPOSE.** A benevolent, philanthropic, patriotic, or eleemosynary purpose which does not result in personal gain to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization.

**CLASSIFICATION.** That division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services or other basis deemed appropriate by the Council.

**GROSS INCOME.** The total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the town, excepting there from income earned outside of the town on which a license tax is paid to some other town or a county and fully reported to the town. **GROSS INCOME** for brokers or agents means gross commissions received or retained, unless otherwise specified. **GROSS INCOME** for insurance companies means gross premiums collected. **GROSS INCOME** for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds or funds which are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The **GROSS INCOME** for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission or other government agency.

**LICENSE OFFICIAL.** A person designated to administer this subchapter.

**LICENSEE.** The business, the person applying for the license on behalf of the business, an agent or legal representative of the business, a person who receives any part of the net profit of the business, or a person who owns or exercises control of the business.

**PERSON.** Any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company or other group or combination acting as a unit, in the singular or plural and the agent or employee having charge or control of a business in the absence of the principal.  
(Ord. 2012-02, passed 12-10-2012)

#### § 110.17 PURPOSE AND DURATION.

The business license levied by this subchapter is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one calendar year ending December 31. The provisions of this subchapter and the rates shall remain in effect from year to year as amended by the Council.

(Ord. 2012-02, passed 12-10-2012)

#### § 110.18 LICENSE TAX.

(A) The required license tax shall be paid for each business subject according to the applicable rate classification on or before March 31 in each year, except for those businesses in Rate Class 8 for which a different due date is specified.

(B) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. A license tax based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a 12-month projected income based on the monthly average for a business in operation for less than one year. The tax for a new business shall be the base rate fee. The initial tax for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

(Ord. 2012-02, passed 12-10-2012)

#### § 110.19 REGISTRATION REQUIRED.

(A) The owner, agent or legal representative of every business subject to this subchapter, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; provided, a new business shall be required to have a



business license prior to operation within the town. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a state alcohol, beer or wine permit or license and will have actual control and management of the business.

(B) Application shall be on a form provided by the License Official which shall contain the social security number and/or the federal employer's identification number, the business name as reported on the state income tax return and all information about the applicant and the licensee and the business deemed appropriate to carry out the purpose of this subchapter by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

(C) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, without any unauthorized deductions and that all assessments, personal property taxes on business property and other monies due and payable to the town have been paid.

(D) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

(Ord. 2012-02, passed 12-10-2012)

#### **§ 110.20 DEDUCTIONS, EXEMPTIONS AND CHARITABLE ORGANIZATIONS.**

(A) No deductions from gross income shall be made except income earned outside of the town on which a license tax is paid to some other town or a county and fully reported to the town, taxes collected for a governmental entity or income which cannot be included for computation of the tax pursuant to state or federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

(B) No person shall be exempt from the requirements of this subchapter by reason of the lack of an established place of business within the town, unless exempted by state or federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of the North American Industry Classification System (NAICS) for the United States published by the Office of Management and Budget. No person shall be exempt from this subchapter by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this subchapter.

(C) A charitable organization shall be exempt from the business license tax on its gross income unless it is deemed a business subject to a business license tax on all or part of its gross income as provided in this section. A charitable organization or any for-profit affiliate of a charitable organization, that reports income from for-profit activities, or unrelated business income, for federal income tax purposes to the Internal Revenue Service shall be deemed a business subject to a business license tax on the part of its gross income from such for-profit activities or unrelated business income.

(D) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this subchapter; or any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this subchapter. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee or person with ultimate control of the organization shall not be deemed a necessary expense of operation.  
(Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

#### **§ 110.21 FALSE APPLICATION UNLAWFUL.**

It shall be unlawful for any person subject to the provisions of this subchapter to make a false application for a business license, or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this subchapter.  
(Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

#### **§ 110.22 DISPLAY AND TRANSFER.**

(A) All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his or her person or in a vehicle used in the business readily available for inspection by any authorized agent of the town.

(B) A change of address must be reported to the License Official within ten days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.  
(Ord. 2012-02, passed 12-10-2012)

#### **§ 110.23 ADMINISTRATION OF SUBCHAPTER.**

The License Official shall administer the provisions of this subchapter, collect license taxes, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or suspension and revocation procedures, report violations to the town attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this subchapter, and perform such other duties as may be duly assigned.  
(Ord. 2012-02, passed 12-10-2012)

**§ 110.24 INSPECTION AND AUDITS.**

(A) For the purpose of enforcing the provisions of this subchapter, the License Official or other authorized agent of the town is empowered to enter upon the premises of any person subject to this subchapter to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the licensee has filed false information, the costs of the audit shall be added to the correct license tax and late penalties in addition to other penalties provided in this subchapter. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.

(B) The License Official shall make systematic inspections and random audits of all businesses within the town to insure compliance with this subchapter. Financial information obtained by inspections and audits shall not be deemed public records and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this subchapter, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

(Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

**§ 110.25 ASSESSMENTS, PAYMENT UNDER PROTEST AND APPEAL.**

(A) If a person fails to obtain a business license or to furnish the information required by this subchapter or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct the investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided in this subchapter.

(B) A notice of assessment shall be served by certified mail or personal service. An application for adjustment of the assessment may be made to the License Official within five days after the notice is mailed or personally served or the assessment will become final. The License Official shall establish a uniform procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment.

(C) A final assessment may be appealed to the Council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this subchapter relating to appeals to Council.

(Ord. 2012-02, passed 12-10-2012)

**§ 110.26 DELINQUENT LICENSE TAXES AND PARTIAL PAYMENT.**

(A) For non-payment of all or any part of the correct license tax, the License Official shall levy and collect a late penalty of 5% of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license tax remains unpaid for 60 days after its due date, the License Official shall report it to the Chief of Police and/or town attorney for appropriate legal action.

(B) Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.  
(Ord. 2012-02, passed 12-10-2012)

#### § 110.27 NOTICES.

The License Official may, but shall not be required to, mail written notices that license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the town three times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.  
(Ord. 2012-02, passed 12-10-2012)

#### § 110.28 DENIAL OF LICENSE.

(A) The License Official shall deny a license to an applicant when the License Official determines:

(1) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;

(2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents;

(3) The applicant, licensee or prior licensee or the person in control of the business has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods;

(4) The applicant, licensee or prior licensee or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the town or in another jurisdiction;

(5) The applicant, licensee or prior licensee or the person in control of the business is delinquent in the payment to the town of any tax or fee; or

(6) The license for the business or for a similar business of the licensee in the town or another jurisdiction has been denied, suspended or revoked in the previous license year.

(B) A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.  
(Ord. 2012-02, passed 12-10-2012)

**§ 110.29 SUSPENSION OR REVOCATION OF LICENSE.**

(A) When the License Official determines:

- (1) A license has been mistakenly or improperly issued or issued contrary to law;
- (2) A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this subchapter;
- (3) A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application;
- (4) A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude, or an unlawful sale of merchandise or prohibited goods;
- (5) A licensee has engaged in an unlawful activity or nuisance related to the business; or
- (6) A licensee is delinquent in the payment to the town of any tax or fee.

(B) The License Official shall give written notice to the licensee or the person in control of the business within the town by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked.

(C) The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within 30 days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this subchapter.

(Ord. 2012-02, passed 12-10-2012)

**§ 110.30 APPEALS TO COUNCIL.**

(A) Any person aggrieved by a decision, final assessment, proposed revocation, suspension or a denial of a business license by the License Official may appeal the decision to the Council by written request stating the reasons therefore, filed with the License Official within ten days after service by certified mail or personal service of the notice of decision, final assessment, proposed revocation, suspension or denial.

(B) An appeal or a hearing on proposed revocation shall be held by the Council within 30 days after receipt of a request for appeal or service of notice of suspension at a regular or special meeting of which the applicant or licensee has been given written notice, unless continued by agreement. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by Council shall govern the hearing.



Council shall by majority vote of members present render a written decision based on findings of fact and application of the standards herein which shall be served upon all parties or their representatives and shall be the final decision of the town.

(Ord. 2012-02, passed 12-10-2012)

### **§ 110.31 CONSENT, FRANCHISE OR LICENSE REQUIRED FOR USE OF STREETS.**

(A) It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the town any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

(B) The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

(Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

### **§ 110.32 CONFIDENTIALITY.**

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this subchapter. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

(Ord. 2012-02, passed 12-10-2012) Penalty, see § 110.99

### **§ 110.33 CLASSIFICATION AND RATES.**

(A) The Class Structure Model by the North American Industry Classification System Code, designated as Appendix B to Ordinance 2012-02, and the Class Structure Model by rate class, designated as Appendix C to Ordinance 2012-02, as may be amended by the Council from time to time, current copies of which can be found in the office of the Town Clerk. Appendices B and C of Ordinance 2012-02 are tools for classification and not a limitation on businesses subject to a license tax. The License Official shall determine the proper class for a business according to the applicable NAICS code.

(B) The license tax for each class of businesses subject to this subchapter shall be computed in accordance with the rate schedule, designated as Appendix A to Ordinance 2012-02, which may be amended by the Council from time to time and a current copy filed in the office of the Town Clerk. (Ord. 2012-02, passed 12-10-2012)

**§ 110.99 PENALTY.**

Any person violating any provision of §§ 110.15 through 110.33 shall be deemed guilty of an offense and shall be subject to a fine of up to \$500 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein. (Ord. 2012-02, passed 12-10-2012)





## CHAPTER 111: ALCOHOLIC BEVERAGES

### Section

- 111.01 Public drinking of beer, wine or the like prohibited
- 111.02 Possession of open bottles, cans of beer and wine in public prohibited
- 111.03 Public drinking or possession in automobile or other vehicle prohibited
- 111.04 Not applicable to possession of legally purchased beer or wine
- 111.05 Hours of operation
  
- 111.99 Penalty

### § 111.01 PUBLIC DRINKING OF BEER, WINE OR THE LIKE PROHIBITED.

It shall be unlawful for any person to drink beer, ale, porter or other similar malt or fermented beverage containing not in excess of 5% of alcohol by weight, or wine containing not in excess of 21% of alcohol by volume (hereinafter in this chapter referred to as beer or wine) on any public street, sidewalk, alleyway, park, recreation area, parking lot (whether owned by the municipality or privately owned, but generally open to members of the public without charge) within the limits of the town. (1996 Code, § 7-2-1) Penalty, see § 111.99

***Cross-reference:***

*Consumption of alcoholic beverages in public, see § 131.03*

*Public drunkenness, see § 131.02*

***Editor's note:***

*Opinion of the Attorney General No. 2282, p.95 (1966-67) indicates that the state has occupied the field of offenses and enforcement of regulations involving alcoholic beverages with limited exception. Municipalities may validly regulate use, possession and sale of non-alcoholic beverages in accordance with the Attorney General's Opinion No. 3277, p. 79 (1971-72), see S.C. Code, Title 61 and §§ 61-14-10 et seq.*

***Statutory reference:***

*Jurisdiction of municipal courts over certain alcoholic beverage offenses, see S.C. Code, § 61-6-4500*

**§ 111.02 POSSESSION OF OPEN BOTTLES, CANS OF BEER AND WINE IN PUBLIC PROHIBITED.**

It shall further be unlawful for any person to possess open bottles, cans or other containers of beer or wine in any of the public places listed in § 111.01.  
(1996 Code, § 7-2-2) Penalty, see § 111.99

**§ 111.03 PUBLIC DRINKING OR POSSESSION IN AUTOMOBILE OR OTHER VEHICLE PROHIBITED.**

The prohibition of this chapter extends to drinking or possession, as aforesaid, in any automobile or other vehicle while in or upon any public place.  
(1996 Code, § 7-2-3) Penalty, see § 111.99

**§ 111.04 NOT APPLICABLE TO POSSESSION OF LEGALLY PURCHASED BEER OR WINE.**

This chapter does not apply to the possession of legally purchased beer or wine in unopened containers in the possession of any person legally entitled to that possession.  
(1996 Code, § 7-2-4)

**§ 111.05 HOURS OF OPERATION.**

(A) It shall be unlawful for any commercial establishment, as defined above, to be open between the hours of 2:00 a.m. until 7:00 a.m. on any given morning and the commercial establishments are specifically prohibited from selling or giving away an alcoholic beverages during this time.

(B) (1) All business establishments, whether public or private, selling or offering beer, wine, liquors or other alcoholic spirits or beverages for on-premise consumption to the public or members of the establishment shall observe the hours of operation set forth in the table below. Upon closing, all sales and serving shall cease and all customers, members and guests shall vacate the premises of the establishment within 30 minutes of the closing time listed in the table below.

<i>Day</i>	<i>Operating Times</i>	
	<i>Open (No Earlier)</i>	<i>Close (No Later)</i>
	<i>Beer and Wine</i>	<i>Liquors</i>
Monday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Tuesday)
Tuesday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Wednesday)

<i>Day</i>	<i>Operating Times</i>	
	<i>Open (No Earlier)</i>	<i>Close (No Later)</i>
	<i>Beer and Wine</i>	<i>Liquors</i>
Wednesday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Thursday)
Thursday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Friday)
Friday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Saturday)
Saturday	7:00 a.m. - 10:00 a.m.	2:00 a.m. (following Sunday)
Sunday	Controlled by applicable state laws, but all the establishments allowed operate by state law shall close by 2:00 a.m. (following Monday)	

(2) All establishments that are substantially engaged in the preparation and serving of meals may open at 5:00 a.m. to prepare and serve meals, but shall not sell or offer beer or wine until 7:00 a.m. or liquors or other alcoholic spirits or beverages until 10:00 a.m. for on-premise consumption to any person on Monday through Saturday.

(3) All establishments that are engaged primarily and substantially in the renting of lodging to the public on a regular basis may operate 24 hours each day, but shall not offer beer, wine, liquors or other alcoholic spirits or beverages for on-premise consumption to any person except during the times set forth in this section.

(4) It shall be unlawful to violate the provisions of the town code.

(5) In the event of a conflict between the provisions of this chapter with the laws of the state regulating the operating hours of the establishments identified herein this section and the town code in which state laws are more restrictive, those provisions of state law shall govern.

(Ord. 2006-02, passed 6-12-2006; Ord. 2009-004, passed 7-27-2009) Penalty, see § 111.99

#### § 111.99 PENALTY.

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

(B) Any owners, managers or operators of an establishment herein described and referenced violating § 111.05 shall be subject to a fine of not to exceed \$500, plus court costs, or imprisonment not to exceed 30 days, or both.

(Ord. 2009-004, passed 7-27-2009)

