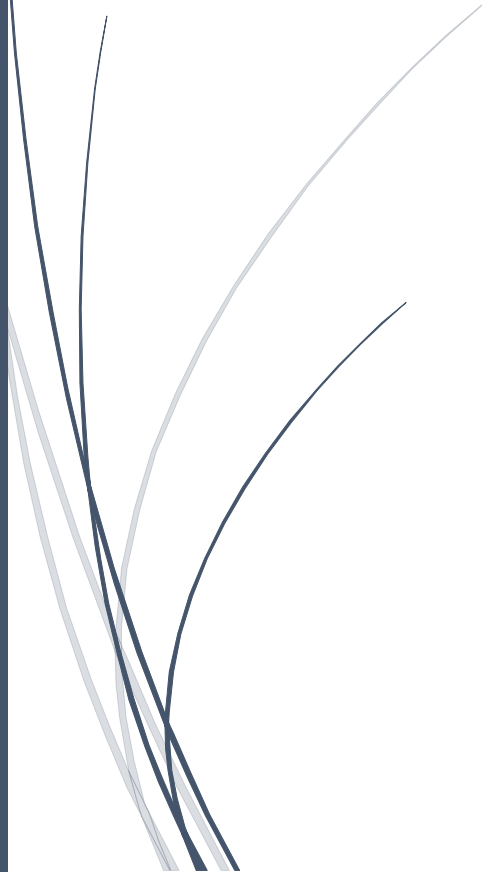


12/7/2019

Pacolet Municipal Code





TOWN OF PACOLET, SOUTH CAROLINA

MAYOR

Michael Meissner

COUNCILMEMBERS:

Jesse Byrd
Willie Crocker
Sarah Isaac
Josephine McBeth
Theresa Sexton
Jason Wright

TOWN ADMINISTRATOR

Allison Gantte

TOWN CLERK

Toni Kirby

Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - How Code designated and cited.

The provisions of this and the following chapters and sections shall constitute and be designated the "Code of Ordinances of the Town of Pacolet, South Carolina" and may be so cited. It may also be cited as the "Pacolet Municipal Code."

Sec. 1-2. - Town seal.

The seal of the Town of Pacolet shall consist of two (2) oval circles depicting a tree and railroads in the left circle and a waterfall with a Native American on horseback in the right circle. Surrounding these shall be two (2) concentric circles. To the top the words "Town of Pacolet" shall be printed with "South Carolina" at the bottom. Inside the outer circle the words "Community", "Industry", "Heritage" and "Education" shall appear. The seal shall be affixed to all deeds, notes, and bonds, contracts and other formal documents executed on behalf of the Town

Sec. 1-3. - Definitions and rules of construction.

In the construction of this Code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise:

And, or. The term "and" may be read as "or" and the term "or" may be read as "and" where the sense requires it.

Bond. When bond is required, it shall be written by a surety acceptable to the Town Council.

Council or Town Council. The term "Council" or "Town Council" means the Town Council of the Town of Pacolet, South Carolina.

Code. The term "Code" means the Code of Ordinances of the Town of Pacolet, South Carolina, as designated in section 1-1.

Computation of time. In computing any period of time prescribed or allowed by this Code, the day of 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 such 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.

State Law reference— Similar provisions, South Carolina Rules of Civil Procedure, Rule 6((a).

County. The term "county" means the County of Spartanburg, State of South Carolina.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the Town to do some act or to make certain inspections, it is to be construed to authorize the head of the department or other officer of the Town, as the case may be, to designate, delegate and

authorize subordinates to perform the required act or make the required inspection unless the terms of the provision designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

May. The term "may" shall be permissive.

Month. The term "month" means a calendar month.

Number. Words used in the singular number shall include the plural and the plural shall include the singular number.

Oath, swear, sworn. The term "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases, the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Officers, departments, etc. Whenever the title of an officer, department, board or other agency is given, it shall be construed as though the words "of the Town of Pacolet, South Carolina" were added.

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association, organization and any other group as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property, except real property as defined in this section.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property and real estate. The terms "real property" and "real estate" includes lands, tenements and improvements thereon.

Roadway. The term "roadway" means that portion of a street improved, designed or ordinarily used for vehicular travel.

Shall. The term "shall" is mandatory.

Sidewalk. The term "sidewalk" means 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. The term "signature" or "subscription" includes a mark when a person cannot write.

State. The term "state" shall be construed to mean the State of South Carolina.

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

Tenant or occupant. The term "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or part of such building or land, whether alone or with others.

Town. Means the Town of Pacolet, or the area within the territorial limits of the Town, and such territory outside the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

Writing or written. The term "writing" or "written" includes printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

Sec. 1-4. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are only intended to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section.

Sec. 1-5. - References.

The editor's notes and state law references appearing in the Code are merely for information to assist the user of the Code and are of no legal effect.

Sec. 1-6. - History notes.

The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-7. - Repeal of an ordinance.

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

Sec. 1-8. - Annexed property.

All property annexed to the Town pursuant to the laws of the state shall become a part and parcel of the Town upon the passage of an ordinance of annexation by the Town Council, and shall be subject to all the rights, privileges and duties of all other property in the Town.

Sec. 1-9. - Certain ordinances, rights, etc., 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, or 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) Granting any right or franchise and establishing any rates therefor;
- (3) Levying or imposing taxes, not inconsistent with this Code;
- (4) Adopting community antenna television system regulations;
- (5) Providing for local improvements and assessing taxes therefor;
- (6) Adopting, extending or contracting the boundaries of the Town;
- (7) Pertaining to zoning or subdivision regulations; or
- (8) Any other ordinance, or part thereof, which is not of a general and permanent nature.
- (9) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the office of the Clerk-treasurer.

- (b) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

Sec. 1-10. - Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections or subsections or any part thereof by a subsequent ordinance, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:
- (1) That section _____ of the Code of Ordinances of the Town of Pacolet, South Carolina, is hereby amended to read as follows: The new provisions shall then be set out in full.
 - (2) In the event a new section not heretofore existing in the Code is to be added, the language shall be: That the Code of Ordinances of the Town of Pacolet, South Carolina, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section (or article or chapter) reads as follows: The new provisions shall then be set out in full.
 - (3) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number as the case may be.

Sec. 1-11. - 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 Town 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, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In the preparation of 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 subject to the Town Council's approval make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such 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 article," "this division," etc., 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);
 - (5) Make other nonsubstantive 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.

Sec. 1-12. - Severability of parts of Code.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the final judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Code.

Sec. 1-13. - Municipal ordinance summons.

- (a) Any person or entity violating any provision of this Code, or Code adopted pursuant thereto, within the Town corporate limits may be issued a uniform ordinance summons. 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. 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. 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. The uniform ordinance summons shall not be used to perform a custodial arrest.
- (b) The form attached to the ordinance from which this section is derived, is hereby adopted as the Town's uniform ordinance summons.

Sec. 1-14. - General penalty; continuing violations.

Whenever in this Code or in any ordinance of the Town any act is prohibited, or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided for, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of

not more than \$500.00 or by imprisonment not exceeding 30 days or both. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Chapter 2 - ADMINISTRATION

ARTICLE I. - IN GENERAL

*State law reference—General structure, organization, powers, duties, functions and responsibilities of all municipalities, S.C. Code 1976, § 5-7-10 et seq.; Freedom of Information Act, S.C. Code 1976, § 30-4-1 et seq.; municipal employees and officials subject to Ethics Reform Act, S.C. Code 1976, § 8-13-100; council meetings generally, S.C. Code 1976, § 5-7-250; council to determine its own rules and order of business, S.C. Code 1976, § 5-7-250(b).

Secs. 2-1—2-18. - Reserved.

ARTICLE II. - FORM OF GOVERNMENT

Sec. 2-19. - Form of government.

The Town of Pacolet shall hereafter be governed under the Council form of government with a municipal Council composed of the Mayor and six Councilmembers. The Mayor shall be elected at large. The six Councilmembers shall be elected from the six respective districts.

*State law reference— Council form of government, S.C. Code 1976, § 5-11-10 et seq.

Sec. 2-20. - Responsibilities of the Mayor.

The Mayor shall serve as one voting member of the overall Town Council. He shall have one vote just like other Councilmembers. Further, the Mayor will:

- (1) Preside over all Town Council meetings;
- (2) Represent the Town at all ceremonial events;
- (3) Sign all bonds, documents, and papers on behalf of the Town Council.

Sec. 2-21. - Council.

All legislative and administrative powers of the Town of Pacolet and the determination of all matters of policy shall be vested in the Town Council. Each member of Council, including the Mayor, shall have one vote. More specifically the Council shall have the following powers:

- (1) To establish municipal departments, offices or agencies in addition to those created in chapters 1 through 17, S.C. Code of Laws, 1976, as amended, and may prescribe the functions of all departments, offices and agencies. The Council may hire an Administrator, either full-time or part-time, via contract or as a consultant, to assist the Council as needed. In such case, the Council shall have the authority to clearly define the responsibilities and powers via contract or job descriptions for any Administrator they may elect to hire.
- (2) All departments, offices and agencies may be administered by an officer appointed by and subject to the direction and supervision of the Council. Council may elect to delegate said responsibility to the hired Administrator.
- (3) The Town Council shall adopt annually, prior to the beginning of the fiscal year, operating and capital budgets for the operation of Town government and shall in such budgets identify the sources of anticipated revenue including taxes necessary to meet the financial requirements of the budgets adopted. The Council shall further provide for the levy and collection of taxes necessary to meet all budget requirements except as provided for by other revenue sources.

The Town Council reserves the right to delegate the initial preparation of required budgets to the individual hired as the Town Administrator.

Sec. 2-22. - Mayor Pro Tempore.

The Mayor and Council shall, at the first meeting of the newly constituted Council after any general election for Council, elect one of its members as Mayor Pro Tempore for a term of two years. The Mayor Pro Tempore shall act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the office of the Mayor, the Mayor Pro Tempore shall serve as the Mayor until a successor is elected.

Sec. 2-23. - Compensation.

- (a) The annual salary of the Mayor and Councilmembers shall be as established from time to time by ordinance, subject to state law.
- (b) No ordinance changing these salaries shall become effective until the date of commencement of the terms of the Mayor and Councilmembers elected at the next general election following any change.
- (c) The Mayor and Councilmembers may also receive payment for actual expenses incurred in their performance of their official duties.

Secs. 2-24—2-49. - Reserved.

ARTICLE III. - MEETINGS OF MAYOR AND COUNCIL

Sec. 2-50. - Date and time.

- (a) Regular meetings of the Mayor and Council shall be held at 7:00 p.m. on the first Thursday of each month, unless changed by a majority vote of the members, with a quorum present, at any regular or special meeting.
- (b) The Clerk-treasurer shall give written public notice of all regular meetings of Council at the beginning of each calendar year.

Sec. 2-51. - Quorum and rules of order.

- (a) A majority of Councilmembers serving constitutes a quorum for the conducting of business at any meeting. The Mayor or Mayor Pro Tempore shall preside, except when both are absent the members present shall elect a presiding member. A member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum.
- (b) Except as otherwise required by state law or this Code, all proceedings shall be governed by Roberts' Rules of Order, Newly Revised Edition, and the Town attorney shall act as parliamentarian. Questions of order shall be decided by the Mayor without debate, subject to appeal to the Council.

Sec. 2-52. - Agenda.

Matters to be considered by Council at a regular or special meeting shall be placed on a written agenda publicly posted by the Town Clerk at least 24 hours prior to the meeting. The deadline for agenda item requests is 24 hours prior to the agenda being posted. Matters not on the agenda may be considered upon request of a member unless two members object.

Sec. 2-53. - Meetings of Council.

- (a) Special meetings of Council may be held on the call of the Mayor or a majority of members of Council. The Town Clerk shall at least 24 hours prior to a special meeting post notice and agenda on the bulletin board and give notice to all available members of Council, persons, organizations, and news media which request notification.

- (b) All regular and special meetings of Council shall be open to the public.
- (c) Any Council person may have two unexcused absences during the year without a reduction in pay. After two absences, the member will not be paid for any other absence.

Sec. 2-54. - Executive sessions.

- (a) By majority vote in a public meeting, Council may hold an executive session as permitted by the South Carolina Freedom of Information Act, S.C. Code 1976, § 30-4-70.
- (b) No vote or formal action shall be taken in executive session.
- (c) Minutes of executive sessions shall not be taken, unless required by majority vote of Council. Minutes of executive sessions shall not be public records.
- (d) It shall be unlawful for a member of the Council or person in attendance to disclose to another person or make public the substance of a matter discussed in executive session.

Sec. 2-55. - Voting requirements.

- (a) All actions of Council shall be by majority vote of members present at a public meeting, including suspension of a rule of order; provided that an ordinance amending rules of order shall be adopted by a majority of members serving.
- (b) Every member of Council present, including the Mayor or presiding member, shall vote on every question, except when required to refrain from voting by state law. Any voluntary abstention from voting shall be recorded in the minutes as a vote in favor of the motion.
- (c) A roll call vote may be requested by any member of Council.
- (d) The vote on every question shall be recorded in the minutes.
- (e) No member of Council may leave the Council chambers while in public session without permission of the presiding officer.

Sec. 2-56. - Motions.

- (a) A motion may be made orally or in writing.
- (b) A motion to reconsider must be made by a member who voted with the majority, and it must be made at the same or next succeeding meeting.
- (c) A substitute motion may be made only for purposes of restating and clarifying a motion and amendments; it may not be used to introduce a new or alternative proposal.

Sec. 2-57. - Minutes of meetings.

The Town Clerk shall keep minutes of all public meetings which shall be a matter of permanent public record. At each regular Council meeting the minutes of the previous meeting must be presented for approval. Minutes do not constitute the official record of a meeting until approved by Council.

Sec. 2-58. - Appearance of citizens.

Any citizen of the Town may speak at a regular meeting on a matter pertaining to municipal services and operations, except personnel matters, by signing an agenda maintained by the Clerk prior to the meeting, stating the subject and purpose for speaking. Each person who gives notice may speak at a time designated by the Mayor and shall be limited to a three-minute presentation at the discretion of the Mayor.

Sec. 2-59. - Clerk to attend; duties.

The Town Clerk is ex officio Clerk of Council. The Clerk shall give notices of meetings, post agendas, attend regular and special meetings, record votes of Council, keep minutes of Council meetings, and perform such other duties as may be assigned.

Sec. 2-60. - Ordinances required; form and enactment.

- (a) Council shall act by ordinance in all matters required by law to be done by ordinance, including, but not limited to, the following:
 - (1) Adopt or amend an administrative code or Code of Ordinances.
 - (2) Provide for a fine or other penalty.
 - (3) Appropriate funds and adopt a budget.
 - (4) Grant, renew or extend franchises.
 - (5) Levy taxes or establish charges for services.
 - (6) Annex area to the Town.
 - (7) Sell or lease, or contract to sell or lease, any land owned by the Town.
 - (8) Amend or repeal any ordinance.
- (b) In all other matters Council may act either by ordinance or resolution, written or oral, recorded in minutes.
- (c) An ordinance must be prepared in writing and introduced in the form required for final adoption.
- (d) No ordinance may be adopted until it has been read two times and on separate days with at least six days between each reading.
- (e) 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.
- (f) An ordinance may be amended on final reading.
- (g) Upon final reading, an ordinance shall be signed by the Mayor or presiding member of Council and attested by the Town Clerk, who shall file the original with the minutes in the permanent public records.

Sec. 2-61. - Emergency ordinances.

- (a) To meet public emergencies affecting life, health, safety or the property of the people, the Council may adopt emergency ordinances, but such ordinances shall not levy taxes; grant, renew or extend a franchise; or impose or change a service rate.
- (b) Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of Council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements or public notice requirements.
- (c) Emergency ordinances shall expire automatically as of the 61st day following the date of enactment.

Secs. 2-62—2-82. - Reserved.

ARTICLE IV. - OFFICERS AND DEPARTMENTS

Sec. 2-83. - General employment policy.

- a) Except as otherwise provided by law, all officers and employees of the Town shall serve at the pleasure of the Council and may be suspended or terminated when the Council deems it necessary for the good of the Town.
- b) It is hereby declared to be the policy of the Town that, notwithstanding any policies, memoranda, or handbooks promulgated by the Town or any employment practices of the Town:
 - (1) All employees of the Town are employed at-will and may resign or be discharged from employment at any time.

- (2) Only the Town Council shall have the right to enter into contracts for other than at-will employment on the Town's behalf. Any contract for other than at-will employment must:
 - a) Be in writing;
 - b) Be executed by the Town Council;
 - c) Specify the duration of the employment;
 - d) Specifically, state that the contract is being created pursuant to the Town Council's authority under this section.

Article V. - Town Administrator

The position of Town Administrator is hereby created and established to assist the Mayor and Council and governed by the provisions in this article.

- (a) The Council shall appoint a Town Administrator and fix his/her compensation.
- (b) The Town Administrator shall be appointed solely on the basis of his/her executive and administrative qualifications.
- (c) For the purposes of this article, the short title "Administrator" may be used.

Sec. 2-84- Term

The Administrator shall serve at the pleasure of the Town Council for an indefinite term.

Sec. 2-85.- Bond.

The Administrator shall enter into an approved bond in such sum as prescribed by the Town Council, conditioned for the faithful and honest performance of the duties of such office. The Town shall pay the cost of such bonds.

Sec. 2-86. - General duties.

The Administrator shall be responsible to the Town Council for the proper administration of the policies and affairs of the Town and, to that end, shall have the power and authority and be required to:

- (1) Direct, supervise and coordinate the administrative activities and operations.
- (2) Appoint or dismiss the Police Chief, Municipal Judge or Town Clerk with the approval of Council.
- (3) Appoint or dismiss all other Town employees and may suspend any employee as provided in the Town of Pacolet Employee Handbook.
- (4) Recommend and administer personnel policies, classification, compensation and evaluation for all employees.
- (5) Have responsibility of all personnel files, American Disability Act files and benefit packages.
- (6) Prepare a proposed annual operating budget and capital program (in consultation with the Town Clerk, Council, department heads and financial advisors) to Town Council for review and consideration.
- (7) Monitor the financial condition of the Town and estimate present and future financial needs.
- (8) Prepare a quarterly analysis of the financial condition of the Town.
- (9) Recommend, implement and administer policies governing purchasing procedures and inventory control.
- (10) Combine or consolidate job positions within departments as necessary or prudent, maximizing manpower utilization and efficiency.

- (11) Authorize the purchase of services, materials, supplies, and equipment which do not require the taking of bids, provided such items are appropriate in the Town's various fund accounts; responsible for authorizing requisitions and purchase orders and record trails.
- (12) Authorize shifts in departmental budget line items, provided overall department budget appropriations do not change.
- (13) Authorize shifts in departmental budgets, with approval of the Council, provided overall budget appropriations do not change.
- (14) Investigate complaints concerning administrative matters and personnel performance with heads of departments.
- (15) With the approval of the Council, delegate authority to other administrative officers subject to his direction and supervision to exercise specified duties and responsibilities as may be considered appropriate.
- (16) Provide Council with the information, guidance, and leadership in matters of policy determination.
- (17) Actively investigate the opportunities available to the Town in relation to federal grants, state and county shared services and money and prepare the necessary papers, etc., upon approval of the Council.
- (18) Attend all regular and called Council meetings, and all other meetings as he deems necessary in the function of Administrator, and keep Council informed of all changes in updated legislation, mandates and federal and state requirements.
- (19) Confers with Town attorney and labor attorney, along with representatives of other units of government on matters of mutual concern.
- (20) Monitors all Town operations for conformity to the Town ordinances, and Council policies and guidelines to ensure efficient operation.

Sec. 2-87. - Removal from office.

The Administrator may be removed from office by a majority vote of the Council. Those members voting for removal shall state their reasons for such a vote. The actions of the Council in removing the Administrator shall be final. In all cases the Administrator shall receive thirty (30) days' notice of his removal, or severance pay for thirty (30) days where such removal is made effective by a majority vote of the Council.

Sec. 2-88. - Communication between Administrator and Council.

The Administrator shall relate to and communicate with the Council on any and all problems, situations and conditions which shall arise concerning any department of activity of the Town which, in the opinion of the Administrator is of significance. Except for the purposes of inquiry, the Council shall communicate directly with the Administrator in all matters concerning any department or activity of the Town. No member of the Council shall give orders to any subordinate of the Administrator, except in the case of emergency.

Sec. 2-89. - Eligibility of Mayor and Council members for office.

The Mayor and Council members shall be ineligible to hold the office of Town Administrator for a period of two (2) years after the expiration of their respective terms of office.

Sec. 2-90. - Clerk-treasurer.

The Town Administrator shall appoint, with approval of Council, a suitable person as Clerk-treasurer. The Clerk-treasurer shall give notice of Council meetings to its members and the public, kept the minutes of its proceedings and perform such other duties as may be required by the Mayor and Council.

Sec. 2-91. - Town attorney.

The Town Council shall appoint a Town attorney in accordance with the provisions of state law. The Town attorney shall possess all powers and perform all of the duties required by the laws of the state and such other duties as may be prescribed by the Town Council.

It shall be the duty of the Town attorney whenever called upon by the Mayor and Council to give advice on all legal questions which may arise in the course of the administration of the Town government; whenever required to do so by the Mayor and Council, he/she shall give his/her legal opinion in writing.

The Town attorney shall appoint or employ from time to time such person or persons to provide legal services to the Town and to assist the Town attorney in carrying out duties of the legal officer for the Town. He/she shall draw or supervise the drawing or drafting of all ordinances and other instruments relative to the business of the Town; and shall whenever notified to do so, attend the meetings of the Mayor and Council and perform such other duties as required by the Mayor and Council.

Secs. 2-92—2-119. - Reserved.

ARTICLE VI. - FINANCIAL ADMINISTRATION

Sec. 2-120. - Fiscal year.

The fiscal year of the Town shall begin on July 1 of each calendar year and shall end on June 30 of the following year.

Sec. 2-121. - Annual budget.

Annually, prior to the beginning of the fiscal year, the Town Administrator shall prepare a budget setting forth all proposed expenditures for the administration, operation and maintenance of all departments of the Town for which appropriations are required to be made or taxes levied by Town Council, all expenditures for capital projects to be undertaken or executed during the fiscal year, all interest and debt redemption charges during the fiscal year, and the actual estimated operating deficits from the prior fiscal years. In addition, the budget estimates shall set forth the anticipated income and other means of financing the total proposed expenditures of the Town government for the fiscal year. The Town Administrator shall present the budget to the Town Council. The Town Council shall adopt a budget and pass the tax levy ordinance, or such other ordinances as may be required to make the budget effective prior to the start of the fiscal year.

Sec. 2-122. - Annual tax.

The Town Council shall impose by ordinance an annual tax as shall be necessary for general corporate purposes on all real estate lying within the corporate limits of the Town and on all personal property within the corporate limits of the Town, except any real or personal property which is exempt from taxation by the constitution and state laws. Such tax shall be levied by the Town Council based on the assessed valuation as determined by the county.

Secs. 2-123—2-140. - Reserved.

ARTICLE VI. - PURCHASING AGENT

Sec. 2-141. - Purchasing agent, specified duties.

The Town Administrator, or an officer of the Town designated by him/her, shall be the purchasing agent for the Town. He/she shall be responsible for:

- (1) The purchase of supplies, materials and equipment and contractual services by any office, department or agency of the Town government.
- (2) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the Town government.
- (3) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the Town government. Such specifications shall be definite and certain and shall permit competition.
- (4) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses.
- (5) Soliciting and maintaining a current list of qualified suppliers who have requested their names to be added to a "bidders list." The purchasing agent shall have authority to remove the names of vendors who have defaulted on their quotations, attempted to defraud the Town or who have failed to meet established specifications or delivery dates.
- (6) Obtaining as full and open competition as possible on all purchases, contracts and sales.

Sec. 2-142. - Formal contract procedure.

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

Sec. 2-143. - Bidding, competitive section required, exception.

Before any purchases or contracts for supplies, materials, equipment or services exceeding \$500.00 are made, the purchasing agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding \$1,000.00, oral bids may be accepted. All other bids shall be in writing. Competitive bidding shall be encouraged for all contracts, purchases or sales. In the event of an emergency affecting the public welfare, the health or safety of the public or Town employees, however, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the purchasing agent with the Town Council and shall be entered in the minutes of the Council.

Sec. 2-144. - Advertising, when required.

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

Sec. 2-145. - Bid deposits.

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

Sec. 2-146. - Sealed bid procedures.

Procedures for sealed bids shall be as follows:

- (1) Sealing. Bids shall be submitted to the purchasing agent securely sealed in an envelope and shall be identified on the envelope in accordance with bid instructions.
- (2) Opening. Bids shall be opened in public at the time and place stated in the public notices.
- (3) Tabulation. A tabulation of all bids received shall be available for public inspection.
- (4) Rejection of bids. The purchasing agent shall have the authority to reject all bids, parts of bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.
- (5) Bidder in default to Town. The purchasing agent shall not accept the bid of a contractor or vendor who is delinquent in payment of taxes, license or other moneys due the Town.
- (6) Award of contract.
 - (a) Authority in agent. The purchasing agent shall have the authority to award contracts within the purview of this article; provided, however, that contracts in excess of \$3,000.00 shall not be awarded without prior approval of the Council.
 - (b) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the purchasing agent shall consider:
 - 1) The ability, capability and skill of the bidder to perform the contract and provide the service required;
 - 2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - 3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - 4) The quality of performance of previous contracts or services;
 - 5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;
 - 6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - 7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - 8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and
 - 9) The number and scope of conditions attached to the bid.
- (7) Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the papers relating to the transaction and held for a period of no less than 12 months.
- (8) Tie bids, local vendors. If all bids received are the same total amount or unit price, quality and service are equal, the contract shall be awarded to the local bidder. If two or more of such bids are submitted by local bidders, the purchasing agent shall award the contract to one of the local bidders by drawing lots in public. If local bidders are not involved in tie bids, the purchasing agent shall

award the contract to one of the outside tie bidders by drawing lots in public. The purchasing agent, local bidders and vendors should bear in mind, however, that to award a contract to a local vendor where he is not the lowest responsible bidder, or where price, quality and service are not equal, is to give preference to one minute segment of the citizenry against the best interest of the community as a whole.

- (9) Performance bonds. The purchasing agent shall have the authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interest of the Town.
- (10) Bonds. The purchasing agent may require a payment bond and a labor and material bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the public interest of the Town.

Sec. 2-147. - Materials testing.

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

Sec. 2-148. - Financial interest of Town officials and employees prohibited.

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

Sec. 2-149. - Records of open market orders and bids.

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

Sec. 2-150. - Stock reports.

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

Sec. 2-151. - Surplus stock.

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

Sec. 2-152. - Supplies unsuitable for public use, sale or exchange.

The purchasing agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder, unless otherwise authorized by the Council. All moneys received from such sales shall be paid into the appropriate fund of the Town.

Sec. 2-153. - Gifts and rebates.

The purchasing agent and every officer and employee of the Town are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the Town.

Sec. 2-154. - Cooperative purchasing.

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

Chapter 3 – RESERVED

Chapter 4 – ANIMALS

ARTICLE I. - IN GENERAL

*State Law Reference-Animals, livestock and poultry, S.C. Code 1976, Title 47; municipal authority regarding care and control of animals, S.C. Code of Laws 1976, § 47-3-20; municipal powers not limited by state law, S.C. Code of Laws 1976, § 47-3-70; regulation of dangerous animals, S.C. Code of Laws 1976, § 47-3-710 et seq.; rabies control. S.C. Code 1976, § 47-5-10 et seq.

Sec. 4-1. - Definitions.

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

Non-domestic animal is defined as any wild animal which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property.

Farm animal is defined as an animal that is normally found on a farm, ranch, or stable. Such animals include, but are not limited to, horses, cattle, sheep, goats, chickens, ducks, guineafowl, and swine.

Sec. 4-2. - Prohibited animals.

No person shall keep, maintain, or harbor within the Town any of the following animals:

- (1) Any animal or species prohibited by state or federal law.
- (2) Any non-domestic animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, or de-scented or not de-scented.
 - (b) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats.
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs.
 - (d) Any crossbreed, such as the crossbreed between dogs and coyotes or dogs and wolves, but not including crossbred domesticated animals.
 - (e) Any poisonous pit viper, such as rattlesnake, coral snake, water moccasin, or cobra.
 - (f) Any raccoon.
 - (g) Any other animal that is not listed explicitly above, but that can be reasonably defined by the terms in section 4-1 of this article, including bears and badgers.
- (3) Any farm animal, except domesticated female chickens as permitted according to section 4-5 of this article.

Sec. 4-3. - Selling prohibited.

No person shall offer for sale, within the Town limits, any animal prohibited in section 4-2 of this article.

Sec. 4-4. - Exceptions to prohibited animals.

- (a) Non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, hedgehogs, chinchillas, lizards, and other small animals capable of being maintained continuously in cages are exempt from the prohibitions specified in section 4-2.

- (b) Any animal specifically trained and certified for the assistance of the handicapped or disabled is exempt from the prohibitions specified in section 4-2.

Sec. 4-5. - Performing animal exhibitions.

- (a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause, physical injury or suffering.

- (b) All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 4-6. - Reckless riding or driving.

The riding of any horse or other animal unusually fast, endangering the life or limb of any citizen, or driving in any buggy or other vehicle unusually fast, endangering the life or limb of any citizen within the Town, is hereby prohibited. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 4-7. - Running at large- Prohibited.

- (a) It shall be unlawful for the owner or person in control of any horse, mule, ass, genet, swine, sheep, goat or any neat cattle of any description to permit such animal or any other domestic animal to run at large beyond the limits of his own land or lands leased, occupied or controlled by him. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

- (b) Any person or persons violating the provisions of this ordinance by allowing any of said stock or animals to run at large or tie or stake same in or near the public streets of said Town, or upon the premises of private individuals without their consent shall, upon conviction, be punishable under Section 1-14.

Sec. 4-8. - Poisoning animals.

It shall be unlawful for any person to put or place any strychnine, other poisonous compounds or ground glass on any beef or other foodstuffs of any kind in the Town with the intent to poison any animal; provided, that this section shall not apply to the poisoning of insects or worms for the purpose of protecting crops or gardens by spraying plants, crops or trees, nor to poisons used in rat extermination.

Sec. 4-9. - Disposal of dead animals.

The bodies of dead animals shall be disposed of by the owner or other person having control thereof, by burial or other means consistent with good health and sanitation practices, but in no case shall such person allow any dead animal to remain on his premises for a period longer than twenty-four (24) hours.

Sec. 4-10. - Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas or private property.

Sec. 4-11. - Rabies control.

It shall be unlawful for any dog owner to fail to comply with the laws of the state relating to the control of rabies or to fail to provide any dog with a suitable collar or harness for the wearing of a rabies tag and to fail to see that the tag is worn by the dog at all times.

Sec. 4-12. - Barking or howling; dogs or other animals.

No person shall keep or maintain a dog or other animal that barks, howls or otherwise makes or causes noise in excessive fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons of ordinary sensibilities.

Secs. 4-13 – 4-30. – Reserved

CHAPTER 5 - RESERVED

Chapter 6 – BUILDING AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

*State law references: Building codes, S.C. Code 1976, § 6-9-5 et seq.; adoption by reference of certain codes, S.C. Code 1976, § 6-9-60; derelict mobile homes, S.C. Code 1976, § 6-1-150 et seq.; local government may not enforce a nationally recognized building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); local government responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

Secs. 6-1—6-17. - Reserved.

ARTICLE II. - TECHNICAL CODES

Sec. 6-18. - Codes adopted.

The currently adopted building codes enforced in the Town of Pacolet are those, which the State of South Carolina has mandated by legislation and as posted by the South Carolina Labor, Licensing and Regulation Building Codes Council (www.llr.state.sc.us/POL/BCC/). In addition, the Town of Pacolet, by local ordinance also adopts Chapter I Administration in its entirety as referenced in the enacted International Codes.

ARTICLE III. UNSAFE BUILDINGS

Sec. 6-19. - Standard Unsafe Building Abatement Code adopted.

There is hereby adopted by the Town for the purpose of establishing methods, rules and regulations for the abatement of unsafe buildings that certain code known as the Standard Unsafe Building Abatement Code, most recent edition, published by the International Property Maintenance Code, 2015 edition, which edition is on file in the office of the building official, to the same extent and in the same manner as if it were printed herein in its entirety.

Sec. 6-20. - Failure of owner to comply with notice; remedy by Town; collection of costs.

- a) If the owner of any unsafe building shall fail to comply with the final notice and order of the Town Administrator or his designated representative to repair, remedy or demolish any building determined to be unsafe in the Town, the Town Administrator may cause such unsafe building to be determined or removed.
- b) Any and all furniture or personal property found within such building may be sold by the Town and any all material resulting from the demolition of such unsafe building may be sold by the Town and all proceeds thereof shall be credited against the cost of the removal or demolition. Any balance remaining from the sale of all furniture or personal property shall be held by the Town Clerk of the Town and disbursed to such persons as shall be found entitled thereto. The demolition or removal of such building shall not preclude the prosecution of the owner for failing to comply with the provisions of this article.
- c) If the materials of such building and any furniture or personal property found therein fail to bring a sufficient amount to defray the cost of demolition or removal, then the cost of demolition or any balance remaining thereon shall constitute a lien against the real property upon which such cost was

incurred. The Town Clerk shall maintain a ledger listing any and all liens resulting from the enforcement of this section.

Sec. 6-21. - Security of dwelling units so as to prevent casual entrance by unauthorized personnel.

All units must be secured so as to preclude entrance into the dwelling units by unauthorized personnel.

Sec. 6-22. - Violation of failure to secure dwelling units.

The failure of the owner of any dwelling unit to secure a residential unit within ten (10) days after written demand by the Town to secure the dwelling shall constitute a violation of this Code and be subject to general penalty as contained in section 1-14 herein as a continuing violation. The Town may at its option secure the dwelling and tax the costs of securing the unit as a lien upon the property.

Secs. 6-23--6-29. - Reserved.

ARTICLE VI. DEMOLITION

Sec. 6-30. - Time limit established.

Whenever a permit is issued for the demolition, tearing down or destruction of any building or structure in the Town, the owner, contractor or person securing such permit shall complete the demolition, tearing down or destruction within thirty (30) days after beginning work. Demolition is defined as the act of razing and dismantling of a building or structure or portion thereof to the ground level.

Sec. 6-31. - Extension of time.

Wherever a building or structure to be demolished is of such size that it cannot be demolished within thirty (30) days, the owner, contractor or person securing the permit may apply to the Town Administrator for additional time within which to complete the tearing down or demolition; provided, that it is shown that work has been regularly and continuously performed and will be regularly and continuously performed until completion of the demolition.

Secs. 6-32--6-41. - Reserved.

ARTICLE V. DWELLINGS AND DWELLING UNITS UNFIT FOR HUMAN HABITATION

Sec. 6-42. - Declaration of existence of substandard dwellings and dwelling units.

The Town Council finds and hereby declares that there exist, within the corporate limits of the Town, dwellings and dwelling units which are unfit for human habitation, due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or other conditions rendering such dwellings and dwelling units unsafe or unsanitary, dangerous or detrimental to the health, safety or morals or otherwise inimical to the welfare of the residents of the Town.

Sec. 6-43. - Responsibility of occupant.

The occupant shall be responsible for:

- (1) Keeping water and electrical service turned on to the property at all times when the dwelling is occupied by humans;
- (2) Protecting the water system serving the dwelling by cutting off and draining the system in cold weather where cutoffs are provided by the owner;

- (3) Providing adequate covered containers with tight-fitting lids for refuse and trash and maintaining the dwelling or dwelling unit in a clean and sanitary condition, free from accumulation of filth, dirt, rubbish or garbage and free from vermin infestation or harbors. This shall be the responsibility of the occupant with the exception of the shared or public portion of multi-dwelling, which portion shall be the responsibility of the owner.

Sec. 6-44. - Violations of article by occupant of dwelling.

Any occupant, individually, or the representative of any occupant, who interferes in the enforcement of this article or who fails to comply with any orders issued by the Town Council when such orders apply to the occupant of the dwelling or dwelling unit, or who shall damage, mutilate or remove or who shall cause to be damaged, mutilated or removed from or in a dwelling or dwelling unit any of its facilities or any other part or parcel of the dwelling or dwelling unit, or shall willfully or maliciously deposit any material in any plumbing fixture which results in the obstruction of the sanitary sewer or the blockage of the plumbing fixture, upon conviction thereof before the Town recorder, shall be punished as provided by section 6-45. This provision shall not relieve the owner of the responsibility of relieving any plumbing blockage.

Sec. 6-45. - Penalty for violation of article.

The owner of any dwelling or dwelling unit unfit for human habitation under the various sections of this article who shall fail to comply with any final orders to repair, vacate or demolish such dwelling or dwelling unit issued by the Town Council shall be guilty of a misdemeanor. Any person removing or defacing any notice posted on any dwelling or dwelling unit by any authorized officer under the terms of this article shall be guilty of a misdemeanor, and any person, individually, or as the representative of any person, who shall otherwise violate any of the terms or provisions of this article, or interfere in any way with the enforcement thereof, or shall receive or collect rental accruing after the expiration of the time limit set forth in any final order issued by the Town Council or who shall damage, mutilate or remove or who shall cause to be damaged, mutilated or removed from or in a dwelling or dwelling unit any of its facilities referred to in section 6-42 shall be guilty of a misdemeanor.

Sec. 6-46. - Article cumulative; not to restrict Town's power to declare, abate, etc., nuisances.

Nothing in this article shall be construed to impair or limit in any way the power of the Town to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The measures and procedures provided for in this article do not supersede, and this article does not repeal, any other measures or procedures which are provided by ordinance or by state law for the elimination, repair or correction of the conditions referred to in section 6-42, but the measures and procedures provided for in this article shall be in addition to the others.

Secs. 6-47 – 6-99. - Reserved.

ARTICLE VI. HISTORIC BUILDINGS

DIVISION 1. GENERALLY

Secs. 6-100—6-149. - Reserved.

DIVISION 2. ALTERATIONS AND FIRE STANDARDS

Sec. 6-150. - Definitions.

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

Building system means any utility, mechanical, electrical, structural, egress or fire protection and safety system.

Enforcement authority means the building official and fire chief.

Historic buildings or districts means any building or area so designated by the state department of archives and history or Town Council being placed on the state or local register for historic buildings.

Sec. 6-151. - Intent and purposes.

(a) The intent of this division is to:

- (1) Provide guidelines for the uniform application of fire and building related codes to historic buildings and structures;
- (2) Define certain terms;
- (3) Provide acceptable alternative safeguards to requirements of various fire and building code provisions where strict compliance is not practical;
- (4) Specify various hazardous conditions in historic buildings and structures which should not be permitted to exist;
- (5) Provide construction and fire safety standards for historic buildings;
- (6) Exempt historic buildings from certain laws and regulations;
- (7) Provide for other matters relative thereto.

(b) The purpose of this division is to encourage the rehabilitation, restoration, stabilization or preservation of historic buildings throughout the Town and encourage the preservation of buildings and structures deemed to be historic; provided, however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. This division also provides guidance regarding acceptable alternative solutions and encourages enforcement authorities to utilize alternative compliance concepts wherever practical to permit the continued use of historic buildings and structures without overly restrictive financial burdens on owners or occupants.

(c) This division shall not be applicable to new construction, except as specifically provided in this division.

Sec. 6-152. - Application of division.

This division authorizes the enforcement authority to permit the repair, alteration, addition or change of use or occupancy of historic buildings without total compliance with any rule, regulation, code or standard for new construction requirements under the following conditions:

- (1) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for historic buildings, and outlined in section 6-153, shall be corrected to a reasonable and realistic degree as set forth in this division.
- (2) The degree of compliance of the building and applicable codes after changes must be below that existing before the changes.

Sec. 6-153. - Hazardous conditions.

With reference to authorized historic buildings the enforcement authority should ensure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate and through the utilization of appropriate compliance alternatives:

- (1) Structural. Any building or structure or portion thereof which is in imminent danger of collapse because of but not limited to the following factors:
 - i. Dilapidation, deterioration or decay,
 - ii. Faulty structural design or construction,
 - iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building, or
 - iv. The deterioration, decay or inadequacy of the foundation;
- (2) Number of exits. Less than two (2) approved independent, remote and properly protected exit ways serving every story of a building, except where a single exit way is permitted by the applicable building code;
- (3) Capacity of exits. Any required door, aisle, passageway, stairway or other required means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety;
- (4) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

Sec. 6-154. - Additions.

Additions to a historic building shall comply with the applicable requirements of state and local laws, rules, regulations, codes and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this division and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

- (1) The new addition to be separated from the existing structure by at least a two-hour fire wall opening therein properly protected; or
- (2) The installation of an approved automatic fire suppression system; or
- (3) Other remedies which may be deemed appropriate by the enforcement authority.

Sec. 6-155. - Minor alterations and new mechanical systems.

Minor alterations or repairs which do not adversely affect the performance or safety of the building may be made with the same or like materials. Historic buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this division, provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed shall fully conform to applicable codes for new construction practical as approved by the authorized enforcement authorities.

Sec. 6-156. - Change in use.

- (a) A total change in the use or occupancy of an historic building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes, and standards for the new use or occupancy; provided, however, the compliance alternative provisions of this division may be utilized by

enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes or standards is not practical.

- (b) When the proposed use is of equal or lesser hazard as determined by the enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this division. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or changes in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, then requirements of applicable construction or fire safety codes for exterior walls shall apply.

Sec. 6-157. - Change in use of a portion of a building.

- (a) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes or standards or with compliance alternatives, then the portion changed shall be made to comply to the applicable requirements for the new use or occupancy to the extent noted in this section.
- (b) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection A. , then the provisions of the applicable state and local rules, regulations, codes and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in this section; provided, however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.

Sec. 6-158. - Floor loading.

Any proposed change in the use or occupancy of an existing building or portion thereof which could increase the floor loading should be investigated by a state registered professional engineer to determine the adequacy of the existing floor system to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

Sec. 6-159. - Documentation.

When any compliance alternative is approved, the owner shall document all such changes and file same with the Town and one (1) copy shall be maintained by the appropriate office for future reference.

Sec. 6-160. - Compliance alternatives.

Sections 6-150 through 6-154 contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of historic buildings by the enforcement authority. It is recognized that all building systems interact with each other; therefore, any consideration of compliance alternatives should consider all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by the enforcement authority.

- (1) Compliance alternatives for an inadequate number of exits include, but are not limited to, the following:
 - a. Provide connecting fire-exit balconies acceptable to the enforcement authority between buildings;

- b. Provide alternate exit or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
 - c. Provide an exterior fire escape or escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or
 - d. Install early fire warning and fire suppression systems.
- (2) Compliance alternatives for excessive travel distances to an approved exit include the following:
- a. Install an approved smoke detection system throughout the building;
 - b. Install an approved complete automatic fire suppression system;
 - c. Subdivide the exit travel route with smoke-stop doors acceptable to the enforcement authority;
 - d. Increase the fire resistance rating of corridor walls and doors; or
 - e. Provide additional approved means of escape.
- (3) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include, but are not limited to the following:
- a. Improve enclosure of exit stairway;
 - b. Add a partial fire suppression system;
 - c. Add a sprinkler draft curtain; or
 - d. Add a smoke detection system.
- (4) Compliance alternatives for inadequate or a total lack of fire partitions or fire separation walls shall be as set forth in paragraph (3).
- (5) Compliance alternatives for a lack of required protection of openings in exterior walls where fire exposure is a risk include the following:
- a. Improve fire resistance of existing openings and protect them with fire-rated windows or doors as appropriate;
 - b. Seal the openings with fire-rated construction as approved by the enforcement authority; or
 - c. Install an approved fire suppression system.

Sec. 6-161. - Damage to historic buildings.

If a historic building or structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction, or it shall meet the requirements for new construction of the applicable codes, standards, rules or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

Secs. 6-162--6-199. - Reserved.

ARTICLE VII. MAINTENANCE OF COMMERCIAL BUILDINGS

DIVISION 1. GENERALLY

Sec. 6-200. - Definitions.

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

Accessory structure means a subordinate building, the use of which is incidental to that of the principal building on the same lot.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for fifty (50) percent of its perimeter. The term "building" shall be construed as if followed by the words or part thereof.

Commercial business means any business or enterprise which offers for sale goods or services or which, in any manner, conducts commerce within the Town limits.

Mixed occupancy means any building that is used for two (2) or more occupancies classified by different occupancy use groups.

Operator means any person who has charge, care or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises are actually occupied or not.

Physical valuation means the estimated cost to replace the building in kind.

Premises means a lot, plot or parcel of land including the buildings or structures thereon, under control by the same operator, devoted to commercial use, together with all adjacent land.

Sec. 6-201. - Purpose.

It is the purpose of this article to provide a practical method for the repair, vacation or demolition of commercial buildings or structures when such buildings, from any cause, endanger the life, limb, health, property, safety, or welfare of the general public or their occupants or detract excessively from the appearance of the commercial area. The provisions of this article are cumulative with and in addition to any other remedy provided by law, including the current editions of standard codes adopted by the Town.

Sec. 6-202. - Scope.

The provisions of this article shall apply to all commercial buildings that are now in existence or that may be built within the Town limits.

Sec. 6-203. - Compliance with article.

Every commercial building and the premises on which it is situated used or intended to be used for commercial business occupancy shall comply with the provisions of this article, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building, or for the installation or repair of equipment or facilities prior to the effective date of this article. This article establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein except as otherwise provided in this article. Where there is mixed occupancy, any commercial business use therein shall be nevertheless regulated by, and subject to, the provisions of this article.

Sec. 6-204. - Conflicting provisions.

In any case where the provisions of this article impose a higher standard than that set forth in other ordinances of the Town or under the laws of the state, then the standard as set forth in this article shall prevail, but if the provisions of this article impose a lower standard than any other ordinance of the Town or of the laws of the state, then the higher standard contained in any such other ordinance or law shall prevail.

Sec. 6-205. - Historic buildings.

It is the policy of the Town to encourage property owners to preserve historic buildings. To this end, the Town Administrator shall establish appropriate safeguards and procedures to prevent the demolition of historic buildings when reasonable to do so.

Sec. 6-206 - Violation; penalty.

Any person violating this article or after due notice shall fail to comply with orders issued by the fire official under the terms and provisions of this article shall be guilty of a misdemeanor and punished upon conviction in accordance with section 1-14.

DIVISION 2. DUTIES AND RESPONSIBILITIES OF OWNER AND OPERATOR

Sec. 6-207. - Occupied buildings--Generally.

The premises of occupied buildings and all structures thereon shall be kept free of all hazards to the safety of occupants, pedestrians and other persons utilizing the premises, including but not limited to the provisions of this division.

Sec. 6-208. - Same--Exterior.

- (a) Roofs. Roofs of occupied commercial buildings shall be kept structurally sound and shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior of the building.
- (b) Overhanging. Loose and overhanging objects which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof.
- (c) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, such wall must have all doors, windows, vents or other similar openings closed with material of the type compromising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed if necessary, to prevent deterioration of the wall.
- (d) Chimneys, flues and vent attachments. Chimneys, flues and vent attachments thereto shall be maintained structurally sound, free from defects and so as to capably perform at all times the functions for which they are designed. Chimneys, flues, gas vents or other draft producing equipment shall be structurally safe, durable, smoke tight and capable of withstanding the action of the flue gasses.
- (e) Exterior porches, landings; balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazards of falling and the same shall be kept structurally sound and in a good state of repair.
- (f) Windows. All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or plastic. All exposed wood shall be repaired and painted. All

openings originally designed as windows shall be maintained as windows complete with seals, lintels, frame and glass unless specifically approved by the fire official for enclosure. Where the fire official approves the enclosure of a window, it must be so enclosed by either bricking the opening, blocking the opening with concrete blocks and stuccoing the exterior, or by boarding up the opening. When boarding is used, it shall be of trim fit, sealed to prevent water intrusion, and painted or stained to properly conform with the other exterior portions of the building.

- (g) Painting. All exterior surfaces that require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where fifty (50) percent or more of the aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted.
- (h) Cornices. All cornices shall be made structurally sound and rotten or weakened portions shall be removed or replaced to match as closely as possible the original pattern.
- (i) Downspouts. Sheet metal gutters and downspouts shall be replaced or repaired as necessary and shall be neatly located and securely installed.
- (j) Advertising signs, structures and awnings. All permanent signs, billboards, awnings and the like shall be maintained in good repair at all times so as not to constitute a nuisance or safety hazard. All non-operative or broken electrical signs shall be repaired and kept in good condition or be removed.
- (k) Ground surface hazards. Holes, excavations, breaks, projections and obstructions on walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate hazards or unsafe conditions.
- (l) Curb cuts. Where curb cuts are abandoned due to new construction, change of access or general discontinued use, and such curb cut shall be closed and replaced with a standard curb and gutter arrangement.
- (m) Garbage. No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacle which are in accordance with the sanitation regulations of the Town.
- (n) Surfaces, etc. All exterior surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other similar hazardous conditions. All structures and decorative elements of building fronts and sides abutting public streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction techniques. Structures at the rear of buildings attached or unattached to the principal commercial structure shall be properly maintained and repaired. All miscellaneous elements on buildings, walls, and roofs and surrounding premises such as empty electrical, or other conduits, unused electric meter boxes, or unused sign brackets shall be removed.
- (o) Materials. The purpose of this district is to permit concentrated development and redevelopment of business in the Central Business District. No metal exterior buildings are permitted in the Central Business District.

Sec. 6-209. - Same--Interior.

- (a) Floors, interior walls, and ceilings. Floors, interior walls and ceilings of every occupied commercial structure shall be structurally sound and shall be maintained in a condition compatible with its business use.
- (b) Supporting structural members. Supporting structural members are to be structurally sound, free of deterioration and capable of bearing imposed loads safely.

- (c) Garbage. No garbage or solid waste shall be stored or allowed to accumulate within a structure unless contained in trash receptacles that are in accordance with the sanitation regulations of the Town.

Sec. 6-210. - Vacant buildings.

All the provisions of this division shall apply to occupied structures and buildings. Vacant or unoccupied structures and buildings shall not be required to comply with section 6-209 but shall comply with section 6-208. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the serving as a haven or nesting place for birds, rats and other vermin.

Sec. 6-211. - Duties of the operator.

- (a) All parts of the premises pursuant to this division under the control of the operator shall be kept in a safe sanitary condition consistent with the business use. The operator shall refrain from performing any acts that would render other parts of the premises unsafe or unsanitary or that would obstruct any adjacent operator from performing any duty required or from maintaining his premises in a safe and sanitary condition.
- (b) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished under this article and the same is found to be defective or inoperable, the operator affected thereby shall upon learning of such defect provide notice to the owner.

Secs. 6-212--6-255. - Reserved.

Chapter 7 - RESERVED

Chapter 8 - BUSINESSES AND BUSINESS REGULATIONS

ARTICLE I. - IN GENERAL

*State Law Reference--Authority to establish business license tax based on gross receipts, S.C. Code 1976, § 5-7-30; governing body may impose or increase business license tax, S.C. Code of Laws 1976, § 6-1-315.

Secs. 8-1—8-18. - Reserved.

ARTICLE II. - BUSINESS LICENSING

Sec. 8-18. - License required.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this ordinance, in whole or in part, within the limits of the Town of Pacolet, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

Sec. 8-19. - Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

Business means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

Charitable Organization means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. section 501 C. (3), (4), (6), (7), (8), (10) or (19).

Charitable Purpose means 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 means 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 Town Council.

Gross Income means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the Municipality, excepting therefrom income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality. Gross income for agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums written. 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 receipts or gross revenues 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 Department of Insurance, or other government agencies.

License Official means a person designated to administer this ordinance.

Licensee means 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.

Municipality means the Town of Pacolet, South Carolina.

Person means 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

Sec. 8-20. - Purpose and duration.

The business license levied by this ordinance 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 yearly license shall be issued for the twelve-month period of May 1 to April 30. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by the Council.

Sec. 8-21. - License fee.

- (a) The required license fee shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of the 30th day of April 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 twelve-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 computed on the estimated probable gross income stated in the license application for the balance of the license year. 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.

Sec. 8-22. - Registration required.

- (a) The owner, agent or legal representative of every business subject to this ordinance, 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 Municipality, and an annexed business shall be required to have a business license within thirty (30) days of the annexation. 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 South Carolina income tax return, and all information about the applicant and the Licensee and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

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

Sec. 8-23. - Deductions, exemptions, and charitable organizations.

- (a) No deductions from gross income shall be made except income earned outside of the Municipality on which a license tax is paid by the business to some other municipality or a county and fully reported to the Municipality, 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 the ordinance by reason of the lack of an established place of business within the Municipality, 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 ordinance 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 ordinance.
- (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 (1) 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 ordinance, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this ordinance. 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.

Sec. 8-24. - False application unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance 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 ordinance.

Sec. 8-25 - 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 person or in a vehicle used in the business readily available for inspection by any authorized agent of the Municipality.

- (b) A change of address must be reported to the License Official within ten (10) 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.

Sec. 8-26. - Administration of ordinance.

The License Official shall administer the provisions of this article, 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 municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Sec. 8-27. - Inspection and audits.

- (a) For the purpose of enforcing the provisions of this ordinance, the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such 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 herein. Each day of failure to pay the proper amount of license tax shall constitute a separate offense.
- (b) The License Official shall have the authority to make inspections and conduct audits of businesses within the Municipality to ensure compliance with the ordinance. 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 ordinance, State or Federal law, or proper judicial order. Statistics compiled by classifications are public records.

Sec. 8-28. - Assessments, payment under protest, appeal.

- (a) If a person fails to obtain a business license or to furnish the information required by this ordinance 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 such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.
- (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 (5) 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 (5) days and the filing of written notice of appeal within ten (10) days after payment pursuant to the provisions of this ordinance relating to appeals to Council.

Sec. 8-29. - Delinquent license fees, 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 five (5%) percent 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 sixty (60) days after its due date, the License Official shall report it to the municipal 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.

Sec. 8-30. - 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 municipality three (3) 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.

Sec. 8-31. - Denial of license.

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

- (a) The application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact; or
- (b) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidents; or
- (c) The applicant, Licensee or prior Licensee or the person in control of the business has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or
- (d) 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 Municipality or in another jurisdiction; or
- (e) The applicant, Licensee or prior Licensee or the person in control of the business is delinquent in the payment to the Municipality of any tax or fee; or
- (f) The license for the business or for a similar business of the Licensee in the Municipality or another jurisdiction has been denied, suspended or revoked in the previous license year.

A decision of the License Official shall be subject to appeal to Council as herein provided. Denial shall be written with reasons stated.

Sec. 8-32. - Suspension or revocation of license.

When the License Official determines:

- (a) A license has been mistakenly or improperly issued or issued contrary to law; or
- (b) A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or
- (c) 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; or
- (d) A Licensee has been convicted, within the previous ten years, of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods; or
- (e) A Licensee has engaged in an unlawful activity or nuisance related to the business; or
- (f) A Licensee is delinquent in the payment to the Municipality of any tax or fee,

the License Official shall give written notice to the Licensee or the person in control of the business within the Municipality 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.

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 thirty (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 ordinance.

Sec. 8-32. 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 (10) days after service by 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 thirty (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 Municipality.

Sec. 8-33. - Permission to use streets required.

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 municipality 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 municipal Council by ordinance which prescribes the term, fees and conditions for use.

Sec. 8-34. - Consent, franchise or business license fee 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 municipality 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 taxes unless specifically provided by the franchise or consent agreement.

Sec. 8-35. - 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 ordinance. 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.

Sec. 8-36. - Violations.

Any person violating any provision of this ordinance shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (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

Sec. 8-37. - Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Sec. 8-38. - Classification and Rates.

- (a) The classifications of businesses included in each rate class are listed with United States North American Industry Classification System (NAICS) codes, by sector, sub-sector, group or industry. The Business License Class Schedule (Appendix B) is a tool for classification and not a limitation on businesses subject to a license tax. The business classification, pursuant to the most recent version of the Business License Class Schedule adopted by the Council, most specifically identifying the subject business, shall be applied to the business. The License Official shall have the authority to make the determination of the business classification most specifically applicable to a subject business...

(b) The license tax for each class of businesses subject to this ordinance shall be computed in accordance with the current Business License Rate Schedule, designated as Appendix A to this ordinance, which may be amended from time to time by the Council. A copy of the Class Schedule and Rate Schedule shall be filed in the office of the municipal Clerk

NON-RESIDENT RATES

Unless otherwise specifically provided, all minimum fees and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

DECLINING RATES

Declining Rates apply in all Classes for gross income in excess of \$1,000,000, unless otherwise specifically provided for in this ordinance.

Gross Income in \$ Millions	Percent of Class Rate for each additional \$1,000
0 - 1	100%
1 - 2	90%
2 - 3	80%
3 - 4	70%
OVER 4	60%

CLASS 8 RATES

Each NAICS Number designates a separate sub-classification. The businesses in this section are treated as separate and individual subclasses due to provisions of State law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. Non-resident rates do not apply except where indicated.

8.1 NAICS 23 - Contractors, Construction, All Types

Having permanent place of business within the municipality

Minimum on first \$2,000.....\$ 50.00 PLUS
 Each additional 1,000.....\$0.50

Non-resident (no permanent place of business in the municipality)

Minimum on first \$2,000..... \$100.00 PLUS
 Per \$1,000, or fraction, over \$2,000)..... \$1.00
 (non-resident double rates do not apply)

A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of business under this ordinance.

The total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the Zoning Ordinance.

Each prime contractor shall file with the License Official a list of sub-contractors furnishing labor or materials for each project.

8.2 NAICS 482 - Railroad Companies – (See S.C. Code § 12-23-210)

8.3 NAICS 517311, 517312 - Telephone Companies:

- (a) Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.
- (b) In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- (c) The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.
- (d) The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.
- (e) Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

- (f) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31, 2003.
- (g) All fees collected under such a franchise or contractual agreement expiring after December 31, 2003, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.
- (h) As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

NAICS 513220 - Television, Cable or Pay,

Services using public streets.....Consent or Franchise
 Cable television services not using public streets:
 Minimum on first \$2,000..... \$50.00 PLUS Per \$1,000, or
 fraction, over \$2,000..... \$0.50

NAICS 221122 - Electric Power DistributionConsent or Franchise

NAICS 221210 - Natural Gas DistributionConsent or Franchise

NAICS 421930 - Junk or Scrap Dealers [Non-resident rates apply]

Minimum on first \$2,000..... \$50.00 PLUS Per \$1,000, or
 fraction, over \$2,000..... \$0.50

NAICS 441110- Motor Vehicle Dealers (New and Used), Boats, Aircraft, Farm Machinery- (Used Declining Rates When Applicable)

Minimum on first \$2,000.....\$35.00
 PLUS Per \$1,000, or fraction, over \$2,000.....\$0.35

NAICS 441118- Motor Vehicles Dealers (USED only), Boats, Aircraft, Farm Machinery- (Use Declining Rates When Applicable)

Minimum on first \$2,000.....\$25.00
 PLUS Per \$1,000, or fraction, over \$2,000..... \$0.25

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership. Gross receipts for this classification shall include full sales price without deduction for trade-ins. Dealer transfers shall not be included in gross receipts.

NAICS 722410 - Drinking Places, bars, lounges, cabarets - (Alcoholic beverages consumed on premises)

Minimum on first \$2,000..... \$50.00
 PLUS Per \$1,000, or fraction, over \$2,000..... \$0.50

NAICS 522298 - Pawn Brokers - All Types

Minimum on first \$2,000..... \$50.00
 PLUS Per \$1,000, or fraction, over \$2,000..... \$0.50

NAICS 454390 - Peddlers, Solicitors, Canvassers, Door-To-Door Sales, direct retail sales of merchandise. [Non-resident rates apply]

Regular activities [more than two sale periods of more than three days each per year]

Minimum on first \$2,000.....\$50.00

PLUS Per \$1,000, or fraction, over \$2,000.....\$0.50

Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]

Minimum on first \$2,000.....\$25.00

PLUS Per \$1,000, or fraction, over \$2,000.....\$0.25

NAICS 5241 - Insurance Companies:

On gross premiums collected through offices or agents located in the municipality, wherever the risk is located, or collected on policies written on property or risks located in the municipality, wherever the premiums are collected. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums or deposits.

Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute doing business within the municipality whether or not an office is maintained therein. A premium collected on property or a risk located within the municipality shall be deemed to have been collected within the municipality. [Declining rates shall not apply].

NAICS 524113 - Life, Health and Accident0.75% of Gross Premiums

NAICS 524126 - Fire and Casualty (Licensed in SC).....2% of Gross Premiums

NAICS 524127 - Title Insurance2% of Gross Premiums

NAICS 524210 - Brokers for Fire and Casualty Insurers - non-admitted:

On gross premiums collected on policies of companies not licensed in South Carolina, the agent or broker shall pay annually, with copy of the report showing location of the risks insured.....2% of Gross Premiums

[Premiums for non-admitted businesses are not included in gross commissions for license under Rate Class 7 for other business.]

Notwithstanding any other provision of this ordinance, license taxes for insurance companies and brokers for non-admitted insurers shall be payable on or before May 31 in each year without penalty. Pursuant to S.C. Code 5-7-300, the agreement with the Municipal Association of South Carolina on file with the Clerk for Collections of current and delinquent license taxes from insurers and brokers is approved.

NAICS 713120 - Amusement Machines, coin operated (except gambling)

Music machines, kiddie rides, and amusement machines licensed pursuant to S.C. Code §12-21-2720A. (1) and A. (2) – [Type I and Type II]

1. Operator of machine (not on gross income) [12-21-2746], per machine.....\$12.50
PLUS business license for operation of all machines.....\$12.50

2. Distributor selling or leasing machines (not licensed by the State as an operator pursuant to §12-21-2728) - [Nonresident rates apply.] -
Minimum on first \$2,000\$50.00 PLUS Per \$1,000, or fraction,
over \$2,000\$0.50

NAICS 713990 - Billiard or Pool Rooms, all types -

\$5.00 stamp per table PLUS
Minimum on first \$2,000\$35.00 PLUS Per \$1,000, or
fraction, over \$2,000\$0.35

NAICS 711190 - Carnivals and Circuses -

Minimum on first \$2,000\$50.00 PLUS Per \$1,000, or
fraction, over \$2,000\$0.50

Chapter 9- RESERVED

Chapter 10 – COURT

ARTICLE I. - IN GENERAL

*State law reference—Municipal courts generally, S.C. Code 1976, § 14-25-5 et seq.; trial of persons charged with violations of ordinances or state law, S.C. Code 1976, § 5-7-90; appointment and duties of clerk of court, S.C. Code 1976, § 14-25-35; maximum penalties imposed by municipal court, S.C. Code 1976, § 14-25-65; judge may suspend sentences, S.C. Code 1976, § 14-25-75; disposition of fines and penalties, S.C. Code 1976, § 14-25-85; appeals to Court of Common Pleas, S.C. Code 1976, § 14-25-95; municipal judge to make return, S.C. Code 1976, § 14-25-105; jury commissioners, S.C. Code 1976, § 14-25-135; demand for jury trial; composition, S.C. Code 1976, § 14-25-125; payment of assessments under certain conditions, S.C. Code 1976, § 14-1-208; municipal courts may require public service work as condition of sentence suspension, S.C. Code Reg. 130-20.B.1(b).

Sec. 10-1. - Court established.

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

Sec. 10-2. - Appointment and term.

The Municipal Court shall be presided over by the Municipal Judge appointed by the Town Council for a term of not less than two nor more than four years, or until his successor is appointed and qualified. The compensation of the Municipal Judge shall be as from time to time established by Council.

Sec. 10-3. - Effect of vacancy.

In the case of a vacancy in the office of the Municipal Judge, a successor shall be appointed in the manner of the original appointment for the unexpired term. In the case of a temporary absence, sickness or disability of a Municipal Judge, the Court shall be held by a judge of another municipality or by a practicing attorney or by some other person who has received training or experience in Municipal Court procedure, who shall be designated by the mayor and take the prescribed oath of office before entering upon his duties.

Sec. 10-4. - Jurisdiction.

The Municipal Court shall have jurisdiction to try all cases arising under Town ordinances. The Court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The Court shall have the power to punish for contempt of Court by imposition of sentences up to the limit imposed on the Municipal Courts. The Court shall have no jurisdiction in civil matters.

*State Law reference— The Municipal Court may (1) under S.C. Code 1976, § 512-5-6150, try and determine criminal cases involving violations of S.C. Code 1976, title 56, chapter 5, occurring within the respective limits of this municipality, when the penalty prescribed by S.C. Code 1976, title 56, chapter 5 for such violations does not exceed 30 days' imprisonment nor a \$100.00 fine, and may have trial jurisdiction over such criminal cases the same as magistrates; (2) under S.C. Code 1976, § 61-12-4500, try and determine all cases involving a violation of S.C. Code 1976, title 61, chapter 6, art. 13, except § 61-12-4720, per § 61-12-4500; (3) maintain jurisdiction for trial of persons under 17 years of age, for alleged violations of S.C. Code 1976, title 50, when the Court would have jurisdiction if the offense

charged was committed by an adult; and (4) try a first offense for violation of S.C. Code 1976, § 47-1-40 (ill-treatment of animals).

Sec. 10-5. - Maximum penalties which may be imposed.

Whenever the Municipal Court finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the Court, he may impose a fine or imprisonment or both not to exceed the maximum permissible under state law.

Sec. 10-6. - Authority to suspend sentences.

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

Sec. 10-7. - Disposition of fines and penalties.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the clerk-treasurer for deposit to the Town's general fund.

Sec. 10-8. - Clerk of Court.

The clerk-treasurer shall serve as clerk of Court for the Municipal Court. The clerk of Court shall keep such records and make such reports as may be required by the Municipal Judge or the state Court administrator.

Sec. 10-9. - Powers and duties of chief of police.

The chief of police or someone designated by him shall attend upon the sessions of Municipal Court. The chief of police and the police officers of the Town shall be subject to the orders of the Court and shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by Town ordinances. The chief of police and police officers of the Town shall be vested with the same powers and duties as provided for magistrates and constables.

Sec. 10-10. - Right to jury trial.

Any person to be tried in the Municipal Court may, prior to trial, demand a jury trial, and such jury, when demanded, shall be composed of six persons drawn from qualified electors of the Town. The right to a jury trial shall be deemed to have been waived unless demand is made prior to trial.

Secs. 10-11—10-38. - Reserved.

ARTICLE II. – RESERVED

Chapter 11- RESERVED

Chapter 12- ELECTIONS

Sec. 12-1. - Elections to be nonpartisan.

All regular and special elections conducted in the Town shall be nonpartisan elections, and no political party affiliation shall be placed on the ballot for any candidate.

Sec. 12-2. - Date of general elections; public notice.

A general election for the election of the Mayor and Councilmembers of the Town shall be conducted on the first Tuesday after the first Monday in November every two years beginning with the year 1999.

Sec. 12-3. - Candidacies created by statement.

Candidates for the office of Mayor and the office of a member of Town Council shall file a Statement of Candidacy with the Voter Registration Office of Spartanburg County as least ninety (90) days prior to the date of the election.

Sec. 12-4. - Notice of Elections.

The Mayor and Council shall give public notice of all general elections and special elections at least ninety (90) days prior to such elections

Sec. 12-5. - Election Commission.

All authority for the conducting of municipal elections is hereby transferred to the Voter Registration and Election Commission for Spartanburg County in the following particulars:

- (1) The Spartanburg County Voter Registration and Election Commission shall advertise municipal elections, prepare and distribute ballots and election materials, appoint managers of election for each polling place, and otherwise supervise and conduct all municipal elections within the Town of Pacolet.
- (2) Immediately upon the closing of the polls at any municipal election in the Town of Pacolet, the Spartanburg County Voter Registration and Elections Commission shall begin to count and continuously count the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for Mayor and Council person, canvass the vote and publicly display the unofficial results.
- (3) The Voter Registration and Election Commission shall thereafter certify the results of the elections and transmit the certified results to the Town of Pacolet Council or an appointed authority representing Town government as soon as practical following the certification.
- (4) Hear and decide protests and certify the results of municipal elections.
- (5) Utilize a computer counting system with the count publicly conducted.

Sec. 12-6. - Regular election date.

Regular elections for the offices of Mayor and Council members shall be held in odd-numbered years on the first Tuesday after the first Monday in November. A run-off election, if necessary, shall be conducted two weeks after this election.

*State law reference - - Duty of Council to establish time for general elections, S. C. Code 1976, §5-15-50.

Sec. 12-7. - Notice of elections.

The Spartanburg County Election Commission shall publish two notices of general and special elections held in a newspaper of general circulation in the municipality. Included in each notice shall be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return-addressed envelopes containing absentee ballots may begin at 2:00 p.m. on election day at a place designated in the notice by Spartanburg County Election Commission. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.

Sec. 12-8. - Procedure for contesting results of election; appeals.

- (a) Within forty-eight (48) hours after the closing of the polls, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefore with the Spartanburg County Election Commission. Within forty-eight hours after the filing of such notice, the Spartanburg County Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the Clerk of Court of Spartanburg County, notify the parties concerned of the decisions made, and when the decision invalidates the election, the Council shall order a new election as to the parties concerned.

Neither the Mayor nor any member of Council shall be eligible to participate on the issues arising in any contest in which he is a party.

- (b) Within ten (10) days after notice of the decision of the Spartanburg County Election Commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the Clerk of Court within ten (10) days. The notice of appeal shall act as a stay of further proceedings pending the appeal.

Sec. 12-9. - Declaration of results.

The Spartanburg County Election Commission shall declare the results of an election not later than three (3) days following the election.

Sec. 12-10. - Time for assuming office.

Members newly elected at a regular election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of Council on the first Thursday in January immediately after the election, or at such other meeting as called by Council which is at least forty-eight (48) hours after an election which is not contested.

Incumbents shall remain in office until protests are finally determined and successors are qualified and take office.

Officers newly elected at a special election shall subscribe to the oath required by the Constitution and laws of the State and take office at a meeting of Council which is at least forty-eight (48) hours after an election which is not contested, or, for an election which is contested, at a meeting of Council held after protests are finally determined.

Sec. 12-11. - Determination of election results under nonpartisan election and runoff election method.

- (a) Except as otherwise provided in this section, results in nonpartisan municipal elections in municipalities using the election and runoff election method shall be determined by a majority of the votes cast. A majority within the meaning of this section shall be determined as follows:
 - (1) When more than one person is seeking election to a single office, the majority shall be ascertained by dividing the total votes cast for all candidates by two. Any excess of the sum so ascertained shall be a majority and the candidate who obtains a majority shall be declared elected.
 - (2) When more persons are seeking election to two or more offices (constituting a group) than there are offices to be filled, the majority shall be ascertained by dividing the total vote cast for all candidates by the number of officers to be filled and by dividing the result by two. Any excess of the sum so ascertained shall be a majority and the candidates who obtain a majority shall be declared elected. If more candidates obtain a majority than there are offices to be filled, those having the highest vote (equal to the number of offices to be filled) shall be declared elected.
- (b) If no candidate for a single office receives a majority of the votes cast in the first election or if an insufficient number of candidates receives a majority of the votes cast for a group of offices, a runoff election shall be held as herein provided:
 - (1) If no candidate for a single office receives a majority of the votes cast in the first election, a second election shall be conducted two weeks later between the two candidates receiving the largest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected.
 - (2) If candidates for two or more offices (constituting a group) are to be selected and aspirants for some or all of the positions within the group do not receive a majority of the votes cast in the first election, a second election shall be conducted two weeks later between one more than the number of candidates necessary to fill the vacant offices. The candidates receiving the highest number of the votes cast in the second election equal in number to the number to be elected shall be declared elected.

Sec. 12-12 -- 12-20. - Reserved.

Chapter 13 – RESERVED

Chapter 14: ENVIROMENT

ARTICLE I. - IN GENERAL

*State Law Reference-Authority to define and abate public health nuisances, S.C. Code 1976, § 5-7-30; ordinances relating to the upkeep of property within the municipality, S.C. Code 1976, § 5-7-80.

Secs. 14-1—14-18. - Reserved.

ARTICLE II. - HAZARDOUS CONDITIONS OR NUISANCES

Sec. 14-19. - Unlawful hazardous conditions.

It shall be unlawful for any person to maintain or to permit to be maintained upon any real property within the Town the following conditions which are declared to be a menace to the public health and a nuisance:

- (1) Grass, weeds, brush, or undergrowth that grows to a height of 12 inches or more.
- (2) Shrubbery or other plants or any sign or structure which obstructs the view of the operators of motor vehicles or which creates a dangerous or hazardous condition at the intersection of any street.
- (3) Any accumulation of trash, litter, debris, bottles, cans, scrap lumber or other building debris.
- (4) All structures and exterior property shall be kept free from rodent harborage and infestation. If rodents are found, they shall be promptly exterminated by approved processes which will not injure human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.
- (5) No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Cars are to be covered with authorized car covers; this excludes tarps of any kind. If the Town of Pacolet tows a car for any reason the owner is responsible for all towing charges.

Sec. 14-20. - Notice to owners; objections and hearing.

- (a) Whenever it is made to appear to the council or any other officer of the Town that the conditions set forth in section 14-19 exist on any real property within the Town and are a menace to the public health or a nuisance, the Town shall notify the owner of the property by addressing to and mailing to him at his last known address a notice requiring him within 15 days to clear the premises or otherwise abate such nuisance.
- (b) If the owner or occupant of any such property after receipt of the notice objects to the proposed removal or abatement, he shall present his objections in writing to the council within ten days after the receipt of the notice and shall request a hearing before Town council. Upon failure to object and request a hearing, the owner or occupant shall be deemed to have consented to the determination that the conditions of such property constitute a menace to the public health or are a nuisance.

Sec. 14-21. - Cost of removal.

If after notice the owner fails or refuses to clear the property or abate the nuisance, the Town may go upon the property to correct the conditions and the cost of such shall be a lien upon the property and shall be collectable in the same manner as municipal taxes.

Sec. 14-22. - Failure to remove a misdemeanor.

Any owner or occupant of property who shall fail or refuse to cut weeds, hedges, shrubs or other vegetation or remove accumulations of trash, litter or debris after receiving notice from the Town within the time prescribed by section 14-20 shall be guilty of a misdemeanor.

Sec. 14-23. - Burning rubbish

It shall be unlawful to burn any material that results in offensive or objectionable smoke, odor or emissions, or when atmospheric conditions or other local circumstances make such fires hazardous. Nothing in this section shall prohibit the open burning of leaves, tree branches or yard trimmings if attended by a responsible party at all times and not located closer than fifty (50) feet from any structure. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 14-24. - Shrubs, etc. on property adjacent to street intersections interfering with view of vehicles.

- (a) Prohibited. It shall be unlawful for owners, tenants or occupants of property contiguous or adjacent to intersections of streets to permit or maintain on such property or lot any trees, bushes, shrubbery or other plant or any sign or structure which obstructs the view of the operators of motor vehicles or which creates a dangerous or hazardous condition.
- (b) Exception. This section shall not be applicable to intersections in which traffic is controlled by a traffic-control signal exhibiting green, yellow and red signals.
- (c) Notification of owners to cut or remove. The owners, tenants or occupants of such property shall, within ten (10) days after receiving written notice from the Town Administrator or other duly authorized agent of the Town, remove such trees, bushes, shrubbery or other plant or sign or structure of any type as referred to in subsection A. so that the vision of persons operating motor vehicles entering intersections of streets will not be obscured or obstructed thereby, and so that the approach of other vehicles may be readily observed.
- (d) Failure of owner to comply with notice; removal by Town; report and collection of cost. Upon the failure of the owner, tenant or occupant to comply with the notice of the Town Administrator or other duly authorized agent of the Town within ten (10) days, under the provisions of subsection C. or when such property is vacant and the owner thereof cannot be found in the Town, the Town Administrator or other duly authorized agent of the Town shall cause such weeds, hedges, shrubs or other vegetation to be cut or removed so that they will not obscure or obstruct the vision of persons operating motor vehicles entering such intersections, and will not prevent the ready observation of the approach of other vehicles. Failure to comply with such notice will result in the Town being able to file a lien on the real estate.
- (e) Failure to remove to constitute misdemeanor. Any owner, tenant or occupant of property who shall fail or refuse to remove or cut weeds, hedges, shrubs or other vegetation there from, after receiving notice from the Town Administrator or other duly authorized agent of the Town, and within the time prescribed in subsection D., shall be guilty of a misdemeanor.

Sec. 14-25. - Burned-out buildings.

It is hereby declared that partially burned-out buildings are unsightly and constitute a public nuisance.

Sec. 14-26. - Dilapidate buildings. (Residential and Business)

It is hereby declared that buildings, both residential and business, which are permitted by an owner to become dilapidated to the extent that rubbish, debris, and unsightly material or conditions exist, constitute a public nuisance.

Chapter 15- RESERVED

Chapter 16 - FIRE PROTECTION AND PREVENTION

Article I – Fireworks

Sec. 16-1. – General.

To regulate the possession, sale, storage, and use of fireworks in the Town of Pacolet; to provide for certain licenses, permits and fees with respect to fireworks; to make certain actions unlawful and to provide penalties for violation thereof.

Sec. 16-2. - Definitions.

For the purpose of this ordinance, the following terms, unless the context clearly indicates otherwise, shall mean:

Town means Town of Pacolet, South Carolina

Common Fireworks means fireworks devices suitable for use by the public designed primarily to produce visible effects by combustion and are classified by the Federal Department of Transportation Class C “Common Fireworks” in Title 49, Code of Federal Regulations, part 173.100.

Retailer means a person or firm purchasing fireworks for resale to consumer.

Wholesale Distributor is a person or firm selling fireworks to jobbers or retail dealers.

Jobber is a person or firm selling fireworks to retail dealers only.

Sec. 16-3. - Permissible fireworks.

It shall be unlawful for persons to possess, sell, offer for sale, storage, transport or use within the Town any fireworks other than permissible fireworks herein enumerated. The permissible fireworks consist of Federal Department of Transportation Class C “Common Fireworks” only and shall mean such articles of fireworks as are enumerated as Federal Department of Transportation Class C “Common Fireworks” in Title 49, Code of Federal Regulations, part 173.100.

Sec. 16-4. - Hours of discharge

No discharge of fireworks will be permitted between the hours of 10:00 p.m. and 7:00 a.m. with the exception being of New Year’s Day, Christmas Eve and Fourth of July with the time limitation of discharge being until 11:00 p.m. on those days.

Sec. 16-5. - Selling fireworks without a license.

Any person, business or organization selling fireworks without first obtaining the required license or operating with an expired license shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.00 or imprisoned for not more than 30 days or both.

Sec. 16-6. - Labeling fireworks.

No permissible articles of common fireworks shall be sold, offered for sale, possessed, stored or used in the State unless they shall be properly named and labeled and conformed to the nomenclature requirement of applicable state and federal law and unless they are certified as Federal Department of Transportation Class C “Common Fireworks” on all shipping cases. The labeling and nomenclature required by this section shall be printed on the article and shall be of sufficient size and so positioned as to be readily recognizable by law enforcement officials and the general public.

Sec. 16-7. - Paper caps.

The term “fireworks” shall not include toy paper caps which contain less than 25/100 of a grain of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale and use of these items shall be permitted at all times.

Sec. 16-8. - Storage.

All retailers shall store permissible fireworks in the original unbroken containers in which such fireworks were shipped and received. No fireworks shall be displayed in windows or where the sun may shine through glass onto the fireworks. At all places where fireworks are stored or sold, the area used by the patrons shall be obstructed with clear access to an outside door. Such areas where fireworks are stored shall have posted signs containing the words "NO SMOKING" in letters not less than four inches high on the contrasting background.

Sec. 16-9. - Combustible materials.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept, in unbroken containers, unless in a separate and distinct section or department of the store.

Sec. 16-10. - Miscellaneous

It shall be unlawful:

to offer for sale or to sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent.

to explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum, school, auditorium, coliseum, service station or bulk storage plant.

to explode or ignite fireworks within one hundred (100) feet of where fireworks are stored, sold or offered for sale.

to ignite or discharge any permissible fireworks within or throw the same from any motor vehicle.

to place or throw any ignited fireworks into or at any motor vehicle.

Sec. 16-11. - Fireworks exceeding classification limits.

It shall be unlawful in the Town of Pacolet to possess, sell, store, advertise for sale, manufacture or transport fireworks commonly known as M-100, M-80, ground salutes or any other fireworks which exceed the classification limit of Federal Department of Transportation Class C "Common Fireworks". Each such device shall constitute a separate offense and any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than \$200.00 or shall be imprisoned for not more than 30 days for each offense.

Sec. 16-12. - License fees.

Each licensee under this ordinance shall pay an annual business license fee of two (2%) percent of the gross revenue.

CHAPTER 17- RESERVED

Chapter 18 – Solid Waste

ARTICLE I. IN GENERAL

Sec. 18-1. - Definitions.

For the purpose of this chapter, the following words, terms, and phrases, unless the context otherwise clearly requires, shall have the meanings respectively ascribed to them by this section, as follows:

Approved container means a roll out cart, metal or plastic container designed to store or enclose garbage with a lid and bags as defined in this section.

Bags means plastic sacks designed to store and enclose garbage with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag with contents shall not exceed 40 pounds.

Bulky waste means large items such as furniture, small auto parts (under 50 lbs.), excluding tires, lumber, mattresses and carpet (under 50 lbs.) whose large size precludes or complicates their handling by normal collection, processing, or disposal methods.

Construction waste or demolition waste means any and all refuse or residue resulting from construction, remodeling, repairs or demolition operations on buildings, and shall include grading, grubbing, etc., in connection with any building or landscape work on any premises, commercial and residential, or from replacement of building equipment or appliances.

Contractor means one who contracts or performs work, services or provides space for rent and receives something of value therefor.

Customers means residential units located within the Town of Pacolet eligible for and in need of the services described in this article.

Detachable container means a container of not less than ten (10) cubic yards, nor more than forty (40) cubic yards which is used for collecting, storing and transporting building material, trade waste, hazardous waste, refuse and yard trimmings. Such container is picked up by a specially equipped truck for transporting such materials to the disposal site.

Environmental inspector means any public safety officer, inspection officer, litter control officer or other Town employee as may be designated an environmental inspector by the Town Administrator.

Furniture means any discarded wood, metal or upholstered furniture, mattresses, box springs or similar items.

Garbage means organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals, etc., comprising chiefly waste food. Garbage does not include moisture that may be drained in the sewer.

Hazardous waste means paint, poison, acids, caustics, explosives, chemicals, petroleum derivatives, hot ashes or coals or highly contaminated material, such as human or animal waste, medical wastes and hypodermic needles, which would constitute a danger to collection personnel or to anyone who may come in contact with such waste.

Household means a house or apartment.

Householder means one who occupies a house or apartment alone or as the head of a household.

Junk means items such as, but not limited to, dilapidated furniture, appliances, machinery, equipment, building material, vehicle parts, tires or other items which are either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

Litter means any quantity of discarded trash, junk, refuse or garbage not properly disposed of.

Major appliances means stoves, refrigerators, freezers, washing machines, television sets, hot-water heaters, etc.

Property means any real property within the Town.

Refuse means cold ashes, cans, dirty rags, trash, house sweepings, paper materials, shavings, yard clippings, leaves, tree trimmings, bottles, and other similar materials.

Roll cart is defined as a receptacle with two wheels and a properly designed axle and fittings, a top lid that is to remain closed except when loading waste, with a body consisting of approximately 96 gallons in capacity, constructed of heavy plastic and having the strength to store normal household garbage and equipped with proper attachments for hydraulic loading into the collection vehicle.

Trash means old furniture, appliances, junk and similar items and shall exclude yard waste.

Weeds mean plants that are unwanted, useless or troublesome, that are injurious to people or to cultivated plants, or that are profusely growing and undesirable.

White goods mean refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, and other similar domestic and commercial large appliances.

Yard waste means solid waste consisting solely of vegetative matter resulting from landscaping, maintenance and similar activities.

Section 18-2. - Summons procedures

Issuance of ordinance summons.

Any person who violates any provision of the Town Code or any Code adopted pursuant to this Code may be issued an ordinance summons in a form prescribed and authorized by S.C. Code Section 56-7-80 (1992 Supp.) which shall vest jurisdiction in the municipal court to hear and dispose of the charge for which the ordinance summons was issued and served. The ordinance summons may be issued by any Town law enforcement officer or any other Town official designated by the Town Administrator. The amount of the bond prescribed by the municipal judge for the offense and the procedure for posting the bond by cash or money order within ten (10) days shall be noted on the ordinance summons at the time it is issued. The Town official issuing the ordinance summons shall not accept a bond. The ordinance summons shall contain a notice that failure to appear before the court as required, without first posting

bond, is a misdemeanor punishable by the fine of five hundred dollars (\$500.00) or thirty (30) days in jail.

Repeat violations—Notice of violation and abatement period waived.

Any violation of any provision of this Code or of any ordinance for which proper notice of violation has been provided pursuant to the applicable code section or ordinance which reoccurs, at the same location while under the same ownership, within twelve (12) months of the previous notice date, shall constitute a repeat violation. The occurrence of a repeat violation shall waive the Town's requirement to provide a notice of violation and an abatement period, if applicable, prior to issuance of an Ordinance Summons.

Service of notice of violation or orders—Notice of violation by letters or orders.

Notices of violation or orders hereunder shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by first class mail addressed to the last known address whose address is maintained by Spartanburg County Tax Assessor; or
- (3) A copy thereof posted in a conspicuous place on the lot affected or on or about the structure affected by such notice.

For purposes of notice of violation to properties with more than one owner, notice shall be made to the owner of record whose name and address is maintained by the Spartanburg County Tax Assessor. Co-owners jointly and severally are liable for the upkeep and maintenance of property. Such notices of violations shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification of property. This identification may be the postal address and/or tax map number of the parcel.
- (3) Include a statement of the violation or violations.
- (4) Include a correction order allowing a reasonable time to abate the violation(s). A notice of violation for all violations, except condemnations, shall allow seven (7) days from the date of postmark as a reasonable time to abate the violation(s).
- (5) When a notice of violation has been issued for a condemnation, seven (7) days from the postmark date shall be allowed as a reasonable time to contact and establish an abatement plan with the Town's planning and development services department.
- (6) Include a statement of the Town's right to file a lien on the real estate.

Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Sec. 18-3. - Offenses subject to citation.

The following described offenses shall be subject to citation and shall not be subject to administrative review. On conviction, the offender shall be subject to the general penalties of this Code. Such offenses are:

- (1) Failure to properly contain loose litter, trash or garbage so as to prevent scattering by weather or animals, or failure to pick-up such rubbish.
- (2) Placing garbage container on street earlier than twenty-four (24) hours prior to sunset on the day before scheduled collection. Failure to remove roll cart and/or recycling bins from the street by sunrise the day following scheduled collection day.
- (3) Use of Town trash cans and receptacles for deposition of household or commercial waste.
- (4) Burning refuse, garbage or trash in bulk containers.
- (5) Setting garbage, trash or other material outside of bulk containers.
- (6) Placing tires, hazardous waste, large metal objects, major appliances or furniture inside bulk containers.
- (7) Defacing, removing, tipping over or disturbing garbage and trash receptacles, and bulk containers. Removing, tampering, picking through garbage or trash set out for collection.
- (8) Placing trash, yard waste or roll cart so as to block the street or sidewalk.
- (9) Placing trash, yard waste or roll cart at a location other than at the roadside of the property from which it was generated.
- (10) Raking leaves around the inlets to catch basins and storm drains.
- (11) Putting, placing or throwing garbage, yard waste, construction waste, litter, refuse or trash on a public street, public place, property of another person, corporation or agency.
- (12) Sweeping into or depositing in any gutter or street or public place the accumulation of litter or yard waste from buildings or lots. Failure to keep sidewalk and gutter in front of premises free of litter.
- (13) Failure to break down and securely fasten together cardboard boxes and other containers prior to collection.
- (14) Throwing litter from a vehicle while a driver or passenger.
- (15) Driving a truck or vehicle such that the contents are blown or deposited upon the street or other public place.
- (16) Driving or moving any vehicle, the wheels or tires of which carry or deposit in any street mud, dirt, litter or sticky substance.
- (17) Failure to cover and secure trucks or other vehicles in such a manner as to prevent littering, public or private property.
- (18) Placing garbage, refuse or trash or causing the discharge of sewage or organic filth in such a manner that transmission of infectious material to humans may result.
- (19) Sweeping or pushing litter or yard waste from buildings, property or sidewalks into streets, sidewalks or storm drains.
- (20) Failure to use trash cans provided to deposit waste in parking lots.
- (21) Throwing or depositing litter on private property.
- (22) Failure to separate yard waste from trash and into separate piles.
- (23) The owner, occupant, tenant or other person in charge of any property will be held accountable for permitting or allowing trash, yard waste, garbage or litter to remain on a street or sidewalk in violation of this chapter.
- (24) Failure to move contractor generated trash, refuse, litter or yard waste from the street after written or verbal notification.
- (25) Bringing waste material generated outside the Town limits into the Town for collection by Town forces.

ARTICLE II. GARBAGE AND TRASH COLLECTION

Sec. 18-8. - Garbage containers required at businesses and residences.

- (a) Loose litter, trash and combustible materials, whether at business or residential places, must be placed so that the contents may not be blown about or otherwise unnecessarily scattered.
- (b) For collection, containers must be placed at the street side, so they are easily accessible to the collectors during the designated time as herein provided.
- (c) For collection, containers shall be placed on the street no earlier than twenty-four (24) hours prior to the regularly scheduled collection day and shall be removed from street by sunrise on day following scheduled collection.
- (d) No Town waste can, placed in the street by the Town or by Town authority, shall be used by residents or business concerns for the reception of trash or garbage originating on such premises. It being distinctly understood that such receptacles are placed for the use of pedestrians.
- (e) Other than on the designated day of trash pick-up, all garbage containers and bags shall be removed to area behind the front facing wall of the building or residence on the property.

Sec. 18-9. - Receptacles and collection for commercial and other business establishments.

Commercial and other business establishments shall be subject to the following requirements as to location and use of containers and receptacles:

- (1) Users of bulk containers shall construct an adequate pad on which to place the required container, located according to Town specifications, and shall maintain adequate means for access thereto. Bulk containers shall not be placed on the sidewalk, grass plot, curb, gutter or street, except that whenever business or commercial establishments have no accessible rear entrance or rear door. The Town may, in such case, when the requirements of pedestrian and vehicular traffic will so permit, designate a specified size and type of bulk container or other container or receptacle and a specified location on the sidewalk, parkway or grass plot, curb, gutter or street where the same may be placed for use by such business or commercial establishment.
- (2) It shall be unlawful to burn garbage, refuse, trash or other material in bulk containers.
- (3) It shall be unlawful to set garbage, refuse, trash, or other material outside of bulk container. Such material shall not be collected by Town forces.
- (4) It shall be unlawful to place discarded tires, hazardous waste, large metal objects, major appliances, furniture or such similar objects in or beside a bulk container. Any person, corporation or commercial establishment engaged in manufacturing, recapping, or assembling tires must arrange for removal from their premises of all discarded tires, as not Town pickup service will be provided for such disposition.
- (5) Businesses shall purchase or rent containers from standard suppliers. Bulk containers shall be kept in proper operating condition by the user. The users thereof shall maintain such containers in sanitary condition and keep the lids closed at all times except when filling and emptying. Such containers which are damaged, destroyed or burned through abuse, neglect or improper use by the commercial and business establishment and apartment complexes, or other users, shall be replaced.
- (6) The Town shall not be responsible for the removal of garbage or trash from any business or commercial establishment or apartment complex or other establishment required to obtain a bulk container due to volume of garbage or refuse, which fails to purchase or rent such bulk container for use as required herein.
- (7) The drain hole of bulk containers shall be fitted with a wire screen to prohibit rodents from entering.

Sec. 18-10. - Receptacles and collection for apartment buildings and complexes.

Apartment buildings and complexes shall be subject to the following requirements as to receptacles for garbage or refuse:

- (1) All apartment buildings and groups of buildings consisting of four (4) or more apartment units in one (1) building or one (1) group of buildings are required to furnish and provide garbage containers of sufficient size so that all garbage from such buildings can be mechanically handled. Where bulk containers are utilized, it shall be the joint responsibility of the person or agency responsible for the apartment building or complex, and the occupants thereof, to see that all garbage or refuse deriving there from is placed in the bulk container at its specified location as determined by the Town, with due regard for loading conditions and convenience. Any failure to place such garbage or refuse in such bulk container, which results in littering the premises, shall be unlawful. Each day of failure to comply with this section shall constitute a separate offense.
- (2) Where apartment buildings and complexes with less than four (4) units are receiving garbage service, as in the case of a household, such service shall be subject to the requirements and provisions applicable to household garbage and refuse service as set forth in section 16-12.
- (3) Prior to the issuance of a building permit, all plans for apartment buildings, groups of apartment buildings or complexes consisting of four (4) or more units, will provide for garbage containers which may be picked up mechanically.

Sec. 18-11. - Disturbing, defacing, etc.

- (a) No person, except the employees or agents of the Town shall, within the Town, remove, deface, tip over, handle or in any manner disturb any garbage can, roll-cart, recycling bin, bulk container or other such receptacle, or disturb the contents of the same, or in any way disturb any garbage, trash or other waste matter placed for removal, whether in a sanitary box or not, or dispose of the same in any manner whatsoever.
- (b) No person, other than those under the direction of the Town Administrator, shall haul away, remove, plunder through, or in any way tamper with any garbage or refuse set out for collection, whether in roll carts, recycling bins, bulk container or bundled for refuse collection as provided for in this chapter, except by written consent of the Town Administrator.

Sec. 18-12. - Limb collection.

Limbs should be placed to the edge of the property for collection by Town forces on the schedule determined by the Town forces. Limbs shall not be placed in the street or across any sidewalk. Limbs shall only be placed out by the resident of the property. Contractors or anyone paid for their services shall not place any limbs or other debris out for collection by Town forces.

Sec. 18-13. - Duty of landlords, tenants, rental agents, and storekeepers.

It shall be the duty of each landlord, tenant, rental agent or storekeeper to assure that all bulk containers, and the contents thereof, as provided for in this chapter, are available for pickup service by the Town forces at such place and time as may be fixed by the Town. No employee of the Town shall assist in the performance of the duties of the landlords, tenants, rental agents and storekeepers, as set forth therein.

Sec. 18-14. - Sanitation service fees.

Each taxpaying property receiving residential garbage service from the Town shall pay to the Town a residential garbage collection fee to cover the cost of garbage collection and disposal which fee shall be

set from time-to-time by the Council. A schedule of such fees is on file in the Town Administrator's office.

Sec. 18-15. - Sufficient containers required at loading docks.

It shall be unlawful for any person or corporation maintaining a loading or unloading area to fail to provide refuse receptacles for loose debris, paper, packaging materials and other trash. Loading area shall be kept free of litter at all times. The number of containers necessary for each area shall be determined by the Town Administrator.

Secs. 18-16--18-30. - Reserved.

ARTICLE III. COMMUNITY IMPROVEMENT AND LITTER CONTROL

Sec. 18-31. - Placing of garbage, refuse, or litter on public or private property prohibited.

It shall be unlawful for any person to put, place or throw any litter, garbage, refuse, trash or yard waste on any public street, alley or other public place in the Town or upon the property of another person, corporation, or agency except in containers or areas lawfully provided therefore.

Sec. 18-32. - Unauthorized disposal.

It shall be unlawful for any person to deposit household garbage or refuse in any litter receptacle maintained in a park, on a sidewalk, at any other location for control of litter by motorists and pedestrians, or at any other unauthorized disposal site.

Sec. 18-33. - Depositing in public places.

- (a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town except in public receptacles or in authorized private receptacles for collection.
- (b) No person shall throw or deposit litter in any park within the Town except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

Sec. 18-34. - Placing in receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other private place or upon private property.

Sec. 18-35. - Sweeping into gutters.

No person shall sweep into or deposit in any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and gutter in front of their premises free of litter.

Sec. 18-36. - Compressing and disposal of boxes, containers, etc.

Cardboard boxes and other containers placed on the sidewalks, streets or alleys for the purpose of being collected by the sanitation division will be broken down and securely fastened together and deposited on sidewalks so as not to impede traffic or be blown onto the street. Large boxes will be used as containers to hold the smaller broken-down boxes and all loose packing materials so stored in the boxes

so as to prevent its [them from] being blown onto the sidewalk or street. No boxes, crates or other containers will be placed in any garbage receptacle in the Town without being broken down, crushed or smashed into its own compact size.

Sec. 18-37. - Thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town or upon private property.

Sec. 18-38. - Caused by truck loads.

- (a) No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind. Provided, however, where circumstances are such that mud and dirt are necessarily or unavoidably deposited on the streets, it will be the duty and responsibility of the operator or owner of such vehicle involved to clean up and remove such mud and dirt from the public streets.
- (b) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose materials likely to fly out by truck or other vehicle within the Town unless said material is covered and secured in such a manner as to prevent litter on public or private property. This section shall apply alike to the person or corporation in control of the operation of the vehicle.

Sec. 18-39. - Occupied private property.

No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Sec. 18-40. - Responsibility of owner of premises.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 18-41. - Restaurants and other business establishments.

- (a) Notice to remove. The environmental inspector is hereby authorized and empowered to notify the owner of any restaurant or other business establishment, or the agent of such owner, to dispose of litter on such property in accordance with the provisions of this chapter when, upon investigation, it appears that litter is not being disposed of as required by the provisions of this chapter.
- (b) Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified he/she will be issued a summons for violating state law.

Sec. 18-42. - Property to be kept clean.

It shall be unlawful for any owner, agent, occupant, or lessee of property within the Town to:

- (1) Deposit garbage in any but fly proof, rodent proof and watertight receptacles.
- (2) Place garbage, refuse or trash, or cause the discharge of sewage or any other organic filth into or upon any place, in such manner that transmission of infectious material to human beings may result therefrom.

(3) Place outside of any building any discarded furniture, icebox, refrigerator, stove, water heater or other major appliances, machinery, equipment, mattress, building material, or any accumulation of trash and refuse which is not completely enclosed within a building, except as allowed in section 16-16 for trash collection by Town forces.

(4) Sweep or push litter from buildings, property or sidewalks into streets, sidewalks and storm drains. Sweepings shall be picked up and put into household or commercial receptacles.

(5) Allow the accumulation of loose or trapped litter at such locations as fences, wall bases, grassy or planted areas, borders, embankments, or other similar collecting points. Owners, agents, occupants or lessees whose properties include a Town right-of-way shall be responsible for keeping up to and including the curb and gutter or street line free of litter.

Sec. 18-43. - Construction waste to be contained.

It shall be unlawful for any construction and/or demolition contractor to fail to control loose debris, paper, building material waste, scrap building material, employee lunch/coffee break discards, and other trash produced by those working on a site. All such material shall be contained by the end of each working day and the site shall be kept in a reasonably clean and litter-free condition. The number and type of refuse receptacles, bulk containers, detachable containers, or other approved method of containing waste material shall be determined by the size of the job. Dirt, mud, construction materials, or other debris deposited upon any public or private property as a result of the construction or demolition shall be immediately removed by the contractor. Construction sites shall be kept orderly at all times.

Sec. 18-44. Reserved.

Chapter 19 - RESERVED

Chapter 20 - OFFENSES AND MISCELLANEOUS PROVISIONS

*State Law Reference-Crimes and offenses, S.C. Code 1976, title 16; preemption of most firearms-related matters from scope of local government authority, S.C. Code of Laws 1976, § 23-31-510; local government may regulate careless discharge of firearm or public brandishing of firearms, S.C. Code of Laws 1976, § 23-31-520.

ARTICLE I. - IN GENERAL

Sec. 20-1. - Disorderly conduct.

- (a) It shall be unlawful for any person to engage in disorderly conduct, which shall consist of any one or more the following:
- (1) Acting in a violent or tumultuous manner toward another, whereby any person is placed in danger of his life, limb or health;
 - (2) Acting in a violent or tumultuous manner toward another, whereby the property of any person is placed in danger of being destroyed or damaged;
 - (3) Causing, provoking or engaging in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
 - (4) Using "fighting words" directed towards any person who thereby becomes outraged and thus creates a turmoil;
 - (5) Congregating with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic, and refuse to clear such public way when ordered by the Town public safety officers or other lawful authority;
 - (6) Being drunk or under the influence of alcohol or any narcotic or hypnotic drug or any stimulant or depressant on any street or public place to such an extent as to be of annoyance to any other person or as to jeopardize persons or property or as to menace the public peace and safety.
- (b) This section shall not apply to peaceful picketing, public speaking or other lawful expressions of opinion not in contravention of other laws.
- (c) Any person convicted of violating any provision of this section shall be guilty of a misdemeanor.

Sec. 20-2. - Carrying concealed and nonconcealed weapons prohibited.

- (a) For the purpose of this section, the term "switchblade knife" means any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.
- (b) It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor, ice pick or other weapon that can be used for the infliction of personal injury or injuries. This shall not apply to peace officers while in the discharge of their duties.
- (c) It shall be unlawful for any person within the Town to possess or conceal upon his person any knife measuring seven inches or greater in length either when opened or unopened, or any switchblade knife.

Sec. 20-3. - Damaging public property.

It shall be unlawful for any person to damage, mutilate or destroy any property belonging to or under the control of the Town or the Town authorities.

Sec. 20-4. - Tampering with or obstruction of utilities.

It shall be unlawful for any person to tamper with or in any way obstruct any water, sewer, gas, electric or telephone lines located within the Town.

Sec. 20-5. - Posting of signs, notices, etc.

It shall be unlawful for any person to tack, post or in any way fasten any sign, bill or notice on any telephone, power or electric light pole within the Town.

Sec. 20-6. - False alarms.

It shall be unlawful for any person to give or cause to be given a false alarm of fire with the intent to deceive or to interfere with the fire alarm system of the Town or interfere with any firemen in the discharge of their duties.

Sec. 20-7. - Drinking in public places.

It shall be unlawful for any person to drink whiskey, rum, gin or other alcoholic beverage in any public place, except public places licensed for the sale and consumption of alcoholic beverages by the state.

Sec. 20-8. - Drug paraphernalia prohibited.

It shall be unlawful for any person to have in his possession any instrument, device, article, or contrivance used, designed for use or intended for use in ingesting, smoking, administering, or preparing marijuana, hashish, hashish oil, or cocaine and shall not include cigarette papers and tobacco pipes but shall include, but not be limited to:

- (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic marijuana or hashish pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- (2) Water pipes designed for use or intended for use with marijuana, hashish, hashish oil, or cocaine.
- (3) Carburetion tubes and devices.
- (4) Smoking and carburetion masks.
- (5) Roach clips.
- (6) Separation gins designed for use or intended for use in cleaning marijuana.
- (7) Cocaine spoons and vials.
- (8) Chamber pipes.
- (9) Carburetor pipes.
- (10) Electric pipes.
- (11) Air driven pipes.
- (12) Chillums.
- (13) Bongos.
- (14) Ice pipes or chillers.

Sec. 20-09. - Unreasonably loud noise prohibited.

It shall be unlawful for any person to willfully create or cause any unreasonably loud, disturbing noises including, but not limited to:

- (1) Radio, musical device, etc. The playing of any radio, or any musical device in such a way, or with such volume, particularly during the hours of 10:00 p.m. and 7:00 a.m., as to create a noise that will reasonably disturb a person residing in a dwelling or other type of residence in the vicinity.
- (2) Near posted school, court, etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably

interferes with the working of such institution, provided that signs are displayed indicating the street is a school, institution or court street.

- (3) Squealing tires, automobiles, etc., in state of disrepair. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or operated in such manner as to create loud noises such as spinning or squealing tires, grating, grinding, rattling or car stereos that can be heard from a distance of 50 feet or more.
- (4) Mufflers. The use of an automobile without a muffler, a damaged muffler or an unreasonably loud muffler that is not factory installed.

Sec. 20-10. - Open container of alcohol prohibited.

It shall be unlawful for any person to have on his person, in his vehicle, or in his possession any open container of beer or any other beverage containing alcohol.

Secs. 20-11—20-30. - Reserved.

Chapter 21 – RESERVED

Chapter 22 – TAXATION

*State Law Reference-Taxation, S.C. Code 1976, Title 12; municipal power to levy taxes on all property not otherwise exempted by general law, S.C. Code 1976, §§ 5-7-30, 5-21-110; authority of local governments to assess taxes and fees, S.C. Code 1976, § 6-1-300 et seq.; collection of delinquent ad valorem taxes by municipalities, S.C. Code 1976, § 5-7-300; alternative procedure for collection of property taxes, S.C. Code 1976, §§ 12-51-40 et seq.; municipal authority to exempt certain manufacturing establishments from ad valorem taxation, S.C. Const. Art. X, Sec. 3(g); property tax levies shall be uniform, S.C. Const. Art. X, Sec. 6; any tax levied shall distinctly state the public purpose for which tax proceeds will be applied, S.C. Const. Art. X, Sec. 5.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-18. - Reserved.

ARTICLE II. - HOSPITALITY TAX

Sec. 22-19. - Imposed.

- (a) There is hereby imposed a local hospitality tax of two percent on the gross proceeds of the sale of prepared meals and beverages in establishments within the Town.
- (b) Payment of the hospitality tax established hereby shall be the liability of the customer.

Sec. 22-20. - Collection.

The tax imposed by this article 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 section 22-21.

Sec. 22-21. - Payment on monthly basis.

Payment of the hospitality tax established herein shall be remitted by the vendor to the Town on a monthly basis, along with such return or form as may be established by the Town for such purposes, not later than the 20th day of the month and shall cover the tax due for the previous month. Any tax not timely remitted shall be subject to a penalty of five percent of the sum owed for each month or portion thereof until paid. The failure to collect from the customer the tax imposed by this article shall not relieve the vendor from making the required remittance.

Sec. 22-22. - Penalty.

The failure of any vendor subject to this article to remit to the Town the tax imposed by the provisions of this article shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to 30 days, or both.

Sec. 22-23. - Special account created.

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.

Chapter 23 - RESERVED

Chapter 24 – TRAFFIC AND MOTER VEHICLES

***State Law Reference** - Motor vehicles, S.C. Code 1976, title 56; Uniform Act Regulating Traffic on Highways, local authority, S.C. Code 1976, § 56-5-30; general rules regarding maximum speed limits, S.C. Code 1976 § 56-5-1520; alteration of speed limits by local authorities, signs and approval by state, S.C. Code 1976 § 56-5-1540; powers of local authorities concerning traffic laws, South Carolina Code 1976, § 56-5-710; local authority to regulate standing or parking of vehicles, S.C. Code 1976 § 56-5-710(1); municipalities with marked parking spaces must designate spaces for disabled persons, S.C. Code 1976, § 56-3-1965; local authority to regulate operation of bicycles, S.C. Code 1976 § 56-5-710(8); power of local authorities to require strict pedestrian compliance with traffic control signals, S.C. Code 1976, § 56-5-3120; municipality may by ordinance require drivers involved in accidents to file report with designated city department, S.C. Code 1976, § 56-5-1360.

ARTICLE I. IN GENERAL

Sec. 24-1. - Short title.

This chapter may be known and cited as "The Traffic Ordinance."

Sec. 24-2.- Adoption of state law.

It is hereby adopted by reference and made a part hereof as if set forth in full those provisions of the state law known as the "Uniform Act Regulating Traffic on Highways" (SC Code Section 56-5-10 et seq.)

Sec. 24-3. - Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section:

Authorized emergency vehicle means vehicles of the fire department, police department and such emergency vehicles as are designated and authorized to use the privileges of authorized emergency vehicles by permit of the public safety director and ambulances when carrying an ill or injured person suffering from:

- (1) Poisoning;
- (2) Excessive bleeding, which cannot be controlled by immediate first aid; and,
- (3) Such injury and illness that the attending physician designates that rapid transportation is required.

Business district means the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

Crosswalk means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossings by lines or other markings on the surface.

Driver means every person who drives or is in actual physical control of a vehicle.

Intersection means the area embraced within the prolongation or connection of the later curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official time standard means whenever certain hours are named herein they shall mean standard time in use in this Town.

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Official traffic signal means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Park means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian means any person afoot.

Parking lot means any lot, building or structure whereon or wherein a vehicle may be parked, placed or allowed to stand.

Public safety officer means every officer of the municipal police department or any officer authorized to direct or regulate or to make arrests for violation of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Residential district means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with dwellings or dwellings and buildings in use for business.

Right-of-way means the privilege of the immediate use of the roadway.

Roadway means that portion of a street improved, designed or ordinarily used for vehicular travel.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Standing means any stopping of a vehicle, whether occupied or not.

Stop or stopping means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a public safety officer or traffic-control sign or signal.

Street or highway means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either single or together while using any street for purposes of travel.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power and used exclusively upon stationary rails or tracks.

Sec. 24-4. - Obedience to traffic laws.

Any person doing any act forbidden by this chapter or failing to perform any act required thereby shall be deemed guilty of a misdemeanor.

Sec. 24-5. - Authority and power of certain officials.

The Town Administrator or Chief of Police is hereby authorized and empowered to make and promulgate regulations governing the control and movement of traffic in the Town not inconsistent with this chapter; which, when made and promulgated, shall be considered a part of this chapter and shall have the same effect as if incorporated herein.

Sec. 24-6. - Opening door on traffic side of vehicle.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 24-7. - Persons propelling pushcarts or riding bicycles or animals.

Every person propelling any pushcart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Secs. 24-8--24-30. - Reserved.

ARTICLE II. OPERATION OF VEHICLES

Sec. 24-31. - Funeral processions, etc.

- a) Funeral processions shall be identified as such by the display of lights on each vehicle; each driver in a procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as [near as] is practical and safe.

- b) No driver of a vehicle shall drive between the vehicles comprising a funeral procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic-control systems or a police officer.

Sec. 24-32. - Limitation on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the business district of the Town and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Sec. 24-33. - Driving through safety zones, private driveways filling stations, etc.

- a) No vehicle shall at any time be driven through or within a safety zone.
- b) No vehicle shall at any time be driven through or across any private driveway or filling station premises for the purpose of avoiding any traffic-control device.

Sec. 24-34. - Careless operation of motor vehicles prohibited.

No person shall operate any motor vehicle without care and caution and full regard for the safety of persons and property. Any person failing to do so shall be guilty of careless driving. The operation of any vehicle when the same or any of its parts are not in proper or safe condition shall be prima facie evidence of careless driving. Speeding, failure to obey a traffic control device or other acts of careless operation of a motor vehicle as described by state law shall be prima facie evidence of a violation of this section.

Sec. 24-35. - Only licensed operators may drive vehicle.

No vehicle shall be operated within the Town limits other than by a properly licensed driver. Every person operating a motor vehicle in the Town must always have in his possession his driver's license.

Sec. 24-36. - Vehicles are not to be driven on sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Secs. 24-37 -- 24-55. - Reserved.

ARTICLE III. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 24-56. - Parking prohibited in certain places.

- a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a public safety officer.
- b) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.
- c) The Chief of Police is hereby authorized to establish and regulate parking zones and regulate permissible parking periods which shall be enforceable upon the posting of said regulations.

- d) It shall be unlawful for any person to allow a vehicle to remain parked in a manner inconsistent with the posted parking regulations.
- e) No person shall leave parked upon any roadway, street, highway or alley any vehicle for 96 or more continuous hours.
- f) No person shall park any vehicle within fifteen (15) feet of an intersection or crosswalk.

Sec. 24-57. - Parking for display, repairs, etc.

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Sec. 24-58. - Handicapped parking violations.

- a) It is unlawful to park any vehicle in a parking place designated for a handicapped person unless the vehicle bears the distinguished license plate or placard provided by the State of South Carolina or any other state for handicapped persons. This provision shall apply to all designated handicapped parking places on public and private property including streets, parking facilities in the Town, shopping centers, business and commercial establishments which provide parking spaces designated for handicapped persons.
- b) The provisions of South Carolina law including but not limited to Title 56, Chapter 3 are incorporated herein.
- c) Any person, firm or corporation violating the provisions of this section upon conviction shall be fined not more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days.

Sec. 24-59. - Owner responsible for illegal parking.

No person shall allow or permit any vehicle registered in his name to stand or park in any street in the Town in violation of any of the ordinances of the Town regulating the standing or parking of vehicles.

Sec. 24-60. - Loading zones.

It shall be unlawful for any person to park any vehicle in any area designated and marked as a loading zone between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sundays.

Sec. 24-61 - Parking of vehicles in the Town.

- a) Parking of commercial vehicles and buses in residential district prohibited.
 - (1) No person shall park, store, or knowingly permit any other person to park or store a commercial vehicle on any street, road or right-of-way within the Town in a residential district or on any residential lot or upon any property owned, leased or maintained or controlled by the Town at any time of day or night.
 - (2) A commercial vehicle includes a vehicle that is A. a tractor-trailer; or B. a cab or tractor without trailer; or C. transports sixteen (16) or more passengers; or D. used to transport hazardous materials; or E. having more than six (6) tires and which bears any sign or marketing which advertises or identifies any business or commercial interest. The above restrictions shall not apply to private or public-school buses.
 - (3) Moving or delivery vans being loaded or unloaded for a period not to exceed forty-eight (48) hours are exempt from this section without a permit but periods in excess of forty-eight (48) hours will require a permit from the Town building official.
 - (4) Trailers used in construction, renovations or improvement activities shall be allowed on the construction site with a permit issued by the Town building official.

- b) Parking of trucks over three-quarters ton on Town streets. No truck exceeding three-quarters ton shall park on any street within the Town limits between the hours of 6:00 p.m. and 6:00 a.m.; provided, however, that the operator of such truck may park for the purpose of eating and other personal needs for a period not exceeding one (1) hour. No such truck shall park on any street within the Town limits between the hours of 6:00 a.m. and 6:00 p.m. except for the purposes of loading and unloading and no such truck shall be permitted to remain parked.
Subsection B. is subject to subsection A. above and in the event of conflict, subsection A. above controls.

Sec. 24-62. - Commercial, etc., parking lots to have dustproof and waterproof hard surface.

All commercial parking lots, bus or trucking terminal lots and lots used in connection with the operation of drive-in restaurants shall be paved with a dustproof and waterproof hard surface, meeting the requirements of the Town, and such paving shall be maintained for so long as such use continues; provided, that this section shall not apply to lots used temporarily for such purposes.

Sec. 24-63. - Maintenance of parking lots.

All public parking lots and entrances, including commercial parking lots, trucking terminals, used car lots, drive-in restaurants, garages or any lots used in connection with office buildings or any other business shall be kept and maintained so as not to allow any dirt, gravel, debris or refuse whatsoever to be blown, washed, carried or transmitted in any way from such lot onto or across public sidewalks or public streets.

Sec. 24-64. - Parking prohibited in fire lanes or fire zones.

It shall be unlawful to park in spaces reserved as fire lanes or fire zones within the Town of Pacolet. It shall be unlawful for drivers of unauthorized vehicles to park in spaces which are designated as fire lanes or fire zones and are so marked, whether such spaces are located on public roads or streets or on private property which is used as a public parking lot and is posted in accordance with Section 23-1-15, S.C. Code Ann.

Penalties for violations. Any person who violates this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days. Any unpaid fine or portion of unpaid fine shall attach to the motor vehicle tax of the registered owner of vehicle in violation.

Secs. 24-65. – 24-100. - Reserved.

DIVISION 2. IMPOUNDMENT OF ABANDONED, WRECKED OR ILLEGALLY PARKED VEHICLES

Sec. 24-101. - Removal from streets; towing charges.

Whenever a police officer finds a motor, or other vehicle, that has been abandoned or wrecked upon the public streets or ways of the Town, or that has been parked in violation of a Town ordinance, such officer may, with the approval of the Chief of Police have such vehicle removed by any wrecker service on the approved list and the same shall be held until claimed by the legal owner or is otherwise disposed of, as provided by this division, or other applicable law.

Sec. 24-102. - Notification to owner.

It shall be the duty of the investigating official to advise the owner of such vehicle, and if such vehicle shall be a motor vehicle, the owner shall be construed to be the registered owner thereof as shown by

the records of the state of its registration at such owner's last-known address, within seventy-two (72) hours, by registered mail, of the fact that such vehicle has been impounded, setting forth the reasons for such impounding.

Sec. 24-103.- Storage charges.

Storage charges for impounded vehicles stored shall be handled by the storage facility and shall be established by contract with the Town and towing/storage company. In no case shall any charges exceed the amount allowed by state or county statute.

Sec. 24-104. - Release of vehicle to owner.

No impounded vehicle shall be released until all towing and storage charges have been paid to the wrecker service and proper evidence of ownership exhibited.

Sec. 24-105. - Payment of charges under protest; return of charges when owner found not guilty.

Should any owner of an impounded vehicle pay the charges provided in this division under protest and he is found to be not guilty of the violation of any traffic law of the Town, such person shall be refunded the money paid "under protest" without interest.

Sec. 24-106. - Sale of unclaimed vehicles; disposition of proceeds.

If at the expiration of thirty (30) days from the date of the impounding of a vehicle, the rightful owner thereof has not claimed the same and paid the charges herein provided, the director of public safety shall advertise and sell such vehicle, after due notice published in a local newspaper once a week for three (3) weeks, to be sold for the towing, storage and advertising charges thereon, and any money received from the sale over and above the amount due for such charges shall be placed in an escrow account to be held for the rightful owner of such vehicle until proper evidences submitted by the person entitled thereto.

Sec. 24-107. - Declared health hazard and nuisance.

The having, parking or placing of any motor vehicle which does not have a current motor vehicle license upon any property located within the Town is hereby declared to be a public health hazard and a nuisance and the owner of the property on which such vehicle is located shall be guilty of a misdemeanor.

Sec. 24-108. - Maintenance on private property unlawful.

It shall be unlawful for any person to salvage or otherwise maintain upon his property any inoperable motor vehicle for the purpose of taking parts therefrom.

Sec. 24-109. - Exceptions.

Provisions of this article shall not apply to any motor vehicle which is the subject of litigation in any court of this state and shall not apply to motor vehicles located on the place of business of any licensed new or used car dealer, or in those cases, where the unlicensed or inoperable vehicle is covered or sheltered in such fashion as is adequate to prevent moisture from accumulating.

Secs. 24-111. -- 24-150. - Reserved.

Chapter 25 – RESERVED

Chapter 26- WRECKERS

Sec. 26-1 – 26-10. - Reserved.

Sec. 26-11. - Wrecker ordinance regulations.

Whereas, the Town Council of the Town of Pacolet proposes the following regulations shall be followed by all wrecker services utilized by the Town.

- (a) No Town police officer shall hold any financial interest or any form of ownership interest in any wrecker service.
- (b) Unless the owner or driver of a vehicle is incapacitated or unavailable, the owner or driver of a wrecked or disabled vehicle shall have the right to the wrecker service of his/her choice. Before calling any wrecker service to tow a wrecked or disabled vehicle, the investigating officer on the scene shall, if practical, determine the owner's or driver's preference of wrecker services and the wrecker service designated by the owner or driver shall be called.
- (c) All wreckers shall be equipped with legally authorized lighting and other safety equipment to protect the motoring public. Such equipment shall be maintained in good working order.
- (d) Equipment such as brooms, shovels, etc., must be carried on all wreckers whereby to remove glass and other debris from the highway. The highway shall be cleaned by the wrecker service prior to leaving the scene of any accident.
- (e) Wrecker services shall be available to the Town and to the public on a twenty-four-hour basis.
- (f) In no event shall any police officer recommend any wrecker service to the owner of a wrecked or disabled vehicle nor shall any police officer ever recommend the services of a particular wrecker service in the performance of his duties.
- (g) Wreckers shall respond only upon the request of the proper police authority. Response under any other condition may result in removal from the wrecker list.
- (h) The wrecker rotation list shall be administered fairly and, in a manner, designed to ensure that all wrecker services on the list have an equal opportunity to the towing business arising from the rotation list.
- (i) Wrecker services shall be called from the rotation list in the order which they appear on the list. If a particular wrecker service is unavailable when called, it shall be passed over and the next wrecker service on the list shall be called to the scene.
- (j) Separate rotation lists shall be maintained for heavy duty wreckers. Where the services of a heavy duty wrecker are needed and where the owner or driver has no preference as to which wrecker service he/she desires, a heavy duty wrecker shall be called from the heavy duty wrecker rotation list.
- (k) The wrecker service must have a wrecker of sufficient size and strength to handle the job. The Town shall have the right not to call a wrecker service which in its opinion fails to meet the qualifications. Under these conditions, the wrecker service not called shall remain on the top of the rotation list.
- (l) Each wrecker owned by any wrecker service on a vehicle rotation list shall be equipped with a towing log. The towing log shall be maintained by the wrecker service at the request of the Town's police officer. The wrecker log format shall be designed by the police department. Each wrecker service owner shall be responsible for producing this towing log.
- (m) Charges for work performed must be reasonable. Reasonable charges for daytime towing (7:00 a.m.-7:00 p.m.) will be \$125.00 and reasonable charges for nighttime towing (7:00 p.m.-7:00 a.m.) will be \$175.00.
- (n) Wrecker operators must conduct themselves in a proper manner at all accident scenes and in a proper manner when dealing with the public.

- (o) It shall be unlawful for any person to solicit wrecker business in the Town.
- (p) A wrecker service may secure assistance from another wrecker service when necessary to do the job. Only one (1) bill is to be submitted to the owner or operator for the work performed.
- (q) When a wrecker service or wrecker driver is unable to answer a call, the police shall be promptly notified to the fact and the reason of unavailability.
- (r) Each wrecker service on the rotation list must place a sign on the door of each of its wreckers indicating the company name, address, and telephone number. This sign shall be painted on the door of the wrecker or otherwise permanently affixed to the door. The letters of the sign must be no less than two (2) inches in height. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the door in letters no less than one (1) inch in height. All lettering on wreckers shall be plainly visible and shall be in a color which contrasts to that of the wrecker.
- (s) Any wrecker service on the rotation list shall carry liability insurance on its wrecker and premises in an amount no less than one hundred thousand dollars (\$100,000.00).
- (t) Any wrecker service on the rotation list shall carry garage keeper's liability insurance covering the customer's vehicle in an amount no less than twenty-five thousand dollars (\$25,000.00).
- (u) Each wrecker service shall be responsible for securing personal property in a vehicle at any accident scene as best it can, and the wrecker service shall be responsible for reasonably attempting to preserve personal property in a vehicle which is about to be towed from an accident scene. In no event, however, shall a wrecker service be responsible for personal items which do not come into the possession of the wrecker service.
- (v) Any complaints from wrecker services regarding any incident involving the police department or its cooperation of the wrecker list must be received within thirty (30) days of the alleged incidents.
- (w) Any wrecker service on the rotation list shall operate within four (4) miles of the Town limits.
- (x) In the event that a wrecker called for service can or does not respond within thirty (30) minutes that service may be canceled and the next wrecker in rotation may be called in their place.

Sec. 26-12. - Penalty for violation.

Failure of any wrecker service to comply with the regulations as stated may result in their removal from the Town wrecker list by the Chief of Police or punishment in accordance with this ordinance.

Sec. 26-13 – 26-20. Reserved.

Chapter 27- RESERVED

Chapter 28- YARD SALES

Article I. In General.

Sec. 28-1. - Defined.

For the purpose of this article, the term “yard sale” means the sale of any new or used personal property, which sale is conducted on or about the premises of a private residence, non-profit organization, business, or eleemosynary organization, by the owner or occupant and which sale is open to the public.

Sec. 28-2. - Merchandise not to be purchased or brought on premises for sale.

No new or used merchandise shall be purchased or brought on the premises for the purpose of selling the same at a yard sale.

Sec. 28-3. - Duration.

No person shall conduct a yard sale for more than two days (48 hours) within a two (2) week (14 days) time period.

Sec. 28-4 – 28-10. - Reserved.

Sec. 28-11 - Business License:

- a) Section 12-36-510 of the Code of Laws of South Carolina, 1976 states that a South Carolina retail license is not required of a person conducting a yard sale if the sale is conducted no more than once a quarter. If no South Carolina retail license is required for a yard sale, the Town will not require a business license for such sale.
- b) If a person conducts sales more frequently than once a quarter, a state retail license would be required. If a state retail license is obtained for yard sales, then a business is being conducted and the owner would be required to obtain a Town business license. In most residential areas of the Town a business license cannot be issued because no business activity is allowed in neighborhoods.

Secs. 28-12 -- 28-20. - Reserved.

Chapter 27 – RESERVED