TABLE OF CONTENTS

Page

Officials of the City at the Time of this Codification

Current Officials (Reserved)

Preface

Adopting Ordinance (Reserved)

CODE

Chapter


2. Administration

   Art. I. In General

   Art. II. City Council

   Div. 1. Generally

   Div. 2. Meetings

   Div. 3. Ordinances and Resolutions

   Art. III. Officers and Employees

   Div. 1. Generally

   Div. 2. Manager

   Div. 3. Municipal Clerk/Treasurer

   Art. IV. Appearance Commission

3.-5. Reserved

6. Alcoholic Beverages

7.-9. Reserved

10. Animals

   Art. I. In General

   Art. II. Livestock

   Art. III. Dogs and Cats

   Div. 1. Generally

   Div. 2. License

   Div. 3. Impoundment

   Art. IV. Rabies Control

11.-13. Reserved

14. Buildings and Building Regulations

   Art. I. In General

   Art. II. Codes

   Art. III. Electricity

   Art. IV. Gas

   Art. V. Housing

   Art. VI. Plumbing

15-17. Reserved
Chapter

18. Businesses. .................................................................
    Art. I. In General......................................................
    Art. II. Solicitation for Information..........................
    Art. III. Yard Sales..............................................

19-21. Reserved...........................................................

22. Cemeteries..............................................................

23-25. Reserved............................................................

26. Election......................................................................

27-29. Reserved...............................................................

30. Fire Prevention and Protection.................................
    Art. I. In General....................................................
    Art. II. Fire Department.........................................
    Div. 1. Generally.................................................
    Div. 2. Insurance and Inspection Fund Board of
            Trustees.................................................
    Div. 3. Service Outside City..............................
    Art. III. Fireworks...............................................

31-33. Reserved............................................................

34. Floods....................................................................
    Art. I. In General..................................................
    Art. II. Administration and Enforcement..............
    Art. III. Standards and Specifications...................

35-37. Reserved............................................................

38. Housing....................................................................

39-41. Reserved.............................................................

42. Law Enforcement......................................................
    Art. I. In General..................................................
    Art. II. Police Department.....................................

43-45. Reserved.............................................................

46. Municipal Court......................................................

47-49. Reserved.............................................................

50. Offenses and Miscellaneous Provisions.....................
    Art. I. In General..................................................
    Art. II. Gambling.................................................
    Art. III. Noises...................................................
    Art. IV. Offenses against Morals...........................
    Art. V. Offenses Against Persons.........................
    Art. VI. Offenses Against Public Order...................
    Art. VII. Offenses Against Property.....................
    Art. VIII. Picketing and Demonstrations..............
TABLE OF CONTENTS-Cont'd.

Chapter

Art. IX. Weapons.........................................................
Art. X. Property Maintenance...........................................
51-53. Reserved............................................................
54. Planning.................................................................
   Art. I. In General......................................................
   Art. II. Planning Commission........................................
55.-57. Reserved............................................................
58. Purchasing..............................................................
59.-61. Reserved............................................................
62. Railroads..............................................................
63.-65. Reserved............................................................
66. Solid Waste............................................................
67.-69. Reserved............................................................
70. Special Assessments...................................................
71.-73. Reserved............................................................
74. Streets, Sidewalks and Public Places
   Art. I. In General......................................................
   Art. II. Streets.........................................................
      Div. 1. Generally..................................................
      Div. 2. Excavations.................................................
   Art. III. Sidewalks.....................................................
   Art. IV. Assemblies, Parades and Processions......................
75-77. Reserved............................................................
78. Taxation...............................................................
   Art. I. In General......................................................
   Art. II. Property Taxes...............................................  
79-81. Reserved............................................................
82. Traffic and Vehicles................................................
   Art. I. In General......................................................
   Art. II. Stopping, Standing and Parking............................
83.-85. Reserved............................................................
86. Utilities............................................................... 
   Art. I. In General......................................................
   Art. II. Rates and Charges.......................................... 
   Art. III. Sewers and Sewage Disposal..............................
      Div. 1. Generally..................................................
      Div. 2. Connections............................................... 
   Art. IV. Drought Response...........................................
87.-89. Reserved............................................................

15
CLINTON CODE

Chapter 90. Vehicles for Hire

Art. I. In General
Art. II. Taxicabs
Art. III. Use of Wrecker Services by Police

Code Comparative Table-1977 Code
Code Comparative Table-Ordinances
State Law Reference Table
Code Index
CODE

Chapter 1

GENERAL PROVISIONS


The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the City of Clinton, South Carolina," and may be so cited. Such ordinances may also be cited as the "Clinton City Code."

(Code 1977, § 1-1)


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

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

Bond. When a bond is required, an undertaking in writing shall be sufficient.

City. The word "city" shall mean the City of Clinton, in the County of Laurens, and State of South Carolina, except as otherwise provided.

City clerk/treasurer, municipal clerk/treasurer, city clerk and municipal clerk. The terms "city
clerk/treasurer," "municipal clerk/treasurer," "city clerk" and "municipal clerk" mean the municipal clerk/treasurer of the city.

*Code*. Whenever the words "Code" or "this Code" are used they shall mean the Code of the City of Clinton, South Carolina, as designated in section 1-1.

*Computation of time*. In computing any period of time prescribed or allowed, 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.


*Council or city council*. The words "council" or "city council" shall mean the city council of Clinton, South Carolina.

*County*. The word "county" shall be construed to mean the County of Laurens in the State of South Carolina.

*Delegation of authority*. Whenever a provision appears in this Code requiring or authorizing the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or other officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision specifically designate otherwise.

*Gender*. Words importing the masculine gender shall include the feminine and neuter.

*In the city*. The words "in the city" shall mean and include any territory within the corporate limits of the City of Clinton, South Carolina, and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the city by general or special act, except as otherwise specified.

*Joint authority*. All words giving joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Minor*. The word "minor" shall mean any person under the age of 18 years, unless otherwise specifically provided.

*Month*. The word "month" shall mean a calendar month.

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

*Oath*. The word "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 words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

Person. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

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

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

Property. The word "property" shall include real and personal property.

Real property and real estate. The terms "real property" and "real estate" shall include lands, tenements and hereditaments.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

Shall, may. The word "shall" is mandatory; the word "may" is permissive.

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

Signature or subscription. A signature or subscription includes a mark when the person cannot write.

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

Statute references. Whenever reference is made to state law or to the state statutes, it shall be construed to refer to the latest edition of the Code of Laws of South Carolina, as amended.

Street. The word "street" shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city, and shall mean the entire width thereof between opposed 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 city council.

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

Tense. Words used in the past or present tense include the future as well as the past and present.

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

Year. The word "year" shall mean a calendar year.
Sec. 1-3. Same--Officers, agents, etc., of the city.

In the construction of this Code and of all ordinances of the city, all officers, agents, employees and other persons, together with all things and places therein referred to, unless a contrary intention appears, shall be construed to mean the officers, agents, employees and other persons, things and places situate in the city or employed by or appertaining to the city.

Sec. 1-4. Same--Acts prohibited or punishable.

In the construction of this Code and of all ordinances of the city, all acts prohibited or punishable under this Code or under any particular ordinance, unless a contrary intent appears, shall be construed to refer to such acts when committed or occurring within the limits of the city or in other places over which the municipal court and city police have authority or jurisdiction under the laws of the state, even though the Code or the particular ordinance only provides that such acts shall be prohibited or punishable and shall not specifically designate the jurisdiction or scope thereof.

Sec. 1-5. Amendments to Code.

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, or in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code by the city council.

Sec. 1-6. Unauthorized alteration or tampering with Code.

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

Sec. 1-7. Police power extended to city property.

The police power of the city is hereby extended to include all lands or property owned or leased by the city or any agency of the city and the general ordinances of the city shall be applicable on such property.

Sec. 1-8. Incorporation by reference.
All standard codes, rules, regulations and other subject matter herein or hereafter properly incorporated by reference, together with subsequent amendments thereto, pursuant to state law, and future incorporations by reference shall be kept and preserved in the office of the city clerk/treasurer.
(Code 1977, § 1-8)


The matter in parentheses at the ends of sections is for information only and is not a part of the Code. Citations to Code 1977 (e.g., Code 1977, § 1-1) indicate only the source; and the text may or may not be changed by this Code. Reference matter not in parentheses is for information only and is not a part of this Code.
(Code 1977, § 1-9)

Sec. 1-10. Catchlines and headings.

The catchlines of the several sections of this Code, printed in boldface type, and the chapter, article and division headings are intended as mere catchwords to indicate the contents of the section, chapter, article or division and shall not be deemed or taken to be titles of such section, chapter, article or division, nor, unless expressly so provided, shall they be so deemed when any such section, chapter, article or division, including the catchlines, is amended or reenacted.
(Code 1977, § 1-10)


It is hereby declared to be the intention of the city 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 or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.
(Code 1977, § 1-11)

Sec. 1-12. Effect of repeal or expiration of ordinance.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired. When any ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.
(Code 1977, § 1-12)


The limits and boundaries of this city shall be as shown and indicated on an official map of the city, duly adopted by the city council, and on file in the office of the city clerk/treasurer.
(Code 1977, § 1-13)

Sec. 1-14. General penalty.
(a) Any person who is convicted for a violation of the ordinances of the city shall be subject to a
maximum fine of not more than $500.00 or imprisonment for not more than 30 days.

(b) This section shall apply to violations of all ordinances of the city and for offenses falling within
the jurisdiction of the courts of the city that are not otherwise regulated by the South Carolina Code of Laws.
(Code 1977, § 1-14; Ord. of 8-2-93)

Cross References: Municipal court, ch. 46; imposition of maximum penalty, § 46-5; offenses and miscellaneous provisions, ch. 50.

Sec. 1-15. Ordinance summons.

The city adopts the use of an ordinance summons to cite municipal ordinance violations in compliance
(Ord. of 12-7-92(2))


(a) By contract or by city personnel, supplements to this Code shall be prepared and printed
whenever authorized or directed by the city council. A supplement to the Code shall include all substantive
permanent and general parts of ordinances passed by the council 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, when necessary, replace pages that 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 preparing a supplement to this Code, all portions of the Code that 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 authorized to
prepare the supplement, may 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________ through________," 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. 1-17. Certain ordinances, rights 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 city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligations assumed by the city.

2. Containing any administrative provisions of the council not in conflict or inconsistent with the provisions of this Code.

3. Prescribing rates for city utility services.

4. Granting any right or franchise and establishing any rates therefor.

5. Dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city.


7. Levying or imposing taxes, not inconsistent with this Code.

8. Providing for local improvements and assessing taxes therefor.

9. Dedicating or accepting any plat or subdivision in the city.

10. Adopting, extending or contracting the boundaries of the city.

11. Prescribing the number, classification or compensation of any city officers, employees or agents, not inconsistent with this Code.


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

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 city 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.
ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-1. Form of government; terms of office of mayor, councilmembers.

(a) The council-manager form of municipal government, with a mayor and six councilmembers, is hereby adopted for the city.

(b) Each councilmember shall be required to live in a ward different from that of any other councilmember and shall be elected by the persons residing within his particular ward for a four-year term of office.

(Code 1977, § 2-1)


Sec. 2-2. Ward boundaries.

The city is hereby divided into six wards as particularly shown and designated on the drawing designated as the ward map which may be found in the office of the city clerk/treasurer.

(Code 1977, § 2-2)


Sec. 2-3. Annual budget and tax levy ordinances.

As soon as possible after the submission to it by the city manager of the annual budget estimate, the council shall adopt a budget and pass the tax levy ordinance and such other ordinances as may be required to make the budget effective.

(Code 1977, § 2-4)

Cross reference-Taxation, ch. 78.

Sec. 2-4. Destruction of paid bonds, interest coupons.

(a) All bonds issued by the city and all interest coupons attached thereto, after the same have been fully paid, shall be destroyed by cremation.

(b) After any paying agent, bank or other institution comes into the possession of any bond or interest coupon, such paying agent, bank or institution is hereby authorized and empowered to destroy the bonds and interest coupons by cremation as agent for the city.
(c) Before any cremation shall take place, the paying agent, bank or other institution shall furnish the city a certificate which shall show a complete description of the bond, including the dollar amounts, series, date of issue, interest rate, coupons attached or which may be detached and a list of the bond numbers in numerical sequence. The certificate shall certify that the bonds and interest coupons have been cremated and will contain a description of the bond issue, the maturity of the coupons, the total number of coupons, the face value and the dollar value of the coupons cremated.

(d) Before any paying agent, bank or other institution shall be authorized to cremate any bonds or interest coupons, it shall enter into a written contract with the city, and under the terms of the contract agree to indemnify and hold harmless the city against any and all claims, demands, damages, liability and costs, expenses or attorney's fees incident thereto, which may arise or occur in the event any bonds or coupons described or listed in the certificate are not actually destroyed by cremation.

(e) The city shall have the authority to enter into a contract with any paying agent, bank or institution to pay for their costs and services in connection with the cremation of bonds and interest coupons.

(Code 1977, § 2-5)

Sec. 2-5. Fiscal year.

The fiscal year for the city shall begin July 1 and end June 30.

(Code 1977, § 2-6)

Secs. 2-6-2-35. Reserved.

ARTICLE II. CITY

COUNCIL DIVISION 1.

GENERALLY

Sec. 2-36. Composition.

The mayor and six councilmembers shall constitute the city council.

(Code 1977, § 2-16)

Sec. 2-37. Qualifications.

The mayor and councilmembers shall be qualified electors of the state, county and city.  
(Code 1977, § 2-17)

Sec. 2-38. Oath.

The mayor and councilmembers, before entering upon the duties of their respective offices,  
shall take the oath prescribed by the constitution of the state for such officers, together with  
the following oath:

"As mayor (or councilmember) of the City of Clinton, I will equally, fairly and im- 
partially, to the best of my ability and skill, exercise the trust reposed in me and will use- 
my best endeavors to preserve the peace and carry into effect according to law the pur- 
poses for which I have been elected. So help me God."

(Code 1977, § 2-18)


Sec. 2-39. Duties of councilmembers generally.

The councilmembers shall attend all regular and special meetings of the city council  
except when excused from so doing by the city council itself and hold themselves at all times  
in readiness to perform any duty entrusted to them by the city council. The councilmembers  
shall perform the duties thus imposed upon them with dispatch and to the best of their  
abilities.

(Code 1977, § 2-19)

Sec. 2-40. Service on committees.

The councilmembers shall serve upon such committees as may from time to time be  
designated for them.

(Code 1977, § 2-20)

Sec. 2-41. Power of arrest.

Any councilmember may arrest a person who violates any ordinance of the city in his  
presence; and such councilmember may call the posse comitatus to assist him in making such  
arrest. Nothing in this section shall be so construed as to prevent a trial of such offender in the  
usual manner.

(Code 1977, § 2-21)

Cross reference-Law enforcement, ch. 42.

Sec. 2-42. Neglect of duties, oppression, etc.

It shall be unlawful for any mayor or councilmember willfully to violate his oath of office,  
eglect his duties or practice abuse or oppression in office. Upon conviction of any person of a
Violation of this section, it shall be the duty of the city council to dismiss such offender forthwith and declare his office vacant.
(Code 1977, § 2-22)

Sec. 2-43. Delivery of books, records, etc., to successors at end of term.

At the expiration of the term of office of any city council, it shall be the duty of the members thereof to pay over to their successors any money in their hands or under their control belonging to the city, and likewise to deliver promptly to their successors all books, records or other property incident to their office.
(Code 1977, § 2-23)

Sec. 2-44. Authorization of expenditures.

It shall be unlawful for the mayor or any other member of the city council or any employee of the city to authorize the paving of any street or sidewalk or any part of a street or sidewalk or to authorize the extension of any part of the sewer system of the city or to put down any new project of water or sewer system or to enlarge the light and power plant, or to extend any street or open up any new street, or to make any purchases of machinery, equipment, trucks, tractors, wagons, electric light poles, electric wires, coal or any materials or supplies for the city, either for cash or upon the credit of the city, without authorization therefor by the city council assembled, either at a regular or special meeting of the council, or as provided for in the budget ordinance.
(Code 1977, § 2-24)

Sec. 2-45. Mayor pro tem.

In the absence or disability of the mayor, or in the event of a vacancy in the office of mayor, the mayor pro tem shall preside over the meetings of the city council.
(Code 1977, § 2-25)


Sec. 2-46. Voting requirements.

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

(b) Every member of the council present shall vote on every question except when required to refrain from voting by state law.

(c) The vote on every question shall be by roll call and shall be recorded in the council minutes by the city clerk.
(Code 1977, § 2-26)

Sees. 2-47-2-55. Reserved.
ADMINISTRATION
DIVISION 2.

MEETINGS*

Sec. 2-56. Quorum and rules of order.

(a) A majority of councilmembers serving constitutes a quorum for the conduct 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 Robert's Rules of Order, Newly Revised, and the city attorney shall act as parliamentarian. Questions of order shall be decided by the mayor without debate, subject to appeal to the council.

(Code 1977, § 2-37; Ord. of 3-6-95, § 1)

Sec. 2-57. Agenda.

Matters to be considered by the council at a regular or special meeting shall be placed on a written agenda publicly posted by the city manager’s office at least 24 hours prior to the meeting. Matters not on the agenda may be considered upon request of a member unless two members object.

(Code 1977, § 2-40; Ord. of 3-6-95, § 2)

Sec. 2-58. Meetings of the council.

(a) Regular meetings of the council shall be held at 7:00p.m. on the first Monday in each month unless changed by majority vote of members present at any regular or special meeting or unless the first Monday conflicts with a city holiday, in which case the council meeting will be held on the very next Monday following the holiday.

(b) Special meetings of the council may be held on the call of the mayor or a majority of members of the council. The city manager's office 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 the council and to persons, organizations and news media which request notification.

(c) All regular and special meetings of the council shall be open to the public.

(Code 1977, § 2-35; Ord. of 3-6-95, § 3)

Sec. 2-59. Executive sessions.

(a) By majority vote in a public meeting, the council may hold an executive session as permitted by the state Freedom of Information Act, S.C. Code 1976, § 30-4-70.

(b) No vote or formal action shall be taken in executive sessions.

*State law reference-Rules and procedures for council meetings to be established by the council, S.C. Code 1976, § 5-7-250(b).
(c) Minutes of executive sessions shall not be taken unless required by majority vote of the 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. (Code 1977, § 2-36; Ord. of 3-6-95, § 4)


Sec. 2-60. Voting requirements.

(a) All actions of the council shall be by majority vote of members present at a public meeting, including suspension of a rule or order; provided that an ordinance amending rules of order shall be adopted by a majority of members serving. No proxy, mail, telephonic, facsimile, electronic or absentee vote may be cast.

(b) Every member of the council present, including the mayor or presiding member, shall vote on every question except when required to refrain from voting by state law.

(c) A roll call vote may be required by any member of the council.

(d) The vote on every question shall be recorded in the minutes.

(e) No member of the council may leave the council chamber while in public session without permission of the presiding officer.

(Ord. of 3-6-95, § 5)

Sec. 2-61. Motions.

(a) A motion may be made orally or in writing; however, a motion shall be reduced to writing at the request of any member of the council.

(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 pending motion and amendments; it may not be used to introduce a new or alternative proposal.

(Ord. of 3-6-95, § 6)

Sec. 2-62. Minutes of meetings.

The city clerk/treasurer 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 the council. A member of the council may place a written expression of position on a matter in the minutes not later than the next regular meeting.

(Code 1977, § 2-38; Ord. of 3-6-95, § 7)

Sec. 2-63. Appearance of citizens.

Any citizen of the municipality may speak at a regular meeting on a matter pertaining to municipal services and operation, except personnel matters, by signing an agenda list maintained by the city clerk/treasurer 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 may be limited to a two-minute presentation at the discretion of the mayor.
(Code 1977, § 2-39; Ord. of 3-6-95, § 8)

Sec. 2-64. Attorney to attend; parliamentarian; duties.

The city attorney shall attend all meetings of the council unless excused by the council. The city attorney shall act as parliamentarian, propose ordinances and resolutions, review all ordinances, resolutions and documents presented to the council and give opinions on questions of procedure, form, and law to members of the council.
(Code 1977, § 2-41; Ord. of 3-6-95, § 9)

Sec. 2-65. Clerk to attend; duties.

The city clerk/treasurer is ex officio clerk of the council. The city clerk/treasurer shall attend regular and special meetings, record votes of the council, keep minutes of council meetings, and perform such other duties as may be assigned.
(Code 1977, § 2-42; Ord. of 3-6-95, § 10)

Cross reference-Attendance at council meetings, § 2-144.

Sec. 2-66. Hearings by committee; ad hoc committees.

(a) The council may appoint a special committee to assist in or hold a public hearing for the council at any time upon any matter pending before it. Minutes or reports of hearings held by special committee shall be filed with the city clerk/treasurer as a public record. A special committee shall be deemed dissolved once its task is complete.

(b) Ad hoc committees may be appointed by the mayor or council as deemed necessary. Minutes or reports of meetings held by ad hoc committees shall be filed with the city clerk/treasurer as a public record. An ad hoc committee shall be deemed dissolved once its task is complete.
(Code 1977, § 2-43; Ord. of 3-6-95, § 11)

Secs. 2-67-2-75. Reserved.

DIVISION 3. ORDINANCES AND RESOLUTIONS

Sec. 2-76. Ordinances required.

(a) The council shall act by ordinance in all matters required by law to be done by ordinance, including:

(1) Adopt or amend an administrative code or code or ordinances, establish, alter or abolish any municipal department, office or agency;
(2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violation;

(3) Appropriate funds and adopt budget;

(4) Grant, renew or extend franchises, licenses, or rights in public streets or public property, and close abandoned streets, after public newspaper notice and public hearing;

(5) Authorize the borrowing of money or the issuance of bonds;

(6) Levy taxes, assess property for improvements or establish charges for services;

(7) Annex area to the municipality;

(8) Convey or lease or authorize the conveyance or lease of any lands of the municipality; and

(9) Amend or repeal any ordinance.

(b) In all other matters the council may act either by ordinance or resolution, written or oral, recorded in the minutes.

(Code 1977, § 2-52; Ord. of 3-6-95, § 12)


Sec. 2-77. Form of ordinances and resolutions.

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

(1) A title briefly describing the content;

(2) Findings, reasons or basis for the ordinance, if desired and appropriate;

(3) An enacting clause;

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

(5) Citation of any ordinance repealed;

(6) The effective date of the ordinance;

(7) Space for dates of readings and public hearing, if appropriate; and

(8) Space for the signatures of the mayor or presiding member of council and the city clerk/treasurer attesting notice, if required, and adoption.

(b) Written resolutions may be in similar form as approved by the city attorney.

(Code 1977, § 2-55; Ord. of 3-6-95, § 13)

Sec. 2-78. Introduction of ordinances.

An ordinance may be proposed by any member of the council, by the city manager or by the city attorney. A proposed ordinance shall be referred to the city attorney for approval as
to form. The city attorney shall render assistance in the preparation of notices and ordinances. An ordinance is considered to be introduced when it appears on an agenda, or is added to an agenda, for a public meeting of the council and its title is read.
(Code 1977, § 2·56; Ord. of 3·6·95, § 14)

Sec. 2-79. Enactment of ordinances.

(a) An ordinance must be prepared in writing and introduced in the form required for final adoption as required by section 2·77.

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

(c) An emergency ordinance may be adopted on one reading without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes or relate to a franchise or service rate, and it expires automatically on the 61st day following enactment.

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

(e) After the introduction of an ordinance, a member of the council may request a public hearing which may be held if approved by a majority of the council present and be set for a time prior to final adoption of the ordinance. A public hearing may be held on the same date as the final reading.

(f) Any ordinance may be amended on final reading.

(g) Upon final adoption by vote of the council, an ordinance shall be signed by the mayor or presiding member of the council and attested by the city clerk/treasurer, who shall file the original with the minutes in the permanent public records.
(Code 1977, § 2·57; Ord. of 3·6·95, § 15)


Sec. 2-80. Introduction of resolutions.

A voice motion is considered to be the introduction of an oral resolution which requires no written record other than a notation in the minutes of the meeting. A resolution proposed in writing shall be introduced in the same manner as an ordinance.
(Code 1977, § 2·58; Ord. of 3·6·95, § 16)

Sec. 2-81. Adoption of resolutions.

Written resolutions may be adopted on one reading unless a public hearing is set by majority vote of councilmembers present.
(Code 1977, § 2·58; Ord. of 3·6·95, § 17)
Sec. 2-82. Codification of ordinances.

All ordinances shall be codified and updated annually in a loose-leaf Code of Ordinances, except those adopted by reference and maintained in separate volumes, and copies shall be available for public inspection and purchase at reasonable cost.

(Code 1977, § 2-53; Ord. of 3-6-95, § 18)


Secs. 2-83-2-105. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Secs. 2-106-2-120. Reserved.

DIVISION 2. MANAGER

Sec. 2-121. Office created.

The office of city manager is hereby created.

(Code 1977, § 2-79)

Sec. 2-122. Appointment; qualifications.

The city manager shall be appointed by majority vote of the city council for an indefinite term. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications and character, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office, set forth in this division. At the time of his appointment he need not be a resident of the city or the state, but during his tenure of office he shall reside within the city. The mayor and councilmembers shall be ineligible to hold the office of city manager for a period of one year after the expiration of their respective terms of office.

(Code 1977, § 2-80)

State law reference-Similar provisions, S.C. Code 1976, §§ 5-13-50, 5-13-

70. Sec. 2-123. Removal from office.

During the term of the city manager, he may be removed from office by the city council. At least 30 days before such removal becomes effective (during which time he may be suspended from office by the council) the manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of council, stating the council's intention of removing him and the reasons therefor. If requested in writing by the city manager to do so, within five days after delivery of such statement to the manager, the council shall fix a time for a hearing upon the question of his removal, and the final resolution

Cross references-Building inspector/zoning administrator, § 14-3; fire chief, § 30-34; municipal judge, § 46-2; clerk of the municipal court, § 46-3; ministerial recorder, § 46-11.
ADMINISTRATION

removing the city manager shall not be adopted until such hearing shall be had. Such hearing shall be held at a council meeting not less than 20 nor more than 30 days after the request is filed. The manager may file a written reply with the council not less than five days before the meeting. The removal shall be stayed pending the decision at the public hearing. The action of council in removing the city manager shall be final. In the case of the absence, suspension or disability of the city manager, the council may designate a qualified administrative officer of the city to perform the duties of the city manager during such absence, suspension or disability.

(Code 1977, § 2-81)


Sec. 2-124. Powers and duties.

The city manager shall be the sole executive officer and head of the administrative branch of the city. He shall be responsible to the city council for the proper administration of all affairs of the city, having general supervision, management and control of all departments of the city, and to these ends he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, suspend, demote or remove all officers and employees of the city, except the city attorney and the municipal judge, with the further exception that he may authorize the head of a department or office to appoint, suspend or remove subordinates in such department or office.

(2) At least 40 days prior to the beginning of the fiscal year, prepare a budget estimate which he shall transmit to the council, and which shall set forth all proposed expenditures for the administration, operation and maintenance of all departments and agencies of the city for which appropriations are required to be made or taxes levied by the city government; 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 or estimated operating deficits from prior fiscal years. In addition thereto, the budget estimate shall set forth the anticipated income and other means of financing the total proposed expenditures of the city government for the fiscal year. The city manager shall be responsible for the administration of the budget after its adoption by city council.

(3) Prepare and submit to the council, as of the end of the fiscal year, a complete report on the finances of the city for the preceding year and prepare and publish an annual report of these finances and administrative activities of the preceding year within four months of the year’s end.

(4) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as he may deem desirable.

(5) Prepare and submit to the city council regular quarterly reports of the finances of the city.
(6) Keep city council regularly apprised of administrative affairs of the city.

(7) Act in an advisory capacity to the city council and to recommend, in writing, from time to time, for adoption, such measures as he may deem necessary or expedient.

(8) Recommend to council and approve of council's actions to consolidate or combine offices, positions, departments or units under his jurisdiction.

(9) Attend all meetings of the city council, unless excused therefrom by the council, except when his removal is under consideration by the council. The manager shall have the privilege of taking part in the discussion of all matters coming before the council. The manager shall be entitled to notice of all meetings, regular and special, of the council.

(10) Purchase all materials, supplies or equipment for which funds are provided in the budget in compliance with the city purchasing ordinance, except for emergency replacement of essential equipment.

(11) See that city ordinances and state laws are duly enforced.

(12) Make investigations into the affairs of the city, or any department or division thereof. Investigate all complaints in relation to all matters concerning the administration of the government of the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed.

(13) Devote his entire time to the discharge of his official duties.

(14) Perform such other duties and exercise such other authority as city council may fix by resolution or ordinance, provided such actions by city council are not inconsistent with the state statutory authority given the city manager.

(Code 1977, § 2-82)

Sec. 2-125. Authority to invest city funds and deposit securities.

(a) Delegation. Pursuant to S.C. Code 1976, § 6-5-20, the authority to invest and reinvest money of the city, to sell or exchange securities so purchased, and to deposit such securities for safekeeping is hereby delegated to the city manager.

(b) Investment. The city manager is hereby authorized to purchase, at their original sale or after they have been issued, securities which are permissible investments under S.C. Code 1976, § 6-5-10 from money in his custody which is not required for the immediate necessities of the city and as he may deem wise and expedient, and to sell or exchange for other eligible securities and reinvest the proceeds of the securities so purchased.

(c) Redemptions. From time to time the city manager shall redeem the securities in which city money has been invested pursuant to subsection (b) above, so that the proceeds may be applied to the purposes for which the original purchase money was designated or placed in the city treasury.
ADMINISTRATION

(d) Reports. The city manager shall make quarterly reports of all such investments to the city council.

(e) Deposits. The city manager is hereby authorized to deposit for safekeeping with a trust company or a state or national bank located within this state or with any federal reserve bank or with any state or national bank located in any city designated as a reserve city by the board of governors of the federal reserve system, the securities in which the city money has been invested pursuant to subsection (b); provided, however, that the city manager shall take from such trust company or bank a receipt for the securities so deposited and shall not be responsible for such securities delivered to and receipted for by such trust company or bank until they are withdrawn therefrom by the city manager.

(Code 1977, § 2-82.1)

Sec. 2-126. Council not to interfere with appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or by any of his subordinates, or in any manner attempt to dictate the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council shall deal with the administrative service solely through the city manager and no councilmember shall give orders to any subordinates of the city manager, either publicly or privately.

(Code 1977, § 2-83)

Sec. 2-127. Emergency contracts and purchases.

In case of accidents or other circumstances creating an emergency, the city manager may, with the consent of the city council, award contracts and make purchases for the purpose of repairing damages caused by such accident or meeting such public emergency; but, he shall file promptly with the council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

(Code 1977, § 2-84)

Sec. 2-128. Bond.

The city manager shall furnish an adequate surety bond in the amount to be approved by the council, such bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.

(Code 1977, § 2-85)


Sec. 2-129. Compensation.

The city manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution.

(Code 1977, § 2-86)

Sec. 2-130. Vacancy.

Any vacancy in the office of city manager shall be filled in a timely fashion after the effective date of the vacancy.
(Code 1977, § 2-87)

Secs. 2-131-2-140. Reserved.

DIVISION 3. MUNICIPAL CLERK/TREASURER*

Sec, 2-141. Establishment of office; appointment, bond.

There shall be an officer of the city known as the municipal clerk/treasurer, who shall be appointed by the city manager. He shall post bond in such amount as the city council determines.
(Code 1977, § 2-96)

Sec. 2-142. Deputy-Office created.

There is hereby created the office of deputy municipal clerk/treasurer to be selected by the city manager.
(Code 1977, § 2-97)

Sec. 2-143. Same-Powers and duties.

The deputy municipal clerk/treasurer shall act as assistant to the municipal clerk/treasurer, and, in the absence of that official or during a vacancy in that office for any cause, shall have and exercise all the powers and be charged with all the duties of that official. He shall be directly responsible to the municipal clerk/treasurer and shall render all needful assistance to that official in the discharge of his duties. Such deputy clerk/treasurer is empowered to attest the official seal of the city, to certify all official actions of the city council and to keep the official minutes of meetings of the city council. He shall also perform such other duties as may be required of him by the city manager.
(Code 1977, § 2-98)

Sec. 2-144. Attendance at council meetings; minutes of proceedings.

The municipal clerk/treasurer shall attend all meetings of the city council, take the minutes thereof and record them in suitable books. He shall keep, in connection with the book recording the proceedings of the city council, an index book in which shall be indexed the subject matter of the important proceedings by the city council, with reference to the pages of the record book where such matters appear. He shall read at each meeting of the city council

ADMINISTRATION

The minutes of the previous meeting, unless otherwise ordered, and shall preserve the original memoranda thereof for reference in case of need.
(Code 1977, § 2-99)

Cross reference-Clerk to attend council meetings, § 2-63.

Sec. 2-145. Petitions, etc., addressed to city council.

The municipal clerk/treasurer shall advise the city manager of all petitions and communications addressed to the city council.
(Code 1977, § 2-100)

Sec. 2-146. Communication of certain information to city manager.

The municipal clerk/treasurer shall communicate to the city manager all information he may acquire which may be conducive to the efficiency of the city government and the welfare of its people.
(Code 1977, § 2-101)

Sec. 2-147. Records.

Except as otherwise provided, the municipal clerk/treasurer shall have charge of and be responsible for the preservation of all papers, records and documents of every description belonging to the city, and shall arrange and file all such papers in such manner as will facilitate access to them.
(Code 1977, § 2-102)

Sec. 2-148. Issuance of notices.

The municipal clerk/treasurer shall be responsible for the issuance of all notices, personal and general, which the laws, orders and interest of the city require in the administration of its government.
(Code 1977, § 2-103)

Sec. 2-149. Removal of city papers.

No original paper or document belonging to or in possession of the city shall be taken out of the custody of the municipal clerk/treasurer except with his written consent evidenced upon a receipt thereof.
(Code 1977, § 2-104)

Sec. 2-150. Collection of revenue.

It shall be the duty of the municipal clerk/treasurer to collect taxes levied by the city council according to the ordinances thereof for the support of the city government, all sums charged for licenses imposed by the city council for the privilege of conducting business within the city or otherwise, all sums realized under assessments levied by the city council for defraying the expenses of paving or otherwise improving the streets or sidewalks of the city.
In general, he shall collect and receive the entire revenue of the city derived from any and all sources whatsoever.
(Code 1977, § 2-105)

Sec. 2-151. Responsibility for money collected; deposits and depositories.

After collection of money as provided in section 2-150, the municipal clerk/treasurer shall be responsible to the city for all sums so canting into his possession. He shall deposit to the credit of the city in the bank designated by the city council as a city depository all money received by him and belonging to the city on the same day he receives it or on the following day, unless such following day is a Sunday or a legal holiday, in which event he shall deposit such money upon the first day thereafter which is not a Sunday or a legal holiday. He shall keep official bankbooks wherein shall be entered, by the proper officers of the bank in which such deposits are made, acknowledgments of such deposits with the dates thereof. Such bankbooks shall be balanced at least once each month, and shall always be open to the inspection of the mayor, councilmembers or the city manager.
(Code 1977, § 2-106)

Sec. 2-152. Disbursements generally.

The municipal clerk/treasurer shall draw and sign all checks or drafts upon the funds of the city deposited in banks to its credit, preparatory to the official signature of the mayor and as approved by the city manager. No money on deposit in any bank to the credit of the city shall be withdrawn from such bank or disbursed otherwise than through checks thus drawn and signed by the municipal clerk/treasurer and the mayor; provided, however, that in lieu of the actual signing of such checks or drafts by the municipal clerk/treasurer and mayor, such signatures may be a facsimile signature reproduced by a machine.
(Code 1977, § 2-107)

Sec. 2-153. Record of checks; paid vouchers.

The check forms of the municipal clerk/treasurer shall show the dates, numbers and amounts of all checks drawn by him on funds on deposit to the credit of the city in the city depository, with the names of the persons in whose favor checks are drawn and for what purpose and to which department such checks shall respectively be chargeable. The original accounts or orders and carbon copy of the checks shall all be filed together and constitute the paid voucher.
(Code 1977, § 2-108)

Sec. 2-154. Books for recording financial transactions.

The municipal clerk/treasurer shall keep a regular set of official books in which he shall enter all of the city's financial transactions in accordance with approved municipal accounting practices. Among such official books shall be kept a book in which shall be set forth the form, the condition and the amounts of the debts owed by the city, the dates when such debts were
contracted and the purposes for which they were incurred, and the various rates of interest
borne thereby and the respective times at which such debts shall become due.
(Code 1977, § 2-109)

Sec. 2-155. Reserved.

Sec. 2-156. Attestation of deeds, agreements, etc., generally.

The municipal clerk/treasurer shall attest all deeds to real property sold by the city,
including lots in the city cemeteries, and all agreements and other obligations issued or
authorized by the city council.
(Code 1977, § 2-111)

Sec. 2-157. Attestation of executions.

The municipal clerk/treasurer shall attest all executions issued by authority of the city
council.
(Code 1977, § 2-112)

Sec. 2-158. Certificate of taxes due.

The municipal clerk/treasurer shall, upon the demand of any person, issue free of charge
a certificate showing the amount of taxes charged by the city against any person, together with
a description of the property covered thereby.
(Code 1977, § 2-113)

Cross reference—Taxation, ch. 78.

Sec. 2-159. Additional duties.

The municipal clerk/treasurer shall perform all other duties which are now or may here-
after be imposed upon the municipal clerk/treasurer by the laws, ordinances or resolutions of
the city or by the direction of the city manager.
(Code 1977, § 2-114)

Secs. 2-160-2-220. Reserved.

ARTICLE IV. APPEARANCE COMMISSION*

Sec. 2-221. Creation.

There is hereby created and established the Clinton Appearance Commission.
(Ord. of 1-8-90(1))

*Cross references—Planning, ch. 54; streets, sidewalks and public places, ch. 74.
Sec. 2-222. Membership; appointment.

The appearance commission shall consist of seven members to be appointed by the city council. All members at the time of appointment shall be citizens and residents of the city. (Ord. of 1-8-90(1))

Sec. 2-223. Membership qualifications; compensation.

Where possible, appointments shall be made in such a manner as to maintain on the appearance commission at all times a majority of members who have had special training and/or experience in a design field such as architecture, landscape design, horticulture, urban planning or a closely related field. In addition, to the extent possible, membership will be representative of all areas of the city. Members on the commission may be reimbursed for actual expenses in the performance of the duties within the limits of any funds available to the commission but shall serve without pay. (Ord. of 1-8-90(1))

Sec. 2-224. Term of office; filling vacancy; removal of member.

(a) Initial appointments of appearance commission members, in order to obtain staggered terms, shall be three members for three years, two members for two years and two members for one year. After initial appointments all terms shall be for three years.

(b) Vacancies on the commission shall be filled for the unexpired term of the member whose place has been vacated in the same manner in which the original appointments are made.

(c) A commission member may be removed by a majority vote of the city council. (Ord. of 1-8-90(1))

Sec. 2-225. Chairperson.

At the appearance commission’s first meeting, the members shall designate from among its membership one member to act as chairperson for the ensuing year. (Ord. of 1-8-90(1))

Sec. 2-226. Staff, secretary.

(a) The city's health and housing inspector shall provide staff support to the appearance commission.

(b) The city's health and housing inspector or his designee shall serve as secretary. (Ord. of 1-8-90(1))

Sec. 2-227. Meetings.

(a) Regular meetings. The appearance commission shall meet quarterly at a time and place designated by the commission.
(b) **Special meetings.** Special meetings may be called by the chairperson as needed. Members of the commission must receive notice of special meetings not less than 24 hours prior to the meeting.
(Ord. of 1·8·90(1))

**Sec. 2-228. Rules of procedure.**

Robert’s Rules of Order, Newly Revised, shall be used in the conduct of the appearance commission's meetings.
(Ord. of 1·8·90(1))

**Sec. 2-229. Appeals.**

Appeals of actions by the appearance commission shall be taken to the city council for resolution.
(Ord. of 1·8·90(1))

**Sec. 2-230. Powers and duties.**

The appearance commission shall study the visual problems and needs of the city and shall make any plans and help to carry out any programs in accordance with the powers listed below to enhance and improve the visual quality and aesthetic characteristics of the city:

1. To initiate, promote and assist in the implementation of programs of general community beautification in the city.
2. To seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of the city.
3. To provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations and agencies.
4. To make studies of the visual characteristics and problems of the city, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken.
5. To prepare both general and specific plans for the improved appearance of the city. These plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the city or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects.
6. To coordinate with county and/or state agencies and organizations, both public and private, in efforts to enhance and improve the visual quality and aesthetic characteristics of the county in general.
(7) To participate in the implementation of plans in accordance with the following powers:

a. To formulate and recommend to the city council the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the city.

b. To enter, in the performance of its official duties and at reasonable times, upon private lands, with owner's permission, and make examinations or surveys.

c. To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved city and county appearance.

d. To direct the attention of city and county officials to needed enforcement of an ordinance that may in any way affect the appearance of the city and county.

e. To seek voluntary adherence to the standards and policies of its plans.

f. To conduct, with the permission of the city council, public hearings, when in the opinion of the commission it is necessary to do so, giving reasonable notice to the public thereof.

(Ord. of 1-8-90(1))
Chapter 6

ALCOHOLIC BEVERAGES*

* Cross References: Closing hour of night spots, § 18-15; municipal court, ch. 46; offenses and miscellaneous provisions, ch. 50.


Sec. 6-1. Adoption of state law.

Sec. 6-2. Drunkenness.

Sec. 6-3. Drinking in public.

Sec. 6-4. Transporting alcoholic beverages in taxis unlawful; exception.

Sec. 6-5. Reserved.

Sec. 6-6. Drinking on manufacturer's premises.

Sec. 6-7. Place of amusement within store or warehouse.

Sec. 6-8. Drinking in retail establishment.

Sec. 6-9. Reserved.

Sec. 6-10. Retail establishment in single room with front door; storage of other goods prohibited.

Sec. 6-11. Sale, etc., to minors, intoxicated or insane persons by retail dealers.

Sec. 6-12. Sale, etc., of less than one-half pint by retail dealer.

Sec. 6-13. Possession of package containing less than one-half pint by retail dealer.

Sec. 6-14. Purchase from unlicensed dealer prohibited.

Sec. 6-15. Confiscation and sale of chattel used in illegal transportation.

Sec. 6-16. Possession of bottle of alcoholic beverage with no revenue stamp.

Sec. 6-17. Employment of minors.

Sec. 6-18. Days upon which alcoholic beverages and liquors may not be sold.

Sec. 6-19. Seizure when state and federal tax not paid or person not licensed.

Sec. 6-1. Adoption of state law.

All the provisions and requirements of state law governing alcoholic beverages, insofar as those provisions can have application within the city, are hereby adopted and made a part of this chapter as fully as though set out in this section. All persons within the city shall strictly comply with all the regulations imposed by such provisions when applicable.

Sec. 6-2. Drunkenness.

It is unlawful for any person to be in a drunken condition in any public place, upon the premises of any place of business whether within or without a building, or upon any street or sidewalk or in any vehicle at any such place within the corporate limits of the city.

(Code 1977, § 3-5)

Sec. 6-3. Drinking in public.

It shall be unlawful for any person to drink or consume any alcoholic beverage, including, but not limited to, beer, wine or other types of intoxicating beverages, outside the licensed premises in which such alcoholic beverages are sold, including city streets and sidewalks.
Sec. 6-4. Transporting alcoholic beverages in taxis unlawful; exception.

It shall be unlawful for any person to transport any alcoholic beverage in a motor vehicle used as a taxi or used in the transportation of passengers for hire; provided, that this section shall not apply to alcoholic beverages belonging to a passenger being transported when such alcoholic beverages are in the baggage of such passenger or upon his person. Any such alcoholic beverages being transported in violation of this section shall be declared contraband and seized and disposed of as is provided by S.C. Code 1976, §§ 12-21-2900 to 12-21-2950.

(Code 1977, § 3-6)

Cross References: Vehicles for hire, ch. 90.

Sec. 6-5. Reserved.

Sec. 6-6. Drinking on manufacturer's premises.

No manufacturer shall permit alcoholic beverages to be drunk on the premises of his plant or place of business. No person shall drink alcoholic beverages on the premises of any manufacturer.

(Code 1977, § 3-8)

Sec. 6-7. Place of amusement within store or warehouse.

No place of amusement shall be maintained within or in connection with any store or warehouse operated by a licensed retailer or a licensed wholesaler of alcoholic beverages.

(Code 1977, § 3-9)

Sec. 6-8. Drinking in retail establishment.

No retail dealer shall permit any alcoholic beverages to be drunk on the premises of his establishment. No person shall take a drink of any alcoholic beverage in any retail establishment.

(Code 1977, § 3-10)

Sec. 6-9. Reserved.

Sec. 6-10. Retail establishment in single room with front door; storage of other goods prohibited.

Every retail establishment for the sale of alcoholic beverages shall be maintained in a single room with no means of ingress or egress save from the front. No other goods, wares or merchandise shall be kept or stored therein, nor sold therefrom.

(Code 1977, § 3-13)

Sec. 6-11. Sale, etc., to minors, intoxicated or insane persons by retail dealers.

No retail dealer shall sell, barter, exchange, give, transfer or deliver, or offer for sale, barter or exchange or permit to be sold, bartered, exchanged, given, transferred or delivered any alcoholic beverages to minors or to any person when intoxicated or insane.
Sec. 6-12. Sale, etc., of less than one-half pint by retail dealer.

It shall be unlawful for any retail dealer to sell or offer for sale, barter or exchange, or permit to be sold, bartered or exchanged any alcoholic beverages in less quantities than one-half pint.

Sec. 6-13. Possession of package containing less than one-half pint by retail dealer.

It shall be unlawful for any retail dealer to own or keep in possession any alcoholic beverages in separate packages containing less than one-half pint.

Sec. 6-14. Purchase from unlicensed dealer prohibited.

It shall be unlawful for any person to purchase or otherwise procure, within the city, any alcoholic beverages other than from licensed dealers as provided by law.

Sec. 6-15. Confiscation and sale of chattel used in illegal transportation.

Any chattel used primarily and with knowledge of the owner thereof in the transportation of alcoholic beverages in violation of the provisions of this chapter and of the laws of the state shall be subject to confiscation and sale in the same manner as provided by the laws of the state in the matter of unstamped alcoholic beverages. Such chattel may be sold to any person. When such chattel has been seized by municipal officers of the city, the proceeds of such sale shall be paid to the city for its use.

Sec. 6-16. Possession of bottle of alcoholic beverage with no revenue stamp.

No person shall have in his possession any bottle or other package containing alcoholic beverage, which does not have affixed thereto the revenue stamps as required by law.

Sec. 6-17. Employment of minors.

It shall be unlawful for any person under the age of 18 years to work as employee or otherwise in a retail, wholesale or manufacturing alcoholic beverage business. It shall be unlawful to knowingly employ any person under the age of 18 years to work as an employee or otherwise in a retail, wholesale or manufacturing alcoholic beverage business.

Sec. 6-18. Days upon which alcoholic beverages and liquors may not be sold.

Alcoholic beverages and liquors shall not be sold on Sunday, election days, or on any other day upon
which sale shall be prohibited by the governor.
(Code 1977, § 3-21)

Sec. 6-19. Seizure when state and federal tax not paid or person not licensed.

All alcoholic beverages found in possession and custody or within the control of any person, handled, stored, used or distributed without payment of the state and federal tax provided by law having been duly made, or without such person having been duly licensed by the state tax commission when so required by law, may be seized and confiscated.
(Code 1977, § 3-22)
Chapters 7--9

RESERVED
Chapter 10

ANIMALS*

Article I. In General

Sec. 10-1. Cruelty.
Sec. 10-2. Keeping of Poultry.
Sec. 10-3. Disposal of Pet Waste.
Sec. 10-4. Disposal of dead animals or fowl.
Sec. 10-5. Destruction of vicious animals.
Sec. 10-6. Keeping swine constitutes nuisance.
Sec. 10-7. Maintenance of private stables.
Secs. 10-8—10-30. Reserved.

Article II. Livestock

Sec. 10-31. Running at large.
Sec. 10-32. Impoundment.
Sec. 10-33. Redemption of impounded animals.
Sec. 10-34. Disposal of unredeemed impounded animals.
Sec. 10-35. Unauthorized removal of impounded animal.
Sec. 10-36. Scheduled charges.
Secs. 10-37—10-55. Reserved.

Article III. Dogs and Cats

Division 1. Generally

Sec. 10-56. Definitions.
Sec. 10-57. Dogs running at large.
Sec. 10-58. Cats to be controlled by owners.
Sec. 10-59. Restraint of female dogs in heat.
Sec. 10-60. Owner's duty to exercise control over dog.
Sec. 10-61. Rabies inoculation; tag.
Sec. 10-62. Violations; penalties.
Secs. 10-63—10-75. Reserved.

Division 2. License

Sec. 10-76. Required.
Sec. 10-77. Harborer deemed owner.
Sec. 10-78. Application.
Sec. 10-79. Issuance; tags; fees.
Sec. 10-80. Exemptions.
Sec. 10-81. Schedule of license fees.
Secs. 10-82—10-90. Reserved.

Division 3. Impoundment

Sec. 10-91. Apprehension and impoundment of dogs or cats at large.
Sec. 10-92. Registry.
Sec. 10-93. Notification of owner.
Sec. 10-94. Redemption.
Sec. 10-95. Holding period.
Sec. 10-96. Scheduled fees and charges.

* Cross References: Loud, raucous noise prohibited generally, § 50-61; streets, sidewalks and public places, ch. 74.
ARTICLE I.

IN GENERAL

Sec. 10-1. Cruelty.

Every owner, possessor or person having the charge or custody of any animal who:

(1) Cruelly drives or works the same when unfit for labor;

(2) Cruelly abandons the same;

(3) Carries the same or causes the same to be carried in or upon any vehicle or otherwise in an unnecessarily cruel or inhumane manner; or

(4) Knowingly or willfully authorizes or permits the same to be subjected to unnecessary torture, suffering or cruelty of any kind;

shall, for every such offense, be guilty of a misdemeanor.

(Code 1977, § 4-1)


Sec. 10-2. Keeping of Poultry.

(a) The keeping of chickens or other domesticated fowl shall be in compliance with the following, in addition to any zoning and / or building regulations that may be applicable to the construction of coops and / or runs.

(b) It shall be unlawful for any person to permit: or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful is keep poultry flocks of any size in A-R zones.
(c) It shall be lawful for any person to keep, permit, or allow chickens of any domesticated fowl within the corporate limits of the city in zones R-1, R-2, R-3, and RMH, under the following terms and conditions:

   a. No more than four (4) hens shall be allowed for each single family dwelling.

   b. Such hens or other allowable domesticated fowl must be confined in a coop that provides a minimum of two (2) square feet area for each hen connected to a run or other enclosed area that provides at least eight (8) square feet of ground area for each hen.

   c. Runs must be fully enclosed and well drained so that there is no accumulation of excrement and coops and runs shall be cleaned regularly with all excrement placed in a fly-proof container unless disposed of in accordance with other local, state, or federal health regulations.

   d. The chicken coop and run must be a minimum of twenty five (25) feet from any property line and forty (40) feet from any neighboring residential structure. Coops and runs may not be placed in from my side yards in any residential zoning district.

   e. No chickens or domesticated fowl will be allowed in multi-family complexes, including but not limited to duplexes.

   f. No roosters shall be allowed.

   g. There shall be no outside slaughtering of birds, chickens, or domesticated fowl.

   h. Failure to confine hens or other domesticated fowl allowed by this ordinance, failure to maintain the coop and/ or run, or failure to properly manage and dispose of the droppings and excretions of chickens or other allowable domesticated fowl in compliance with this section shall be unlawful.

   (d) The above sections are not intended to apply to ducks, geese, or migratory fowl utilizing city parks or other large open spaces, nor to indoor birds kept as pets, such as but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to the keeping of poultry or domesticated fowl in the A-R zone.

BE IT FURTHER ORDAINED that chickens or domesticated fowl shall not be grandfathered or permitted to remain after the effective date of this ordinance; however, owners of poultry, chickens, or other domesticated fowl will have one hundred and eighty (180) days from the effective date of this Ordinance to come into compliance: with this ordinance.

Sec. 10-3. Disposal of pet waste.

SECTION I. Purpose
An ordinance to establish requirements for the proper disposal of pet solid waste in the City of Clinton, so as to protect health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Immediate - shall mean that the pet solid waste is removed at once, without delay.

b. Owner/Keeper - any person who shall possess, maintain, house, or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

c. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

d. Pet - a domesticated animal kept for amusement or companionship.

e. Pet Solid Waste - waste matter expelled from the bowels of the pet; `excrement.

f. Proper Disposal - placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the City or other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

Section III. Requirements for Disposal

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.

Section IV. Enforcement

The provisions of this Ordinance shall be enforced by the Clinton Public Safety Department and for Clinton Code Enforcement Officers.

Section V. Violations and Penalty

Any person(s) who is found to be in violation of the provisions of this Ordinance shall be charged with a misdemeanor and shall be subject to a maximum fine of not more than Five-Hundred Dollars ($500.00) or imprisonment for not more than 30 days, as outlined in Section 1 - 14 of the City of Clinton Code.

Section VI. Severability
Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**Section VII. Effective Date.**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

(Code 2010)

**Sec. 10-4. Disposal of dead animals or fowl.**

(a) Every person in whose possession any animal, fowl or bird of any kind shall die within the city shall, immediately upon the death of such animal, contact the city health officer for proper disposal of the body of the same.

(b) Any person neglecting to properly dispose of such dead animal, fowl or bird as directed by the city health officer within six hours after its death shall, on conviction, be subject to punishment as provided in section 1-14 of this Code. If any person shall permit any such dead animal or bird to remain in the city longer than six hours after its death, the city health officer shall cause the animal or bird to be removed at the expense of such person, who shall forthwith repay to the city the amount of such expenses, and such amount may be recovered from such person on behalf of the city as debts of like amounts are now recovered by law. It shall be unlawful to convey any dead animal from the city unless the same is entirely covered so that no portion thereof is visible. Such dead animal shall not be carried through the more prominent streets of the city, but shall be conveyed over the less frequented streets, lanes and alleys.

(Code 1977, § 4-4)

**State Law References:** Burying or burning dead animals, S.C. Code 1976, § 44-29-30.

**Sec. 10-5. Destruction of vicious animals.**

Whenever any animal is adjudged by the municipal court to be vicious, it shall be the duty of the animal control officer or his agent to put the animal to sleep.

(Code 1977, § 4-5)

**Sec. 10-6. Keeping swine constitutes nuisance.**

The keeping of any hog or pig within the corporate limits of the city creates noxious odors and atmospheric pollution or contamination offensive to the senses and obnoxious to the general welfare and comfort of the community; and such keeping of hogs or pigs is, therefore, hereby declared a violation of this Code and a public and private nuisance, per se.

(Code 1977, § 4-6)

**Sec. 10-7. Maintenance of private stables.**

(a) It is unlawful for any person to erect any private stable within 60 feet of any residence or place
of business, or to house, keep or maintain any animal that is permitted to be kept within the city limits, in any private stable within 60 feet of any residence or place of business, or to permit any animal to have the run of or to be kept in any place, lot or enclosure when such runway, place, lot or enclosure, or any part thereof, is within 30 feet of any residence or place of business, without the consent of both the owner and occupant of such residence or place of business. All such stables, runways, places, lots or enclosures shall comply with the city zoning ordinance.

(b) Should such consent be refused, the person desiring to erect or use such private stable or premises may apply to the city council and it may grant or refuse its permission to erect or use such private stable or premises. In these cases, the applicant shall file in the office of the city clerk/treasurer, at least three weeks prior to the date of the council meeting at which the applicant proposes to apply for such permission, a sworn petition showing the location of the private stable and premises in question, the character of the building to be used as such stable, and the number of horses and/or other animals to be kept therein. Such applicants shall also, at least three weeks prior to the meeting of the council for such permission, serve upon the person refusing his consent to the erection or use of such private stable, place, lot or enclosure a written notice of his intention to apply to the city council for such permission, stating the time when the application will be made to the city council.

(c) In considering and passing upon the question of granting or refusing such permit, regard shall be had by the city council to the proximity of the proposed place, lot or enclosure to places of human habitation or uses, densely populated neighborhoods, to the matter of protection against flies, to the prevention of danger to pedestrians from animals crossing sidewalks, to the proper safeguarding of the health of the community, and to the question of whether the proposed stable is so near to churches, schools, hospitals, or other institutions as to prove injurious to them.

(Code 1977, § 4-7)

Secs. 10-8—10-30. Reserved.

ARTICLE II.

LIVESTOCK

Sec. 10-31. Running at large.

It is unlawful for any cow, hog, goat, sheep, horse or mule to be housed or maintained within the corporate limits of the city, except in agricultural zoned areas.

(Code 1977, § 4-19)

Sec. 10-32. Impoundment.

Any cow, hog, goat, sheep, horse or mule found running at large within the corporate limits of the city shall be seized and impounded in some suitable enclosure.

(Code 1977, § 4-20)

Sec. 10-33. Redemption of impounded animals.
Upon the impounding of any cow, hog, sheep, goat, horse, or mule pursuant to section 10-32, if the owner thereof shall appear within five days thereafter and prove his rights to the possession of the animal, the same shall be delivered to him on payment of a scheduled charge for each and every cow, horse, mule, sheep, hog or goat so found running at large and the expense incurred thereon. 
(Code 1977, § 4-21; Ord. of 2-6-89, § 4)

Sec. 10-34. Disposal of unredeemed impounded animals.

If no owner appears within the time provided in section 10-33 to redeem stock impounded pursuant to section 10-32 or, appearing, fails or refuses to pay the charge imposed by section 10-33, then it shall be the duty of the chief of police to expose such stock to public sale, giving five days' notice by posted handbills, and such cow, hog, horse, mule, sheep or goat shall be sold for the satisfaction of such charge. The excess of such sale, if any, after paying the charge and the actual expense incurred, shall be placed to the credit of the city council to be given and delivered to the owner of the property sold upon the same being demanded within 15 days. 
(Code 1977, § 4-22)

Sec. 10-35. Unauthorized removal of impounded animal.

If any person releases or takes away without proper authority any cow, horse, mule, hog, sheep or goat which has been impounded pursuant to section 10-32, such person shall be deemed guilty of a misdemeanor. 
(Code 1977, § 4-23)

Sec. 10-36. Scheduled charges.

The city council shall establish by resolution periodically, as it deems necessary, a schedule setting out charges for redemption of impounded animals by the city. 
(Ord. of 2-6-89, § 5)

Secs. 10-37--10-55. Reserved.

ARTICLE III.

DOGS AND CATS

DIVISION 1.

GENERALLY

Sec. 10-56. 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:

At large means off the premises of the owner and not under control of the owner and/or another person.

Restraint means keeping an animal on the premises of its owner and fenced, chained, penned or leashed,
or accompanied by a person, and under the person's control.
(Code 1977, § 4-35; Ord. of 2-6-89, § 6)

**Cross References:** Definitions and rules of construction generally, § 1-2.

### Sec. 10-57. Dogs running at large.

No owner or keeper of any dog shall permit such dog to run at large or unrestrained at any time. All dogs shall be kept under restraint at all times.
(Code 1977, § 4-36)

### Sec. 10-58. Cats to be controlled by owners.

No owner of any cat shall fail to exercise proper care and control of his cat or permit such cat to disturb the peace and quiet of the neighborhood. Trespassing by such cat upon public or private property in such a manner as to damage the same or to turn over garbage receptacles and/or litter the property of others shall be deemed a nuisance.
(Code 1977, § 4-8; Ord. of 2-6-89, § 3)

### Sec. 10-59. Restraint of female dogs in heat.

It shall be unlawful for any person to allow any female dog, bitch or slut, while in heat or season, belonging to him to run loose upon any of the streets of the city, and it is hereby declared to be the duty of the police of the city to immediately kill any such dog, bitch or slut found upon the streets of the city, or running loose anywhere in the city.
(Code 1977, § 4-37)

### Sec. 10-60. Owner's duty to exercise control over dog.

No owner shall fail to exercise proper care and control of his dog or permit such dog to disturb the peace and quiet of the neighborhood. Excessive, continuous or untimely barking, molesting pedestrians, garbage collectors or other persons, chasing vehicles, habitually attacking other domestic animals, and trespassing on public or private property in such manner as to damage the same shall be deemed a nuisance.
(Code 1977, § 4-38)

### Sec. 10-61. Rabies inoculation; tag.

(a) It shall be unlawful for any person to own, harbor, maintain or have possession in the city any dog or cat over four months old unless such dog or cat has been inoculated against rabies in the preceding 12 months by a duly licensed veterinarian or person authorized to administer the vaccine.

(b) At the time a dog or cat is inoculated against rabies, the owner shall obtain from the veterinarian a metal tag to be attached to the dog's or cat's collar. The tag shall bear an inscription showing that such dog or cat has been inoculated against rabies and the year of such inoculation. The collar and this tag shall, at all times, be worn by the dog or cat.

(c) It shall be the duty of the police department or other designated agent of the city to take up and
turn over to the humane society or designated city animal shelter all dogs and cats found at large on the streets of the city which do not have attached to their collar a metal tag as required by this section and which tag is valid on the dog or cat of impounding. If the humane society shelter or designated city animal shelter is filled to capacity, such dogs and cats will be turned over to a veterinarian hospital to be disposed of in accordance with this article.
(Code 1977, § 4-39; Ord. of 2-6-89, § 7)

Sec. 10-62. Violations, penalties.

Any owner found violating any provision of this article or any person who interferes with, hinders, molests or abuses any police officer or animal control officer in the enforcement of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to punishment as provided in section 1-14 of this Code for such offense.
(Code 1977, § 4-40; Ord. of 2-6-89, § 8)

Secs. 10-63--10-75. Reserved.

DIVISION 2.

LICENSE

Sec. 10-76. Required.

It shall be unlawful for any person to keep, harbor or maintain within the city any dog over four months of age unless a license has been obtained from the animal control officer.
(Code 1977, § 4-47; Ord. of 2-6-89, § 9)

Sec. 10-77. Harborer deemed owner.

Any person who shall keep or harbor any dog of licensing age for a period of ten days or more shall, for the purpose of this division, be deemed to be the owner of the dog or dogs so kept and harbored. Any dog over four months old shall be of licensing age.
(Code 1977, § 4-48)

Sec. 10-78. Application.

(a) The owner of a dog shall state at the time the application is made for the license required by this division, and upon printed forms provided for such purpose, his name and address and the name, breed, color, age and sex of each dog owned or kept by him.

(b) The owner of any newly acquired dog or dogs of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for such dog within ten days after such acquisition or age attainment. The fee shall not be prorated for a portion of a year.
(Code 1977, § 4-49)

Sec. 10-79. Issuance; tags; fees.
Upon payment of a scheduled license fee, together with proof of rabies inoculation, the animal control officer shall issue to the owner a license certificate and a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the tag must be affixed and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the clerk upon presentation of a receipt showing payment of the scheduled license fee and the payment for such duplicate. Dog tags shall not be transferrable from one dog to another and no refunds shall be made on any dog license because of death of the dog or owner leaving the city.

(Code 1977, § 4-50; Ord. of 2-6-89, § 10)

Sec. 10-80. Exemptions.

The provisions of this division shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to Seeing Eye dogs properly trained to assist blind persons when such dogs are actually being used by the blind persons for the purposes of aiding them for going from place to place. Any person 65 years of age or older or any disabled person is entitled to receive at a reduced fee a license for one dog upon payment as provided in section 10-79.

(Code 1977, § 4-52; Ord. of 2-6-89, § 11)

Sec. 10-81. Schedule of license fees.

The city council shall by resolution periodically, as it deems necessary, establish a schedule setting out license fees for dogs within the corporate limits of the city.

(Ord. of 2-6-89, § 12)

Secs. 10-82—10-90. Reserved.

DIVISION 3.

IMPOUNDMENT

Sec. 10-91. Apprehension and impoundment of dogs or cats at large.

It shall be the duty of the police officer or animal control officer to apprehend any dog or cat from running at large and/or unrestrained contrary to the provisions of this article and to impound such dog or cat in the animal shelter of the humane society or in a veterinarian hospital or other suitable place. If the owner can be identified and located prior to impounding such dog or cat, the dog or cat need not be impounded but may be taken to the owner, who may be charged with violation of this article.

(Code 1977, § 4-61)

Sec. 10-92. Registry.

The animal control officer, upon receiving any dog or cat impounded pursuant to section 10-91, shall make a complete registry, entering the breed, color and sex of such dog or cat.

(Code 1977, § 4-62; Ord. of 2-6-89, § 14)
Sec. 10-93. Notification of owner.

The owner of a dog or cat impounded pursuant to section 10-91 shall be immediately notified by the animal control officer if the owner can be identified and located or if the owner of the dog or cat cannot be located or is unknown, public notice of the impounding of such dog or cat shall be given by posting one copy of description of such dog or cat and time of impounding on the bulletin board in the city hall.
(Code 1977, § 4-63)

Sec. 10-94. Redemption.

The owner of any dog or cat impounded pursuant to section 10-91 may reclaim such dog or cat upon the payment of scheduled fees plus scheduled per-day charge for holding such animal. For the second offense, the owner of any dog or cat impounded may reclaim such dog or cat upon payment of scheduled fees plus a scheduled per-day holding charge. For a third offense, the owner of any dog or cat so impounded may reclaim such dog or cat upon payment of scheduled fees plus a scheduled per-day holding charge.
(Code 1977, § 4-64; Ord. of 2-6-89, § 16)

Sec. 10-95. Holding period.

(a) It shall be the duty of the animal control officer to keep all dogs and cats impounded pursuant to this division for a period of two weeks unless redeemed by the owner. If at the expiration of two weeks from the time of impounding, such dog or cat has not been redeemed, then such dog or cat will be released to the humane society or disposed of by a veterinarian or animal control officer; provided, however, that if any dog or cat so impounded shall be identified, it shall be the duty of the humane officer to contact the owner thereof and advise him of the dog's or cat's whereabouts.

(b) When the identity of the owner of any dog or cat so impounded shall become known, and proper action taken to contact and advise the owner thereof, the dog or cat will not be released to the humane society or disposed of by the veterinarian or animal control officer before the expiration of at least seven days, unless the failure to dispose of such dog or cat will endanger the public health or welfare.
(Code 1977, § 4-65; Ord. of 2-6-89, § 17)


Sec. 10-96. Scheduled fees and charges.

The city council shall by resolution periodically, as it deems necessary, establish a schedule setting out fees and charges for redemption of impounded dogs and cats by the city.
(Ord. of 2-6-89, § 18)

Secs. 10-97–10-115. Reserved.

ARTICLE IV.

RABIES CONTROL*

Sec. 10-116. Definition.

The word "animal" shall, for the purpose of this article, mean any living creature, domestic or wild.
(Code 1977, § 4-77)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 10-117. Quarantine of biting animal.

Any animal which bites or scratches a person shall be immediately reported to the city health officer and shall thereupon be securely quarantined at the direction of the city health officer for a period of not less than ten days and shall not be released from such quarantine except by written permission of the city health officer or under his direction. At the discretion of the city health officer, such quarantine may be on the premises of the owner, at the shelter designated as the city pound, or, at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city pound.
(Code 1977, § 4-78)

Sec. 10-118. Duty of owner to surrender animal; redemption.

The owner, upon demand by the city health officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner if it is adjudged free of rabies upon payment of fees determined therefor by the city council from time to time.
(Code 1977, § 4-79)

Sec. 10-119. Disposition of dead rabid animal.

When rabies has been diagnosed in an animal under quarantine or rabies is suspected by a licensed veterinarian and the animal dies while under such observation, the city health officer shall immediately send the head of such animal to the state health department for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis.
(Code 1977, § 4-80)

Sec. 10-120. Destruction or isolation of bitten animals.

Animals bitten by a known rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel designated by the city health officer for six months shall be enforced. If the animal has been previously vaccinated, within time limits established by the public health service based on the kind of vaccination used, revaccination and restrain (leashing and confinement) for 30 days shall be carried out.
(Code 1977, § 4-81)

Sec. 10-121. Areawide quarantine--When imposed.

When the report indicates a positive diagnosis of rabies, the city health officer may order an areawide
quarantine for a period of 60 days, and upon the invoking of such quarantine, no pet animal shall be taken into the streets or permitted to be in the streets during during such period of quarantine. During such quarantine, no animal may be taken or shipped from the city without permission of the city health officer.
(Code 1977, § 4-82)

Sec. 10-122. Same—Redemption of strays restricted.

No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from any animal shelter during the period of rabies emergency quarantine except by special authorization of the city health officer.
(Code 1977, § 4-83)

Sec. 10-123. Same—Extension.

If there are additional cases of rabies occurring during the period of areawide quarantine, the period of quarantine may be extended for an additional period of time.
(Code 1977, § 4-84)

Sec. 10-124. Unauthorized destruction or removal of rabid animals.

No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as herein provided, nor remove such animal from the city limits without written permission from the city health officer.
(Code 1977, § 4-85)

Sec. 10-125. Surrender of carcass.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the city health officer.
(Code 1977, § 4-86)

Sec. 10-126. Failure to obey city health officer.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required when demand is made therefor by the city health officer.
(Code 1977, § 4-87)

Sec. 10-127. Report of bite cases.

It shall be the duty of every physician or other medical practitioner to report to the city health officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
(Code 1977, § 4-88)

Sec. 10-128. Reports of suspect cases.
(a) It is the duty of each owner or person having control of any dog or cat, when and where such dog or cat is suspected of being affected with rabies, to report such fact to the municipal authorities at once, whereupon the treatment or disposition of such dog or cat shall be determined and made by the municipal authorities.

(b) It shall be the duty of every licensed veterinarian to report to the city health officer any animal considered by him to be a rabies suspect.
(Code 1977, § 4-89)

Sec. 10-129. Exemptions.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where expressly stated.
(Code 1977, § 4-90)
Article I. In General

Sec. 14-1. Fire limits.
Sec. 14-2. Display of street address numbers.
Sec. 14-3. Duties of enforcing officer.
Sec. 14-4. Violations; penalties.
Secs. 14-5--14-30. Reserved.

Article II. Codes

Sec. 14-32. One and Two Family Dwelling Code adopted.
Sec. 14-34. Standard Mechanical Code adopted.
Secs. 14-36--14-55. Reserved.

Article III. Electricity

Sec. 14-58. Location, placement, use of wires and poles restricted.
Sec. 14-59. Reports by building inspector.
Sec. 14-60. Violations; penalty.
Secs. 14-61--14-95. Reserved.

Article IV. Gas

Sec. 14-96. Definitions.
Sec. 14-98. Excavation in streets.
Secs. 14-99--14-190. Reserved.

Article V. Housing


Article VI. Plumbing


*Cross References: Fire prevention and protection, ch. 30; floods, ch. 34; housing, ch. 38; loud noises prohibited generally, § 50-61; planning, ch. 54; solid waste, ch. 66; removal of refuse incident to building operations, § 66-20; streets, sidewalks and public places, ch. 74; utilities, ch. 86.

ARTICLE I.

IN GENERAL

Sec. 14-1. Fire limits.
(a) There shall be and there is hereby established an inner fire limits and outer fire limits.

(b) The inner fire limits shall include all the territory in the congested value district, to wit: Beginning at South Broad Street and Centennial Street, running west on Centennial Street to Thornwell Street, north on Thornwell Street to West Main Street, west on West Main to Laurens Street, north on Laurens Street to Pitts Street, east on Pitts Street to Elizabeth Street, north on Elizabeth Street to Academy Street, east on Academy Street to Broad Street, south on Broad Street to Ferguson Street, east on Ferguson Street to North Woodrow Street, south on Woodrow Street to East Centennial Street, west on East Centennial Street to South Broad Street at the point of beginning.

(c) The outer fire limits shall include all that territory immediately surrounding or bordering on the inner fire limits, to wit: Beginning at Calhoun Street and South Broad Street running west on West Calhoun Street to the west side of Thornwell Orphanage campus, thence north to the intersection of West Centennial Street and South Sloan Street, north on South Sloan Street and North Sloan Street to Academy Street, thence east on Academy Street to Elizabeth Street, thence north on Elizabeth Street to Oakland Street, east on Oakland Street to North Broad Street, north on North Broad Street to Musgrove Street, south on Musgrove Street to Davidson Street, east on Davidson Street to North Adair Street, south on North and South Adair Streets to Calhoun Street, west on Calhoun Street to South Broad Street at the point of beginning.

(d) Whenever the term "fire limits" is used in this section it shall be understood to refer to all territory in either inner or outer fire limits, provided that nothing herein shall be construed to prohibit the erection or repairs of frame buildings outside of inner but within outer fire limits, when such building is used exclusively and continuously for dwelling purposes; all such dwellings shall be covered with incombustible roofing.

(Code 1977, § 5-1)


Sec. 14-2. Display of street address numbers.

All homes and buildings in the city shall have street address numbers displayed in such a fashion as to be easily seen from the street by emergency response vehicles.

(Ord. of 12-3-90(2))

Sec. 14-3. Duties of enforcing officer.

The building inspector-zoning administrator or other designated official is hereby authorized and empowered to:

(1) Enforce all ordinances relating to the construction, equipment, management and condition of all property within the city.

(2) Supervise the construction or reconstruction of all buildings.

(Code 1977, § 5-4)

Cross References: Officers and employees, § 2-106 et seq.

Sec. 14-4. Violations; penalties.
Any and all persons who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, shall severally for each and every such violation and noncompliance, respectively, be punished as provided in section 1-14 of this Code. The imposition of one penalty for any violation of this chapter shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of a penalty under section 1-14 shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1977, § 5-5)


ARTICLE II.

CODES*

* Cross References: Fire prevention code adopted, § 30-1. 


(a) The Standard Building Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) The permit fee schedule in such code is adopted and shall be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 5-17)

Sec. 14-32. One and Two Family Dwelling Code adopted.

(a) The One and Two Family Dwelling Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 5-19)

(a) The Standard Excavation and Grading Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 5-20)

Sec. 14-34. Standard Mechanical Code adopted.

(a) The Standard Mechanical Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 5-21)


(a) The Standard Swimming Pool Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 5-22)

Secs. 14-36--14-55. Reserved.

ARTICLE III.

ELECTRICITY


(a) The National Electrical Code, promulgated by the National Fire Protection Association, is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.
(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 8-16)

Cross References: Fire prevention code adopted, § 30-1.

**Sec. 14-57. National Electrical Safety Code adopted.**

(a) The National Electrical Safety Code, promulgated by the American National Standards Institute, is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

Cross References: Fire prevention code adopted, § 30-1.

**Sec. 14-58. Location, placement, use of wires and poles restricted.**

(a) The director of the public works department, under the supervision of the city manager, is hereby authorized, empowered and directed to regulate and determine the placing of electric wires or other appliances for electric light, heat or power in the city and to cause all such wires or appliances to be so placed, constructed and guarded as not to cause fires or accidents, endangering life or property.

(b) It shall be the duty of the director of public works to direct the placing of poles and wires in the streets, alleys and public places of the city so that the same shall cause as little obstruction as possible, either to public travel of such thoroughfares or to the private use and enjoyment of adjacent property. It shall be also his duty, and he shall have authority, to compel the removal of unsafe or superfluous poles. Any person or company owning and using any such poles who shall fail or refuse, after five days' notice from the director of public works, to remove any pole or poles deemed by him unsuitable, unsafe or improperly located, or the location of which he shall require to be changed, shall, upon conviction, be punished as provided in section 1-14 of this Code. The erection or use of any poles rejected or condemned by the director of public works shall subject the offender, upon conviction, to a like penalty.

(c) The director of public works shall cause all wires, except telephone wires, that have not been used for 30 days and which are known as dead wires to be removed at once at the expense of the owners of such wires. All dead wires of telephone companies shall be detached from the buildings to which they have been connected.

(d) On any pole of any electric light, power, street railway, telephone or telegraph company used jointly by two or more such companies, each company shall be allotted a special zone, and shall confine its wires to that zone. Spaces shall be measured from the tops of poles downward, and a suitable zone on every pole shall at all times be reserved for the free use of the city in stringing its fire alarm or police telegraph wires.

(Code 1977, § 8-2)
Sec. 14-59. Reports by building inspector.

The building inspector shall keep a full and complete daily record of all work done, permits and licenses issued, examinations made, and other official work performed, as required by this article and shall make a report thereof to the city manager as he requires.
(Code 1977, § 8-3)

Sec. 14-60. Violations; penalty.

Any person who shall violate any of the provisions of this article, for which no specific penalty has been provided, or shall fail, neglect or refuse to comply with any order given in pursuance of and by the authority of this article and the rules embraced herein shall, upon conviction, be subject to punishment as provided in section 1-14 of this Code.
(Code 1977, § 8-4)


ARTICLE IV.

GAS

Sec. 14-96. 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:

Gasfitter, apprentice means any person who, as his principal occupation, is engaged in learning and assisting in the installation of gasfitting and works directly under the supervision of a person who holds a certificate of competency.

Inspector or gas inspector means the official or employee of the city charged with the enforcement of the provisions of this article and of the building code of the city, and particularly the provisions thereof relating to gas installation.

Master gasfitter means a person who has an established place of business and who, either as principal or as the representative of any person, satisfies the gasfitters examining board that he is competent and qualifies in connection with the construction, altering or doing other work in connection with natural gas systems, or who for himself or for any person, undertakes to and does construct, alter or make any repairs or additions to a system of gas piping, venting and installation of all gas equipment, appurtenances and appliances, together with all safety and other controls of same.

Minor repairs and connections means minor adjustments to gas appliances and equipment which do not necessitate the installation (except connections as hereinafter provided), removal or relocation of an appliance or the installation of any pipe. The term "minor repairs and connections" shall not include any adjustments to controls which are set at the factory to permanent operation, except gas cooking stoves; provided, however, that dealers and distributors who have proved to the satisfaction of the gasfitters examining board that they are duly
recognized and qualified factory representatives of equipment approved by the American Gas Association and who have been certified as such by the gasfitters examining board, may replace, repair or adjust such equipment as is handled by the particular manufacturer he represents.

(Code 1977, § 11-1)

Cross References: Definitions and rules of construction generally, § 1-2.


(a) The Standard Gas Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 11-2)

Sec. 14-98. Excavation in streets.

(a) A permit is required to be taken out for each excavation in a public street or alley before the work is commenced. Work under such permit is to be commenced within 48 hours after the issuance of same; otherwise, the permit shall become void.

(b) Such permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having authority to examine the same.

(c) No more than one-half of such street or alley shall be opened or obstructed at one time; and no tunneling will be allowed. No authorized underground construction shall be injured or interfered with, and all such construction shall be subject to the provisions of these regulations. All portions of the street excavated shall be put in as good condition as before the excavation was made. The trench shall be filled up and thoroughly rammed, and puddled if necessary, within 48 hours after making the connection or repairs, the ramming to be done in six-inch layers, and all rubbish or other foreign material shall be removed within the time designated for the completion of the work, after which the permit shall become void and of no effect. No excavation will begin without prior location of underground utilities through the utilities location service.

(d) During the execution of the work, the trench shall be suitably guarded during the day and a sign placed thereon with the name of the person in charge of the work, and it shall be barricaded after dark every night and so maintained as to prevent accidents to persons or animals passing along the streets or alleys. The city shall be protected and saved harmless from the consequences of any injury to any person or property due to the execution of the permit issued by the city to any person to excavate in any public street or alley. All traffic control devices and procedures shall be in compliance with the state department of transportation and OSHA guidelines.

(e) When an excavation is made in any paved street where it is necessary to remove paving, the gasfitter who has taken the permit for the excavation shall leave a written notice with the street department at its office that the excavation has been properly filled and tamped and is ready for repaving.
(f) Whenever any person making any excavation in the street or alley fails to refill the same in a proper manner as required by this section or fails to maintain the same for a period of one year, the street department shall cause the work to be done and the cost thereof shall be charged against any deposit provided by the excavator. Any excess dirt, pieces of paving, etc., left on public property at the time the excavation is repaved will be removed by the street department and the cost of same charged against the deposit. The same rule shall apply when it becomes necessary for the city street department to safeguard an excavation of a licensed contractor.

(Code 1977, § 11-9)

Cross References: Excavations, § 74-51 et seq.

Secs. 14-99--14-190. Reserved.

ARTICLE V.

HOUSING


(a) The Standard Housing Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 13-1)


ARTICLE VI.

PLUMBING


(a) The Standard Plumbing Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as necessary and adopted by resolution of the council.

(b) The permit fee schedule in such code is adopted and shall be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 20-1)
Chapters 15--17

RESERVED
Chapter 18

BUSINESSES*

Article I. In General

Sec. 18-1. Payment of license taxes required.
Sec. 18-2. Council to fix license taxes annually.
Sec. 18-3. License taxes not provided for by council.
Sec. 18-4. Separate license required for each business.
Sec. 18-5. Application for license.
Sec. 18-6. Computation of tax.
Sec. 18-7. Clerk/treasurer's right to examine licensees' records, make adjustments.
Sec. 18-8. When tax due and payable; proration; late payment; closing of delinquent businesses.
Sec. 18-9. Issuance of licenses to delinquent personal property taxpayers prohibited.
Sec. 18-10. Transferability of license.
Sec. 18-11. Revocation of license.
Sec. 18-12. Term of licenses.
Sec. 18-13. Violations; penalties.
Sec. 18-14. Assessments upon failure to obtain license or furnish required information.
Sec. 18-15. Closing hour of nightspots.
Sec. 18-24. Business License
Sec. 18-25 Business License on Retail Telecommunications Service
Secs. 18-16--18-40. Reserved.

Article II. Solicitation for Information

Sec. 18-41. Definitions.
Sec. 18-42. Permit--Required.
Sec. 18-43. Same--Application; contents.
Sec. 18-44. Number of solicitors permitted.
Sec. 18-45. Hours permitted for solicitation in residential areas.
Sec. 18-46. Exceptions.
Secs. 18-47--18-65. Reserved.

Article III. Yard Sales

Sec. 18-66. Definition.
Sec. 18-67. Certain sales considered commercial retail activity; peddlers license required.
Sec. 18-68. Signage.
Sec. 18-69. Exemption from license fees.
Sec. 18-70. Peddlers.

* Cross References: Shoplifting, § 50-165.

ARTICLE I.

IN GENERAL

Sec. 18-1. Payment of license taxes required.

No person shall be engaged in, prosecute or carry on any business or profession, either in whole or in part, in the city by maintaining an office in the city or by soliciting orders through such office, or by any other
manner whatsoever, without having first paid a license tax and having been issued a license therefor, as provided in this chapter and in compliance with the annual license tax schedule.
(Code 1977, § 14-1)

Sec. 18-2. Council to fix license taxes annually.

The city council, during each calendar year, shall fix, by ordinance, the various license taxes to be paid during the next calendar year by all persons prosecuting or carrying on any business or profession specified in the schedule adopted by such ordinance, in the city. If the city council shall fail to so fix such rates, the rates previously adopted by the city council shall continue to govern until new rates are fixed.
(Code 1977, § 14-2)

Sec. 18-3. License taxes not provided for by council.

For any business, trade, occupation or profession not enumerated in the annual license tax schedule, the license shall be fixed by the mayor and he is hereby given full power and authority to fix the same and such license therefor as shall be fixed by the mayor shall be as binding in every respect as though it were specifically enumerated and/or designated in such schedule.
(Code 1977, § 14-3)

Sec. 18-4. Separate license required for each business.

A separate license shall be required for each place of business and every class of business for which a license tax is required by the annual license tax schedule. Where two or more kinds of businesses are conducted in the same place, it shall be the duty of the licensee to keep an accurate account of the affairs of each kind of business and to separate satisfactorily the affairs of each so that the proper amount of tax imposed and payable on each type of business may be readily ascertained. Otherwise the maximum rate applicable to any type of business being operated shall apply to the whole.
(Code 1977, § 14-4)

Sec. 18-5. Application for license.

(a) Every person required by this chapter to obtain a license to engage in any business, trade, profession or occupation for which a license is required shall, at the time of applying for such license or any time as may be required by the city council, furnish to the city clerk/treasurer such other and further information as may be necessary for correctly ascertaining the license to be assessed and collected.

(b) Every person required by this chapter to obtain a license to engage in any business, trade or profession within the corporate limits of the city shall, at the time of applying for such license, make application therefor in writing to the city clerk/treasurer, on form supplied for the purpose, setting forth:

(1) The style name of the person, firm, company or corporation.

(2) The location at which the trade, business or profession is to be conducted.

(3) The trade, business, profession or occupation for which a license is required.
(4) The full and true amount of the gross sales, receipts, premiums, commissions, income, or other form of measuring returns from the trade, business, profession or occupation during the preceding calendar year. As herein required, the report of gross sales, receipts, premiums, commissions and income shall include all business done, whether within or without the city limits of the city and shall be the same as reported as total gross receipts for income tax purposes to the federal government, or to the state tax commission, or to the insurance commissioner of the state. All the information herein required shall be given under oath of the owner, or a member of the firm, or an officer of the corporation, or by an authorized employee having exact knowledge of actual business done.

(5) Where business is solicited, sales are made and goods delivered or transactions are completed and license paid on same to an incorporated town or city other than this city, this amount shall be deducted from the total gross receipts and such information shall be furnished with the application.

(Code 1977, § 14-5)

Sec. 18-6. Computation of tax.

(a) Old businesses. Where the amount of the license provided for in the annual license tax schedule is dependent upon the amount of the income, receipts or sales, the basis for ascertaining the amount of the license shall be the amount of the income, receipts or sales for the preceding year ending December 31, except in the case of new businesses which are provided for in subsection (b) of this section.

(b) New businesses. New businesses which apply for a license under the annual license tax schedule on or after January 1 shall pay the minimum fee as stated in such schedule for their classification at the time of acquiring the license and at the end of the calendar year the total license payment based on the actual business done shall be due and payable with credit allowed for the amount which has previously been paid. The license tax for the second year shall be calculated on the basis of the business done in the first calendar year multiplied by the number of months necessary to give business done in 12 months.

(Code 1977, § 14-6)

Sec. 18-7. Clerk/treasurer's right to examine licensees' records, make adjustments.

If it shall appear to the city clerk/treasurer that there are errors or inaccuracies in the statements submitted as to the amount of value of the business carried on, the city clerk/treasurer is authorized to make examination of the books and records of a licensee under this chapter and to secure information directly and indirectly that may determine the correct total gross receipts of such business. Should the result of such examination show that such statement is in error the clerk/treasurer is authorized to make such adjustment as may be necessary.

(Code 1977, § 14-7)

Sec. 18-8. When tax due and payable; proration; late payment; closing of delinquent businesses.

(a) The license tax levied pursuant to the annual license tax schedule shall be due and payable on or before April 15 each year unless otherwise herein provided, except in cases where a person shall inaugurate and
start a new business or enterprise, whereupon the license tax for the same shall be due and payable on the day such business is begun. Except for licenses issued for a day, a week or a month, the annual rate shall be charged for all licenses issued prior to June 1; three-fourths of the annual rate for all licenses issued after May 31, and prior to September 1, except as otherwise herein provided; and one-half the annual rate for all licenses issued after August 31, and prior to December 31, of each year, except as otherwise herein provided.

(b) All annual license taxes must be paid on or before April 15 of each year, or a penalty of an additional ten percent of the amount stated in the annual schedule shall be charged after April 15, the business shall be closed by the chief of police and action brought in municipal court for the city for the misdemeanor of doing business without a license.

(Code 1977, § 14-8)

Sec. 18-9. Issuance of licenses to delinquent personal property taxpayers prohibited.

No license shall be issued under the provisions of this chapter to any person, firm or business who has property taxes or any other indebtedness due to the city, and which, at the time of application made hereunder, are delinquent.

(Code 1977, § 14-9)

Sec. 18-10. Transferability of license.

All licenses issued under and by virtue of this chapter shall be nontransferable.

(Code 1977, § 14-10)

Sec. 18-11. Revocation of license.

All licenses issued under this chapter may be revoked at any time by the city council upon satisfactory cause being shown.

(Code 1977, § 14-11)

Sec. 18-12. Term of licenses.

The license taxes set out in the annual license tax schedule imposed for the privilege of carrying on the business, trade, profession, or doing the acts named or described therein, within the corporate limits of the city, from January 1 to December 31, inclusive, annually, and licenses issued pursuant thereto, except for licenses issued for a day, week or month, shall terminate annually on December 31.

(Code 1977, § 14-12)

Sec. 18-13. Violations; penalties.

(a) Any person prosecuting or engaging in any business, trade, occupation or profession or keeping or maintaining any establishment named in the annual license tax schedule without first having paid the license tax imposed thereon, or who shall violate otherwise any of the terms or provisions of this chapter shall, upon conviction, be punished as provided in section 1-14 of this Code.

(b) Where a license is imposed by the annual license tax schedule upon any business, profession or
occupation, and such business, profession or occupation is carried on or conducted by an agent, clerk or employee, such agent, clerk or employee shall be subject to all the penalties herein imposed should the business, profession or occupation be carried on or prosecuted without the license imposed having been paid in the same manner as if such agent, clerk or employee were the proprietor of such business, profession or occupation. (Code 1977, § 14-15)

Section 18-14. Assessments upon failure to obtain license or furnish required information.

When any person has failed to obtain a business license or to furnish the information required by this chapter, the license inspector, the city clerk/treasurer or the South Carolina Municipal Association pursuant to contract shall proceed to examine such records of the business, public records, statistical samples or other available records and information as may be deemed appropriate, and shall assess a license tax and penalties of five percent per month from the due date. A notice of assessment shall be served by certified mail and an application for adjustment of the assessment, which must contain documentary evidence supporting the adjustment, may be made to the assessing agent within five days after the notice is delivered or the assessment will become final. The assessing agent shall establish by regulation the procedure for hearing an application for adjustment of assessment and issuing a notice of final assessment. A final assessment may be appealed to the city council only by payment in full of the assessment under protest within five days and the filing of written notice of appeal within ten days after payment pursuant to the provisions of this chapter relating to appeals. (Code 1977, § 14-16)

Section 18-15. Closing hour of nightspots.

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

Nightspot means a public dance hall, lounge, bar, tavern, game room, etc.

(b) It shall be unlawful for such nightspots to keep open or admit persons any later than 1:00 a.m. on the night operation and in keeping with the spirit of state statutes regulating dance halls, it shall be unlawful for such nightspots to keep open or admit persons between the hours of 12:00 midnight Saturday and 12:00 midnight Sunday, and all such places shall remain closed to the public between such hours.

(Ord. of 12-5-94)

Cross References: Alcoholic beverages, ch. 6.

Section 18-24. Business License

a. Notwithstanding any other provisions of the Business License Ordinance, business license taxes for retail telecommunications service as defined in S.C. Code 53-9-2200 but not limited to those services described in Standard Industrial Classification (SIC) 481 and North America Industry Classification (NAICS) 5133 shall pay an annual business license fee based on gross income.

b. Pursuant to S.C. Code 53-9-2220, the following business license tax schedule shall apply to the gross income from retail communications services for the preceding calendar or fiscal year which either originate or terminate is 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 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.

Rate for license taxes due in the years 1999 through 2003:
Three tenths of one percent (0.3%) of gross income for the preceding year;

Rate for license taxes due to the year 2004 and each year thereafter:
Seventy-five hundredths of one percent (0.75) of gross income for the preceding year;

For a business in operation for less than one year, the amount of business license tax authorized by this section shall be computed on a twelve-month projected income.

c. The rate for business licenses for retail telecommunications service shall be 0.3% of 1998 gross income, due on October 1, 1999, and payable by January 31, 2000, without penalty.

The telecommunications business license tax shall be due on January 1 in each year, beginning in the year 2000. Declining rates shall not apply. Taxes are payable without penalty by January 31 following the due date. After January 31, the delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.

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.

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.

Fees imposed by any franchise or contractual agreement with a telecommunications provider which expires prior to December 31, 2003 shall continue in effect until December 31, 2003.

All fees collected under such franchise agreement or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this ordinance.
A business license tax ordinance, adopted prior to December 31, 1997, which levied a business license tax paid by a telecommunications company higher than that levied under this ordinance, shall remain in effect through December 31, 2003.

As authorized by S.C. Code 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent taxes from telecommunications companies pursuant to S.C. Code 58-9-2200 in the form attached hereto is approved, and the Mayor is authorized to execute it.

All ordinances in conflict with this ordinance are hereby repealed.

Sec. 18-25 Business License on Retail Telecommunications Service
Section 1.

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 its amendment. The business license tax year shall begin on January 1 of each year. The rate for the 2005 business license tax year shall be the maximum rate allowed by State law as in effect on February 1, 2005. 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.

Section 2.

a. For the year 2005, the business license tax for "retail telecommunications services" shall be due on February 1, 2005 and payable by February 28, 2005, without penalty. For years after 2005, 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.

b. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

Section 3.
Exemptions in the business license ordinance for income from business in interstate commerce are hereby repeated. Property apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

Section 4.

a. 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.

b. 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.

Section 5.
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. Notwithstanding the provisions of the Agreement, for the year 2005, the Municipal Association of South Carolina is authorized to collect current and delinquent license taxes, in conformity with the due date and delinquent date for 2005 as set out in this Ordinance and is further authorized, for the year 2005, to disburse business license taxes collected, less the service charge agreed to, to this municipality on or before April t, 2005, and thereafter as remaining collections permit.

Section 6.
All previous ordinances or portions of ordinances, in conflict with this Ordinance are hereby repealed.
(Ord. of 09-13-04)

Secs. 18-16--18-40. Reserved.

ARTICLE II.
SOLICITATION FOR INFORMATION*

* Cross References: Loud noises, § 50-81.

Sec. 18-41. 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:

Interviewee means a person from whom information is requested by a solicitor as defined in this article.

Soliciting means requesting information on the background, occupation, economic status, social status, religious status, political status, attitudes, viewpoints, occupants of a residence, telephone number, address, furnishings or the like of another person for the purpose of compiling such information as raw data or refined data into a document, record, book or directory to be sold or to be used wholly or in part for a commercial purpose.

Solicitor means the person soliciting as defined in this article.
(Code 1977, § 22A-21)
Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 18-42. Permit--Required.

A permit is required for every person or organization which engages in soliciting information by means of calling upon places of residence or by means of direct personal contact in public places or upon public property. One permit may be obtained by an organization to cover the individual solicitors for the organization. Any peddling or soliciting which is carried on in connection with the solicitation of information is unlawful unless a permit also has been obtained if required by law.
(Code 1977, § 22A-22)
Sec. 18-43. Same--Application; contents.

Application for a permit to solicit information shall be made to the city clerk/treasurer. The application shall contain the following information or, in lieu thereof, a detailed statement of reasons why such information cannot be furnished:

1. The name, address or headquarters of the person applying for the permit.

2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.

3. The purpose for which the solicitation is to be made and the use or disposition to be made of any information therefrom.

4. The names and addresses of the persons to whom the information solicited will be sent.

5. The names and addresses of the persons who will be in direct charge of conducting this solicitation and the names of all promoters connected, or to be connected, with the proposed solicitation.

6. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city or by any department or officer thereof.

7. Such other information as may be reasonably required by the chief of police in order for him to determine the kind and character of the proposed solicitation and whether such solicitation is not inimical to the public welfare.

(Code 1977, § 22A-23)

Sec. 18-44. Number of solicitors permitted.

The number of solicitors actively soliciting in the city will not exceed ten.

(Code 1977, § 22A-24)

Sec. 18-45. Hours permitted for solicitation in residential areas.

In residential areas solicitation will be limited to the hours between 9:30 a.m. and 8:30 p.m. or sunset, whichever occurs later.

(Code 1977, § 22A-25)

Sec. 18-46. Exceptions.

The provisions of this article shall not apply to the following:

1. Any newsgathering activity for a bona fide news medium.

2. Any solicitation of information for a telephone book by a telephone company.
Secs. 18-66. Definition.

For the purposes of this article "yard sale" shall mean the sale of any new or used personal property, which sale is conducted on or about the premises of a private residence or on a residentially zoned lot by any resident or residents of a neighborhood, one of whom must be the occupant and/or owner of the premises and/or lot, and which sale is open to the public. This definition shall apply to all sales entitled "garage," "attic," "porch," "room," "backyard," "patio," "rummage" or similar such titles commonly used to refer to yard sales.

(Ord. of 8-3-87(1))

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 18-67. Certain sales considered commercial retail activity; peddlers license required.

No new or used goods, wares or merchandise of whatsoever kind shall be offered for sale at a yard sale which was specifically purchased for resale or specifically brought in for sale, as this would constitute a commercial retail activity, and would require the seller to purchase a peddler's business license; such sales can only be conducted on properly zoned commercial property.

(Ord. of 8-3-87(1))

Sec. 18-68. Signage.

Signs advertising a yard sale cannot be placed on city power poles, street signs, traffic signs, hydrants and any other such appurtenances. Such signs should be placed on separate posts that may be staked on city street right-of-ways and shall be removed from the right-of-ways by the conductor(s) of a yard sale no later than 24 hours following the end of a yard sale. Such signs shall not be staked so as to block traffic signs and/or create any other type of confusion or hazard to vehicular or pedestrian traffic.

(Ord. of 8-3-87(1))

Sec. 18-69. Exemption from license fees.

Any bona fide charitable, eleemosynary, religious, educational or governmental institutions or organizations who conduct and/or sponsor yard sales are exempt from any business license fees when the total proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

(Ord. of 8-3-87(1))

Sec. 18-70. Peddlers.

The term "peddlers" shall include any persons, who temporarily exhibit on commercial property for sale any new or used goods, wares or merchandise of whatever kind. Commercial property in this instance shall
include any property presently being used for commercial purposes or any vacant property commercially zoned. (Ord. of 8-3-87(1))
Chapters 19--21

RESERVED
Chapter 22

CEMETERIES*

Sec. 22-1. Unlawful establishment of additional cemeteries.
Sec. 22-2. Charges for purchase of grave sites, Rosemont Cemetery.

* Cross References: Damaging, destroying property in cemeteries, § 50-161(3).

Sec. 22-1. Unlawful establishment of additional cemeteries.

It is unlawful for any person to establish within the corporate limits of the city any place for the burial of the dead, or to maintain therein any place for the burial of the dead except such as were already established for such purpose as of January 1, 1960, and it shall be unlawful for any person to enlarge the bounds of any place or places now established for the burial of the dead within the corporate limits of the city.
(Code 1977, § 6-1)

Sec. 22-2. Charges for purchase of grave sites, Rosemont Cemetery.

(a) Definition. As used in this section, Clinton residents shall be deemed to include only those persons who reside within the city at time of purchase.

(b) Residents. Rates for grave sites in Rosemont Cemetery purchased by Clinton residents shall be as established and published by the city council.

(c) Nonresidents. Rates for grave sites in Rosemont Cemetery purchased by nonresidents of Clinton shall be as established and published by the city council.
(Code 1977, § 6-2; Ord. of 5-3-93)
Chapters 23--25

RESERVED
Chapter 26

ELECTIONS*

Sec. 26-1. Conformance to state law.
Sec. 26-2. Runoffs.
Sec. 26-3. Candidates to file notice of candidacy and candidacy pledge.

* Cross References: Administration, ch. 2; terms of office of mayor and councilmembers, § 2-1.

Sec. 26-1. Conformance to state law.

All elections, primary, general and special, to fill municipal offices in the city shall be duly governed by the provisions of the state election law. All such municipal elections shall be nonpartisan. Provided, however, that all powers and duties of the municipal election commission of the city shall be exercised by the Laurens County Elections Commission effective as set forth hereinbelow.
(Code 1977, § 7-1; Ord. of 5-5-97)

Sec. 26-2. Runoffs.

The mayor and city council adopts a method of elections for city council seats such that a candidate in a field of three or more must garner more than 50 percent of the votes cast; otherwise a runoff election two weeks later shall occur between the two candidates receiving the most votes.
(Ord. of 5-6-91; Ord. of 2-6-95)

Sec. 26-3. Candidates to file notice of candidacy and candidacy pledge.

Candidates desiring entry in any nonpartisan regular or special election shall file with the Laurens County Elections Commission, by delivering to such commission in Laurens, S.C., a notice of candidacy, and a candidacy pledge, the same to be so filed not earlier than 60 days nor later than 12:00 noon 30 days prior to the date of the election.
(Ord. of 5-5-97)
Chapters 27--29

RESERVED
Chapter 30
FIRE PREVENTION AND PROTECTION*

* Cross References: Buildings and building regulations, ch. 14; housing, ch. 38; false alarm of fire, § 50-4; planning, ch. 54; burning in bulk containers, § 66-12; streets, sidewalks and public places, ch. 74; utilities, ch. 86.

Article I. In General
Sec. 30-2. Establishment of limits in which outside aboveground storage of flammable liquids is prohibited.
Sec. 30-3 Establishment of a false alarm fine.
Sec. 30-4 Incident Response Fee.
Sec. 30-5 Time of Payment of Fees.
Sec. 30-6 Violations
Secs. 30-7-30-30. Reserved.

Article II. Fire Department
Division 1. Generally
Sec. 30-31. Interference with personnel or equipment.
Sec. 30-32. Entering safety zones.
Sec. 30-33. Vested with police powers in certain instances.
Sec. 30-34. Fire chief's rule-making authority.
Secs. 30-35--30-45. Reserved.

Division 2. Insurance and Inspection Fund Board of Trustees
Sec. 30-46. Established.
Sec. 30-47. Composition.
Sec. 30-48. Compensation.
Sec. 30-49. Officers.
Sec. 30-50. Duties.
Secs. 30-51--30-60. Reserved.

Division 3. Service Outside City
Sec. 30-61. Area receiving service.
Secs. 30-62--30-80. Reserved.

Article III. Fireworks
Sec. 30-81. Sale, storage, transportation, use.

ARTICLE I.
IN GENERAL

(a) The Standard Fire Prevention Code, promulgated by the Southern Building Code Congress International, Inc., is hereby adopted and incorporated in this section by reference for the regulation of matters covered by such code within the city. The editions of such code to be enforced shall be periodically reviewed as
necessary and adopted by resolution of the council.

(b) Any permit fee schedule in such code is not adopted and shall not be enforced by the city.

(c) A copy of such code is on file in the city offices and available for inspection by the public.

(Code 1977, § 9-1)


Sec. 30-2. Establishment of limits in which outside aboveground storage of flammable liquids is prohibited.

The storage of flammable liquids in tanks aboveground and outside buildings is prohibited within the limits established in section 14-1; provided that for existing tanks within such limits which are properly safeguarded and do not introduce a distinct hazard to other property a permit shall be granted.

(Code 1977, § 9-2)

Sec. 30-3 Establishment of a false alarm fine.

The Director of Public Safety, or his designee, shall have the authority to charge the offending party with the offense of committing a false alarm. The Director of Public Safety, or his designee, shall also have the authority to waive such fine if he deems the circumstances warrant such waiver.

The false alarm fine shall be in the amount of $50.00 per false alarm reported in excess of the two (2) false alarms within a twelve (12) month period, which shall be a calendar year.

If the person charged with reporting a false alarm does not pay the fine of $50.00, the Director of Public Safety shall ask the Municipal Judge for the City of Clinton to issue a bench warrant asking that the offending party be held in contempt of court, thereby subject to a fine of $500.00 or imprisonment for not more than 30 days.


Sec. 30-4 Incident Response Fee.

(a) A fee, the amount of which shall be based on the level of response as set forth in subsection (b), (c), (d) and (e) of this Section 30-4, shall be charged to the registered owner of any motor vehicle that is the subject of a response by the Clinton Department of Public Safety Fire Division in the City (or in an area outside the City which received fire protection services from the City, if any) in which Clinton Department of Public Safety Fire Division Personnel are dispatched to and arrive at the location of the motor vehicle which is the subject of the response, regardless of whether such response is for a vehicular fire, collision or other emergency. The Clinton Department of Public Safety may withhold fire reports and other documentation required by insurance providers until the amount of the fee described in this section is paid in full.

(b) Applicability.
This rate schedule applies to all calls that the City of Clinton Department of Public Safety responds to that include one of the following types of responses:

A. Motor Vehicle Accident/Fire  
B. HAZMAT Response  
C. Specialized Rescue Operation

(c) Minimum Rate.

The City of Clinton will charge a minimum response rate which applies if the combined hourly rates for the response do not exceed the minimum response rate.

The rate is designed to address the costs of providing scene safety and hazard control including hazard assessment and securing of the scene including the containment of hazard materials (i.e. hazardous material spills such as gasoline, diesel fuel, motor oil, coolant, or antifreeze) which may be flammable, dangerous to the environment, or cause other hazards such as slippery conditions, debris cleanup from roadway, vehicle systems safety assurance, (i.e. disabling potential ignition sources such as electrical/power supply systems), fire suppression, stand by, perimeter command and control, to protect involved parties and non-involved parties establishing a safe environment for mitigating damages and injuries and to protect the safety and welfare of the general public until the scene of the incident has been secured of all hazards.

Minimum Rate Charges:

- Level 1 MVA Response: $401.25
- Vehicle Fire Response: $450.00
- HAZMAT Response: $450.00

(d) Service and Apparatus Rates

All incidents will be billed using “hourly” rate per apparatus. Elapsed time is from the initial alarm to last equipment clear or return to service, whichever is later, and rounded up to the nearest hour.

Apparatus and Equipment Rates

- Heavy Apparatus (Quint, engines, aerials, rescue unit) $228.75 per hour
- Light Apparatus (Brush units, support units, pickup trucks) $168.75 per hour
- Command Vehicles $146.25 per hour
- Light Tower/On Scene Generators $35.25 per hour

Extrication Services Rate:

- Extrication involving the use of hydraulic tools: $1,751.25 per extrication
- Extrication without the use of hydraulic tools: $768.75 per extrication

Landing Zone/Air MedEVAC Support Services:
• Landing Zone Command and Control: $675.00 per landing zone

(e) Consumable/Damage Equipment Rates:

• Consumable Charge: $375.00 per incident

Sec. 30-5. Time of Payment of Fees.

Except with respect to the fire protection services fee set forth in Section 30-4 of this chapter, and as otherwise expressly provided with respect to any fee charged pursuant to this Chapter 30 of the Code, all fees charged under this Chapter 30 of the Code shall be due and payable upon not later than thirty (30) days following the charge thereof. Notwithstanding the foregoing, the Director of the Department of Public Safety may set other dates and times for collection or payment of any fee, other than the fire services fee set forth in Section 30-4 of this chapter, provided that such other dates and times for collection and payment thereof are applied uniformly to all payers.

There shall be added to Chapter 30 of the Municipal Code the following language as Section thereof:

Sec. 30-6 Violations.

Except as otherwise specifically provided in this Chapter 30, any violation of the provisions of this chapter, including, but not limited to, failure to make payment in full of all fees set forth herein as and when due, shall be a violation punishable as set forth in section 1-14 of Chapter 1 of the Code.

Secs. 30-7-30. Reserved.

ARTICLE II.

FIRE DEPARTMENT

DIVISION 1.

GENERALLY

Sec. 30-31. Interference with personnel or equipment.

It is unlawful for any person to interfere with or in any way molest or handle any fire equipment or apparatus at any time, unless authorized by the chief of the fire department or someone acting in his capacity thereunto duly authorized. It shall be unlawful for any person to interfere with any firefighters or persons acting as such, duly authorized thereunto, while in the discharge of their duty. It shall be unlawful for any person or persons to congregate in crowds at or near fires within the city in such a manner as to interfere with the free
Sec. 30-32. Entering safety zones.

It is unlawful for any person during any fire within the city to go within limits established by the chief of the fire department as a safety zone, or to go within limits established as a safety zone by the chief of the fire department during any fire drill.

(Code 1977, § 9-17)

Sec. 30-33. Vested with police powers in certain instances.

All members of the fire department of this city on active duty in response to a fire alarm in the city shall be and are hereby vested with authority ordinarily incident to the office of police officer in the city.

(Code 1977, § 9-18)

Sec. 30-34. Fire chief's rule-making authority.

(a) The chief of the fire department shall have authority to establish such rules and regulations as in his judgment may be necessary in the proper handling, storing, keeping and care of all fire department equipment and apparatus.

(b) During any fire in the city, the chief of the fire department or anyone acting in his place and stead, when duly thereunto authorized, is hereby vested with authority to establish zones or safety areas within the vicinity of such fire and to regulate traffic within such area and to establish such rules and regulations during the continuance of any fire within the city within such areas as in his judgment may be necessary for the proper handling of the fire.

(c) All such rules as are established by the chief of the fire department as aforesaid shall have the force and effect of ordinances of the city and shall be enforceable as other ordinances of the city; any violation thereof shall be punishable under the provisions of section 1-14 of this Code.

(Code 1977, § 9-19)

Cross References: Officers and employees, § 2-106 et seq.

Secs. 30-35--30-45. Reserved.

DIVISION 2.

INSURANCE AND INSPECTION FUND BOARD OF TRUSTEES*


Sec. 30-46. Established.

There is hereby established a board of three members to be known as the board of trustees of the firemen's insurance and inspection fund.
Sec. 30-47. Composition.

The board of trustees of the fund established by this division shall be composed of the mayor, the city manager and the fire chief.

Sec. 30-48. Compensation.

All members of the board created under this division shall serve without compensation.

Sec. 30-49. Officers.

The board created under this division shall elect from its number a chairman and a secretary, who shall likewise serve without compensation. The clerk/treasurer of the city shall act as treasurer of the board and have custody of all funds handled by the board.

Sec. 30-50. Duties.

The board of trustees created under this division shall have supervision of the firemen's insurance and inspection fund, both as to the receipts and disbursements thereof; provided, that none of such fund shall be expended for any purpose other than the betterment and maintenance of a skillful and efficient fire department in the city. Such board is hereby authorized to pay over to the state firemen's association five percent of the gross proceeds received annually by the city from the state treasury under state law.

Secs. 30-51–30-60. Reserved.

DIVISION 3.

SERVICE OUTSIDE CITY

Sec. 30-61. Area receiving service.

The area to be included for out-of-city fire coverage shall be that within a five-mile radius of the City of Clinton, except for the area where the City of Clinton and the County of Laurens rural areas overlap, and for such areas, the portion thereof falling within the City of Clinton's fire protection area shall be that beginning northwest of the City of Clinton at the crossing of Highway 308 over Highway 53, traveling southwesterly to Highway 46, turning southeasterly and traveling to Highway 268, turning southwesterly and traveling to Highway 35, turning east and traveling south on Highway 35 to Highway 43, turning west on Highway 43, and traveling west to Highway 102, southeasterly to Highway 72 at North Creek, southeasterly to Highway 46, northeast to Highway 50, northeast to Bethlehem Church Road, north on Fuller Road, northwest on Highway 72, north to Highway 98, to Highway 56, north to Secondary 26, west to Highway 56, north to Highway 53.
Secs. 30-62–30-80. Reserved.

ARTICLE III.

FIREWORKS*

* Cross References: Offenses and miscellaneous provisions, ch. 50.

Sec. 30-81. Sale, storage, transportation, use.

The sale, storage, transportation and use of fireworks in the city shall be in accordance with S.C. Code 1976, § 23-35-10 et seq., and rules and regulations promulgated by the state board of pyrotechnic safety.
Chapters 31--33

RESERVED
Chapter 34

FLOODS*

Article I. In General

Sec. 34-1. Definitions.
Sec. 34-2. Statutory authorization.
Sec. 34-3. Findings of fact.
Sec. 34-4. Statement of purpose.
Sec. 34-5. Objectives.
Sec. 34-6. Applicability.
Sec. 34-7. Compliance required.
Sec. 34-8. Interpretation.
Sec. 34-9. Conflicting provisions.
Sec. 34-10. Warning and disclaimer of liability.
Sec. 34-11. Adoption of flood hazard boundary map.
Secs. 34-12–34-35. Reserved.

Article II. Administration and Enforcement

Sec. 34-36. Building inspector designated administrator.
Sec. 34-37. Development permit required; application.
Sec. 34-38. Permit review.
Sec. 34-39. Use of other base flood data.
Sec. 34-40. Information to be obtained and maintained.
Sec. 34-41. Alteration of watercourses.
Sec. 34-42. Interpretation of boundaries.
Secs. 34-43–34-65. Reserved.

Article III. Standards and Specifications

Sec. 34-66. General standards for all areas of special flood hazard.
Sec. 34-67. Specific standards for certain areas.
Sec. 34-68. Variance procedures.

* Cross References: Buildings and building regulations, ch. 14; housing, ch. 38; planning, ch. 54.

ARTICLE I.

IN GENERAL

Sec. 34-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
**Basement** means that portion of a building having its floor subgrade (below ground level) on all sides.

**Building** means any structure built for support, shelter or enclosure for any occupancy or storage.

**Development** means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Elevated building** means a nonbasement building constructed to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood hazard boundary map (FHBM)** means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as zone A.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floor** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include floor of a garage used solely for parking vehicles.

**Habitable floor** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

**Mobile home** means a factory-assembled, movable dwelling, designed and constructed to be towed on its own chassis, comprised of frame and wheels, usable without a permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. A dwelling meeting the above definition shall be considered a mobile home even if placed on a permanent foundation. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days and intended to be improved property.

**Modular home** means a manufactured building, assembled on site, to be used with a permanent foundation as a dwelling unit and distinguishable from other types of manufactured homes (i.e., mobile homes) in that the standards to which it is built do not include provisions for its mobility on some sort of chassis.

**Start of construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)) includes substantial improvement, and means the date the building permit...
was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure* means a walled and roofed building that is principally aboveground, as well as a mobile home.

*Substantial improvement* means any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Code 1977, § 9A-10; Ord. of 12-7-87)

**Cross References:** Definitions and rules of construction generally, § 1-2.

**Sec. 34-2. Statutory authorization.**

The General Assembly of the State of South Carolina has in S.C. Code 1976, § 6-7-510 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the mayor and city council do ordain as follows in this chapter.

(Ord. of 12-7-87)

**Sec. 34-3. Findings of fact.**

The flood hazard areas of the city are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, floodproofed or otherwise protected from flood damages.

(Code 1977, § 9A-1)

**Sec. 34-4. Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or
erosion in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other developments which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Code 1977, § 9A-2)

Sec. 34-5. Objectives.

The objectives of this chapter are to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;

(7) Ensure that potential home buyers are notified that property is in a flood area.

(Code 1977, § 9A-3)

Sec. 34-6. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Code 1977, § 9A-4)

Sec. 34-7. Compliance required.

No structure or land shall hereafter be located, or extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
Sec. 34-8. Interpretation.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body and deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 34-9. Conflicting provisions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 34-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Sec. 34-11. Adoption of flood hazard boundary map.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map (FHB) No. H-01-02, dated June 17, 1977, and any revision thereto are adopted by reference and declared to be a part of this chapter.

Secs. 34-12-34-35. Reserved.

ARTICLE II.

ADMINISTRATION AND ENFORCEMENT

Sec. 34-36. Building inspector designated administrator.

The building inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with the provisions of this chapter.
Sec. 34-37. Development permit required; application.

(a) A development permit shall be required in conformance with the provisions of this chapter.

(b) Application for a development permit shall be made to the building inspector on forms furnished by him and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level (MSL) of the lowest floor (including basement) of all proposed structures.

2. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

3. Certification by a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 34-67(2).

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Code 1977, § 9A-22)

Sec. 34-38. Permit review.

Duties of the building inspector shall include but not be limited to permit review. The building inspector or his designee shall:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

2. Review all development permits to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

3. Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

   a. If it is determined that there is no adverse effect, and the development is not a building, the permit shall be granted without further consideration.

   b. If it is determined that there is an adverse effect, technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.

   c. If the proposed development is a building, the provisions of this chapter shall apply.
Sec. 34-39. Use of other base flood data.

When base flood elevation data has not been provided in accordance with section 34-11 the building inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer section 34-67.

Sec. 34-40. Information to be obtained and maintained.

The building inspector or his designee shall:

(1) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(2) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed. Certification of such floodproofing shall be obtained in accordance with section 34-67(2).

(3) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection.

Sec. 34-41. Alteration of watercourses.

The building inspector or his designee shall:

(1) Notify adjacent communities and the state water resources commission prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Sec. 34-42. Interpretation of boundaries.

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual physical conditions) the building inspector shall make the necessary interpretation.

Secs. 34-43--34-65. Reserved.

ARTICLE III.
Sec. 34-66. General standards for all areas of special flood hazard.

In all areas of special flood hazard, the following provisions are required:

(1) Anchoring.

   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
   
   b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top ties to ground anchors. Specific requirements shall be that:

      1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
      
      2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
      
      3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
      
      4. Any additions to the mobile home be similarly anchored.

(2) Construction materials and methods.

   a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   
   b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
   
   c. When floodproofing is utilized for a particular structure, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with section 34-37(b)(3).

(3) Utilities.

   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
   
   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Subdivision proposals.

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

(5) Encroachments. The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination shall be made in accordance with section 34-38(3).

(6) New construction. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article.

(Code 1977, § 9A-35; Ord. of 12-7-87)

Sec. 34-67. Specific standards for certain areas.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 34-39, the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure (including mobile home) shall have the lowest floor, including basement, elevated to or above base flood elevation.

(2) Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure (including mobile homes) shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with
structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 34-37(b)(3).

(3) **Elevated buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Electrical, plumbing and other utility connections are prohibited below the base flood elevation.

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) **Floodways.** Located within areas of special flood hazard established in section 34-11 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and have erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If subsection (4)a. above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 34-66 and this section.
c. Prohibit the placement of mobile homes, except in an existing mobile home park or subdivision. A replacement mobile home may be placed on a lot in an existing mobile home park or subdivision provided that anchoring standards of section 34-66(1) and the elevation standards of subsection (1) of this section are met.

(Code 1977, § 9A-36; Ord. of 12-7-87)

Sec. 34-68. Variance procedures.

(a) The board of adjustments and appeals as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building inspector in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the board or any taxpayer may appeal such decision to the circuit court of the county.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section, except for subsection (h)(1) and (h)(2), and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and the following:

1. The danger that materials may be swept onto other lands to the injury of others.

2. The danger to life and property due to flooding or erosion damage.

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

4. The importance of the services provided by the proposed facility to the community.

5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility.

6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

7. The compatibility of the proposed use with existing and anticipated development.

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this chapter, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances shall be as follows:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall only be issued upon:

   a. A showing of good and sufficient cause;

   b. A determination that failure to grant the variance would result in exceptional hardship; and

   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. of 12-7-87)
Chapters 35--37

RESERVED
Chapter 38

HOUSING*

Sec. 38-1. Fair housing policy.

* Cross References: Buildings and building regulations, ch. 14; fire prevention and protection, ch. 30; floods, ch. 34; planning, ch. 54; solid waste, ch. 66; utilities, ch. 86.

Sec. 38-1. Fair housing policy.

(a) The mayor and city council do hereby appoint the city manager and his designated agent as a fair housing administrator.

(b) The city manager or his designated agent shall receive and review any and all grievances concerning discrimination in the provision of housing within the city.

(c) The city manager or his designated agent shall forward all unresolved grievances to the Equal Opportunity Housing Section, United States Department of Housing and Urban Development, Area Office, Columbia, South Carolina.

(d) The council will encourage all local realtors, homeowners and contractors to provide for nondiscrimination in the provision of housing within the city.

(Ord. of 10-5-87)
Chapters 39--41

RESERVED
Chapter 42

LAW ENFORCEMENT*

Article I. Department of Public Safety

Sec. 42-1 Creation; Public Safety Department of the City of Clinton.

The City of Clinton shall establish and maintain a public safety department which will have management and operational control over the fire department, police department, and the emergency operations center. The public safety department will ensure the protection of life and property, preservation of laws and order, control of traffic, investigation of crimes, apprehension and interim custody of criminals, suppression of vice, and prevention and control of juvenile delinquency. The public safety department will be responsible for all fire services including fire fighting, fire prevention, fire inspections, and public awareness education. The public safety department will maintain a fully—functional emergency operations center to be activated for weather, natural, or man—caused disasters. The public safety department will coordinate the implementation of the emergency action plan, hurricane plan, and related emergency plans in response to natural, weather, and/or man—caused disasters, with section attention to senior citizens, the homebound, the disabled, and other persons with special needs.

Sec. 42-2 Public Safety Director.

The public safety director shall be responsible to City Manager for enforcement of state laws, City of Clinton ordinances, and the Code for the City of Clinton; serve as the emergency operations coordinator; supervise the deputy chief of police operations and the deputy chief of fire operations; ensure the readiness of
the emergency operations center and the emergency operations plan; implement the emergency; operations plan
and activate the emergency operations center pursuant to the Code for the City of Clinton, when directed by the
City Manager, or when deemed; appropriate when an emergency situation poses imminent danger to the town,
its residents and/or property; establish appropriate departmental administrative and operational procedures
pursuant to this code, city ordinances, and city administrative regulations; ensure close and effective
communication, coordination, and cooperation with area public safety departments, law enforcement agencies,
fire departments, and emergency preparedness agencies; and ensure appropriate training is afforded all public
safety departmental personnel.

Sec. 42-3 Fire Chief - Duties and Authority.

The chief of fire operations, under supervision of the public safety director, shall exercise daily
operational control over the fire department and all fire fighting resources including personnel and equipment;
assume command of the emergency operations center when its activation has been approved; direct the
assignment and use of career and volunteer fire personnel and all firefighting equipment in routine and
emergency conditions; ensure the most effective fire fighting techniques are understood. And utilized, by all fire
fighting personnel; ensure a proactive fire prevention, and inspection regimen is followed; conduct training
appropriate and consistent with the duties and responsibilities defined herein; ensure close and effective
communication, coordination, and cooperation with area fire departments and emergency service providers; and
perform other duties as prescribed or as needed to meet the duties and responsibilities identified herein.

Sec. 42-4 Safety Director Designee — Duties and Authority.

The designee of police operations, under supervision of the public safety director, shall exercise daily
operational control over the police department and all related police resources including personnel and
equipment; direct the assignment and use of both sworn and non—sworn police personnel in both routine and
emergency conditions; ensure police personnel follow established departmental procedures pursuant to city
ordinances, this code, and city administrative regulations; assist the public safety director in the implementation
of close communication, cooperation, and coordination with other law enforcement agencies; conduct training
appropriate and consistent with the duties and responsibilities identified herein; and perform other duties as
prescribed or as needed to meet the duties and responsibilities identified herein.

Sec. 42-5 Aid to other subdivisions.

Upon the request of the governing body of any other political subdivision of the State, city council may
send any law enforcement officers to the requesting political subdivision in cases of emergency in accordance
with SC Code 1976, §5-7-l20.

Repeal and Effective Date. All ordinances or parts of ordinances contained in the Code of the City of
Clinton inconsistent with this ordinance are hereby repealed. This ordinance shall become effective from the
date of its final reading and passage.

Secs. 42-5--42-25. Reserved.
ARTICLE II.

POLICE DEPARTMENT

Sec. 42-26. Creation; composition; rank and authority of officers and members.

(a) The city shall have and maintain a police department for the preservation of order within the city and for the enforcement of the rules, regulations and ordinances of the city. The police department shall be composed of such number of police officers as the city manager may recommend to be adequate and proper for that purpose and as funded by the city council.

(b) As directing head of the police department there shall be a chief of police.

(c) There may be a differential in pay among all ranks, depending on their particular duties, and such differential shall be determined and fixed by the city manager.

(d) Exercise by the city council of its prerogatives herein shall be made by and with any recommendations of the city manager, who shall be in charge of the operation of the entire department.

(Code 1977, § 21-1)

Sec. 42-27. Oath.

Before entering upon the discharge of their duties as such, all members of the police department shall take the following oath:

"As a member of the police force of the City of Clinton, I will equally, fairly and impartially, to the best of my ability and skill, exercise the trust reposed in me, and will use my best endeavors to carry into effect, according to law, the purposes for which I have been elected, so help me God."

(Code 1977, § 21-2)


The members of the police department, in addition to the powers and duties specifically set forth in this Code, shall have and exercise all such powers as are bestowed upon them by the laws of the state.

(Code 1977, § 21-4)

Sec. 42-29. Authority to order arrest upon sworn complaint.

Any police officer is hereby authorized and empowered to order or cause any person who violates any of the ordinances of the city to be arrested upon the sworn affidavit of any complainant.

(Code 1977, § 21-5)

Sec. 42-30. Record of money, other articles taken into custody.

Except as otherwise provided, it shall be the duty of each member of the police department when he has
lawfully taken into possession or custody any money or other articles or property to keep such records thereof as the city manager directs.
(Code 1977, § 21-6)

Sec. 42-31. Reserved.

Chapters 43--45

RESERVED
Chapter 46

MUNICIPAL COURT*

Sec. 46-1. Established.

There is hereby established a municipal court for the city, which shall be a part of the unified judicial system of the state.

(Code 1977, § 16-1)

Sec. 46-2. Judges.

The municipal court shall be presided over by one or more full-time or part-time judges, at the discretion of the city council. The municipal judge(s) shall be appointed by the council for a term fixed by the council not to exceed four years, and shall serve at the pleasure of the council. The compensation of the municipal judge(s) shall be as from time to time may be determined by the council. Vacancies shall be filled in accordance with S.C. Code 1976, § 14-25-25.

(Code 1977, § 16-2)

* Cross References: General penalty, § 1-14; alcoholic beverages, ch. 6; offenses and miscellaneous provisions, ch. 50.


Sec. 46-3. Clerk.

The council shall designate a clerk of the municipal court, who shall keep such records and make such reports as may be required by the municipal judge or the state court administrator. The council may designate the city clerk/treasurer or other municipal employee to serve as clerk of the court.

(Code 1977, § 16-3)

* Cross References: Officers and employees, § 2-106 et seq.


Sec. 46-4. Jurisdiction.

The municipal court shall have jurisdiction to try all cases arising under the ordinances of the city. 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 limits imposed on municipal courts. The court shall have no jurisdiction in civil matters. (Code 1977, § 16-4)


Sec. 46-5. Imposition of maximum penalty.

Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine or imprisonment, or both, not to exceed $500.00 or 30 days. (Code 1977, § 16-5)

Cross References: General penalty, § 1-14.


Sec. 46-6. Suspension of 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. (Code 1977, § 16-6)


Sec. 46-7. Disposition of fines.

All fines and penalties collected by the municipal court shall be forthwith turned over to the clerk for deposit to the general fund of the city. (Code 1977, § 16-7)


Sec. 46-8. Appeals.

(a) Any party shall have the right to appeal from the sentence or judgment of the municipal court to the court of general sessions. Notice of intention to appeal, setting forth the grounds for appeal, shall be given in writing and served on the municipal judge or the clerk of the municipal court within ten days after sentence is passed or judgment rendered, or the appeal shall be deemed waived. The party appealing shall enter into a bond, payable to the city to appear and defend such appeal at the next term of the court of general sessions or shall pay the fine assessed.

(b) In the event of an appeal, the municipal judge shall make a return to the court of general sessions as provided by S.C. Code 1976, § 14-25-105. (Code 1977, § 16-8)


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 the qualified electors of the city in the manner prescribed by law. The right to a jury trial shall be deemed to have been waived unless demand is made prior to trial.
(Code 1977, § 16-9)


**Sec. 46-10. Jury commissioners.**

The city council shall serve as jury commissioners for the municipal court.
(Code 1977, § 16-10)


**Sec. 46-11. Ministerial recorder.**

There is hereby established the office of ministerial recorder. Ministerial recorders shall be elected from time to time by the city council, and shall serve at its pleasure or until the office is vacated when employment with the city is terminated. Ministerial recorders shall perform the powers provided by law, and shall be subject to the supervision of the municipal judge. Ministerial recorders shall not be law enforcement officers.
(Code 1977, § 16-11)

*Cross References:* Officers and employees, § 2-106 et seq.

Chapters 47--49

RESERVED
Chapter 50

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 50-1. Posting private advertisements.
Sec. 50-2. Refusal to assist police officer.
Sec. 50-3. Aiding or abetting ordinance violations.
Sec. 50-4. False alarm of fire or need for police or ambulance assistance.
Sec. 50-5. False report of crime.
Sec. 50-6. Assisting in escape from custody.
Sec. 50-7. Providing liquor, tools or other implements to prisoners.
Sec. 50-8. Aiding escapee.
Sec. 50-9. Escape from jail.
Sec. 50-10. Impersonating an officer.
Secs. 50-11–50-35. Reserved.

Article II. Gambling

Sec. 50-36. Prohibited generally.
Sec. 50-37. Maintaining gaming house.
Sec. 50-38. Slot machines, punchboards, tip boards, etc., prohibited.
Secs. 50-39–50-60. Reserved.

Article III. Noises

Sec. 50-61. Loud, raucous noises prohibited generally.
Sec. 50-62. Enumeration of specific prohibited noises.
Sec. 50-63. Musical devices, radios, etc.
Secs. 50-64–50-85. Reserved.

Article IV. Offenses Against Morals

Sec. 50-86. Transportation of women for prostitution.
Sec. 50-87. Use of hotels, dwellings, etc., for prostitution purposes.
Sec. 50-88. Directing others to immoral houses or women.
Sec. 50-89. Pandering and solicitation.
Sec. 50-90. Indecent exposure.
Sec. 50-91. Window peeping, eavesdropping.
Secs. 50-92–50-110. Reserved.

Article V. Offenses Against Persons

Sec. 50-111. Assault and battery.
Secs. 50-112–50-130. Reserved.

Article VI. Offenses Against Public Order

Sec. 50-131. Disorderly conduct.
Sec. 50-132. Loitering–About schools, churches, etc.
Sec. 50-133. Same–About jail.

* Cross References: General penalty, § 1-14; alcoholic beverages, ch. 6; fireworks, § 30-81 et seq.; law enforcement, ch. 42; municipal court, ch. 46.


Sec. 50-134. Disturbance of schools.
Sec. 50-135. Interference with, resisting officers.
Sec. 50-136. Wearing of masks.
Sec. 50-137. Creating a nuisance.
Sec. 50-138. Disturbing meetings or gatherings.
Sec. 50-139. General Curfew for Juveniles.
Secs. 50-139--50-160. Reserved.

Article VII. Offenses Against Property

Sec. 50-161. Damaging, destroying, etc.—Private property.
Sec. 50-162. Same—City property.
Sec. 50-163. Larceny—Generally.
Sec. 50-164. Same—Breach of trust with fraudulent intent.
Sec. 50-165. Shoplifting.
Sec. 50-166. Stolen goods—Receiving.
Sec. 50-167. Same—Restoration to owner.
Sec. 50-168. Throwing stones, other missiles.
Sec. 50-169. Uttering fraudulent checks; application of state law provisions.
Sec. 50-170. Obtaining property by false pretenses.
Sec. 50-171. False token or counterfeit letter.
Sec. 50-172. Obtaining credit or property with expired, false, etc., credit card.
Sec. 50-173. Swindling.
Sec. 50-174. Hotels, boardinghouses, etc.; defrauding keeper.
Sec. 50-175. Skateboarding, In the Central Commercial District.
Secs. 50-176--50-195. Reserved.

Article VIII. Picketing and Demonstrations

Sec. 50-196. Prohibited acts.
Sec. 50-197. Picketing restrictions.
Sec. 50-198. Demonstration restrictions.
Secs. 50-199--50-210. Reserved.

Article IX. Weapons

Sec. 50-211. Carrying or displaying—Generally.
Sec. 50-212. Same—In public buildings or areas adjacent thereto.
Sec. 50-213. Discharging firearms, explosives, etc.; shooting squirrels and vermin.
Sec. 50-214. Bows and arrows, air guns, slingshots, etc.
Sec. 50-215. Loaded rifles, shotguns.
Sec. 50-216. Sale of knives.
Secs. 50-217--50-234. Reserved.

Article X. Property Maintenance

Sec. 50-235 Definitions
Sec. 50-236. Nuisances enumerated.
Sec. 50-237. Accumulations of offensive matter.
Sec. 50-238. Accumulation of junk and trash prohibited.
Sec. 50-239. Grass, weeds, trash, etc.; littering.
Sec. 50-240. Abatement.
Secs. 50-241--50-260. Reserved.

Article XI. Drug Paraphernalia

Sec. 50-261. Definitions.
Sec. 50-262. Offense.
Sec. 50-263. Presumptions.
Sec. 50-264. Penalty.
ARTICLE I.

IN GENERAL

Sec. 50-1. Posting private advertisements.

The placement of private advertisements, personal, commercial and/or political, on city property for the purpose of promoting or advertising a product, organization and/or individual is strictly prohibited. (Ord. of 4-11-88)

Cross References: Streets, sidewalks and public places, ch. 74.

Sec. 50-2. Refusal to assist police officer.

Any police officer of the city shall have the power to call to his assistance, in making arrest of disorderly persons or any person violating any ordinance of the city, any person present or any person within the corporate limits of the city, and it shall be unlawful for any person called upon for such assistance to refuse to render the same. (Code 1977, § 17-1)

Cross References: Law enforcement, ch. 42.


Sec. 50-3. Aiding or abetting ordinance violations.

It is unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any of the ordinances of the city. (Code 1977, § 17-2)

Sec. 50-4. False alarm of fire or need for police or ambulance assistance.

It is unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or aid or abet in the commission of any such act. (Code 1977, § 17-6)

Cross References: Fire prevention and protection, ch. 30; law enforcement, ch. 42.

Sec. 50-5. False report of crime.

It is unlawful for any person to make to, or file with, the police department of the city or any police officer any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime. (Code 1977, § 17-7)

Sec. 50-6. Assisting in escape from custody.

It is unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, or a person duly empowered with police authority, to escape or to attempt to escape from such custody. (Code 1977, § 17-8)
Sec. 50-7. Providing liquor, tools or other implements to prisoners.

It is unlawful for any person to make available to, present to or place within the reach of any person confined under authority of the city any intoxicating or malt liquors, or any tool, implement or other thing calculated to aid in the escape of such person so confined or any other person confined under authority of the city.

(Code 1977, § 17-9)

Sec. 50-8. Aiding escapee.

It is unlawful for any person to assist or aid, or attempt to assist or aid any person in the custody of or confined under the authority of the city to escape from jail, place of confinement or custody, or to aid or assist any such person in hiding or concealment from recapture.

(Code 1977, § 17-10)

Sec. 50-9. Escape from jail.

It is unlawful for any person, while a prisoner in the city jail, or in any other place where prisoners are confined, or otherwise in custody of or confined by the city, to escape or to attempt to escape or to assist others to escape or attempt to escape from such custody or confinement.

(Code 1977, § 17-11)

Sec. 50-10. Impersonating an officer.

It is unlawful for any person, other than an official police officer of the city or police officer having authority within the corporate limits of the city, to wear or carry the uniform, apparel, badge, identification card or other insignia of office like or similar to, or a colorable imitation of that adopted or worn or carried by the official police officers of the city.

(Code 1977, § 17-12)

Cross References: Law enforcement, ch. 42.

Secs. 50-11–50-35. Reserved.

ARTICLE II.

GAMBLING*


Sec. 50-36. Prohibited generally.

It is unlawful for any person within the city to play for money or other things of value in any building or store or in any house used as a place of gaming, or in any barn, kitchen, stable, outhouse, street, highway, woods, field or open place, at any game, with cards or dice, or any gaming table, wheel or other device for gambling by whatsoever name it may be called, nor shall anyone bet on any of the sides or hands of such as to
game.  
(Code 1977, § 17-39)

Sec. 50-37. Maintaining gaming house.

It is unlawful for any person to keep, operate or maintain at any place within the city any gaming table or other device for gambling or place where persons may resort to gamble with cards or dice or by other device by whatsoever name it may be called. 
(Code 1977, § 17-40)

Sec. 50-38. Slot machines, punchboards, tip boards, etc., prohibited.

It shall be unlawful for any person to keep or operate, or permit to be kept or operated, within the city limits, any slot machine, punchboard, tip board or other device pertaining to games of chance of whatever name or kind, except automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin deposited therein, and in which there is no element of chance. 
(Code 1977, § 17-41)

Secs. 50-39—50-60. Reserved.

ARTICLE III.

NOISES

Sec. 50-61. Loud, raucous noises prohibited generally.

It is unlawful to create and continue any loud and raucous noises within the city. It is unlawful for any person to cause, make or contribute to creating any loud and raucous noise which because of its volume level, duration and character annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities. 
(Code 1977, § 17-54; Ord. of 11-5-90(1))

Cross References: Animals, ch. 10; buildings and building regulations, ch. 14; solicitation for information, § 18-41 et seq.; traffic and vehicles, ch. 82; vehicles for hire, ch. 90.

Sec. 50-62. Enumeration of specific prohibited noises.

The following acts among others are declared to be loud and raucous noises in violation of this article, but shall not be deemed to be exclusive:

(1) horns, signaling devices, etc. The sounding or blowing of any horn or signal device on any automobile, motorcycle, motor bus or other vehicle, except as a danger signal; the creation by means of any signal device of any loud or harsh noise; and the sounding of such device for any unnecessary or unreasonable period of time.

(2) radios, phonographs, etc. The playing of any radio, television, phonograph, piccolo or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet,
comfort or repose of any reasonable person of ordinary sensibilities in any dwelling, hotel or other residence.

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

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

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

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

(7) **Building operations.** The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in cases of urgent necessity in the interest of public safety, and then only with a permit from the mayor.

(8) **Noises near schools, hospitals, churches, etc.** The creation of any excessive noise on any street adjacent to any school, institution of learning, library, sanitorium or hospital, or adjacent to any church during church services or other church activity, which interferes with the work or worship in any such place or institution.

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

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

(11) **Hawking, peddling, soliciting.** Shouting, loud talking, crying or soliciting by peddlers, hawkers, taxi drivers, solicitors and vendors, of such a loud and raucous nature so as to disturb the quiet and peace of any reasonable person of ordinary sensibilities in the neighborhood.

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

(13) **Loudspeakers or amplifiers on vehicles.** The use of any mechanical loudspeakers or amplifiers on trucks, airplanes or other vehicles for advertising or other purposes.

(14) **Business noises at night near residences.** The operation of any garage, filling station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00
p.m. and 7:00 a.m., as to create loud and raucous noises, of such frequency or volume as to
annoy or disturb the quiet and comfort of any reasonable person of ordinary sensibilities, and
particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb
the peace or repose of any reasonable person of ordinary sensibilities in any dwelling, hotel,
boardinghouse or other type of residence.
(Code 1977, § 17-55; Ord. of 11-5-90(2))

Sec. 50-63. Musical devices, radios, etc.

It shall be unlawful to operate on public streets or public places or from any motor vehicles on public
streets or public places, within the corporate limits of the city, at any time, any musical device, radio, amplifier,
loudspeaker or sound- or noise-producing or transmitting device of any kind at such volume that it can be heard
beyond a distance of 50 feet or within any house, church or other building other than the one in which such
device is being used.
(Ord. of 10-1-90(2))

50-63. (7-10-2000)

Allowable variances shall be:

1. A special permit may be issued by the City Manager for an event to be held by an institution or for a
   public event. Permits shall not be issued for private events. The requests must be made no later than 30
days prior to the event.

2. Regularly scheduled ball games or other outdoor events on school campuses shall be allowed to use
   speaker systems and amplified music.

3. The use of amplified sound shall not be allowed after 10:00 p.m. for any outdoor event.

4. In the event of widespread complaints prior to 10:00 p.m., the Chief of Police or his representative may
   require the event manager to make a decision to reduce the volume to a reasonable level. Failure to
   comply may cause discontinuation of the event by the Police Chief.

Secs. 50-64--50-85. Reserved.

ARTICLE IV.

OFFENSES AGAINST MORALS

Sec. 50-86. Transportation of women for prostitution.

It is unlawful for any person knowingly to transport or cause to be transported, or aid and assist in
transporting, or obtain transportation for, or aid or assist in obtaining transportation for, any woman or girl for
the purpose of prostitution or debauchery or for any other immoral purpose, or with the intent to induce, entice or compel such woman or girl to become a prostitute, or to give herself up to debauchery or to engage in any other immoral practice within the corporate limits of the city.
(Code 1977, § 17-67)

**Sec. 50-87. Use of hotels, dwellings, etc., for prostitution purposes.**

It is unlawful for any person owning or operating a hotel, roominghouse, lodginghouse, boardinghouse, motel, dwelling or other house within the limits of the city to permit any room or portion thereof to be used for the purpose of prostitution or illegal sexual relations. If it shall be established that prostitution or illegal sexual relations have been practiced in such hotel, roominghouse, boardinghouse, motel, dwelling or other house, and that the owner or keeper thereof had knowledge of the same, he shall be deemed to have violated this section.
(Code 1977, § 17-68)

**Sec. 50-88. Directing others to immoral houses or women.**

It is unlawful for any person within the city to give information about or direct any other person to any house or place for immoral purposes, or to any immoral woman, whether the communication is by word of mouth or by telephone or in writing.
(Code 1977, § 17-69)

**Sec. 50-89. Pandering and solicitation.**

It is unlawful for any person in the city to invite, or entice any person upon any street, road, highway, open space, public square or enclosure in the city to accompany, go with or follow him to any place for immoral purposes or to invite, entice or address any person from any door, window, porch or portico of any house or building to enter any house, go with or accompany him to any place whatsoever for immoral purposes.
(Code 1977, § 17-70)

**Cross References:** Streets, sidewalks and public places, ch. 74.

**Sec. 50-90. Indecent exposure.**

It is unlawful for any person to indecently expose his person on any street or highway or in any place of public resort or in any place where it will be or may be visible to the public.
(Code 1977, § 17-71)


**Sec. 50-91. Window peeping, eavesdropping.**

It shall be unlawful for any person to be an eavesdropper or peeping Tom on or about the premises of another, or to go on or about the premises of another, for the purpose of becoming an eavesdropper or peeping Tom. The term "peeping Tom," as used herein, shall mean any person who peeps through windows or doors, or other like apertures, on or about the premises of another for the purpose of spying upon or invading the privacy of the person spied upon, or doing any other act of a similar nature, tending to invade the privacy of such person. Nothing contained herein shall prevent duly constituted officers of the law from performing their official duties in ferreting out offenders or suspected offenders against the law, or in secretly watching a person
suspected of violating the laws of the state or ordinances of the city.  
(Code 1977, § 17-72)  

Secs. 50-92--50-110. Reserved.

ARTICLE V.

OFFENSES AGAINST PERSONS

Sec. 50-111. Assault and battery.

It is unlawful for any person to commit any assault or assault and battery or in any manner whatever engage in any combat or fight, except in defense of his person, within any private or public house or other place within the corporate limits of the city.  
(Code 1977, § 17-84)

Secs. 50-112--50-130. Reserved.

ARTICLE VI.

OFFENSES AGAINST PUBLIC ORDER

Sec. 50-131. Disorderly conduct.

It shall be unlawful for any person to engage in:

1. Riotous, tumultuous, violent or obstreperous conduct of any kind;
2. Fighting;
3. Uttering or making obscene gestures;
4. Offering violence to another; or
5. Declaiming or crying out in a noisy, obscene or abusive manner;

in any public place, or sufficiently near to any such place or to any residence or place of business as to disturb or annoy any other person.  
(Code 1977, § 17-96)  

Sec. 50-132. Loitering--About schools, churches, etc.

It is unlawful for any person to loiter or loaf about any college, school, hospital, orphanage, church, commercial property or public property within the corporate limits of the city; and it is unlawful for any person not connected therewith unless on legitimate business to trespass upon any of the grounds of any such
institution or continuously to ride any vehicle over the streets near any such institution. Commercial property must be posted indicating that loitering is prohibited in compliance with this section.
(Code 1977, § 17-97; Ord. of 10-1-90(1))

Sec. 50-133. Same--About jail.

It is unlawful for any person to loiter about the jail of the city or to communicate with any prisoner therein without the consent of the officer of the city on duty.
(Code 1977, § 17-98)

Sec. 50-134. Disturbance of schools.

It is unlawful for any person, at or near any schoolhouse or institution of learning in this city, to engage or attract, by conversation, signals, signs, sounds, loitering in the neighborhood during school hours, or in any other manner, the attention of any of the pupils or teachers of the schools or institutions, to the disturbance of the same, or to the detriment of the discipline thereof, or at any time to mutilate or disfigure by marking, writing, cutting or otherwise the fences and buildings of such schools or institutions, or to post advertising matter of any kind whatsoever thereon.
(Code 1977, § 17-99)


Sec. 50-135. Interference with, resisting officers.

It is unlawful for any person to resist or interfere, or to aid or abet another to resist or interfere, by word, or act, or otherwise, with, any police officer, member of the fire department or any other officer of the city, while in the discharge or apparent discharge of his duty.
(Code 1977, § 17-100)

Sec. 50-136. Wearing of masks.

(a) It shall be unlawful for any person to appear upon a public street or in a public place within the city while such person is wearing a mask which wholly or partially conceals his identity. It shall be unlawful for any person to enter any building or premises of another in the city while wearing a mask which wholly or partially conceals his identity or, having entered, to then wear such a mask, unless such person has secured the prior consent of the owner and all the tenants of such building or premises.

(b) This section shall not be applicable to:

(1) Persons attending, by invitation, private fancy-dress parties where masks are removed during the parties.

(2) Children under 14 years of age wearing costumes at Halloween.

(3) Persons wearing Santa Claus costumes at Christmas or during the four weeks next preceding.

(4) Legally constituted persons in the duly authorized performance of governmental function.

(Code 1977, § 17-101)
Sec. 50-137. Creating a nuisance.

Whenever any business concern or the inmates, occupants or owners of any house or premises in the city shall so improperly conduct themselves, their business or their premises as to become a nuisance to the adjacent neighborhood, or detrimental to the interests of the same, and shall be reported to the municipal judge by three or more responsible citizens of the immediate neighborhood, then it shall be lawful for the municipal judge to cause the offending parties to be brought before him for trial, and, upon conviction, the offending parties shall each be subject to punishment as provided in section 1-14 of this Code.

(Code 1977, § 17-102)

Sec. 50-138. Disturbing meetings or gatherings.

It shall be unlawful for anyone in any public building or entertainment to whistle, talk in a loud voice, or in any other way interrupt or disturb any performance or meeting of a public nature or in a public place. If any person is engaged in a violation of this section, the police shall order him to desist therefrom, and upon refusal or failure so to desist, the person so refusing shall be removed from the building or assembly.

(Code 1977, § 17-103)

Section 50-139. General Curfew for Juveniles

Section I. Purpose
The purpose of this Ordinance is to (i) promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the City; (ii) promote the safety and well being of the City’s youngest citizens, persons under the age of seventeen (17), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and (iii) foster and strengthen parental responsibility for children.

Section II. Definitions
As used in this ordinance, the following words and phrases shall have the meanings ascribed to them below:

"Curfew hours" means the hours of 11:00 P.M. through 6:00 A.M. on Sunday through Thursday, and 12:00 midnight through 6:00 A.M. on Friday and Saturday.

“Emergency” means unforeseen circumstances, or the status or conditions resulting there from, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances.

"Establishment" means any place of business within the City to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such Establishment, the term "Operator" shall mean any person, and any firm, association, partnership (and the members of partners thereof) and/or any corporation (and the officers thereof) conducting or managing that Establishment.

"Juvenile" means any person under seventeen (17) years of age who is not married, emancipated, or serving as a member of the armed forces of the United States.
“Officer” means a police or other law enforcement officer charged with the duty of enforcing the laws of the State of South Carolina and/or the ordinances of the City of Clinton.

"Parent" means:

(1) a person who is a juvenile’s biological or adoptive parent and who has legal custody of or visitation rights with, a juvenile (including either parent, if custody is shared under a court order or agreement); and/or

(2) a person who is the biological or adoptive parent with whom a juvenile resides.

“Guardian” means:

(1) a person judicially appointed as a legal guardian of the juvenile; and/or

(2) a person eighteen (18) years of age or older standing in loco parentis as indicated by the authorization of a parent or guardian as defined above, for the person to assume the care of physical custody of the child, or as indicated by any other circumstances.

“Person” means an individual, not to any association, corporation, or any other legal entity.

"Public Place" means any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, sidewalks alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, businesses, office buildings, transportation facilities, and shops.

“Remain” means the following actions:

(1) to linger or stay at or upon a place; and/or

(2) to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

SECTION III. Violations.
(1) It shall be unlawful for a juvenile, during curfew hours, to remain in or upon any public place within the City, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any Establishment within the City, unless:

(A) the juvenile is accompanied by a parent or guardian; or

(B) the juvenile is on an errand at the direction of a parent or guardian, and the juvenile has in his or her possession a writing signed by the parent or guardian containing the following information; the name, signature, address and telephone number where the parent or guardian may be reached during the errand, the name of the juvenile, and a brief description of the errand, the juvenile’s destination(s) and the hours the juvenile is authorized to be engaged in the errand; or

(C) the juvenile is involved in interstate travel through, or beginning or terminating in, the City of Clinton; or
(D) the juvenile is engaged in an employment activity, or is going to or returning home from such activity without detour or stop; or

(E) the juvenile is involved in a verified emergency; or

(F) the juvenile is attending an activity sponsored by a school, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/ or the juvenile is going to or returning from such an activity without detour or stop.

VIOLATIONS AND PENALTIES

The ordinance will be enforced uniformly in all areas of the City. If a juvenile is observed by a city police officer and is in violation of the curfew ordinance and is under the age of seventeen years old he/she will be transported to the Clinton Police Department where their parent or guardian will be called.

The parent or guardian and the juvenile will be issued a violation of curfew ordinance warning and the warning will be placed on file at the Clinton Police Department. The juvenile who is being detained will be released to a parent or guardian. With a second violation by the juvenile of the curfew ordinance the juvenile will be brought to the Clinton Police Department and parents or guardians will be called again and the child will be released to the parent or guardian. The juvenile will be charged in juvenile court with the violation of the curfew ordinance second offense and depending on the circumstances related to the parent or guardian’s ability to control the actions of the juvenile, the parent or guardian may be charged with a curfew violation.

If the juvenile has violated the ordinance two or more times the officer will issue a summons/citation to the parent/guardian to appear in Municipal Court; bond on the Parent/guardian will be set by the Municipal Court Judge depending on the circumstances related to the parent/guardians ability to control the juvenile.

In the above matters, in the event a parent or guardian cannot be located, the juvenile will be taken into custody for safekeeping and will be referred to the Department of Social Services.

Section IV  Severability

Should any portion of this ordinance be found invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in effect.

Secs. 50-140--50-160. Reserved.

ARTICLE VII.

OFFENSES AGAINST PROPERTY

Sec. 50-161. Damaging, destroying, etc.--Private property.

It is unlawful for any person to destroy, damage, mutilate, move or remove any property of another within the city. Such acts are not limited to but include the following:
(1) Any person who shall willfully cut, shoot, maim, wound or otherwise injure any personal
property of another person.

(2) Any person who shall willfully cut, mutilate, deface or otherwise injure any tree, shrub, house,
outside fence or fixture of another, or commit any other trespass upon real property in possession
of another.

(3) Any person who shall damage or deface in any way whatever any fixture, building, tombstone,
seat, bench, chair, railing, enclosure, tree, shrub, vine, bulb, flower, pipe, watering device or
other thing placed, put or growing in any cemetery.

(Code 1977, § 17-115)

Cross References: Cemeteries, ch. 22.

Sec. 50-162. Same--City property.

It is unlawful for any person willfully or negligently to cut, mutilate, deface or otherwise injure any
building, tree, shrub, lamppost, fence, bridge, hydrant, fireplug, fire engine, hose, cart, truck, street cleaning
equipment, or other real or personal property belonging to or under the control of the city, or used for any public
purpose.

(Code 1977, § 17-116)

Sec. 50-163. Larceny--Generally.

No person shall steal, take, carry away or take possession of with intent to steal or carry away, any
article of goods, choses in action, bank bills, bills receivable or any article of personality, of which, by law,
larceny may be committed, or fixtures and parts of the soil as were severed from the freehold by an unlawful
act.

(Code 1977, § 17-117)

Sec. 50-164. Same--Breach of trust with fraudulent intent.

Any person committing a breach of trust with fraudulent intention shall be held guilty of larceny and so
shall any person who shall hire or counsel any other person to commit a breach of trust with a fraudulent
intention.

(Code 1977, § 17-118)


Sec. 50-165. Shoplifting.

(a) A person is guilty of shoplifting if he:

(1) Takes possession of, carries away, transfers from one person to another or from one area of a
store or other retail mercantile establishment to another area, or causes to be carried away or
transferred any merchandise displayed, held, stored or offered for sale by any store or other retail
mercantile establishment with the intention of depriving the merchant of the possession, use or
benefit of the merchandise without paying the full retail value.
(2) Alters, transfers or removes any label, price tag marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a store or other retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise.

(3) Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(b) A person who violates the provisions of this section is guilty of a:

(1) Misdemeanor triable in magistrate's court and, upon conviction, must be fined not more than $500.00 or imprisoned not more than 30 days if the value of the shoplifted merchandise is $1,000.00 or less.

(2) Felony and, upon conviction, must be fined not more than $1,000.00 or imprisoned not more than five years, or both, if the value of the shoplifted merchandise is more than $1,000.00 but less than $5,000.00.

(3) Felony and, upon conviction, must be imprisoned not more than ten years if the value of the shoplifted merchandise is $5,000.00 or more.

(Code 1977, § 17-119)

Cross References: Businesses, ch. 18.


Sec. 50-166. Stolen goods--Receiving.

In all cases whatever, where any goods or chattels or other property of which larceny may be committed shall have been feloniously taken or stolen by any person, every person who shall buy or receive any such goods or chattels, or other property, knowing the same to have been stolen, shall be guilty of a misdemeanor.

(Code 1977, § 17-120)


Sec. 50-167. Same--Restoration to owner.

Any person from whom any money, goods or chattels may be stolen shall have his property restored to him upon conviction of the person who illegally deprived him of the possession thereof. The presiding officer of the municipal court, before whom such offender was found guilty, shall award writs of restitution for such money, goods or chattels.

(Code 1977, § 17-121)

Sec. 50-168. Throwing stones, other missiles.

It is unlawful for any person to throw any stone or any other missile upon or at any vehicle, building or other public or private property, or upon or at any person in any public or private way or place or enclosed or
Sec. 50-169. Uttering fraudulent checks; application of state law provisions.

All provisions and sections of Act 93 of 1979 (S.C. Code 1976, §§ 34-11-60, 34-11-70, 34-11-90, and 34-11-95, relating to the drawing and uttering of fraudulent checks) are hereby adopted and by reference are incorporated herein as an offense under this Code. A copy of such provisions is on file with the city clerk/treasurer.

(Code 1977, § 17-123)

Sec. 50-170. Obtaining property by false pretenses.

No person shall, by any false pretense or representation, obtain the signature of any person to any written instrument, or shall obtain from any other person any chattel, money, valuable security or other property, real or personal, with intent to cheat and defraud any person of the same. If, upon the trial of any person under this section, it shall be proved that he obtained the property in such a manner as to amount in law to larceny, he shall not by reason thereof be entitled to an acquittal; but no person tried hereunder shall thereafter be prosecuted for larceny upon the same facts.

(Code 1977, § 17-124)


Sec. 50-171. False token or counterfeit letter.

No person shall, falsely and deceitfully, obtain or get into his hands or possession any money, goods, chattels, jewels or other things of any other person by color and means of any false token or counterfeit letter made in any other person's name.

(Code 1977, § 17-125)


Sec. 50-172. Obtaining credit or property with expired, false, etc., credit card.

(a) It shall be unlawful for any person to knowingly use for the purpose of obtaining credit or for the purchase of goods, property or services:

(1) A credit card which has not been issued to such person and which is not used with the consent of the person to whom issued;

(2) A credit card which has been revoked or canceled by the issuer of such card and notice thereof has been given to such person;

(3) A credit card which has expired; or

(4) A credit card which is false, fictitious or counterfeit.

(b) The term "credit card" as used in this section means an identification card, credit number, credit device or other credit document issued to a person by a business organization which permits such person to
purchase or obtain goods, property or services on the credit of such organization.

(c) The word "notice" as used in this section shall be construed to include either notice given to the purchaser in person or notice given to him in writing. Such notice in writing shall be presumed to have been given when deposited as registered or certified matter, in the United States mail, addressed to such person at his address as it appears in the files of the issuer of the credit card.

(d) Any person violating the provisions of this section shall be guilty of a misdemeanor.

(e) The presentation of an expired or revoked credit card for the purpose of obtaining credit or the privilege of making a deferred payment for the article or service purchased shall be prima facie evidence of knowledge that the credit card had expired or had been revoked, if the purchaser shall not have paid to the issuer of the credit card the total amount of the credit purchase within ten days after notice that such credit card had expired or had been revoked at the time the purchase was made, which notice shall also state the amount due on such purchase.

(Code 1977, § 17-126)


Sec. 50-173. Swindling.

No person shall inveigle or entice, by any arts or devices, any person to play at cards, dice or any other game, or bear a share or part in the stakes, wagers or adventures, or bet on the sides of players, or shall sell, barter or expose to sale any kind or property which has been before sold, bartered or exchanged by the person so selling, bartering or exchanging, or by anyone for the benefit or advantage of the person so selling, bartering or exchanging, in any house or other place within the city, or shall be a party thereto, or shall overreach, cheat or defraud by any other cunning, swindling arts and devices so that the ignorant and unwary, who are deluded thereby, lose their money or other property.

(Code 1977, § 17-127)


Sec. 50-174. Hotels, boardinghouses, etc.; defrauding keeper.

(a) No person shall order, receive or cause to be furnished any food or accommodations with intent to defraud the owner, proprietor or lessee of any hotel, inn, boardinghouse, lodginghouse, restaurant, cafe or hospital of the value or price of such food or accommodations, and no person shall obtain credit at any such hotel, inn, boardinghouse, lodginghouse, restaurant, cafe or hospital by the use of any false pretense or device, or by delivering or depositing at such hotel, inn, boardinghouse, lodginghouse, restaurant, cafe or hospital any baggage of less value than the amount of such credit, or the bill by such person incurred, unless credit is given by express agreement, and no person shall, after obtaining credit or accommodation at any such hotel, inn, boardinghouse, lodginghouse, restaurant, cafe or hospital surreptitiously remove his baggage therefrom. Evidence that lodging, food or other accommodation was obtained by any false pretense or by any false or fictitious show or pretense of baggage, or proof that the person ordering, requesting or using such food, lodging or accommodations has refused or failed to pay therefor on demand, or proof that such person has absconded without paying for such food, lodging or other accommodation, or that he has surreptitiously removed or attempted to remove his baggage shall be prima facie evidence of the fraudulent intent mentioned herein.

(b) It shall be unlawful for any person to procure board or lodging, or both, from any hotel, inn,
boardinghouse, lodginghouse, restaurant or cafe, upon the representation in writing that there is money due, or to become due, to him, to be paid on a future day, out of which he promises to pay for such board or lodging, or both, and to fail or refuse to so apply such money when collected by him, or to have made any false statement of fact regarding the money so alleged to be due; provided, however, if such offending person shall pay the amount due for such board or lodging, or both, together with the costs of the prosecution, the case may be discontinued or sentence suspended in the discretion of the municipal judge.

(Code 1977, § 17-128)


Sec. 50-175. Skateboarding, In the Central Commercial District

Section 1.

A new ordinance is hereby adopted and added to the regulations of the City of Clinton to be entitled "Skateboarding in the Central Commercial District."

Section 2. Definition

Skateboard - shall mean any wheeled device consisting of a platform or sheet of metal, wood, plastic, fiberglass, or any other material designed to carry its user in an erect, kneeling, sitting or prone position in a manner similar to that of a small surfboard.

Section 3. Riding Skateboards in the Central Business Districts:

A. It is unlawful for any person to ride a skateboard upon a public sidewalk, parking lot or roadway in the Central Commercial District.

B. "Central Commercial District" as used in this ordinance, means the area designated by the Zoning Ordinance of the City of Clinton, as now or hereafter amended.

C. Any residential property located in the Central Commercial District shall be exempt from Section 3(A).

Section 4. Parental Liability

The parent or guardian of any minor child shall not authorize nor knowingly permit any such child to violate this ordinance.

Section 5. Penalties

A. Violation of any of the provisions of Section S of this ordinance is a traffic offense, whether or not the act at issue occurred upon a roadway, and shall be punished as follows:

   a. First Offense - a warning letter will be sent to the parent or guardian of a minor child who violates this Ordinance, or to the person who violates the Ordinance if not a minor. The warning letter may state that the parents (or operator if 18 or older) may set up a meeting with the Chief of Police or his designee to discuss the alleged violation.

   b. Second Offense
i. Every person who violates Section 3 of this Ordinance a second time within a three-year period shall be guilty of a misdemeanor, punishable by a fine not less than fifty dollars nor more than one hundred dollars. Fifty dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of this fine.

ii. Upon conviction of a second violation of Section 3 of this Ordinance within a three-year period, the court may order forfeiture of the skateboard which were ridden in violation of section 3 of this Ordinance, unless it is proved to the court by a preponderance of the evidence that the defendant is not the owner of the skateboard, and the owner did not or could not have reasonably known that the skateboard would be ridden in violation of section 3 of this Ordinance.

c. Third or subsequent offense

i. Every person who violates Section 3 of this Ordinance a third or more times within a three-year period shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than one hundred fifty dollars. One hundred dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of the fine.

ii. Upon conviction of a third or subsequent violation of Section 3 of this ordinance within a three-year period, the court may order forfeiture of the skateboard which were ridden in violation of this section, unless it is proven to the court by a preponderance of the evidence that the defendant is not the owner of the skateboard, and the owner did not or could not have reasonably known that the skateboard would be ridden in violation of this section.

Section 6. Negligent Skateboard

A. It is unlawful for any person to ride a skateboard in a negligent manner upon any publicly owned property or property opened to the public in the Central Commercial District. For purposes of this section, "to ride in a negligent manner" means the riding or propelling of a skateboard in such a manner as to endanger or be likely to endanger any person or property; provided, however, that any person riding a skateboard on private property with the consent of the owner in a manner consistent with the owner’s consent shall not be guilty of negligent skateboarding.

B. Negligent skateboarding is a traffic misdemeanor, punishable by a fine of not less than fifty dollars nor more than two hundred fifty dollars. Twenty-five dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of the fine.

C. Upon conviction of a violation of this section, the court may order forfeiture of the skateboard which were ridden in violation of this section, unless it is proven to the court by a preponderance of the evidence that the defendant is not the owner of the skateboard, and the owner did not or could not have reasonably known that the skateboard would be ridden in violation of this section.

Section 7. Seizure of Skateboard
Whenever a law enforcement officer has probable cause to believe a skateboard were used or are being used in violation of this chapter, such skateboard may be seized as evidence and held until the disposition of the charge. An observation by a law enforcement officer that a skateboard is in motion upon the ground or pavement in the Central Commercial District, whether or not such skateboard is accompanied by a person, shall be sufficient to establish probable cause of a violation of Section 3 of this Ordinance.

**Section 8. Skateboard on sidewalks outside Central Commercial Districts**

A. Whenever any person is riding a skateboard upon a sidewalk outside the Central Commercial District, such person shall yield the right-of-way to any pedestrian.

B. Violation of any provision of this section is a traffic infraction.

**Section 9. Repealer**

Any ordinance of the City of Clinton relating to the riding of skateboard on sidewalks and streets to the extent that it is in conflict herewith is hereby repealed.

**Section 10. Severability**

Should any provisions of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

(Ord. of 2004)

Secs. 50-176--50-195. Reserved.

**ARTICLE VIII.**

**PICTETING AND DEMONSTRATIONS**

* Cross References: Streets, sidewalks and public places, ch. 74; congregating, creating obstruction, § 74-3; assemblies, parades and processions, § 74-106 et seq.

**Sec. 50-196. Prohibited acts.**

When picketing or engaging in any demonstration within the corporate limits of the city, no person shall:

1. Use on the streets or public places within the city any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person, or any law enforcement agency of the city, county or state, or any officer thereof.

2. March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent of the city council.
(3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.

(4) Damage or destroy or injure the persons or property of others.

(5) Block, in any manner, the streets and means of ingress and egress to places of business within the city. This shall include, but not be limited to, sit downs, sit ins, stand ins, or becoming limp inside or outside of such places of business or in or on the streets of the city.

(6) Interfere with, in any manner, or obstruct any official in the performance of his duties.

(7) Interfere in any manner with the attendance, during school hours, of children in the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.

(Code 1977, § 17-141)

Sec. 50-197. Picketing restrictions.

Picketing shall be subject to the following restrictions:

(1) Picketing shall be conducted in a manner so as not to interfere with pedestrians or vehicular traffic.

(2) Picketing shall be in a manner so as not to block entrances or exits to or from picketed establishments.

(3) No more than four pickets shall be posted at any one time at any one business establishment.

(4) No more than two business establishments shall be picketed in the same block at the same time.

(5) No picket shall trespass upon the property of the business establishment being picketed.

(6) Pickets shall patrol on the sidewalk at a distance of not less than eight feet from every other picket.

(7) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed.

(Code 1977, § 17-142)

Sec. 50-198. Demonstration restrictions.

Demonstrations shall be subject to the following restrictions:

(1) Demonstrators shall walk not more than two abreast upon the public sidewalks, or in groups of not more than 100 persons.
(2) Demonstrators shall observe all traffic signals.

(3) Demonstrators shall walk close to the building line or close to the curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.

(4) Demonstrators shall assemble peacefully and speak peacefully for a period of time not exceeding 30 minutes, and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conduct the demonstration in such manner as not to deprive the public of adequate police and fire protection.

(Code 1977, § 17-143)

Secs. 50-199--50-210. Reserved.

ARTICLE IX.

WEAPONS

Sec. 50-211. Carrying or displaying--Generally.

It is unlawful for any person to carry, wear under his clothes or conceal about his person or display in a threatening manner any dangerous or deadly weapon including, but not by way of limitation, any pistol, revolver, cross knuckles or knuckles of lead, brass or other metal, or any Bowie knife, or any knife resembling a Bowie knife, or any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle or other mechanical contrivance; provided, however, the provisions hereof shall not apply to peace officers in the actual discharge of their duties or to the right to keep or carry pistols while on one's own premises. Any such weapon found to be used by a person in violation hereof shall be forfeited to the city upon the conviction of such person of such a violation.

(Code 1977, § 17-155)

Sec. 50-212. Same--In public buildings or areas adjacent thereto.

(a) Any person who carries into any private or public school, college or university building or any publicly owned building, or has in his possession in the area immediately adjacent to such buildings, a firearm of any kind, without the express permission of the authorities in charge of the buildings, or who, upon entering such buildings, or the areas immediately adjacent thereto, displays, brandishes or threatens others with a firearm shall be deemed guilty of a misdemeanor.

(b) The provisions of this section shall not apply to any guard, law enforcement officer or member of the armed forces, or to any student of military science, or to any married student residing in apartments provided by such private or public school whose presence with a weapon in or around a particular building is authorized by persons legally responsible for the security of such buildings.

(Code 1977, § 17-156)


Sec. 50-213. Discharging firearms, explosives, etc.; shooting squirrels and vermin
(a) Any person who shall fire or discharge any gun, pistol or other small arms, cracker, skyrocket or explosive and noisy substance or thing, calculated to injure persons or property or frighten horses, within the corporate limits of the city shall be guilty of a misdemeanor.

(b) Any gun, pistol or other small arms discharged in violation of subsection (a) of this section by any minor or disorderly person having no ostensible property to pay the penalty for such violation may be seized by the mayor or any one of the councilmembers or police who shall observe such person so offending, and in case the person so offending shall not, within ten days after conviction, pay the penalty imposed and the costs of the prosecution, such gun, pistol or other small arms shall be sold to discharge the penalty and costs; provided, that, nothing herein contained shall extend to prohibit or restrain military parades, police duty or any other duty enjoined by law, the shooting of any mad dog or other dangerous animal.

(c) Persons desiring to use firearms to shoot squirrels or vermin on their private property within the corporate limits of the city shall first obtain a written permit from the chief of police and sign a waiver indemnifying and holding harmless the city from any liability for the use of a firearm in such a manner on their private property. In addition, the shooting of squirrels and vermin on private property shall be done in such a manner as not to endanger other persons or their property and the type of firearm used shall only be as permitted by the chief of police. The use of a firearm for the shooting of squirrels and vermin on private property within the corporate limits of the city shall also meet all state and federal firearm and/or hunting requirements.

(Sec. 50-214. Bows and arrows, air guns, slingshots, etc.)

It shall be unlawful for any person to shoot bows and arrows or use air guns, slingshots or any other device for throwing missiles in, across or near any of the streets, alleys or sidewalks of the city or the land of any other person. Police officers shall, whenever any bows and arrows, air guns, slingshots or other devices for throwing missiles are found in the possession and use of any minor or other irresponsible person, seize and destroy the same and such seizure shall not prevent the imposing of a fine or imprisonment. Provided that, the use of air guns/rifles, BB guns/rifles, pellet guns/rifles, bows and arrows, etc., shall be afforded minors but only under the direct supervision of a responsible adult, only on private property as permitted by the property owner, only with the use of an appropriate backstop (i.e., hay bale, wood wall, etc.) and used in such a manner as not to violate any other section of this Code.

(Sec. 50-215. Loaded rifles, shotguns.)

It shall be unlawful for any person to have any rifle or shotgun in his possession while on or in any public street, alley or other way or any other public property unless the same is unloaded, broken down and separated; provided, however, this section shall not apply to duly authorized law enforcement officers.

(Sec. 50-216. Sale of knives.)

It is unlawful for any person to sell, offer for sale or display any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle, or other mechanical devices. Such knife is hereby declared to be a dangerous weapon within the meaning of the
ordinances of the city and shall be subject to forfeiture to the city.  
(Code 1977, § 17-160)

Secs. 50-217--50-234. Reserved.

ARTICLE X.

PROPERTY MAINTENANCE*


Sec. 50-235. Definitions.

a. Abate means repair, replace, remove, destroy or otherwise remedy the condition in question by means, in such time, in such a manner and to such an extent as the enforcement officer shall determine to be in the best interest of the public, taking into account all facts and circumstances.

b. Business days means Monday through Friday.

c. Enforcement Officer means a law enforcement officer, code enforcement official or city employee or official as may be designated in writing by the City Manager to enforce the provisions of this division.

d. Graffiti means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization.

e. Industrial Waste means all liquid and water-borne solid, liquid, or gaseous wastes resulting from industrial manufacturing, food—processing operation, processing any natural resource or mixture of such wastes with water or domestic sewage.

f. Person means any landlord, property owner, manager, lessee, tenant, or individual, group, association, corporation, partnership, trust, estate, or receiver having the capacity to sue or be sued.

g. Premise means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved, occupied or unoccupied, including adjacent parking.

h. Public nuisance means, as determined by an enforcement officer based upon the facts and circumstances found after reasonable inquiry, investigation or upon citizen report, those conditions or events which constitute an unreasonable interference with rights of the public in general, and where, in a public place, or where the public congregates, or where the public is likely to come within the range of influence through the senses, a person unlawfully does an act or omits to perform a duty, which act or omission does any one or more of the following:
i. Annoys, injures, subverts, or endangers the public’s order, economy, resources, safety, health, welfare, comfort, repose, or offends public decency.

ii. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage any waters or public places of way.

i. Structure means anything constructed, built, or planted upon, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which structure requires location on the ground or is attached to something having a location on the ground.

Sec. 50-236. Nuisances enumerated.

(a) It shall be unlawful for any person to create, allow or maintain a nuisance on his premises or land, or on any land or premises occupied and/or owned by him, or on any land belonging to another of which such person acts as agent.

(b) The following acts or things, among others, are hereby declared nuisances, but such enumeration shall not be deemed to be exclusive:

(1) Dead animals.

(2) Stagnant water.

(3) Decayed vegetables and fruits.

(4) Trash, weeds or rotting wood.

(5) Poisonous plants.

(6) Offensive odors.

(7) Discarded appliances.

(8) Dead, dying or damaged trees that present an imminent danger to life or property.

(9) Anything that threatens or causes injury to the life or health of any person or significant damage to property.

(10) Growing weeds, undergrowth, grass or plants exceeding 12 inches in height, other than trees, bushes or flowers which are ornamental plant growth.

(c) Any person violating any of the provisions of this article shall be guilty of a misdemeanor.

(Ord. of 12-7-92(1), § 17-161)
Nuisances Enumerated.

a. Nuisances affecting public health. The following are hereby declared to be nuisances affecting public health:

i. All decayed or unwholesome food products or food waste not properly contained either inside or outside for more than 24 hours before pick up;

ii. Litter, debris, trash, or refuse which is not placed within the appropriate container;

iii. All pools of stagnant water or vessels, such as discarded or stored tires, holding stagnant water in which mosquitoes can breed, excluding required retention ponds;

iv. Swimming pools which either:

   1. Are empty, excluding such pools that are completely and effectively covered, or

   2. Contain liquids and/or debris which are not bacteriologically, chemically, or physically safe for swimming or other intended uses;

v. Animal carcasses not buried or disposed of in a lawful and sanitary manner within 24 hours after its death;

vi. Leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner;

vii. Weeds or other rank growths of vegetation upon private or public property, and all other vegetation at any stage of maturity which:

   1. Exceeds 12 inches in height, except for healthy trees, shrubs, plants grown in a tended and cultivated garden or plot;

   2. Regardless of height, harbors, conceals, or invites rodents, pests, or vermin deposits of refuse;

   3. Gives off noxious odors and/or is poisonous;

   4. Constitutes a fire or traffic safety hazard;

viii. Damaged or diseased limbs of trees or trees to the extent of potential injury to the public at large due to imminent structural failure;

ix. Deliberate placement or discharge of into any part of a storm water drainage system of:

   1. Untreated sewage,
   2. Sewage solids,
   3. Process wastewater,
   4. Refuse,
   5. Explosive or combustible liquids, solids, or gases,
   6. Oils or greases,
7. Industrial water or other polluted water except where a federal, state, or local permit for connections, discharge or disposal has been obtained prior to the event,
8. Waters or wastes containing toxic or poisonous wastes to constitute a hazard to humans, plants, or animals or to cause corrosion, discoloration, or deposition on real or personal property,
9. Any solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the city.

x. Offensive odors.

xi. Improper use of indoor/non—weather proofed furniture and appliances, including those which:
   1. Harbors, conceals, or invites rodents, pests, or vermin refuse deposits;
   2. Gives off noxious odors;
   3. Constitutes a fire or other safety hazard.

b. Nuisances offending public decency, peace, and order. The following are hereby declared to be public nuisances affecting public decency, peace, and order, when such violations are of a continual, reoccurring, or constant nature; provided, however, that no person shall be held liable or no structure shall be declared a nuisance in the event that person does not generate, enable, or contribute to the occurrence of unlawful behavior by a management policy or practice, personal conduct, lack of control or supervision, absence or ineffectiveness of security or other factors:

   ii. Any structure, whether commercial or residential, where gambling devices, slot machines, punch boards, and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, book making, wagering, or betting is carried on, and all gambling equipment, except where such specific form of gambling is permitted by applicable law;

   iii. Any structure, whether commercial or residential, operated as a bawdy house, house of assignation, place of prostitution, or used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state, or local law;

   iv. Any structure, whether commercial or residential, where intoxicating liquors are manufactured, sold, bartered, or given away in violation of federal, state, or local law;

   v. Any structure, whether commercial or residential, where acts of sale, possession, or distribution of controlled substances occur in violation of federal, state, and local law; Any structure, whether commercial or residential, where breaches of the peace, disorderly conduct, or offences against the person found in Chapter 3, Title 16 of the South Carolina Code of Law or offences against the person found in the Code of the City of Clinton which occur with such disproportionate frequency when compared to frequency of law enforcement action required at other similarly situated structures. After notice of the continuing nature of the nuisance and specific identification of the facts and circumstances that either generate, enable, or contribute to the nuisance, the owner, lessee, renter, management, or the person in control, may be held responsible for the maintenance of a public nuisance and the structure declared a public nuisance.
c. Nuisances affecting public welfare and safety. The following are hereby declared to be public nuisances affecting public welfare and safety:

   i. All trees, hedges, signs, or other obstructions, or any portion of the same, so located on private property which prevent persons driving vehicles approaching an intersection of streets from having a clear safe view of traffic approaching such intersection;

   ii. All trees, hedges, signs, or other obstructions, or any portion of the same, so located on private property which prevents the clear and unobstructed view of a fire hydrant, fire department connection, or other tire protection device, or directional or identification signage pertaining to the above, from a public way;

   iii. Any obstruction, erosion, or depression which poses a potential hazard to vehicles or pedestrians using a right of way on private property where the public is invited or permitted to traverse for commercial purposes;

   iv. All wires, strings, ropes, or lighting contrivances over streets, alleys, or public grounds which are not authorized or permitted by the city or which are strung so that the lowest portion is less than 13 % feet above the surface of the ground;

   v. All explosives, flammable liquids, and other dangerous substances stored in any manner in any amount other than that manner or amount permitted by law;

   vi. All hanging signs, awnings, canopies, and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety or to be contrary to ordinance;

   vii. Any motor vehicle that is unregistered, inoperable, derelict, or abandoned on any highway right of way, or other public or private property, unless such vehicle is stored inside of a building or shielded from any view affecting the public;

   viii. Any abandoned or discarded icebox, refrigerator, ice chest, or other type of air—tight container whose door, lid or other closing devise has not been removed.

d. Nuisances affecting public economy. The following are hereby declared to be public nuisances affecting public economy.

   i. All structures bearing graffiti, to be abated by applicable law;

   ii. All structures, whether commercial or residential, in violation of the International Property Maintenance Code, as adopted and all structures, for a period of one month, which remain unoccupied and boarded up, and whose exterior finish is destroyed, decayed, dilapidated, or deteriorated in violation of the International Property Maintenance Code, as adopted, provided however, unoccupied structures shall not be considered a public nuisances affecting public economy if the building exterior is weather tight and maintained for purposes or appearance and security according to the International Property Maintenance Code, and the material which secures the building is compatible with the exterior in appearance, color, texture, and design, and the premises are kept in compliance with all applicable building, property maintenance, zoning, and land use laws;
iii. All businesses or commercial enterprises operating without a valid, current, and displayed business license;

iv. All premises continually not in compliance with applicable licensing, zoning, and land use laws;

v. All businesses with an outstanding arrearage of applicable city liens, taxes, fees, charges, or assessments;

vi. All premises which originate false fire or burglar alarms, as defined by applicable law.

3. Other Nuisances.

a. The enumeration of specific nuisances in this division shall not be deemed to make lawful any other act of condition declared to be a nuisance by any other city ordinance, state or federal law, or court decision.


a. No person shall create any public nuisance in the city, and no person shall by inaction permit a public nuisance to occur or continue on any real property under such person’s control, whether by recorded or unrecorded instrument or permission. Nor shall any person permit a public nuisance to occur involving any personal property under such person’s control.

5. Institution of Criminal Process and Penalty.

a. The public nature of a public nuisance must be made by an enforcement officer or other appropriate governmental official. Enforcement of this chapter’s provisions may be accomplished upon the institution of criminal process by way of uniform traffic ticket, municipal ordinance summons, or warrant made only be a law enforcement officer or appropriate government official. Each day of violation constitutes a separate misdemeanor offence, subject to a fine up to $500.00 and/or up to 30 days imprisonment for each offence. In its discretion, the city may elect to use other applicable code sections pertaining to remediation, abatement, or offences.


a. if a person fails or refuses to discharge the duty imposed by Section 4 (Nuisances Prohibited and unlawful), the city may concurrently serve an administrative notice to abate a public nuisance upon the owner or occupant and demand that compliance must be achieved within seven consecutive days, after service of the notice, not including the date of receipt or posting.

b. The city shall determine the individual, firm, or corporation or lien holder who, from the records in the county tax assessor’s office, appears to be the titled owner or lien holder of the property and cause a written notice of public nuisance to be served on such individual, firm, or corporation or lien holder by:

i. Personal service as attested to by affidavit of service; or
ii. Copy mailed to such owner or lien holder at such place or address by United States certified mail return receipt requested.

iii. After due diligence, if service is unable to be perfected as described above, the city shall cause a copy of the aforesaid notice to be posted at such structure, location, or premise, which shall serve as notice to the public.

c. The notice to abate the nuisance shall inform the person of the specific nuisance with citation to this section, provide names, numbers, and addresses for contact with the city and upon the eighth (8th) day after receipt of service or posting, the city may abate the condition and assess an administrative fee and all public costs as a lien against the property.

7. Liability for Costs.

a. In the event of refusal or neglect of a person to cause such nuisance to be abated in the manner and within the time provided herein, it shall be reported to the manager. The manager may, in a reasonable and prudent manner, direct the expenditure of public resources to abate the nuisance condition. The cost of abatement shall include an administrative assessment of $250.00. in addition to the actual cost of labor and materials expended in public abatement. The person shall be served with a notice of assessment within seven (7) days of the completion of the abatement. The notice of assessment shall include the administrative fee and a statement of public cost. attested to by affidavit, and shall be issued and served, as provided for in section 6.b, upon the person responsible for payment who shall make payment within 30 days of the date of service. Upon the expiration of the 39-day period, if the amount has not been paid in full or contested before the manager, the manager may cause a lien in that amount to be filed with the county clerk of court and the finance director of the city. The lien shall be of record in the county courthouse and the office of the finance director in the book of liens, until paid or recovered, or otherwise released. Collection of the lien by way of recovery or foreclosure may be instituted by the city attorney on behalf of the city.

Sec. 50-237. Accumulations of offensive matter.

The accumulation of any animal or vegetable substance or of other offensive matter in the form of rubbish, garbage or offal, in or upon any property, lot, street or highway, or in or upon any public or private place, and allowing the same to remain until it shall become hazardous to health, is hereby declared to be a nuisance.
(Ord. of 12-7-92(1), § 17-162)

Sec. 50-238. Accumulation of junk and trash prohibited.

It shall be unlawful to allow to accumulate on any premises, property, or in the rear of stores, factories or residences, old fixtures, junk, trash or any other material which tends to keep the premises wet, exclude the sun and catch and favor the accumulation of filth.
(Ord. of 12-7-92(1), § 17-163)

Sec. 50-239. Grass, weeds, trash, etc.; littering.

(a) It shall be unlawful for any person, including the owner, agent or occupant, to maintain, or
permit to be maintained, any premises, vacant lots or land, upon which grass, weeds, undergrowth, trash, garbage, household appliances, furniture, discarded clothing, building materials, glass, wood or miscellaneous refuse is permitted or caused to accumulate or grow in any manner which is or may become a public nuisance, or to place or leave the same adjacent to his premises vacant lot or land or in any public place unless done pursuant to ordinances provided for its collection.

(b) The words "weeds" and "rank vegetation" as used in this section include poison ivy, kudzu, plants of obnoxious odors, those which serve as a breeding ground for mosquitoes or as a refuge for snakes and vermin or any growth that creates a fire or traffic hazard or a nuisance to unsightliness.

(1) Weeds, grass, undergrowth and other such plants, except ornamental plants and trees more than 12 inches in height, or any accumulation of debris or rubbish allowed to stand upon and remain upon any lot or parcel of land of one acre or less within the city is hereby declared to be a nuisance and health detriment.

(2) Weeds, grass, undergrowth and other such plants, except ornamental plants and trees more than 12 inches in height allowed to stand upon and remain upon any 50-foot strip of a lot or parcel of land in excess of one acre within the city, which strip is adjacent to developed property or street rights-of-way, are hereby declared to be a nuisance and health detriment.

(3) Accumulations of debris or rubbish allowed to stand upon and remain upon any size or parcel of land are hereby declared to be a nuisance and health detriment.

(4) Notwithstanding the foregoing, in the event a lot of any size or parcel contains weeds, grass, debris, rubbish or stagnant water of sufficient degree to be conducive to the breeding or harboring of mosquitoes, rodents or other vermin as to constitute a nuisance and/or health detriment, then such lot or parcel may be declared as such.

(c) It shall be unlawful for any owner of any lot or parcel of land within the city to permit the conditions set forth in this section to exist or continue.

(d) It shall be the duty of the owner or agent of any such lot or parcel in violation of the prohibitions set forth in this section, including abutting owners or agents of alleys in violation thereof, to cut or cause to be cut, as low as practicable, such weeds or grass as often as is necessary to prevent such prohibited conditions. (Ord. of 12-7-92(1), § 17-164)

Sec. 50-240. Abatement.

(a) Upon written notification sent by mail by the inspection and planning office to a property owner that his property constitutes a public nuisance, as provided in this article or elsewhere in this Code, the property owner shall have eight days from mailing of such notification to remedy such conditions by such actions as deemed necessary by the building inspector.

(b) If noted conditions are not acted upon within the eight days, the city either through its own employees or by contract shall go upon the property to correct the conditions, and the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.
ARTICLE XI.

DRUG PARAPHERNALIA

Sec. 50-261. Definitions.

(a) **Controlled substance** means a drug, substance or immediate precursor in Schedules I through V in S.C. Code 1976, §§ 44-53-190, 44-53-210, 44-53-230, and 44-53-270, as amended, and as may be amended from time to time hereafter.

(b) **Drug** is a substance as defined in S.C. Code 1976, § 44-53-110, as amended, and as may be amended from time to time hereafter.

(c) **Marijuana** is a substance as defined in S.C. Code 1976, § 44-53-110, as amended, and as may be amended from time to time hereafter.

(d) **Narcotic drug** means opium, coca leaves, opiates, compounds, manufacture, salt, derivative or preparation of opium, coca leaves or opiates, together with the definition of narcotic drug as defined in S.C. Code 1976, § 44-53-110, as amended, and as may be amended from time to time hereafter.

(e) **Crack** means "crack cocaine" as defined in S.C. Code 1976 § 44-53-110, as amended.

(f) **Ice or crank** means a crystal form of d-methamphetamine hydrochloride, a crystal form of other amphetamine or methamphetamine derivatives, and means such other form of amphetamine or methamphetamine or such other drug as may be otherwise defined in S.C. Code 1976, § 44-53-110, as amended.

(g) **Deliver or delivery** means that actual, constructive or attempted transfer of a controlled substance or illegal drug, or paraphernalia as defined in this article.

(h) **Paraphernalia** means any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering, preparing or otherwise consuming marijuana, hashish, hashish oil, heroin, cocaine or any derivatives thereof, "ice", "crank", "crack", or any other drugs or other controlled substance, but shall not include cigarette papers and tobacco pipes, but shall include, but is not limited to:

   (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes used, designed for use with, or intended for use with: marijuana, hashish, hashish oil, cocaine, "narcotic drugs", "ice", "crank", "crack", or other illegal drug or controlled substance, whether or not such pipe is equipped with screens, permanent screens, hashish heads, "crack" heads, "ice" heads, or punctured metal bowls.

   (2) Water pipes used with, designed for use with, or intended for use with: marijuana, hashish,
hashish oil, cocaine, "narcotic drugs", "ice", "crank", "crack" or other illegal drug or controlled substance.

(3) "Carburetor" pipes, tubes or devices, that is, devices incorporating a tube and which are used for the controlled ingestion into the lungs of the used of substantial quantities of smoke derived from the burning of marijuana, hashish, hashish oil, cocaine, heroin, "narcotic drugs", "ice", "crank", "crack" or other illegal drug or controlled substance.

(4) Smoking and "carburetion" masks, that is devices incorporating masks which exclude normal air from the facial orifices of the user, and which allow the user to ingest into his lungs substantial quantities of smoke derived from the burning of marijuana, hashish, hashish oil, cocaine, heroin, "narcotic drugs", "ice", "crank", "crack", or other illegal drug or controlled substance.

(5) "Roach clip", that is a clip-type or spring-type or other device used for the holding of marijuana cigarettes to facilitate the smoking of marijuana cigarettes by the user of the "roach clip".

(6) Separation gins used for, designed for use, or intended for use in cleaning marijuana.

(7) Spoons or vials used for the storage or consumption of cocaine, heroin, "crack", "crank", "ice", or other narcotic drugs or controlled substances.

(8) Chamber pipes, that is devices incorporating a smoke chamber and a method for burning marijuana, hashish, hashish oil, cocaine, "narcotic drugs", "ice", "crank", "crack" or other illegal drug or controlled substance, and used for, intended to be used for, or designed for use in connection with the smoking of the drugs aforementioned.

(9) "Electric pipes" that is, devices incorporating a tube or pipe, and an electric blower device, and which are used for, designed for use for, or intended for use for the controlled ingestion into the lungs of the user of substantial quantities of smoke derived from the burning of marijuana, hashish, hashish oil, cocaine, "narcotic drugs", "ice", "crack", "crank", or other illegal drugs or controlled substance.

(10) "Air-driven pipes" that is, devices incorporating a tube or pipe and a means of mechanically forcing air through the tube or pipe, and which are used for, designed for use for, or intended for use for the controlled ingestion into the lungs of the user of substantial quantities of smoke derived from the burning of marijuana, hashish, hashish oil, cocaine, "narcotic drugs", "ice", "crank", "crack", or other illegal drugs or controlled substances.

(11) "Bong" means the slang term for a "carburetor" tube or pipe as defined in paragraph (3) of this section.

(12) "Ice pipe" or "chiller" means a carburetor type tube or pipe as defined in paragraph (3) of this section, which has the additional feature of incorporating a cooling mechanism for the cooling of the smoke produced by said device.

(13) "Syringes" means those syringes used for, designed for use for, or intended for use for
administration of drugs, controlled substance and/or narcotic drugs, and which syringes are not possessed pursuant to a valid prescription from a medical doctor.

(14) "Possession" means having "paraphernalia" on or about the person, or having dominion and control over those portions of a premises wherein the person knows or reasonably should know, that "paraphernalia" is located.

(Ord. of 3-1-99, § I)

Sec. 50-262. Offense.

The possession anywhere in the corporate limits of the City of Clinton of "paraphernalia" as defined in this article shall be illegal, unless otherwise authorized by state or federal law, or unless authorized by valid prescription from a physician licensed to practice medicine in South Carolina, or licensed by the United States Government.

(Ord. of 3-1-99, § II)

Sec. 50-263. Presumptions.

(a) If any person has possession, dominion or control over "paraphernalia" or over the premises where such "paraphernalia" is located, and at the same time and place has dominion or control over controlled substances, including, but not limited to, "narcotic drugs", marijuana, "crack", "heroin", "ice", or "crank", that the court or jury may find, but is not required to find, that such person has possession of "paraphernalia", in contravention of this article.

(b) If any person has possession, dominion or control over "paraphernalia", and such "paraphernalia" is contaminated with any trace or small amount of controlled substances, including, but not limited to, "narcotic drugs", marijuana, "crack", "heroin", "ice", or "crank", the court or jury may presume that such "paraphernalia" is used, designed to be used, or intended to be used as "paraphernalia" as defined in this article, and such person may be found guilty of violating this article.

(Ord. of 3-1-99, § III)

Sec. 50-264. Penalty.

Any person found guilty by a court of competent jurisdiction of violating this article, shall be subject to the maximum penalties now provided, or which may hereafter be provided, by the laws of the state for violations of criminal offenses within the jurisdiction of the municipal courts of this state.

(Ord. of 3-1-99, § IV)
Chapters 51--53

RESERVED
Chapter 54

PLANNING*

Article I. In General

Sec. 54-1. Comprehensive plan adopted.
Secs. 54-2--54-25. Reserved.

Article II. Planning Commission

Sec. 54-26. Established.
Sec. 54-27. Composition.
Sec. 54-28. Qualifications.
Sec. 54-29. Compensation.
Sec. 54-30. Removal of members.
Sec. 54-31. Organization of rules of procedure.
Sec. 54-32. Public hearings.

* Cross References: Administration, ch. 2; appearance commission, § 2-221 et seq.; buildings and building regulations, ch. 14; fire prevention and protection, ch. 30; floods, ch. 34; housing, ch. 38.

ARTICLE I.

IN GENERAL

Sec. 54-1. Comprehensive plan adopted.

Pursuant to tit. 6, ch. 29 of the S.C. Code 1976, Clinton City Council hereby adopts by means of an ordinance adopted July 6, 1998, the document entitled Clinton City Comprehensive Plan 1998 including maps referenced therein, as recommended by the city planning commission.

(Ord. of 7-6-98, § 1)

Secs. 54-2--54-25. Reserved.

ARTICLE II.

PLANNING COMMISSION*


Sec. 54-26. Established.

There is hereby established a planning commission for the City of Clinton, South Carolina, which shall have the powers and duties as provided in S.C. Code 1976 tit. 6, ch. 29, § 6-29-310 et seq.
Sec. 54-27. Composition.

The planning commission shall consist of seven members appointed by the city council for terms of three years, staggered so that one-third of the members shall have terms expiring each year. Members shall serve until their successors are appointed and qualified.

Sec. 54-28. Qualifications.

All members of the planning commission shall be residents of the city. No member of the planning commission shall be the holder of an elected public office in the City of Clinton, South Carolina.

Section 54-28. Current Members.

Members of the Planning Commission on the effective date of this Ordinance shall continue to serve until their respective terms expire.

Section 54-29. Terms Limits.

No member may serve for more than two (2) successive terms, except for extraordinary circumstances where Council believes it to be in the best interest of the community to have a continuation for a specified period of a particular member of the commission. This limitation shall not prevent any person from being appointed to the commission after an absence of one year. Service for a partial term of less than 1 ½ years shall not constitute a term of service for purposes of this paragraph.

Sec. 54-29. Compensation.

Members of the planning commission shall serve without compensation. Reimbursement for actual expenses incurred in the performance of official duties may be reimbursed from budgeted fund pursuant to reimbursement policies and procedures for employees of the city.

Section 54-29. Terms Limits.

No member may serve for more than two (2) successive terms, except for extraordinary circumstances where Council believes it to be in the best interest of the community to have a continuation for a specified period of a particular member of the commission. This limitation shall not prevent any person from being appointed to the commission after an absence of one year. Service for a partial term of less than 1 ½ years shall not constitute a term of service for purposes of this paragraph.
Sec. 54-30. Removal of members.

Member of the planning commission may be removed at any time by the city council for cause. The existence of cause shall be discussed by the council in executive session as permitted by the Freedom of Information Act, S.C. Code 1976, § 30-4-70(a)(1) and the determination of removal shall be by vote in public session declaring a vacancy in the position without a statement of cause. Any fact which, in the discretion of council, is deemed to adversely affect the public interest, including lack of attendance at meetings, may constitute cause.
(Ord. of 4-21-99)

Sec. 54-31. Organization of rules of procedure.

The planning commission shall organize, elect officers, and adopt rules of procedure as required by S. C. Code 1976, § 6-29-360.
(Ord. of 4-21-99)

Sec. 54-32. Public hearings.

The planning commission shall hold all public hearings on amendments to the unified land development ordinance and map pursuant to S.C. Code 1976, § 6-29-760(A).
(Ord. of 4-21-99)
Chapter 58

PURCHASING*

Sec. 58-1. Purchasing agent, specified duties.
Sec. 58-2. Purchase orders.
Sec. 58-3. Formal contract procedures.
Sec. 58-4. Competitive bidding required; exception.
Sec. 58-5. Award to lowest bidder; when advertising required.
Sec. 58-6. Bid deposits.
Sec. 58-7. Sealed bid procedures.
Sec. 58-8. Materials testing.
Sec. 58-10. Records of open market orders and bids.
Sec. 58-11. Stock reports.
Sec. 58-12. Surplus stock.
Sec. 58-13. Supplies unsuitable for public use, sale or exchange.
Sec. 58-15. Cooperative purchasing.

* Cross References: Administration, ch. 2.

Sec. 58-1. Purchasing agent, specified duties.

The city manager, or an officer of the city designated by the city manager, shall be the purchasing agent for the city. He shall be responsible for:

1. The purchase of supplies, materials, equipment and contractual services required by any department of the city government.

2. The storage and distribution of all supplies, materials and equipment required by any office or department of the city government.

3. Establishing written specifications, whenever practical, for supplies, materials and equipment required by any office or department of the city government. Such specifications shall be definite and certain and shall permit competition.

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

5. Soliciting and maintaining an up-to-date list of qualified suppliers who have requested their names to be added to a bidders list; the purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotation, attempted to defraud the city or who have failed to meet established specifications or delivery dates.
(6) Obtaining full and open competition whenever possible on all purchases, contracts and sales.
(Code 1977, § 21A-1)

Sec. 58-2. Purchase orders.

The basic document in the purchasing system is the purchase order. A purchase order shall be issued for all materials or supplies purchased which exceed $100.00 in value. No invoice may be honored for such commodities unless it is supported by a properly signed purchase order. The purchase order shall be prenumbered, shall include complete specifications or reference to specifications, as well as shipping and invoicing instructions. The finance officer must determine whether a sufficient balance remains in the budget or appropriation to liquidate the invoice when it is received, and may not validate any purchase order unless sufficient funds are available to pay the obligation when it is due. Open purchase orders may be used for many repetitive, usually low value, purchases from one vendor. Rather than issuing a purchase order for each purchase, one purchase order with a designated dollar limit may be issued for a period of time, e.g., one month, to cover all purchases made during that month.
(Code 1977, § 21A-2)

Sec. 58-3. Formal contract procedures.

(a) All supplies, apparatus, materials or equipment exceeding an estimated cost of $5,000.00 shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting bids. All contracts for construction or repair work exceeding an estimated cost of $30,000.00 shall be awarded by formal, written contract to the lowest responsible bidder, after due notice inviting proposals. No contract or purchase shall be subdivided to avoid the requirements of this section.

(b) 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 a public auction to the highest responsible bidder, after due notice inviting proposals and bidders.

(c) Informal bidding procedures may be followed on purchases of gasoline, diesel fuel, alcohol fuel, propane, motor oil or fuel oil regardless of the size of the purchase.

(d) All warehouse inventory items shall be purchased by competitive bid and the purchasing agent shall maintain documentation of bids.
(Code 1977, § 21A-3; Ord. of 1-8-90(2))

Sec. 58-4. Competitive bidding required; exception.

(a) Before any purchases or contracts for supplies, apparatus, materials or equipment, or for construction or repair work exceeding $200.00 are made, the purchasing agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding the formal contract limits of section 58-3, informal oral and/or written bids may be accepted. It is the duty of the purchasing agent to keep and maintain for public inspection a record of all bids submitted for purchases or contracts exceeding $1,000.00.

(b) Competitive bidding shall be encouraged for all contracts, purchases or sales; provided, however, that in the case of professional services, competitive bidding may be suspended. Furthermore, in the event of an
emergency affecting the public welfare, health or safety, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the purchasing agent with the city council and shall be entered in the minutes of the council meeting.
(Code 1977, § 21A-4)

Sec. 58-5. Award to lowest bidder; when advertising required.

(a) All purchases or contracts for supplies, apparatus, materials or equipment, or for construction or repair work, exceeding the formal contract limits of section 58-3, shall be awarded to the lowest responsible bidder after publication in a newspaper of general circulation in the city at least five days before the last day set for receipt of bids and/or proposals. The newspaper notice required herein shall include a general description of the articles or work to be purchased and shall state where bid blanks and specifications may be secured and the time and place for opening bids.

(b) In the case of professional services, when competitive bids are secured, this section shall not apply.
(Code 1977, § 21A-5)

Sec. 58-6. 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 city, in its uncontrolled discretion, may waive this forfeiture.
(Code 1977, § 21A-6)

Sec. 58-7. Sealed bid procedures.

Procedure for sealed bids shall be as follows:

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

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

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

(4) **Negotiating.** The city council may enter into negotiations with the lowest responsible bidder making reasonable changes in the contract price within the funds available, and may award a contract to such bidder to perform the work at the negotiated price within the funds available. If the above cannot be done, the city council may readvertise on the basis of altered plans and specifications designed to lower the cost to the point necessary.

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

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

(7) *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 $2,000.00 shall not be awarded without prior approval of the city council.

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

1. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
3. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
4. The quality of performance of previous contracts or services.
5. The previous and existing compliance by the bidder with 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.
9. The number and scope of conditions attached to the bid.

(8) *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.

(9) *Tie bids; local vendors.* If all bids received are for the same total amount or unit price, quality
and service being equal, the contract shall be awarded to the local bidder. If two or more of such
bids are submitted by local bidders, the purchasing agent shall award the contract to one of the
local tie bidders by drawing lots in public. If local bidders are not involved in the 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 services are not equal, is to give preference to one minute segment of the citizenry
against the best interests of the community as a whole.

(10)  *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 city.

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

(Code 1977, § 21A-7)

**Sec. 58-8. Materials testing.**

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

(Code 1977, § 21A-8)

**Sec. 58-9. Financial interest of city officials and employees prohibited.**

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

(Code 1977, § 21A-9)

**Sec. 58-10. Records of open market orders and bids.**

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

(Code 1977, § 21A-10)

**Sec. 58-11. Stock reports.**
All offices, departments or agencies of the city government shall submit to the purchasing agent, at such
times and in such form as he shall prescribe, reports showing stock of all supplies which are no longer used or
which have become obsolete, worn out or scrapped.
(Code 1977, § 21A-11)

Sec. 58-12. Surplus stock.

The purchasing agent shall have authority to transfer surplus stock to other offices, departments or agencies of the city government.
(Code 1977, § 21A-12)

Sec. 58-13. Supplies unsuitable for public use, sale or exchange.

The purchasing agent shall have the authority to sell all supplies which have become unsuitable for use, or to exchange the same for, or trade in the same on, new supplies. Such sales shall be made to the highest bidder, and in conformance with section 58-3. All monies received from such sales shall be paid into the appropriate fund of the city.
(Code 1977, § 21A-13)


The purchasing agent and every officer and employee of the city are expressly prohibited from accepting, directly or indirectly, from any person 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 city.
(Code 1977, § 21A-14)

Sec. 58-15. Cooperative purchasing.

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby, provided that the purchasing agent of the city is given the authority to make purchases of supplies and equipment through the property division of the state budget and control board, without the formality of publication and receiving competitive bids.
(Code 1977, § 21A-15)
Chapters 59--61

RESERVED
Chapter 62

RAILROADS*

Sec. 62-1. Obstruction of streets.
Sec. 62-2. Use of bells, whistles required in certain instances.
Sec. 62-3. Flagmen or stops required at certain intersections; fly switching prohibited.
Sec. 62-4. Passing between flagmen and engines.

* Cross References: Streets, sidewalks and public places, ch. 74.

Sec. 62-1. Obstruction of streets.

It shall be unlawful for any railroad company or for any conductor, engineer or other employee or agent of any railroad company to obstruct unnecessarily any street, alley or sidewalk by permitting any railroad train, car or locomotive, or any part thereof, to stop or remain upon or across such street, alley or sidewalk for a longer period than five minutes. Each separate interval of five minutes' duration which such street, alley or sidewalk shall be so obstructed shall constitute a separate violation of the provisions of this section.
(Code 1977, § 22-1)


Sec. 62-2. Use of bells, whistles required in certain instances.

All trains shall ring their engine bells or whistles while running within 400 yards of the railroad depots.
(Code 1977, § 22-3)

Sec. 62-3. Flagmen or stops required at certain intersections; fly switching prohibited.

Every train or car, passenger or freight, shall either stop or flag the same at or on the crossing of Main or Broad Streets near their depots in the city. No fly switching of cars or loose cars shall be allowed, and no passenger or freight cars shall be shifted without an engine attached.
(Code 1977, § 22-4)

Sec. 62-4. Passing between flagmen and engines.

It is unlawful for any person to go or attempt to go between any pilot or flagman and a moving locomotive engine, train or electric cars, while the pilot or flagman is flagging the same.
(Code 1977, § 22-6)
Chapters 63–65

RESERVED
Chapter 66

SOLID WASTE*

Sec. 66-1. Definitions.
Sec. 66-2. Promulgation of rules and regulations.
Sec. 66-3. Interference with city employees.
Sec. 66-4. Unlawful requests of city employees.
Sec. 66-5. Disposal—Generally.
Sec. 66-6. Same—Residences.
Sec. 66-7. Commercial garbage collection and fee.
Sec. 66-8. Depositing in streams, bodies of water and other properties.
Sec. 66-9. Depositing, sweeping, in manner so that refuse is carried by elements onto streets, public places, occupied premises.
Sec. 66-10. Unauthorized accumulations.
Sec. 66-11. Industrial byproducts prohibited.
Sec. 66-12. Burning in bulk containers.
Sec. 66-13. Disposal of large objects.
Sec. 66-14. Open containers prohibited.
Sec. 66-15. Refuse outside containers shall not be collected.
Sec. 66-16. Number of pickups.
Sec. 66-17. Maintenance of garbage containers.
Sec. 66-20. Removal of refuse incident to building operations.
Sec. 66-21. Removal of refuse incident to contract work.
Sec. 66-22. Containers for transportation.
Sec. 66-23. Condition of transporting vehicles and containers.
Sec. 66-24. Depositing on or adjacent to park, parkway, etc.
Sec. 66-25. Removal of construction waste.
Sec. 66-26. Use of certain containers within city by nonresidents prohibited.
Sec. 66-27. Leaf, brush and manmade materials collection.

* Cross References: Buildings and building regulations, ch. 14; housing, ch. 38; streets, sidewalks and public places, ch. 74; dumping trash, refuse, etc., on streets and sidewalks, § 74-4; utilities, ch. 86.

Sec. 66-1. Definitions.

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

Cellulosic debris means tree cuttings, leaves and garden vegetation, and other cellulosic debris.

Contract work means any work conducted by any persons, whether or not engaged in such business as a trade or profession, where compensation, either in the form of money or kind, is given for the work provided.

Garbage, generally, means refuse of animal or vegetable foodstuffs and the packaging incident thereto resulting from the handling, preparation, cooking and consumption of food.

Hired man means a day worker who uses no equipment other than normal residential yard/garden
equipment.

*Manmade materials* means materials not including garbage or cellulosic debris. "Manmade materials" includes consumer goods, etc.

*Refuse* describes, separately or combined, garbage, rubbish, trash, debris, etc.

(Code 1977, § 10-1; Ord. of 9-14-87(1))

*Cross References*: Definitions and rules of construction generally, § 1-2.

**Sec. 66-2. Promulgation of rules and regulations.**

(a) The city manager shall promulgate rules and regulations governing the placing of refuse for collection and shall make a schedule for the time of collections of such refuse in the various sections of the city. Such rules and regulations so promulgated shall be submitted to the city council for its approval.

(b) All such rules and regulations so promulgated shall, after approval by the city council, have the force and effect of an ordinance of the city. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations so promulgated and approved.

(Code 1977, § 10-2)

**Sec. 66-3. Interference with city employees.**

It shall be unlawful for any person to interfere with city employees engaged in the collection of refuse.

(Code 1977, § 10-3)

**Sec. 66-4. Unlawful requests of city employees.**

It shall be unlawful for any person to require or request any employee of the city engaged in the collection of refuse to do more than return the empty container to the designated point on the property.

(Code 1977, § 10-4)

**Sec. 66-5. Disposal—Generally.**

It is unlawful for any person to deposit or place, or to cause to be deposited or placed, in or on any public street, sidewalk, or alley within the corporate limits of the city any trash, rubbish, empty boxes, garbage, refuse or any obstruction of any kind whatsoever such that it obstructs vehicular or pedestrian traffic.

(Code 1977, § 10-5)

*Cross References*: Dumping trash, refuse, etc., on streets and sidewalks, § 74-4.


**Sec. 66-6. Same—Residences.**

(a) At all dwelling houses and residential premises in the city all trash, rubbish and refuse is hereby required to be placed and piled at such premises and at such places thereon as shall be accessible and convenient for removal and disposal by the trucks of the city streets and sanitation division.

(b) It is hereby required that at each and every dwelling house or building or apartment house or
mobile home occupied as a residence in the city, a city determined and approved receptacle, dumpster or rollaway cart be paid for and provided by the homeowner, in the case of owner occupied property, and the Landlord shall be responsible for providing each rental unit owned by the Landlord an approved receptacle, dumpster or rollaway cart. All garbage is required to be deposited in such receptacles and kept closed at all times; all rollaway carts shall be placed at the curbside in an easily accessible location no earlier than 3:00 p.m. on the day before the designated collection day and shall be removed by 7:00 p.m. on the day of collection; removed carts shall be kept, where space allows, behind homes/buildings until ready again for placement at curbside for collection. If space will not allow placement behind the home/building, carts shall be placed, if space allows, on the side of the home/building, or otherwise shall be kept alongside the front wall of the home/building. The property owner shall be responsible for maintenance and/or replacement of the container. (Code 1977, § 10-7(b); Ord. of 1-8-90(4); Ord. of 8-1-94) (Updated Ord. of 03-07-05)

Sec. 66-7. Commercial garbage collection and fee.

It is hereby required that every commercial establishment provide a container for collection of garbage, refuse, and/or trash, not to include cellulosic or yard debris. The establishment may choose dumpster or roll-out container service.

The commercial establishment may choose to use a private sector dumpster service if volume is greater than 55 gallons per week.

Commercial establishments who generate small volumes of garbage may choose to use one or two 55-gallon roll-out containers to be serviced by the city or the city's contractor. The container must be purchased from the city department of public works at the current price.

The director of public works or the office of inspections and planning shall have the authority to specify which type container shall be used and where the container shall be located.

Charges for services provided by the city shall be periodically set by the city council at the recommendation of the city manager. The fee shall apply to each container to all businesses, public bodies, and all nonprofit groups and/or institutions, but to exclude churches' property.

Proper maintenance, odor control, and cleanliness of the container and around the container shall be the responsibility of the container service company. The business for which the container is provided may be required to disinfect the container immediately upon notification by the inspections and planning office, and/or the offending container shall be removed within 24 hours of notification of the container service provider. Upon discontinuation of service, for whatever reason, by the container service company, the container, contents, and all debris around the container shall be removed by the container service company within 48 hours. (Code 1977, § 10-28; Ord. of 10-6-97, § 1; Ord. of 8-3-98)

Sec. 66-8. Depositing in streams, bodies of water and other properties.

No person shall throw or deposit any garbage or refuse in any stream, dry stream bed or other body of water or other properties in the city. (Code 1977, § 10-8)
Sec. 66-9. Depositing, sweeping, in manner so that refuse is carried by elements onto streets, public places, occupied premises.

   No person shall cast, place, sweep or deposit anywhere within the city any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the city.
   (Code 1977, § 10-9)
   Cross References: Streets, sidewalks and public places, ch. 74.

Sec. 66-10. Unauthorized accumulations.

   Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
   (Code 1977, § 10-10)

Sec. 66-11. Industrial byproducts prohibited.

   The city shall not pick up any manufacturing and processing byproducts.
   (Code 1977, § 10-11)

Sec. 66-12. Burning in bulk containers.

   It shall be unlawful to burn trash in any bulk container.
   (Code 1977, § 10-12)
   Cross References: Fire prevention and protection, ch. 30.

Sec. 66-13. Disposal of large objects.

   Those persons generating large objects of trash shall be required to first reduce the size of such objects before placing them in the bulk container for disposal. Large objects shall include, but not be limited to, cardboard boxes, paper containers, wooden boxes and crates, and other such objects larger than 18 inches in width, depth or height.
   (Code 1977, § 10-13)

Sec. 66-14. Open containers prohibited.

   It shall be unlawful for containers required by this chapter to remain open except while being serviced. Users of containers, whether owners or lessees, shall be responsible for keeping containers closed.
   (Code 1977, § 10-14)

Sec. 66-15. Refuse outside containers shall not be collected.

   Refuse set outside containers shall not be collected.
   (Code 1977, § 10-15)

Sec. 66-16. Number of pickups.
The number of additional pickups shall be determined by the head of the streets and sanitation division. (Code 1977, § 10-16)

Sec. 66-17. Maintenance of garbage containers.

All garbage containers shall be maintained in good condition. (Code 1977, § 10-17)


Sec. 66-20. Removal of refuse incident to building operations.

Every contractor, carpenter, builder, tenant or homeowner who constructs, repairs, alters or demolishes a building in the city shall remove all refuse incident to such construction, repairs, alterations or demolitions at his own expense and no part thereof shall be deposited or left on the sidewalks or adjacent thereto. (Code 1977, § 10-20)


Sec. 66-21. Removal of refuse incident to contract work.

Every contractor who cuts, trims or removes trees, bushes and like vegetation shall remove all refuse incident to such work at his own expense and no part thereof shall be deposited or left on the sidewalks or adjacent thereto. Normally, the city shall not collect any refuse generated by contract work in the clearing or cleanup of property. However, usual lawn or garden care by the commonly referred to "hired man" that generates normal household quantities of lawn and yard trimmings shall be collected at curbside by city crews. (Ord. of 9-14-87(1))

Sec. 66-22. Containers for transportation.

It shall be unlawful for any person, by himself or by an agent, to transport refuse through the streets or public places of the city except in containers closed with tightfitting covers which will prevent the contents from being spilled. (Code 1977, § 10-21)

Sec. 66-23. Condition of transporting vehicles and containers.

All vehicles used to transport containers for refuse, as provided in section 66-22, shall at all times be clean and free from spilled garbage. Such containers shall at all times be clean and free from spilled garbage on the outside. (Code 1977, § 10-22)

Sec. 66-24. Depositing on or adjacent to park, parkway, etc.

It shall be unlawful for any person to dump, deposit or place, or allow to be dumped, deposited or placed, any refuse of any kind or nature upon or immediately adjacent to any parkway, park or park space in the city. (Code 1977, § 10-25)
Sec. 66-25. Removal of construction waste.

Each contractor shall be responsible for the removal of all refuse resulting from his activities and no such refuse shall at any time be placed or permitted to remain on any street, roadway or sidewalk.  
(Code 1977, § 10-26)

Sec. 66-26. Use of certain containers within city by nonresidents prohibited.

It shall be unlawful for any person or persons living outside the corporate limits of the city to deposit or place his garbage in the receptacle or container provided and maintained by a mercantile or business establishment within the city or containers provided and maintained by the city.  
(Code 1977, § 10-27)

Sec. 66-27. Leaf, brush and manmade materials collection.

(a) The city will collect leaves and yard waste once per week on a scheduled route.

(b) Yard waste shall not be mixed with manmade materials.

(c) Household garbage shall not be mixed with leaves, brush or manmade materials.

(d) No limbs greater than six inches in diameter at the butt end or longer than four feet shall be collected.  
(Ord. of 1-8-90(3))
Chapters 67--69

RESERVED
Chapter 70

SPECIAL ASSESSMENTS*

Sec. 70-1. Special tax assessment created.

A special tax assessment is created for the following two types of eligible rehabilitated historic properties:

1. For owner-occupied property, an assessment for two years equal to four percent of the appraised value of the property at the time certification is made, and for eight years equal to the greater of 40 percent of four percent of the appraised value after rehabilitation, or the original assessment of uncertified property.

2. For income-producing rehabilitated property, an assessment for two years equal to six percent of the appraised value of the property at the time of certification, and an assessment for eight years equal to the greater of 40 percent of six percent of the appraised value after rehabilitation or the original assessment on the uncertified property.

(Ord. of 12-3-90(3); Ord. of 3-7-94, § I)

Sec. 70-2. Purpose.

It is the purpose of this chapter to:

1. Encourage the restoration of historic properties;

2. Promote community development and redevelopment;

3. Encourage sound community planning; and

4. Promote the general health, safety and welfare of the community.

(Ord. of 3-7-94, § II)

Sec. 70-3. Eligible properties.

(a) Certification. Historic properties must be certified by the city council as eligible to receive the special tax assessment under this chapter. To receive certification, owners of property must meet all
requirements of this chapter, and the regulations of the state department of archives and history. The owner shall receive a certification form, approved by the local government, indicating all requirements have been met.

(b) **Requirements.** To be certified as eligible, properties must:

1. Be listed on the National Register of Historic Places, either individually or as a contributing property in a district; or

2. Be 50 or more years old and have been designated as historic by the city council, either individually or a contributing property in a local historic district.

(c) **Designation.** The city council may designate a property or district as historic if it is more than 50 years old and meets one or more of the following criteria:

1. Has significant inherent character, interest or value as a part of the development or heritage of the community, state or nation;

2. Is the site of an event significant in history;

3. Is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation;

4. Exemplifies the cultural, political, economic, social, ethnic or historic heritage of the community, state or nation;

5. Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering;

6. Is the work of a designer whose work has influenced significantly the development of the community, state or nation;

7. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation;

8. Is part of or related to a square or other distinctive element of community planning;

9. Represents an established and familiar visual feature of the neighborhood or community;

10. Has yielded or may be likely to yield information important in history or prehistory.

(d) **Moved properties.** The moving of historic buildings from their original site is generally discouraged. If such property is moved as part of a rehabilitation project, it may be eligible for the special tax assessment if:

1. It has been locally designated as historic but will retain, on the new site, the characteristics that made it eligible for historic designation on the former site.
(2) It has not yet been designated historic but will meet designation criteria on its new site.

(3) It is listed on the National Register of Historic Places and the movement meets all standards and procedures of the U.S. Department of the Interior and state department of archives and history.

(e) **Removal of historic designation.** A designated property may be removed from the list of eligible properties if it no longer possesses the qualities that made it eligible for designation, provided that:

(1) The property has been removed from the National Register of Historic Places and has not been designated under the local criteria included in subsection (c) of this section.

(2) Owners of property proposed for removal of designation shall be given 30 days notice prior to such action and are given opportunity to present evidence why such removal should not be conducted.

(Ord. of 3-7-94, § III)

Sec. 70-4. Eligible rehabilitation.

(a) **Standards for rehabilitation.** To be eligible for the special tax assessment under this article, historic rehabilitations must be conducted according to the following standards:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations or features and spaces that characterize each property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing feature shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, as appropriate, shall be undertaken using the gentlest means possible.
(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) Value of rehabilitation. The rehabilitation work conducted pursuant to this chapter must have expenditures:

(1) Exceeding 50 percent of the appraised value for owner-occupied building; or

(2) Exceeding the appraised value of the building for income-producing property.

(c) Scope. The special tax assessment may apply to the following:

(1) Property that is rehabilitated;

(2) Real property surrounding the building;

(3) Structures that are significant to the rehabilitated property, as determined by the city council.

(d) Time limits. To be eligible for the special tax assessment, rehabilitations must be completed within two years after approval of submitted plans, pursuant to section 70-5.
(Ord. of 3-7-94, § IV)

Sec. 70-5. Process.

(a) Fee required. There is a fee of $100.00 for each application for review of rehabilitation work conducted pursuant to this chapter. No application shall be processed without payment of this fee. Cashier's checks should be made payable to the state department of archives and history.

(b) Plan required. Owners of property seeking approval of rehabilitation work are encouraged to complete a rehabilitated historic property application with supporting documentation and application fee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the owner.

(c) Preliminary approval. Upon receipt of the completed application, the department shall determine if the project is consistent with the standards for rehabilitation and shall notify the owner in writing. Upon receipt of this determination:
If the application is approved, the owner may begin rehabilitation.

If the application is not approved, he may revise such application in accordance with comments provided by the department.

If the application is not approved, he may appeal the decision.

Substantive changes. Once preliminary approval is granted to an application, substantive changes must be approved in writing by the department. Unapproved substantive changes are conducted at the risk of the property owner.

Final approval. Completed projects may be inspected by the department or its designee to determine if the work is consistent with the standards for rehabilitation. The department shall issue final approval when the completed work meets the standards for rehabilitation.

Additional work. After the department's final approval has been issued, the property owner shall notify the department of any additional work, other than ordinary maintenance, before the ten-year expiration of the special property assessment. The department shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent, the department shall notify the owner in writing of its decision to rescind approval within 30 days. The property owner may withdraw his request and cancel or revise the proposed additional work.

Decertification. The date of any of the following shall be considered the date of the end of the special tax assessment.

(i) Written notice from the owner to the county requesting removal of the referential assessment.

(ii) Sale or transfer of ownership during the ten-year period, except in the course of probate proceedings.

(iii) Removal of the historic property designation by the city council.

(iv) Recession of the approval of rehabilitation by the department of archives and history.

Notification. The city shall upon certification of a property as historic notify the county assessor, auditor and treasurer that such property has been duty certified and is eligible for the special tax assessment.

Annual application. Owners of properties certified as historic under this chapter shall make application to the county auditor to begin the special assessment, and shall annually make such application for each year the assessment shall be in effect.

Fiscal year. To be eligible for the special tax assessment, a property must be certified as historic before April 1 of the year it intends to receive this treatment.
Chapter 74

STREETS, SIDEWALKS AND PUBLIC PLACES*

Article I. In General

Sec. 74-1. Spitting prohibited.
Sec. 74-2. Creating obstruction with merchandise, boxes, etc.
Sec. 74-3. Congregating, creating obstruction.
Sec. 74-4. Dumping trash, refuse, etc., on streets and sidewalks.
Sec. 74-5. Permission to use streets required.
Sec. 74-6. Consent or franchise fee.
Secs. 74-7--74-30. Reserved.

Article II. Streets

Division 1. Generally

Sec. 74-31. Depositing glass, other injurious substances on streets.
Sec. 74-32. Obstruction of roads, drainage ditches.
Sec. 74-33. Protection of plants, shrubs and trees along highway.
Sec. 74-34. Hauling earth, garbage, etc., over streets.
Sec. 74-35. Painting on pavements.
Sec. 74-36. Breaking or destroying curbing and sidewalks.
Sec. 74-37. Driving over streets under construction or repair.
Sec. 74-38. Interference with barricade.
Sec. 74-40. Utility companies required to pay annual street use fee.
Sec. 74-41. Alleys redesignated as streets.
Secs. 74-42--74-50. Reserved.

Division 2. Excavations

Sec. 74-51. Permit required.
Sec. 74-52. Work in rights-of-way; location of utilities; inspection.
Sec. 74-53. Maintenance of excavation.
Sec. 74-54. Reserved.
Sec. 74-55. Barricades; lights.
Sec. 74-56. Excavator responsible for damages.
Sec. 74-57. Backfilling; site restoration.
Sec. 74-58. Exemptions.
Secs. 74-59--74-80. Reserved.

Article III. Sidewalks

Sec. 74-81. Overhanging awnings.
Sec. 74-82. Bicycles, coasters, skateboards, etc.
Secs. 74-83--74-105. Reserved.

* Cross References: Appearance commission, § 2-221 et seq.; animals, ch. 10; buildings and building regulations, ch. 14; fire prevention and protection, ch. 30; posting private advertisements, § 50-1; pandering and solicitation, § 50-89; picketing and demonstrations, § 50-196 et seq.; railroads, ch. 62; solid waste, ch. 66; depositing, sweeping, in manner so that refuse is carried by elements onto streets, public places, occupied premises, § 66-9; traffic and vehicles, ch. 82; vehicles for hire, ch. 90.


Article IV. Assemblies, Parades and Processions

Sec. 74-106. Enforcement.
ARTICLE I.  

IN GENERAL

Sec. 74-1. Spitting prohibited.

It shall be unlawful for any person to spit or expectorate upon any sidewalk of the city or upon any paved walk within the railroad yard, courthouse square, or other public places, or upon the floor of any railway station or public building of any sort in the city. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. 
(Code 1977, § 23-1)

Sec. 74-2. Creating obstruction with merchandise, boxes, etc.

It is unlawful for any person to obstruct any street or sidewalk in the city by placing thereon any merchandise, barrels, boxes or other things. 
(Code 1977, § 23-2)

Sec. 74-3. Congregating, creating obstruction.

It is unlawful for any persons to congregate on any of the sidewalks or streets of the city whereby the same are obstructed. 
(Code 1977, § 23-3)

Cross References: Picketing and demonstrations, § 50-196 et seq.

Sec. 74-4. Dumping trash, refuse, etc., on streets and sidewalks.

No person shall dump or leave any trash, refuse or garbage on any highway, street or sidewalk, and, in addition to any other penalties, any person violating the provisions of this section may be required to remove from the highway any such trash, refuse or garbage dumped or left on the highway. 
(Code 1977, § 23-4)

Cross References: Solid waste, ch. 66; disposal of trash, rubbish, etc., generally, § 66-5.

Sec. 74-5. 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 city 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 city council of the City of Clinton by ordinance which prescribes the term, fees and conditions for use. 
(Ord. of 6-1-98)
Editors Note: An ordinance adopted June 1, 1998, enacted provisions intended for use as §§ 18-22 and 18-23. However, inasmuch as these provisions pertained to construction of lines, etc. in relation to public places, they have been redesignated as §§ 74-5 and 74-6 at the discretion of the editor.

Sec. 74-6. Consent or franchise fee.

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 based on gross revenues derived from activities in the city, the length of lines installed in streets and public places, or other formula deemed appropriate by city council. No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue unless specifically provided by ordinance. Credits for business license taxes paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by ordinance.
(Ord. of 6-1-98)

Note--See the editor's note to § 74-5.

Secs. 74-7–74-30. Reserved.

ARTICLE II.

STREETS

DIVISION 1.

GENERALLY

Sec. 74-31. Depositing glass, other injurious substances on streets.

(a) No person shall place, throw or deposit upon any highway or city street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway or city street.

(b) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.
(Code 1977, § 23-18)

Sec. 74-32. Obstruction of roads, drainage ditches.

It shall be unlawful for any person to willfully obstruct ditches and drainage openings along roads, to place obstructions upon roads, or to throw or place on roads any objects likely to cut or otherwise injure vehicles using same.
(Code 1977, § 23-19)
Sec. 74-33. Protection of plants, shrubs and trees along highway.

(a) Whenever the lands adjoining any public road or highway in this city shall be beautified by the planting or maintaining of flowers or ornamental trees or shrubs on the lands adjoining the same by any agreement of the landowners adjoining such road or by their permission, such stretch of road shall be marked at either end by the road authorities of the city by some suitable sign showing that the stretch of road between such signs has been beautified.

(b) When any stretch of road has been so designated and marked by the road authorities of the city it shall be unlawful for any person to dig, pull up, gather, remove, cut, maim, break or injure in any way, including any injury done by fires intentionally set, any wild, cultivated or ornamental plants, shrubs and trees situated on or along any such marked stretch of public road or highway, or any public or privately owned land lying along such road; provided, that the provisions of this section shall not apply where the acts hereby prohibited are done by or under the instructions of the proper authorities lawfully in charge of such public roads, highways or lands or by or with the permission of the owner of any privately owned lands.

(Code 1977, § 23-20)

Sec. 74-34. Hauling earth, garbage, etc., over streets.

It is unlawful for any person to operate or cause to be operated any cart, truck or other vehicle employed in removing or carrying any dirt, sawdust, shavings, sand, coal, waste paper or matter, cans, garbage, any material liable to be blown by the wind, glass, or any manure or filth or offensive matter of any kind or description, along or over any of the streets of the city, without having and keeping the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any of the streets.

(Code 1977, § 23-21)

Sec. 74-35. Painting on pavements.

It is unlawful for any person to paint, write, lay or paste any advertising matter or device on the paved streets or sidewalks or rights-of-way or any property belonging to or under the control of the city.

(Code 1977, § 23-22)

Sec. 74-36. Breaking or destroying curbing and sidewalks.

It shall be unlawful for any person to break or destroy the curbing or sidewalk of any street within the city or otherwise to deface the same, or to construct any entrance into property on any of the paved streets owned and maintained by the city without the approval of the public works department.

(Code 1977, § 23-24)

Sec. 74-37. Driving over streets under construction or repair.

It is unlawful for any person to drive, or to have driven, any vehicle over or across or through any street in the city while the same is being paved or is closed to traffic for purposes of improvement.

(Code 1977, § 23-25)

Cross References: Traffic and vehicles, ch. 82; vehicles for hire, ch. 90.

Sec. 74-38. Interference with barricade.
It is unlawful for any person to interfere with, destroy or remove any barricade or lights or lantern or other traffic control devices used in blocking off or protecting from traffic any street in the city while the same is closed for the purpose of improvement.
(Code 1977, § 23-26)


It shall be unlawful for any person to place any poles in the streets or rights-of-way of the city without permission from the director of public works.
(Code 1977, § 23-27)

Sec. 74-40. Utility companies required to pay annual street use fee.

(a) The annual fee for the use of the public streets shall be paid on or before April 15 of each year until such time as this section is amended and shall be computed as follows:

(1) Water companies shall pay three percent of total revenues received in the prior calendar year from residential and commercial service billed to customers located within the city.

(2) Electric companies shall pay three percent of total revenues received from that service area in the prior calendar year from residential and commercial service billed to customers located within the city.

(3) Telephone companies shall pay to the city a sum equal to three percent of the recurring local service revenues, less uncollectibles, received from customers within the municipal boundaries for services originating therein and which are required to be reported, on January 1, 1984, to Accounts 500 through 506 of the Uniform System of Accounts for Telephone Companies, exclusive of independent company settlements. Such payments shall be transmitted monthly to the office of the city clerk/treasurer and shall be based upon a calculation of the monies booked to such accounts during the preceding month's period with the first payment to be made April 15, 1984.

The payment of monies hereunder shall be in lieu of all occupation, license, gross receipts, excise, franchise and all other levies, assessments, fees or taxes of whatsoever kind, regardless of designation, and the payment of monies hereunder shall be the full and complete payment of any such demands and charges except ad valorem taxes.

(b) It shall be unlawful for any person as defined by this Code and subject to the provisions of this section to use the public streets or public places within the city for purposes of placing and maintaining poles, wires or equipment, above or below the ground surface, with or without a written franchise, unless such person has first agreed in writing filed with the city clerk/treasurer to pay the use fees established hereby and unless the use fees are paid when due. Each day of violation shall constitute a separate offense for which the chief operating officer of the utility located within the city shall be subject to prosecution.
(Code 1977, § 23-28)
Sec. 74-41. Alleys redesignated as streets.

All city roads named as "alleys" are redesignated as "streets." All street signs shall be changed as such on these city roads.
(Ord. of 6-5-95)

Secs. 74-42--74-50. Reserved.

DIVISION 2.

EXCAVATIONS*

* Cross References: Excavation in streets, § 14-98.

Sec. 74-51. Permit required.

No person shall cut, excavate or bore in any street or road within the corporate limits of the city for the purpose of laying, or repairing pipes for sewer, water, gas or steam, or for any other purpose unless he shall have previously obtained from the director of public works permission to cut or excavate in such street or road.
(Code 1977, § 23-34)

Sec. 74-52. Work in rights-of-way; location of utilities; inspection.

(a) No work of any type shall begin on city street rights-of-way without application to the department of public works for an encroachment permit.

(b) The department of public works and utilities locating service shall be contacted and location of utilities requested no less than three days prior to commencing excavation.

(c) The department of public works shall be notified upon completion of work for the purpose of inspection.
(Code 1977, § 23-35)

Sec. 74-53. Maintenance of excavation.

Any person cutting and excavating or boring a street or road pursuant to permission granted by the department of public works shall maintain the excavation in good condition until such time as the upkeep of the same is assumed by the city. All traffic control devices and procedures will be in compliance with state department of transportation guidelines.
(Code 1977, § 23-36)

Sec. 74-54. Reserved.

Sec. 74-55. Barricades; lights.
Any person cutting or excavating in a street or road pursuant to permission granted by the director of public works under this division shall place adequate lights and barriers at such excavation as per state department of transportation guidelines.  
(Code 1977, § 23-38)

Sec. 74-56. Excavator responsible for damages.

All work involved in cutting, excavating or boring in streets or roads pursuant to the permission granted by the director of public works under this division shall be planned and executed in such a manner that there shall be no injury to public sewer lines, water lines or electric lines. In event of such injury the person making the excavation shall be responsible therefor and shall pay to the city the entire cost of repairing the same.  
(Code 1977, § 23-39)

Sec. 74-57. Backfilling; site restoration.

(a) Any person cutting or excavating in a street or road pursuant to permission granted by the director of public works under this division shall complete the same promptly, shall backfill the earth and thoroughly tamp the same. When any person is cutting or excavating in a street or road pursuant to permission granted by the director of public works, the manner of excavating, laying pipes, backfilling the earth over them, and thoroughly tamping shall be subject to the approval of the public works department.

(b) Backfill material shall be flowable fill/flyash concrete.

(c) Any pavement or site restoration by the city will be billed directly to the responsible agency.  
(Code 1977, § 23-40)

Sec. 74-58. Exemptions.

The provisions of this division shall not apply to or extend to cutting or excavations in state streets or roads which are under the supervision of the state department of transportation.  
(Code 1977, § 23-41)

Secs. 74-59–74-80. Reserved.

ARTICLE III.

SIDEWALKS

Sec. 74-81. Overhanging awnings.

It is unlawful for any person to allow any awning to hang nearer to the surface of any sidewalk than seven feet.  
(Code 1977, § 23-53)

Sec. 74-82. Bicycles, coasters, skateboards, etc.
(a) It is unlawful for any person to ride any bicycle, skateboard or skates upon any sidewalk within the city so as to interfere with vehicular or pedestrian traffic.

(b) No person upon coasters, skateboards, etc., or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk or at an intersection, and except upon streets set aside as play streets when and as authorized by the city.

(Code 1977, § 23-55; Ord. of 7-13-92)

Secs. 74-83—74-105. Reserved.

ARTICLE IV.

ASSEMBLIES, PARADES AND PROCESSIONS*

* Cross References: Wearing of masks, § 50-136; picketing and demonstrations, § 50-196 et seq.

Sec. 74-106. Enforcement.

Nothing contained in this article shall prohibit the authority of any officer to arrest a person engaged in any act or activity granted a permit under this article, if the conduct of such person violates the laws of the state, provisions of this Code or other ordinances of the city, or unreasonably obstructs the public streets and sidewalks of the city, or engages in acts that cause, or would tend to cause, a breach of the peace.

(Code 1977, § 23-67)

Sec. 74-107. Permit—Required.

It shall be unlawful for any person to organize or hold or participate in any parade, meeting, assembly or procession of persons and/or vehicles on the streets or sidewalks of the city, unless such activity shall have first been authorized by a written permit therefor.

(Code 1977, § 23-68)

Sec. 74-108. Same—Application.

Any person desiring a permit required by the provisions of this article shall make application therefor to the city manager, which application shall contain the following information:

(1) The name and address of the applicant.

(2) The name and address of the person the applicant represents.

(3) The exact time and date of commencement and termination of each act or activity desired.

(4) The purpose, location and route of such act or activity, if applicable.

(5) The person, group, association or body to be authorized under the permit to do such act or
activity and the number of persons to participate.

(6) Such other relevant information as the city manager may require for the investigation of the applicant.

(Code 1977, § 23-69)

Sec. 74-109. Same--Contents.

Upon issuance of a permit required by this article, the same shall contain therein all information contained in the application therefor and be signed by the city manager and a signed copy of the same shall be kept with the application, both on file in the office of the city manager.

(Code 1977, § 23-70)

Sec. 74-110. Matters considered in determining issuance of permit.

In deciding whether to issue a permit under the provisions of this article, the city manager shall consider:

(1) The number of persons to participate.

(2) The anticipated traffic conditions at the time and date proposed for the activity.

(3) The schedule of other similar activities for which permits may have been issued.

(4) The adequacy of adult supervision for any minor scheduled to participate.

(5) The availability of city personnel whose presence on duty may be required by the activity and by the necessity to protect the general public.

(6) The adequacy of public facilities in the location proposed for the activity to accommodate the proposed activity and the normal public use of public facilities in the proposed location.

(Code 1977, § 23-71)

Sec. 74-111. Permit issuance.

The permit required by the provisions of this article shall be issued by the city manager upon application therefor; provided, however, such permit may be denied or refused if it shall appear that the applicant therefor or the act or activity requested by such application shall be violative of any applicable provision of this Code, state law or other city ordinance.

(Code 1977, § 23-72)

Sec. 74-112. Deviation from permit.

It shall be unlawful for any person participating in any act or activity for which a permit has been granted under the provisions of this article to deviate from or alter any of the terms or contents of such permit.

(Code 1977, § 23-73)
Sec. 74-113. Display of permit.

Every person having a permit issued under the provisions of this article shall have such permit in his possession during the activity permitted thereby and shall display such permit upon the request of any law enforcement officer. Failure to display such permit shall be deemed a misdemeanor.

(Code 1977, § 23-74)
Chapter 78
TAXATION*

Article I. In General
Secs. 78-1—78-25. Reserved.

Article II. Property Taxes

Division 1. Generally
Sec. 78-26. Annual statement of valuation and property ownership.
Sec. 78-27. Use of county assessment books.
Sec. 78-28. Assessed valuation entered on tax books.
Sec. 78-29. Annual tax levy.
Sec. 78-30. Due date.
Sec. 78-31. Tax liens—Paramount to all other liens; exceptions.
Sec. 78-32. Same—When effective.
Sec. 78-33. Reserved.

Division 2. Procedure for Collection
Sec. 78-34. Time for paying taxes; manner of collection; receipts for payment; delegation of collection of taxes.
Sec. 78-35. Installments, discounts authorized.
Sec. 78-36. Penalties on delinquent taxes; collection; execution.
Sec. 78-37. Execution costs; levy of warrant or execution; notice of delinquent taxes; seizure of property; additional costs; advertisement of sale.
Sec. 78-38. Sale of property; defaulting taxpayer with more than one item to be sold.
Sec. 78-39. Payment by successful bidder; disposition of proceeds.
Sec. 78-40. Default by successful bidder, readvertisement of property.
Sec. 78-41. Settlement by treasurer.
Sec. 78-42. Redemption of real property; assignment of purchaser's interest.
Sec. 78-43. Owner of mobile or manufactured home may redeem property.
Sec. 78-44. Conditions of redemption.
Sec. 78-45. Cancellation of sale upon redemption; notice to purchaser; refund of purchase price.
Sec. 78-46. Personal property shall not be subject to redemption; purchaser's bill of sale and right of possession.
Sec. 78-47. Notice of approaching end of redemption period.
Sec. 78-48. Execution and delivery of tax title; costs and fees; overages.
Sec. 78-49. Notice to mortgagees.
Sec. 78-50. Official may void tax sales.
Sec. 78-51. Deed as evidence of good title; statute of limitations.
Sec. 78-52. Contract for collection of taxes; facilities for collection of taxes.

* Cross References: Administration, ch. 2; annual budget and tax levy ordinances, § 2-3; certificate of taxes due, § 2-158; special assessments, ch. 70.

ARTICLE I.

IN GENERAL
Secs. 78-1—78-25. Reserved.

ARTICLE II.

PROPERTY TAXES*
DIVISION 1.

GENERALLY

Sec. 78-26. Annual statement of valuation and property ownership.

The city clerk/treasurer shall, annually, prior to November 1, receive statement of the assessed valuation of all the property, real or personal, within the corporate limits of the city and by whom such property is owned. Such statement shall include the assessment of taxes.
(Code 1977, § 24-16)

Sec. 78-27. Use of county assessment books.

The city clerk/treasurer shall receive the books from the auditor of the county, the assessment of valuation thereon found and shall use the same as a basis of assessment of taxes for municipal purposes.
(Code 1977, § 24-17)

Sec. 78-28. Assessed valuation entered on tax books.

The city clerk/treasurer shall enter the assessed valuation so fixed upon his tax books.
(Code 1977, § 24-18)

Sec. 78-29. Annual tax levy.

The council shall impose by ordinance an annual tax at such rate, in its discretion, as will yield an amount necessary for the general purposes of the city not exceeding the limit permitted by law, exclusive of any tax levied with respect to any outstanding bond issues. Such tax shall be levied by the council on the property within the corporate limits as assessed for taxation for county and state purposes as provided in this chapter.
(Code 1977, § 24-19)


Sec. 78-30. Due date.

All taxes for the year shall be due and payable between the 30th day of September and the 15th day of January after their assessment in each year.
(Ord. of 4-6-98)


Sec. 78-31. Tax liens--Paramount to all other liens; exceptions.

All taxes, assessments, license taxes and penalties legally assessed shall constitute a lien on the property
upon which the same were made until paid in full, which lien shall be paramount to all other liens, except liens for county and state taxes.
(Ord. of 4-6-98)

Sec. 78-32. Same--When effective.

As soon as any property within the city is listed with the auditor of the county for taxation, such tax assessment shall immediately become a lien on such property.
(Ord. of 4-6-98)

Sec. 78-33. Reserved.

DIVISION 2.

PROCEDURE FOR COLLECTION

Sec. 78-34. Time for paying taxes; manner of collection; receipts for payment; delegation of collection of taxes.

All taxes are due and payable between the 30th day of September and the 15th day of January after their assessment in each year. The several county treasurers under the direction and supervision of the state comptroller shall collect the taxes in the manner prescribed by law and give receipts therefore to the persons paying them. In the receipts and tax notices the real estate paid on must be briefly described including tax map number and an identifiable description and the value and a description of the personal property paid on must be stated, together with the time the taxes are paid, the amount paid, and the township where the property is located.

The treasurer, tax collector, or other official charged with the collection of ad valorem property taxes in each county may delegate the collection of the property taxes to banks or banking institutions, if each institution assigns, hypothecates, or pledges to the county, as security for the collection, federal funds or federal, state, or municipal securities in an amount adequate to prevent any loss to the county from any cause. Each institution shall remit the taxes collected daily to the county official charged with the collections. The receipt given to the taxpayer, in addition to the information required in this section and by the S.C. Code 1976, § 12-37-2650, shall contain the name and office of the treasurer or tax collector of the county and shall also show the name of the banking institution to which payment was made.

The county official charged with the collection of taxes shall send a list of the institutions collecting the taxes to the South Carolina Department of Public Safety. Each institution shall certify to the department of public safety that the taxes have been paid and the department of public safety may accept certification in lieu of the tax receipt given to the taxpayer if that certification contains the information required in § 12-37-2650.
(Ord. of 4-6-98)


Sec. 78-35. Installments, discounts authorized.

(a) The governing body of a county may by ordinance allow a taxpayer to elect to pay all ad valorem taxes on real property located in the county in quarterly installments. No installment election is allowed for
taxes paid through an escrow account.

The ordinance must specify the installment due dates and it may provide for installments due and payable before January 15th, but the final installment due date must be January 15th. The ordinance may provide for a service charge of not more than $2.00 on installment payments. For purposes of payment and collection, these service charges are deemed property taxes. The ordinance may not provide penalties for late installments.

(b) The governing body of a county may by ordinance provide a discount in all ad valorem taxes on real property located in the county paid in advance of the January 15th due date. The ordinance may provide a range of discounts that vary according to the length of the prepayment period.

(Ord. of 4-6-98)


Sec. 78-36. Penalties on delinquent taxes; collection; execution.

When the taxes and assessments or any portion of the taxes and assessments charged against any property or person on the duplicate for the current fiscal year are not paid before the 16th day of January or 30 days after the mailing of tax notices, whichever occurs later, the county auditor shall add a penalty of three percent on the county duplicate and the county treasurer shall collect the penalty. If the taxes, assessments, and penalty are not paid before the second day of the next February, an additional penalty of seven percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before the 17th day of the next March, an additional penalty of five percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before the 17th day of March, the county treasurer shall issue his tax execution to the officer authorized and directed to collect delinquent taxes assessments, penalties, and costs for their collection as herein provided. The United States postmark is the determining date for mailed payments. If the county treasurer determines by proper evidence that the mailing of a tax payment was improperly postmarked, and such error results in the imposition of a penalty provided herein, then such penalty imposed herein may be waived by the county treasurer.

(Ord. of 4-6-98)


Sec. 78-37. Execution costs; levy of warrant or execution; notice of delinquent taxes; seizure of property; additional costs; advertisement of sale.

After the county treasurer issues his execution against a defaulting taxpayer in his jurisdiction, as provided in section 78-36, signed by him or his agent in his official capacity, directed to the officer authorized to collect delinquent taxes, assessments, penalties, and costs, requiring him to levy the execution by distress and sale of so much of the defaulting taxpayer's estate, real or personal, or both, as may be sufficient to satisfy the taxes, assessments, penalties, and costs, the officer to which the execution is directed shall:

(a) On April first or as soon thereafter as practicable, mail a notice of delinquent property taxes, penalties, assessments, and costs to the owner of record at the best address available which is either the address shown on the deed conveying property to him, the property address, or such other corrected or forwarding address that the owner of record has filed with the appropriate tax authority and to a known grantee of the delinquent taxpayer of the property on which the
delinquency exists. The notice must specify that if the taxes, penalties, assessments, and costs are not paid, the property must be advertised and sold to satisfy the delinquency.

(b) If the taxes remain unpaid after 30 days from the date of mailing of the delinquent notice, or as soon thereafter as practicable, take exclusive possession of so much of the defaulting taxpayer's property as is necessary to satisfy the payment of the taxes, assessments, penalties, and costs may be taken. In the case of real property, exclusive possession is taken by mailing a notice of delinquent property taxes, assessments, penalties, and costs to the defaulting taxpayer at the address shown on the tax receipt or to a more correct address known to the officer, by "certified mail, return receipt requested-deliver to addressee only". In the case of personal property, exclusive possession is taken by mailing the notice of delinquent property taxes, assessments, penalties, and costs to the address shown on the tax receipt or to a more correct address known to the officer. All delinquent notices shall specify that if the taxes, assessments, penalties, and costs are not paid before a subsequent sales date, the property must be duly advertised and sold for delinquent property taxes, assessments, penalties and costs. The return receipt of the "certified mail" notice is equivalent to "levying by distress".

(c) In the event the "certified mail" notice has been returned, take exclusive possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading: "Seized by person officially charged with the collection of delinquent taxes of (name of political subdivision) to be sold for delinquent taxes", the posting of the notice is equivalent to levying by distress, seizing, and taking exclusive possession thereof or by taking exclusive possession of personally. In the case of personal property, the person officially charged with the collection of delinquent taxes is not required to move the personal property from where situated at the time of seizure and further, the personal property may not be moved after seized by anyone under penalty of conversion unless delinquent taxes, assessments, penalties, and costs have been paid. Mobile homes are considered to be personal property for the purposes of this section unless the owner gives written notice to the auditor of the mobile home's annexation to the land on which it is situated.

(d) The property must be advertised for sale at public auction. The advertisement must be in a newspaper of general circulation within the county or municipality, if applicable, and must be entitled "Delinquent Tax Sale". It shall include the delinquent taxpayer's name and the description of the property, a reference to the county auditor's map-block-parcel number being sufficient for a description of realty. The advertising must be published once a week prior to the legal sales date for three consecutive weeks for the sale of real property, and two consecutive weeks for the sale of personal property. All expense of the levy, seizure, and sale must be added and collected as additional costs, and shall include, but not [be] limited to, the expense of taking possession of real or personal property, advertising, storage, identifying the boundaries of the property, and mailing certified notices. When the real property is divisible, the tax assessor, county treasurer, and county auditor shall ascertain the portion of the property that is sufficient to realize a sum upon sale sufficient to satisfy the payment of the taxes, assessments, penalties, and costs. In such cases, the officer shall partition the property and furnish a legal description of it.

(Ord. of 4-6-98)

Sec. 78-38. Sale of property; defaulting taxpayer with more than one item to be sold.

The property duly advertised must be sold by the person officially charged with the collection of delinquent taxes at public auction at the courthouse on a legal sales date during regular hours for legal tender payable in full on the date of the sale. In case the defaulting taxpayer has more than one item advertised to be sold, as soon as sufficient funds have been accrued to cover all of the defaulting taxpayer's delinquent taxes, assessments, penalties, and costs, no further items may be sold.

(Ord. of 4-6-98)


Sec. 78-39. Payment by successful bidder; disposition of proceeds.

The successful bidder at the delinquent tax sale shall pay legal tender to the person officially charged with the collection of delinquent taxes in the full amount of the bid on the day of the sale. Upon payment, the person officially charged with the collection of delinquent taxes shall furnish the purchaser a receipt for the purchase money and attach a copy of the receipt to the execution with the endorsement of his actions which must be retained by him. Expenses of the sale must be paid first and the balance of all delinquent tax sale monies collected must be turned over to the treasurer. Upon receipt of the funds, the treasurer shall immediately mark the public tax records regarding the property sold as follows: Paid by tax sale held on (insert date). All other monies received, including any excess due the defaulting taxpayer after payment of delinquent taxes, assessments, penalties, and cost must be retained, paid out, and accounted for by the delinquent tax collector. Once a tax deed has been issued, the defaulting taxpayer must be notified in writing by the delinquent tax collector of any excess due the taxpayer. The notice must be addressed and mailed to the defaulting taxpayer in the manner provided in section 78-37(b) for taking exclusive possession of real property. Expenses of providing this notice are considered costs of the sale for purposes of determining the amount, if any, of the excess.

(Ord. of 4-6-98)


Sec. 78-40. Default by successful bidder, readvertisement of property.

In case the successful bidder fails to remit in legal tender within the time specified, the person officially charged with the collection of delinquent taxes shall cancel that bid and duly readvertise the same property for sale, in the same manner, on a subsequent delinquent tax sale date. The defaulting bidder is liable for no more than $300.00 damages upon default, which may be collected by suit by the person officially charged with the collection of delinquent taxes in the name of the taxing authority.

(Ord. of 4-6-98)


Sec. 78-41. Settlement by treasurer.

The treasurer shall make full payment of tax sale monies, within 30 days after the sale, to the respective political subdivisions for which the taxes were levied. Proceeds of the sales in excess thereof must be retained by the treasurer as otherwise provided by law.

(Ord. of 4-6-98)


Sec. 78-42. Redemption of real property; assignment of purchaser's interest.
The defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor may within twelve months from the date of the delinquent tax sale redeem each item of real estate by paying to the person officially charged with the collection of delinquent taxes, assessments, penalties, and costs, together with eight percent interest on the whole amount of the delinquent tax sale bid. In the case of a redemption in the last six months of the redemption period, for all real property except that classified pursuant to the S.C. Code 1976, § 12-43-220(c) at the time of the delinquent tax sale, the applicable rate of interest is twelve percent. If prior to the expiration date of the redemption period, the purchaser assigns his interest in any real property purchased at a delinquent tax sale, the grantee from the successful bidder shall furnish the person officially charged with the collection of delinquent taxes a conveyance, witnessed and notarized. The person officially charged with the collection of delinquent taxes shall replace the successful bidder's name and address with the grantee's name and address in the delinquent tax sale book.

(Ord. of 4-6-98)


Sec. 78-43. Owner of mobile or manufactured home may redeem property.

Notwithstanding the provisions of the S.C. Code 1976, § 12-51-110, the owner or lienholder of any mobile home or manufactured home may redeem the property as provided in the S.C. Code 1976, §§ 12-51-90, 12-51-100, and 12-51-120. For purposes of this chapter, "mobile or manufactured home" is defined in S.C. Code 1976, § 12-43-230(b) or § 40-29-20(9), as applicable.

(Ord. of 4-6-98)


Sec. 78-44. Conditions of redemption.

In order for the owner or lienholder on the "mobile home" or "manufactured home" to redeem his property as permitted in section 78-43, the mobile or manufactured home subject to redemption must not be removed from its location at the time of the delinquent tax sale for a period of 12 months from the date of the sale unless the owner is required to remove it by the person other than himself who owns the land upon which the mobile or manufactured home is situated. In this event, the owner of the mobile or manufactured home must notify the purchaser and the delinquent tax collector of the new location of the mobile or manufactured home, which new location also must be in this state. If the owner moves the mobile or manufactured home in violation of this section, he is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding $1,000.00 or imprisonment not exceeding one year, or both. In addition to the other requirements, and payments necessary for an owner of a mobile or manufactured home to redeem his property after a delinquent tax sale, the defaulting taxpayer or lienholder also must pay rent to the purchaser at the time of redemption an amount not to exceed one-twelfth of the taxes for the last completed property tax year, exclusive of penalties, costs, and interest, for each month between the sale and the redemption. However, the monthly rental, when calculated as provided in this section, must not be less than $10.00. For purposes of this rent calculation, more than one-half of the days in any month counts as a whole month.

(Ord. of 4-6-98)


Sec. 78-45. Cancellation of sale upon redemption; notice to purchaser; refund of purchase price.

Upon the real estate being redeemed, the person officially charged with the collection of delinquent
taxes shall cancel the sale in the tax sale book and note thereon the amount paid, by whom and when. The successful purchaser, at the delinquent tax sale, shall promptly be notified by mail to return the tax sale receipt to the person officially charged with the collection of delinquent taxes in order to be expeditiously refunded the purchase price plus the eight percent interest provided in section 78-42.

(Ord. of 4-6-98)


Sec. 78-46. Personal property shall not be subject to redemption; purchaser's bill of sale and right of possession.

For personal property, there is no redemption period subsequent to the time that the property is struck off to the successful purchaser at the delinquent tax sale. Upon payment by the successful purchaser and delivery of the duplicate warrant (ie. tax receipt) with description and notation by the person officially charged with the collection of delinquent taxes, he shall deliver to the successful purchaser the following form properly executed which is his bill of sale and right of possession:

"Sold to ________ at Delinquent Tax Sale on ________, who is the successful purchaser of personal property sold for delinquent taxes.

_____________________________________
(Officer Charged with Tax Collection)."

(Ord. of 4-6-98)


Sec. 78-47. Notice of approaching end of redemption period.

Neither more than 45 days nor less than 20 days prior to the end of the redemption period for real estate sold for taxes, the person officially charged with the collection of delinquent taxes shall mail a notice by "certified mail, return receipt requested-restricted delivery" to the owner of record immediately preceding the end of the redemption period at the best address of the owner available to the person officially charged with the collection of delinquent taxes that the real property described on the notice has been sold for taxes and if not redeemed by paying taxes, assessments, penalties, costs and interest at the applicable rate on the bid price in the total amount of ________ dollars on or before ________ (12 months from date of sale) (date) ________, a tax title will be delivered to the successful purchaser at the tax sale. The return of the certified mail "undelivered" is not grounds for a tax title to be withheld or be found defective and ordered set aside or canceled of record.

(Ord. of 4-6-98)


Sec. 78-48. Execution and delivery of tax title; costs and fees; overages.

Upon failure of the defaulting taxpayer, any grantee from the owner, or any mortgage or judgment creditor, to redeem realty within the time period allowed for redemption, the person officially charged with the collection of delinquent taxes shall within 30 days or as soon thereafter as possible make a tax title to the purchaser or purchaser's assignee. Delivery of the tax title to the clerk of court or register of mense conveyances (RMC) is considered "putting the purchaser (or assignee) in possession". The tax title shall include, among other things, the name of the defaulting taxpayer, the date of the execution, the date the realty was posted and by whom, and the dates each certified notice was mailed to the party or parties of interest, to whom mailed and
whether or not received by the addressee. The successful purchaser (or assignee) is responsible in the amount of $15.00 for the cost of the tax title plus any documentary stamps necessary to be affixed and recording fees. The successful purchaser (or assignee) shall pay the amounts to the person officially charged with the collection of delinquent taxes before delivery of the tax title to the clerk of court or RMC for recording and remitting the recording fee and documentary stamps cost. In case the tax sale of an item produced an overage in cash above the full amount due in taxes, assessments, penalties, and costs, the overage shall belong to the defaulting taxpayer to be claimed or assigned according to law. If neither claimed nor assigned within five years of date of public auction sale, the overage shall escheat to the general fund of the governing body. Prior to the escheat date unclaimed overages must be kept in a separate account and must be invested so as not to be idle and the governing body of the political subdivision is entitled to the earnings for keeping the overage. On escheat date the overage must be transferred to the general funds of the governing body.

(Ord. of 4-6-98)


Sec. 78-49. Notice to mortgagees.

The provisions of §§ 12-49-210 through 12-49-300, inclusive, S.C. Code 1976, relating to notice to mortgagees of proposed tax sales and of tax sales of properties covered by their respective mortgages are adopted as a part of this division.

(Ord. of 4-6-98)


Sec. 78-50. Official may void tax sales.

In the case that the official in charge of the tax sale discovers before a tax title has passed, the failure of any action required to be properly performed, the official may void the tax sale and refund the amount paid to the successful bidder. If the amount of the taxes, assessments, penalties, and costs have not been paid, the property must be brought to tax sale as soon as practicable.

(Ord. of 4-6-98)


Sec. 78-51. Deed as evidence of good title; statute of limitations.

In all cases of tax sale the deed of conveyance, whether executed to a private person, a corporation, or a forfeited land commission, must be held and taken as prima facie evidence of a good title in the holder, that all proceedings have been regular and that all legal requirements have been complied with. No action for the recovery of land sold under the provisions of this chapter or for the recovery of the possession may be maintained unless brought within two years from the date of sale.

(Ord. of 4-6-98)


Sec. 78-52. Contract for collection of taxes; facilities for collection of taxes.

A county and municipality may contract for the collection of municipal taxes by the county. When by contract a tax due a municipality is to be collected by the county, the provisions of S.C. Code 1976, tit. 12, ch. 51, are exercisable by the county official charged with the collection of delinquent taxes. He may employ, appoint, or designate others to perform or carry out the provisions of that chapter.
(Ord. of 4-6-98)

Chapters 79--81

RESERVED
Chapter 82

TRAFFIC AND VEHICLES*

Article I. In General

Sec. 82-1. Adoption of state law.

Sec. 82-2. Careless operation of motor vehicles.

Secs. 82-3--82-24. Reserved.

Article II. Stopping, Standing and Parking

Sec. 82-25. Authority to regulate parking.

Sec. 82-26. Fine for time limit parking violations.

Sec. 82-27. Prohibited in specified places.

Sec. 82-28. Parking during restricted hours.

Sec. 82-29. Overtime parking.

Sec. 82-30. Parallel parking required; exception.

Sec. 82-31. Outside of business or residence districts.

Sec. 82-32. Authority to remove illegally stopped vehicles.

Sec. 82-33. Truck parking prohibited on certain streets.

Sec. 82-34. Responsibility of vehicle owner for illegal parking.

Sec. 82-35. Unattended motor vehicles.

Sec. 82-36. Downtown parking restricted to two hours, 9:00 a.m. to 6:00 p.m., Monday through Saturday.

* Cross References: Loud noises prohibited generally, § 50-61; streets, sidewalks and public places, ch. 74; driving over streets under construction or repair, § 74-37.

ARTICLE I.

IN GENERAL

Sec. 82-1. Adoption of state law.

There is hereby adopted by reference and made a part of this chapter, as if set out in full in this section, those provisions of state law known as the Uniform Act Regulating Traffic on Highways.


Sec. 82-2. Careless operation of motor vehicles.

No person shall operate any motor vehicle without care and caution and full regard for the safety of persons and/or 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 or careless operation of a motor vehicle as described in S.C. Code 1976, §§ 56-5-1 through 56-22-1 et seq., shall be prima facie evidence of a violation of this section.

(Ord. of 4-6-92)

Secs. 82-3--82-24. Reserved.
ARTICLE II.

STOPPING, STANDING AND PARKING*


Sec. 82-25. Authority to regulate parking.

The city reserves the right to dictate and regulate the method of parking (i.e., parallel, angle, front-end, rear-end, etc.) on streets and highways within the city limits as provided for under S.C. Code 1976, § 56-5-710. (Ord. of 2-3-92)

Sec. 82-26. Fine for time limit parking violations.

A fine of $25.00 is levied for all time limit parking violations uptown over three times in a given year. First three time limit parking violations uptown in a given year will remain $3.00 each. (Ord. of 6-3-91(1))

Sec. 82-27. Prohibited in specified places.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

(1) On a sidewalk.

(2) In front of a public or private driveway or so near thereto as to interfere with the unobstructed use of such driveway.

(3) Within an intersection.

(4) Within 15 feet of a fire hydrant.

(5) On a crosswalk.

(6) Within 20 feet of a crosswalk at an intersection.

(7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located on the side of a roadway.

(8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless indicated for a different length by official signs or markings.

(9) Within 50 feet of the nearest rail of a railroad crossing.
(10) Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station within 75 feet of such entrance.

(11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(14) Adjacent to any curb marked with yellow paint or in any cross-hatched area on a public street or parking lot.

(15) At any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1977, § 15-219)


Sec. 82-28. Parking during restricted hours.

When signs are erected giving notice of prohibitions on parking during certain hours at certain places, no person shall park a vehicle at such places between the hours so designated.

(Code 1977, § 15-220)

Sec. 82-29. Overtime parking.

When signs are erected giving notice thereof, no person shall park a vehicle for a longer period than the period stated in the signs.

(Code 1977, § 15-221)

Sec. 82-30. Parallel parking required; exception.

No person shall stand or park a vehicle in a street or road other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway, except that, upon those streets which have been marked or signed for angle parking, vehicles shall be parked at an angle to the curb indicated by such marks or signs.

(Code 1977, § 15-222)

Sec. 82-31. Outside of business or residence districts.

(a) Upon a highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a paved or main-traveled part of the highway when it is practicable to stop, park or so leave such vehicle off such part of such highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles
and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

(Code 1977, § 15-223)


Sec. 82-32. Authority to remove illegally stopped vehicles.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) When any vehicle shall be standing or parked in any street in the city in violation of any of the ordinances of this city regulating the standing or parking of vehicles, any police officer of this city may take possession of such vehicle and cause the same to be removed from the street or placed in a position where it will not interfere with traffic and to retain possession of such vehicle until the same can be returned to the owner thereof.

(Code 1977, § 15-224)

Cross References: Law enforcement, ch. 42.


Sec. 82-33. Truck parking prohibited on certain streets.

No person shall stop, stand or park a motor truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer on North Broad Street or on South Broad Street in the city, except while such vehicle is being actively loaded or unloaded.

(Code 1977, § 15-225)

Sec. 82-34. Responsibility of vehicle owner for illegal parking.

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

(Code 1977, § 15-226)

Sec. 82-35. Unattended motor vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
(Code 1977, § 15-227)

Sec. 82-36. Downtown parking restricted to two hours, 9:00 a.m. to 6:00 p.m., Monday through Saturday.

All parking of motor vehicles in the spaces designated for parking on the public streets in the downtown area of the city shall be restricted and subjected to a two-hour parking limit, with such restriction to be enforced and in effect between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday.

(Code 1977, § 15-228)
ARTICLE I. - IN GENERAL

Sec. 83.1. – Purpose and intent of chapter
Sec. 83.2. – Definitions
Sec. 83.3. – Violations; penalty; recovery of damages for injured public trees
Sec. 83.4. – Applicability of chapter
Sec. 83.5. – Interference with forester
Sec. 83.6. – Emergency work
Sec. 83.7. – Non-liability of city
Sec. 83.8. – 83-30. - Reserved

ARTICLE II. - ADMINISTRATION

Sec. 83-31. – Forester
Sec. 83-32. – Tree Commission
Sec. 83-33. – Appeals
Sec. 83-34. – 83-60. – Reserved

ARTICLE III. - PUBLIC TREES

Sec. 83-61. – Duties of private owners
Sec. 83-62. – Permit requirements for actions affecting public trees
Sec. 83-63. – Injuring public trees
Sec. 83-64. – 83-90. – Reserved

ARTICLE IV. - NUISANCE TREES

Sec. 83-91. – Duty of property owners to maintain trees
Sec. 83-92. – Nuisance trees defined
Sec. 83-93. – Right of entry of forester
Sec. 83-94. – Abatement
ARTICLE I. - IN GENERAL

Sec. 83-1. - Purpose and intent of chapter.

(a) It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of public trees, and the abatement of certain public nuisances within the City.

(b) It is the intent of the city council that the terms of this chapter shall be construed as to promote:
   a. The planting, maintenance, restoration, protection and survival of desirable public trees, shrubs and other woody plants; and
   b. The protection of community residents from personal injury and property damage, and the protection of the city from property damage, caused or threatened by damaged, diseased or hazardous trees or by the improper or indiscriminate planting, alteration, treatment or removal of public trees.

Sec. 83-2. - Definitions.

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

*Alteration* means the removal of any part or portion of any tree, shrub or other woody plant, including, but not limited to, any stem, trunk, limb, branch, twig, leaf, bark or root.

*ANSI A300 Standards* refers to voluntary industry consensus standards for managing trees, shrubs and woody plants. ANSI (American National Standards Institute) A300 Standards are divided into multiple parts (Part 1, Part 2, etc.) each focusing on a specific aspect of woody plant management (pruning, fertilization, etc.). ANSI requires that approved standards be developed according to accepted principles, and that they be reviewed and, if necessary, revised every five years.

*City-owned property* means property within the city limits and:

1. Owned by the city in fee simple absolute; or
2. Implicitly or expressly dedicated for public use, accepted and maintained by the city.

*Community forest management plan* means a written plan, developed and maintained by the forester and the tree commission, which prescribes a program of systematic management for the city's public trees.

*Community forestry program* means all of those city resources, time and efforts directed toward the development and maintenance of a safe, healthy, aesthetically pleasing and fully stocked population of public trees.

*Dripline* means a vertical line extending from the outermost edge of the crown of a tree straight down through the surface of the ground beneath the tree.

*Forester* means the actual individual, or his agent, appointed to administer the provisions of this chapter.
Property owner means the record owner or contract purchaser of any parcel of land.

Public tree means any street tree, or any tree originating on city-owned property.

Street tree means any tree, shrub or other woody plant growing within the city limits and originating within the current right-of-way of a public roadway.

Treatment means the application, introduction or installation of any substance or material to any tree, shrub or other woody plant, either by direct application to the tree or by application to the soil or roots, including, but not limited to, fertilizers, other elemental nutrients, pesticides, growth-inhibiting agents, soaps, oils, chemicals, cabled or threaded bolt or other type of support systems, lightning protection systems or cavity fillers.

Sec. 83-3. - Violations; penalty; recovery of damages for injured public trees.

Any person who violates any of the provisions of this chapter shall be subject to any one or all or a combination of the penalties authorized in this section, in the case of damaged public trees, each individual tree damaged shall constitute a separate violation.

(1) Criminal penalties. Any person who knowingly and willfully violates any provision of this chapter shall have committed a misdemeanor, and upon conviction thereof shall be subject to punishment as provided in section 1-14. Each individual public tree affected shall constitute a separate violation. The requirement of knowing and willful conduct shall mean that the actor was aware of the probable consequences of his actions and not an awareness of the detailed contents of this chapter.

(2) Recovery of damages.

a. The forester shall institute recovery of damages for injured public trees by providing written notice to the person responsible for such injured public trees by personal delivery, mail, or any method permitted by Rule 4, South Carolina Rules of Civil Procedure, for the service of civil process. Such notice shall contain a copy of these provisions, a description of the damage or injury, and a statement for the costs of correction. If the costs of correction are not paid within 60 days after receipt of a statement from the city, the matter shall be referred to the city attorney for institution of a civil action in the name of the city for recovery of the costs of correction and all consequential damages.

b. In establishing the monetary value of damaged public trees, the forester or his agent may use the current edition of the Standard Evaluation Formula published by the Council of Tree and Landscape Appraisers and the International Society of Arboriculture or a private appraisal conducted by an ISA certified arborist.

c. All damage-related tree work performed under this section shall conform to ANSI A300 standards.

d. A nonmonetary penalty, in the form of tree planting requirements, may be imposed in addition to any monetary penalties prescribed under this chapter.

Sec. 83-4. - Applicability of chapter.
The provisions of this chapter shall apply to public trees and trees which constitute a public nuisance within the corporate limits of the city.

Sec. 83-5. - Interference with forester.

It shall be unlawful for any person to hinder, prevent, delay or interfere with the forester or his agent while engaged in the lawful execution or enforcement of this chapter. This shall not be construed as an attempt to prohibit the pursuit of any legal or equitable remedy in a court of competent jurisdiction for the protection of personal or property rights by any property owner within the city.

Sec. 83-6. - Emergency work.

In the event of emergencies involving, but not limited to, hurricanes, tornadoes, earthquakes, severe ice storms or snowstorms, floods, freezes, fires, lightning or other disasters, the requirements of this chapter may be temporarily waived by the city manager during the emergency period so that the requirements of this chapter will in no way hamper private or public work to restore order and safety in the city. This shall not be construed to be a general waiver of the intent or application of this chapter.

Sec. 83-7. – Non-liability of city.

Nothing in this chapter is intended to or shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property under his control in a safe condition.


ARTICLE II. - ADMINISTRATION


(a) Office established; appointment
   a. There is hereby established the position of forester.
   b. The forester shall be appointed by the city manager.

(b) Authority.
   a. The forester shall have exclusive jurisdiction and supervision over all public trees. This shall not be construed as to relieve any person of such person's duties or responsibilities under this chapter.
b. The forester shall have the authority to supervise all work performed under any permit or contract issued under this chapter.

c. The forester shall have the authority to seek the abatement of public nuisances as described in article IV of this chapter.

d. In accordance with Section 83-3 the forester shall have the authority to institute the recovery of damages for injured public trees as described in Section 83-63.

(c) **Duties.**

a. The forester, with the assistance of the tree commission, shall develop and maintain appropriate policies for community forest management in accordance with this chapter.

b. The forester shall issue such permits as are required by this chapter. The forester shall have the right to inspect all work performed pursuant to such permits, to revoke permits in cases of noncompliance, and to enforce the provisions of Section 83-62.

c. **Sec. 83-32. - Tree commission.**

(a) **Established.**

(1) The City of Clinton Tree Commission is hereby established.

(b) **Composition; appointment of members.**

(1) The tree commission shall be composed of five members consisting of the following

i. Two members of the City of Clinton Planning Commission, of which one will be the current Chairman and the other selected by the majority of the current members of the Planning Commission to serve a one year term.

ii. Two members of the City of Clinton Design Review Board, of which one will be the current Chairman and the other selected by the majority of the current members of the Design Review Board to serve a one year term.

iii. One member at-large appointed by the City Council in accordance with standard city procedures regarding boards and commissions to serve a three year term.

(c) **Officers**

(1) Chairman

i. The Chairman of the Planning Commission shall serve as the Chairman of the Tree Commission.

(2) Vice-Chairman

i. The Chairman of the Design Review Board shall serve as the Vice – Chairman of the Tree Commission.

(d) **Duties.**

(1) The Tree Commission shall adhere to the adopted rules of procedure and bylaws for the City of Clinton Planning Commission for regular and special meetings to fulfill its obligations under this chapter.

(2) The Tree Commission shall advise the city council based on an annual reevaluation of experience under this chapter.

(3) The Tree Commission shall provide leadership in the development of understanding of the objectives and methods of the urban forestry program, and shall assist the forester in the development and maintenance of the community forest management plan.

(4) The Tree Commission shall serve as appeal board for the administration of this chapter.
Sec. 83-33. - Appeals.

(a) If a person disagrees with the determination of noncompliance with the provisions of this chapter, he may, within ten days of receipt of written notice thereof, provide the forester and the City Manager with a written description of the particulars of disagreement and issues requiring review. A quorum of the tree commission shall consider such particulars.

(b) The scope of review of the Tree Commission shall be limited to a review of facts bearing on whether the person is or is not in compliance with this chapter, and the tree commission shall not have the discretionary authority to waive or relax the standards set forth in this chapter. Within ten days after receipt of the application for review, the tree commission shall cause to be served on the person a report of findings of compliance or noncompliance. In the event of a finding of noncompliance by the Tree Commission, the report shall specify a number of days, no less than five, from receipt of the report within which the prohibited condition must be brought into compliance. Failure to bring such condition into compliance in the specified time shall result in abatement and correction by the city as provided in Section 83-62 and in article IV of this chapter and shall be subject to general penalties as described in Section 83-3.

Secs. 83-34—83-60. - Reserved.

ARTICLE III. - PUBLIC TREES

Sec. 83-61. - Duties of private owners.

It shall be the duty of any person planting or growing a public tree to:

(a) Place no tree so as to be, in the opinion of the forester, a traffic hazard or an interference with overhead or underground public utilities.

(b) Prune trees so as not to cause a hazard and so that the minimum clearance of any overhanging portion is eight feet above any sidewalk and 14 feet above any street.

(c) Comply with the permit required in Section 83.62.

(d) Treat, alter or remove any tree so diseased or insect-infested as to constitute a hazard to other trees or plants.

Sec. 83-62. - Permit requirements for actions affecting public trees.
(a) Actions requiring permit. It shall be unlawful for any person except the forester, an agent of the forester, or a contractor under the jurisdiction and supervision of the forester to perform any of the following acts or contract with another person to perform any of the following acts without first obtaining a permit, except as otherwise provided in this section:

1. Remove, alter or treat any public tree.
2. Plant or transplant any public tree.
3. Attach any sign, poster or any other manmade object to any public tree.
4. Tunnel or trench on city-owned property within ten feet of the base of any public tree. This provision shall not be construed to apply where tree roots do not ordinarily exist under previously established and properly paved surfaces. Boring type, directional or blind, must be indicated on the permit. It is the responsibility of the permittee to ensure that no public utilities are damaged during boring.
5. Within the dripline of a public tree, stockpile soil or other material, operate heavy equipment or machinery, change the soil grade, or engage in any other activity which damages tree roots, compacts soil or otherwise impedes the normal biological functions of tree roots for a period of time sufficient to cause a decline in tree health, vigor or structural integrity.

(b) Issuance. The forester shall issue or deny in writing a permit to perform any of the acts for which a permit is required. A permit shall be issued whenever all the following conditions are met:

1. The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this chapter and the ANSI A300 standards.
2. An application has been signed by the applicant and submitted to the forester detailing the location, number, size and species of trees, shrubs or other woody plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting any additional information that the forester may find reasonably necessary.
3. Such acts are not inconsistent with ANSI A300 standards.

(c) Liability for violations. The person performing the work and the person contracting for the performance shall be jointly and severally liable for any penalties or other enforcement action imposed pursuant to this chapter or other provisions of law on account of work performed in violation of this chapter.

(d) Compliance with chapter; enforcement. If the work performed pursuant to such permit is not in compliance with the requirements of this chapter or with ANSI A300 standards, the forester shall provide written notice to the permit applicant by personal delivery or mail. Such notice shall be sufficient if served by any method permitted by Rule 4, South Carolina Rules of Civil Procedure, for the service of civil process. The notice shall contain a copy of these provisions, and an estimate of the cost to correct such noncomplying work, and:

1. The permit shall thereafter be nullified and shall be void;
2. The forester may issue a written order that the permit applicant cease and desist all work for which the permit was required;
3. The permit applicant shall be subject to penalty under the terms of this chapter; and
4. The forester may take steps necessary to correct the results of the noncomplying work, and the reasonable costs of such steps shall be charged to the permit applicant. Such costs shall be collected in the manner described in Section 83-3.
(e) Public utility right-of-way maintenance; roadway construction and right-of-way maintenance.

(1) Public utilities and persons who install or maintain public utilities, including their agents and contractors, shall comply with ANSI A300 standards and the provisions of this chapter when performing work that affects public trees within the corporate limits of the city or within the jurisdiction of this chapter, unless otherwise required by law. Permits for routine pruning and trenching shall be applied for on an annual basis; provided, however, that a permit shall be implicit for contracted or in-house tree crews under the supervision of the forester, so long as their work is performed in accordance with the provisions of this chapter and ANSI A300 standards.

(2) Persons who construct or maintain public roadways, including their agents and contractors, shall comply with ANSI A300 standards and the provisions of this chapter when performing work that affects public trees within the corporate limits of the city or within the jurisdiction of this chapter, unless otherwise required by law. Permits for routine pruning and trenching shall be applied for on an annual basis.

(3) Failure to comply with ANSI A300 standards shall be unlawful except under the following conditions: In lieu of strict compliance with ANSI A300 standards, a set of written specifications for pruning and trenching operations may be submitted for approval by the forester. Upon approval of these specifications, a permit shall be issued, effective for the remainder of the year, for routine pruning and trenching operations affecting public trees.

(4) Permits for removal of public trees shall be handled on an individual basis.

(5) In the event of minor emergencies which necessitate the alteration of public trees in order to safely repair dangerously damaged or malfunctioning public utilities, the requirement of a permit is temporarily waived until public safety has been restored. The utility shall then provide the forester with sufficient information to make a complete report of the pruning or removal of all public trees which were altered as a result of such emergency.

(f) Permit Length

(1) Permits shall remain valid for 12 months from the date of issue or until the permitted work is completed, whichever occurs earlier.

Sec. 83-63. - Injuring public trees.

(a) Liability for damages. Persons who cause injury to any public tree shall be liable for the cost of tree damages, including assessment, repair or replacement of the damaged tree.

(b) Latent injury. It shall be unlawful for any person to take actions or cause actions to be taken which may cause damage or latent injury to any public tree. Actions which cause latent injury include any activity within the dripline of a public tree which damages tree roots, compacts soil or otherwise impedes the normal biological functions of tree roots for a period of time sufficient to cause decline in tree health, vigor or structural integrity. Persons who perform such actions without a permit or in violation of the terms of a permit shall be liable for the cost of tree damages.

(c) Malicious injury. It shall be unlawful for any person to knowingly or willfully cause injury or damage to any public tree or portion thereof. This provision shall be construed to include any action which may induce or cause a decline in tree health, vigor or structural integrity.
(d) **Vandalism.** It shall be unlawful to vandalize any public tree. This provision shall be construed to include theft of public trees.

(e) **Harmful attachments.** It shall be unlawful for any person to attach or cause to be attached any wire, nail, sign, poster or other object to any public tree without a permit.

**Secs. 83-64—83-90. - Reserved.**

**ARTICLE IV. - NUISANCE TREES**

**Sec. 83-91. - Duty of property owners to maintain trees.**

It shall be the responsibility of every property owner or occupant to maintain the trees, shrubs and other woody plants on the owner's property in a safe and healthy manner, and to keep trees properly pruned and trimmed so as to avoid hazards to persons, property and other vegetation.

**Sec. 83-92. - Nuisance trees defined.**

The following are hereby declared to be public nuisances under this chapter:

(a) Any tree for which the following two conditions exist:

1. A structural defect which predisposes the tree to failure; and
2. A target (including, but not limited to, a building, structure, street, roadway, sidewalk, walkway or other area frequently used by people) where there may be people or property that could be reasonably expected to sustain damage should the tree fail.

(b) Any otherwise healthy tree or shrub which harbors insects or diseases which reasonably may be expected to injure or seriously harm other valuable trees or shrubs.

(c) Any tree or portion thereof which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public.

(d) Any tree or portion thereof which obstructs the passage of pedestrian or vehicular traffic or is not maintained at a minimum clearance of eight feet over sidewalks and 14 feet over roadways.

**Sec. 83-93. - Right of entry of forester.**

The forester or his agent, after reasonable notice to the owner, shall have the authority to enter onto private property whereon there is located a tree, shrub or portion thereof that is suspected to be a public nuisance.

**Sec. 83-94. - Abatement.**

(a) Upon finding that any tree or portion thereof is in such condition as to constitute a public nuisance and that an imminent danger exists to persons, property or other valuable vegetation, the forester shall, by
order of abatement served on the owner, direct the property owner to remove, alter or treat the tree in such a manner as to cause abatement of the condition.

(b) The method of service by such order shall be by personal delivery, registered mail, or any method permitted by Rule 4, South Carolina Rules of Civil Procedure, for the service of civil process.

(c) The order shall set forth the action required to abate the condition and the time limit for compliance, which shall depend on the degree of danger created by the condition, but shall in no case exceed 30 days. In cases of extreme danger, the forester shall have the authority to require immediate compliance.

(d) If, at the end of the time period set forth in the order, the action required by the order has not been taken or the tree has not been removed, altered or treated in such a manner as to cause abatement of the condition, it shall be declared a public nuisance and the forester shall take the action required to cause the abatement of the condition. The cost of this service, including labor, equipment and materials, shall be assessed to the property owner.

(e) If the costs of abating the condition are not paid within 120 days after receipt of a statement from the City, the account shall become a lien on the property and shall be collected in the same manner as other taxes against such property.
Chapter 86

UTILITIES*

Article I. In General

Sec. 86-1. Combined system.
Sec. 86-2. Connections restricted.
Sec. 86-3. Reserved.
Sec. 86-4. Annexation of property prior to rendering service.
Sec. 86-5. Conveyance of easements for utility lines.
Sec. 86-6. Separate water and electric meters and sewer services required for each occupancy, when.
Sec. 86-7 Debt Collection Act
Secs. 86-8--86-30. Reserved.

Article II. Rates and Charges

Sec. 86-31. Connections to system.
Sec. 86-32. Sewer taps.
Sec. 86-33. Water taps.
Sec. 86-34. Sewer charges for water customers other than industrial.
Sec. 86-35. Reserved.
Sec. 86-36. Electricity rates.
Sec. 86-37. Water rates for residential users within corporate limits and wholesale users.
Sec. 86-38. Billing procedures generally; effect of nonpayment.
Sec. 86-39. No reconnection service or new service to customer indebted to city.
Secs. 86-40--86-60. Reserved.

Article III. Sewers and Sewage Disposal

Division 1. Generally

Sec. 86-61. Sewer system.
Sec. 86-62. Inspection.
Sec. 86-63. Owners to terminate inflow of groundwater and surface water into sanitary sewer system.
Sec. 86-64. Infiltration of groundwater.
Secs. 86-65--86-75. Reserved.

Division 2. Connections

Sec. 86-76. When required.
Sec. 86-77. Separate connections required for each house or building; exceptions.
Sec. 86-78. Compliance with division required.
Sec. 86-79. Conformance to regulations.
Sec. 86-80. Permit required; application, fee.
Secs. 86-81--86-84. Reserved.
Sec. 86-85. Unlawful connections.
Sec. 86-86. Enforcement of connections.
Sec. 86-87. Violations; penalty.
Secs. 86-88--86-110. Reserved.

* Cross References: Buildings and building regulations, ch. 14; fire prevention and protection, ch. 30; housing, ch. 38; solid waste, ch. 66.

Article IV. Drought Response

Sec. 86-111. Definitions.
Sec. 86-112. Declaration of policy, purpose and intent.
Sec. 86-113. Nonessential water use.
Sec. 86-114. Responses to moderate, severe, and extreme drought alert phases.
Sec. 86-115. New water service connections.
ARTICLE I.

IN GENERAL

Sec. 86-1. Combined system.

The municipally owned waterworks, sanitary sewerage, storm sewerage and electrical systems of the city are hereby combined and consolidated into a single combined utilities system.
(Code 1977, § 25-1)

Sec. 86-2. Connections restricted.

It shall be unlawful for any person to tap or take water or electric current from, or in any manner to tamper with the street mains, water or sewer pipes or electric wires or meters or other appurtenances in the systems. Any person whose meter seal is found cut or otherwise damaged shall pay a cut seal charge as determined by the city council.
(Code 1977, § 25-2)

Sec. 86-3. Reserved.

Sec. 86-4. Annexation of property prior to rendering service.

The city requires that property contiguous to its corporate limits must first be annexed before the city will provide water and/or sanitary sewer service to the property. This would include even those contiguous properties that may already have a city utility but wish to tie onto water and/or sanitary sewer. Further, the city requires that property not contiguous to its corporate limits must first agree, by contract, to annex whenever the property(s) become contiguous in order for the city to provide water and/or sanitary sewer service. This would also include even those noncontiguous properties that may already have a city utility but wish to tie onto water and/or sanitary sewer.
(Ord. of 6-3-91(2))

Section 1. Title

The title of this Ordinance shall be the Ordinance For The Provision of Water Services And / Or Sanitary Sewer Services for Properties Outside The Corporate Limits Of The City Of Clinton.

Section 2. Authority
City Council, being the duly elected governing body of the City of Clinton, a municipal subdivision of the State of South Carolina, expressly adopts this Ordinance pursuant to Title 5 and Title 6 of the South Carolina Code of Laws.

Section 3. Purpose

By establishing the Ordinance for The Provision of Water Services And / Or Sanitary Sewer Services for Properties outside the Corporate Limits of the City of Clinton, the City intends:

(a) To provide for the adequate and cost effective provision of water services to existing and new customers in the City of Clinton and the surrounding service area.

(b) To provide for the adequate and cost effective provision of sanitary services to existing and new customers in the City of Clinton and the surrounding service area.

(c) To update and amend existing ordinances and code sections of the Code of the City of Clinton as necessary.

Section 4. Definitions

For the purpose of this ordinance, the term "new water services", and / or "new sanitary sewer services", and / or "new water and / or sanitary sewer services" shall mean any connection to city water and/or sanitary sewer mains, exclusive of replacement connection when required because of deterioration. Also, such term shall mean the connection or the providing of water and/or sanitary sewer services to a lot or structure under the following circumstances:

a) After a change in the use of such lot or a structure on such lot;

b) After a structure on such lot has been damaged beyond fifty (50) percent of the replacement cost of such structure;

c) After a structure is removed from such lot;

d) The abandonment of a structure on such lot or termination of water and sewer service for a period of thirty (30) consecutive days.

e) For structures located within an area totally surrounded by the city, more commonly known as a "doughnut hole," when there is a change of ownership or change in utility account responsibility, such as a change in account name or holder.

f) For structures located contiguous to the corporate limits of the City of Clinton when there is a change of ownership or change in utility account responsibility, such as a change in account name or holder.

g) For structures located non—contiguous to the corporate limits of the City of Clinton when there is a change of ownership or change in utility account responsibility, such as a change in account name or holder.

h) The installation or connection of additional or expanded services, such as an irrigation meter or other similar service.
Services provided by the city for the county water and sewer district are specifically excluded from this definition.

Section 5. Required Connection to Services

(a) Occupancy of a dwelling without water and/or sewer. It shall be unlawful for any person to remain in a dwelling without water and/or sewer when water and sewer services are available.

(b) Connection to city water main after notice. Within sixty (60) days after the time when any water line in any street is completed and ready for use, situated within or without the city, the owner of every abutting lot where on water is supplied for human use shall cause such lot to be connected with such water, providing that the city manager or his/her designee shall notify, in writing, the property owner of the installation of such line.

(c) Mandatory connections. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated with the city and abutting on any street, alley or right-of-way whereon there is a public water line and/or sanitary sewer line of the city is hereby required, at the owners expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper water line and/or sewer line in accordance with provisions of this ordinance. Any waiver to this section shall be granted by the city manager or his/her designee in existing cases involving prior agreements.

Section 6. Required annexation of Contiguous Property Prior to Providing Water Service and/or Sanitary Sewer Service.

The City of Clinton requires that property or properties contiguous to the corporate limits of the City of Clinton must first annex into the City of Clinton before the City of Clinton will provide new water and/or new sanitary sewer service, as defined in Section 4 of this Ordinance, to the property or properties. This would include even those contiguous properties which already have access to a city utility and wish to tie onto water and/or sanitary sewer.

Section 7. Requirement For Non-Contiguous Property to Agree to Annex When Property Becomes Contiguous.

The City of Clinton requires that property or properties not contiguous to the corporate limits of the City of Clinton must first agree, by contract, to annex into the City of Clinton whenever the property or properties become contiguous before the City of Clinton will provide new water and/or sanitary sewer service, as defined in Section 4 of this Ordinance, to the property or properties. This would include even those non-contiguous properties which already have access to a city utility and wish to tie onto water and/or sanitary sewer.

Section 8. Requirement for Customers to Enter Into a Contract, Agreement, or Restrictive Covenant as Part of the Water And/or Sewer Service Agreement

Neither new water nor sewer services shall be furnished or rendered in any area outside the city limits unless the customer executes a utility service/annexation agreement.
(a) *Form of agreement.* The city shall furnish forms of service and annexation agreement for any service rendered by the city to its customers, which forms are on file and available for use in the city offices, and which forms may from time to time be amended as necessary to meet the requirements of law.

(b) *The service and annexation agreement as or contract.* The service and annexation agreement, when signed by the grantor(s) and by an authorized representative of the city, shall become a contract under which the city agrees to furnish utility services to the individual consumer, and the consumer agrees to receive and pay for the service in accordance with the rate schedule and the service regulations of the city on file in the office of the city, and as the same may be modified from time to time, which rate schedules and service regulations are hereby made a part of the contract as effectually as if fully set forth therein.

(c) *Power of Attorney.* The service and annexation agreement shall include an irrevocable power of attorney granted by the customer to an attorney of the City of Clinton’s choosing who, in the event the owner or customer fails to meet the obligations imposed by the service and annexation agreement will have full power to sign any Annexation Petition when requested by the City of Clinton.

(d) Service Agreement is a Restrictive Covenant. The service and annexation agreement shall function as a restrictive covenant upon the property or properties which requires all future owners of the subject property or properties, or any part thereof, be bound by the same terms, conditions, and covenants as set forth in the agreement.

Section 9. Effective Date.

This Ordinance shall take effect upon its enactment by City Council.

(Code 2010)

**Sec. 86-5. Conveyance of easements for utility lines.**

Upon approval of an application of a subdivision or other area being developed, either residential or commercial, the owner or owners shall convey to the city the strips of land proposed as easements for water, sewer and electric power lines as the city may require, the acceptance by the city of such conveyance not to be made until the following has been completed:

1. The water, sewer and/or electrical power lines have been constructed and have a right-of-way of 25 feet; have been properly inspected and approved by any governmental entity, other than the city, which has regulating responsibility over such activities; and meet the requirements of the building and/or related codes or ordinances in effect at the time the approval is sought.

2. Installation of the sewer or water system, required of the owner or owners, so as to connect with and be served by the city's systems.

(Code 1977, § 25-4)

**Sec. 86-6. Separate water and electric meters and sewer services required for each occupancy, when.**

(a) Separate water and/or electric meters and sewer services shall be required for a structure and/or
for each residence and/or business within a structure, except as provided for in subsection (d) below.

(b) Present customers on "batch" meters shall be grandfathered until such time as the building or mobile home park becomes unoccupied, at which time separate utility meters shall be installed for each building or park and/or for each residence and/or business within the building or park before they can again receive utility service.

(c) All "batch" meter accounts, if they are not now established as such, shall be placed in the landlord's name.

(d) The city manager shall have the discretion to exempt buildings and/or facilities from the requirement to install separate utility meters, if physical barriers make such installments impractical.

(Code 1977, § 25-5)

Sec. 86-7. Debt Collection Act.

Definition

Delinquent Debt is defined in the Act to include “collection costs, court costs fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;”

1. The city of Clinton hereby imposes an administrative fee in the amount of $25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collections Act, S.C. Code Ann. 12-56-10 tense. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The City of Clinton hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City of Clinton, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be constructed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

Secs. 86-8--86-30. Reserved.

ARTICLE II.

RATES AND CHARGES
Sec. 86-31. Connections to system.

(a) For each initial connection to the utility system of the city, there shall be a service charge as set by the city council from time to time per customer per connection.

(b) For all other connections to the utility system of the city there shall be a service charge as set by the city council from time to time per customer per connection.
(Code 1977, § 25-17)

Sec. 86-32. Sewer taps.

The tapping fees for taps or connections onto the city's sanitary sewer system shall be reviewed as needed and set by the city council. A schedule of such fees shall be maintained in the city clerk/treasurer's office.
(Code 1977, § 25-18)

Sec. 86-33. Water taps.

The tapping fees for taps or connections onto the city's water system shall be reviewed as needed and set by the city council. A schedule of such fees shall be maintained in the city clerk/treasurer's office.
(Code 1977, § 25-19)

Sec. 86-34. Sewer charges for water customers other than industrial.

A sewer charge per 1,000 gallons of water received from the combined utility system of the city shall be reviewed as needed and set by the city council.
(Code 1977, § 25-20)

Sec. 86-35. Reserved.

Sec. 86-36. Electricity rates.

The city shall charge to all power customers of the combined utility system rates as periodically set by the city council.
(Code 1977, § 25-23)

Sec. 86-37. Water rates for residential users within corporate limits and wholesale users.

Water charges as set by the city council from time to time per 1,000 gallons of water received from the combined utility system of the city are hereby adopted for all users. Also, a base charge per month shall be charged to all such users.
(Code 1977, § 25-24)

Sec. 86-38. Billing procedures generally; effect of nonpayment.
(a) All bills for electric, water and sewage collection service furnished by the city shall be rendered monthly, and shall be due and payable from and after the date such bills are rendered, at the office of the city clerk/treasurer, or other designated person, during the regular hours of business.

(b) A customer receiving utilities service shall be billed monthly for the total amount on one bill, and shall pay accordingly, without preference or priority of one service over the other.

(c) If any bill for utilities service shall be unpaid beyond the specified bill's due date, an additional charge of ten percent thereof shall be added thereto.

(d) If any bill for utilities service, shall be unpaid by the fifth day after the bill's specified due date, utilities service to such customer shall be disconnected and shall not be reconnected until all past-due bills are paid in full, together with a reconnection charge.

(Code 1977, § 25-25)

Sec. 86-39. No reconnection service or new service to customer indebted to city.

The city shall not restore any interrupted utility services nor provide new services to any person indebted to the city for any utility service of any kind, such service either being secured in the person's name or in the name of someone with whom the person resided and from which the person received the benefit for such service. Such person shall not secure, in the person's name, service that would benefit another individual indebted to the city for any utility service of any kind. Should it be determined that the person does in fact owe the city for past utility service, or has secured for someone else so indebted, then such fact shall be sufficient cause to terminate any and all services.

(Code 1977, § 25-26)

Secs. 86-40—86-60. Reserved.

ARTICLE III.

SEWERS AND SEWAGE DISPOSAL*


DIVISION 1.

GENERALLY

Sec. 86-61. Sewer system.

The sanitary sewer collection system of the city is owned by the city and operated as part of the combined utility system of the city. The combined utility system is supervised by a public works director under the management of the city manager.

Sec. 86-62. Inspection.
The building official of the city shall examine all applications for connections, issue all plumbing permits and inspect all connections to the sanitary sewer system.

Sec. 86-63. Owners to terminate inflow of groundwater and surface water into sanitary sewer system.

All inflow and infiltration of groundwater and/or surface water and roof runoff entering into the sanitary sewer system of the city from the land or lands of individual, commercial, joint or corporate landowners shall be discontinued and terminated at the expense of the landowner owning the property from which the discharge is made.
(Code 1977, § 25-39)

Sec. 86-64. Infiltration of groundwater.

(a) It shall be unlawful for persons to permit groundwater or roof or other surface water runoff to infiltrate the city's sewer system and such persons will, within 60 days of such time as they are given notice, repair or replace any sewer or other lines upon their property that prove to be a source of infiltration of groundwater into the sewer system of the city.

(b) Should any person or organization not repair or replace the lines as hereinabove referred to, such person or organization shall be subject to a penalty as set by the city council from time to time per day for such time as the defective condition continues to exist.
(Code 1977, § 25-40)

Secs. 86-65–86-75. Reserved.

DIVISION 2.

CONNECTIONS

Sec. 86-76. When required.

(a) It is unlawful for the owners or occupants of premises used for ordinary business purposes in the city, within 100 yards of any established line of sewers in the city, to maintain, use or permit to remain on such premises within 100 yards of sewer lines any cesspool, privy vault or other arrangement for the reception of drainage or human excrement, except such receptacles as are connected with the sewers of the city.

(b) It is unlawful for the owners or occupants of premises used for ordinary residence or domestic purposes within the city to maintain, use or permit to remain on such premises, within 100 yards of any sewer line of the city, any cesspool, privy vault, or other receptacles for the reception of drainage or human excrement, except such receptacles as are connected with the sewers of the city.
(Code 1977, § 25-46)

Sec. 86-77. Separate connections required for each house or building; exceptions.

Every house or building to be connected with the public sewer shall be separately connected unless a
special permit is granted for combined connections in extraordinary cases and the granting of such a permit shall not establish a precedent for subsequent permits.
(Code 1977, § 25-47)

Sec. 86-78. Compliance with division required.

It shall be unlawful for any person to make any connection to the sanitary sewer system of the city without having first complied with all the provisions of this division.
(Code 1977, § 25-48)

Sec. 86-79. Conformance to regulations.

All connections with the public sewers, either sanitary or storm sewers, and the plumbing in connection therewith, shall conform to the rules, regulations and specifications as made by the city council.
(Code 1977, § 25-49)

Sec. 86-80. Permit required; application, fee.

Any person proposing to make a connection to the sanitary sewer system of the city shall, not less than seven days prior to the time such connection is proposed to be made, apply to the city clerk/treasurer for a permit to make such connection, stating the location of the proposed connection and the name of the licensed plumber or general contractor who will make the connection and paying to the city clerk/treasurer a fee as provided in section 86-31 et seq. of this chapter for each such connection.
(Code 1977, § 25-50)

Secs. 86-81--86-84. Reserved.

Sec. 86-85. Unlawful connections.

No person shall directly or indirectly connect an open gutter, cesspool, privy vault or rainwater conductor with the sanitary sewers, and no steam shall be either directly or indirectly discharged into any sewer.
(Code 1977, § 25-55)

Sec. 86-86. Enforcement of connections.

(a) Upon the service of any order or direction, or a copy thereof, from the department of public works or health officer of the city, upon the owner or occupant of any premises described in section 86-76 to connect the drainage as aforesaid with the sewers of the city or to fill up and destroy any cesspool, privy vault or other arrangement for the reception of human excrement, within 100 yards of the sewer line, such owner or occupant shall comply with such order or direction within ten days from the date of such service, exclusive of the date of service.

(b) In case the owner or occupant of such premises, to whom such order or direction shall be directed, and upon whom it shall have been served, shall neglect or refuse to comply therewith within ten days after the service thereof upon him as aforesaid, such owner or occupant shall be subject to punishment as provided in section 1-14 of this Code, for each subsequent 24 hours during which he shall neglect or refuse to
comply therewith, and in case such neglect or refusal shall continue for 60 days after the service of such order or direction as aforesaid the city council may cause any cesspool, privy vault or other arrangement for the reception of human excrement maintained, used or permitted to remain on the premises of such owner or occupant in violation of the terms of this division to be filled up and destroyed, and such owner or occupant shall pay the cost thereof.

(Code 1977, § 25-56)

Sec. 86-87. Violations; penalty.

Any person found guilty in the municipal court of making connection to the sanitary sewer main of the city without having first obtained an official permit therefor from the city clerk/treasurer or of making such connection without having the director of public works or his representative present at the time of making such connection and making the same according to the instructions of such director of public works or representative shall be subject to punishment as provided in section 1-14 of this Code.

(Code 1977, § 25-57)

Secs. 86-88–86-110. Reserved.

ARTICLE IV.

DROUGHT RESPONSE

Sec. 86-111. 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:

Aesthetic water use means water use for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial water use means water use integral to the production of goods and/or services by any establishment having financial profit as its primary aim.

Conservation means reduction in water use to prevent depletion or waste of the resource.

Customer means any person, company or organization using water supplied by the city.

Domestic water use means water use for personal needs or for household purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.

Drought alert phases:

(1) Moderate drought means when the Palmer Index reaches the -1.50 to -2.99 range and moderate drought conditions have been verified by best available information, and conditions indicate this situation is expected to persist.
(2) **Severe drought** means when the Palmer Index reaches -3.00 to -3.99 range and severe drought conditions have been verified by best available information.

(3) **Extreme drought** means when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

**Essential water use** means water used specifically for firefighting, maintaining instream flow requirements and to satisfy federal, state or local public health and safety requirements.

**Even-numbered address** means street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8, or letters A--M; and locations without addresses.

**Institutional water use** means water used by government, public and private educational institutions, public medians and rights-of-way, churches and places of worship, water utilities, and other lands, buildings, and organizations within the public domain.

**Landscape water use** means water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights-of-way and medians.

**Odd-numbered address** means street addresses, box numbers and rural route numbers ending in 1, 3, 5, 7, 9, or letters N--Z.

**Palmer Index** means a measure of the severity of a drought, or a wet spell, in an area. Dry conditions are associated with negative values, wet conditions with positive values, and normal conditions have a value of zero.

**Water shortage** means lack of adequate available water to meet normal demands due to lower than normal precipitation, reduced stream flows or soil moisture, and/or lowering of the potentiometric surface in wells which causes water supplies to be less than usual.

(Ord. of 9-14-87(2), § I)

**Cross References:** Definitions and rules of construction generally, § 1-2.

**Sec. 86-112. Declaration of policy, purpose and intent.**

(a) To achieve the greatest public benefit from domestic water use, sanitation and fire protection, and to provide water for other purposes in an equitable manner, the city adopts the following regulations and restrictions on the delivery and consumption of water.

(b) This article is hereby declared necessary for the preservation of public health, safety and welfare and shall take effect upon its adoption by the city council.

(c) Whenever in the judgment of the city council it becomes necessary to conserve water in the service area, due to drought, the council will issue a resolution that existing drought conditions prevent fulfillment of the usual water-use demands. The resolution is an attempt to prevent depleting the water supply to the extent that water use for human consumption, sanitation, fire protection, and other essential needs become endangered.
(d) Immediately upon the issuance of such a resolution, regulations and restrictions set forth under this article shall become effective and remain in effect until the water shortage is terminated and the resolution rescinded.

(e) Water uses regulated or prohibited under this article, are considered to be nonessential and continuation of such uses during times of water shortage are deemed to constitute a waste of water subjecting the offender(s) to penalties as set out in section 86-119.

(f) The provisions of this article shall apply to all customers who use water supplied directly or indirectly by the city whether or not such customers reside in or outside the city.

(Ord. of 9-14-87(2), § I)

Sec. 86-113. Nonessential water use.

Nonessential water use categories, other than essential water use, may be curtailed during severe or extreme drought. Some examples of nonessential water uses are as follows:

(1) Residential and institutional:

   a. Washing down sidewalks, walkways, driveways parking lots, tennis courts or other hard surfaced areas.

   b. Washing down buildings or structures for purposes other than immediate fire protection.

   c. Flushing gutters or permitting water to run or accumulate in any gutter or street.

   d. Washing any motor bike, motor vehicle, boat, trailer, airplane, or other vehicle in public or private garages or elsewhere.

   e. Maintaining fountains, reflection ponds, and decorative water bodies for aesthetic or scenic purposes, except where necessary to support aquatic life.

   f. Filling or maintaining public or private swimming pools.

   g. Sprinkling lawns, plants, trees or other flora on private or public property, except as otherwise provided under this article.

(2) Commercial and industrial:

   a. Serving water routinely in restaurants.

   b. Increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

   c. Irrigating golf courses and any portion of its grounds, except as otherwise provided under this article.
d. Obtaining water from hydrants for construction purposes, fire drills, or for any purpose other than firefighting.

e. Serving customers who have been given a ten-day notice to repair one or more leaks and have failed to comply.

f. Expanding commercial nursery facilities, placing new irrigated agricultural land in production, or planting or landscaping when required by site design review process.

(Ord. of 9-14-87(2), § II)

Sec. 86-114. Responses to moderate, severe, and extreme drought alert phases.

(a) Generally. Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, S.C. Code 1976, § 49-23-10 et seq., are moderate, severe and extreme. The resolution issued by the city council shall coordinate an appropriate response to the level of drought which exists. The resolution setting forth responses to the various drought alert phases are to be based upon the city's available water supply from the Enoree River and Duncan Creek.

(b) Moderate drought alert phase.

(1) Goal:

a. A 15-percent voluntary water use reduction for commercial, industrial, and institutional purposes.

b. A 30-percent voluntary water use reduction for residential customers.

(2) General responses:

a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of nonessential water uses.

b. Encourage customers of the city to comply with the listed voluntary water-use restrictions in all categories while moderate drought conditions exist.

(3) Water-use restrictions:

a. Commercial, industrial and institutional:

1. Reduce aesthetic, domestic, landscaping and water-based recreational activities such as swimming pools, water slides, and other related water activities.

b. Residential:
1. Reduce water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day.

2. Reduce domestic, landscaping, and water-based recreational activities such as swimming pools, water slides and other related water activities.

(c) *Severe drought alert phase.*

(1) Goal:

a. A 15-percent water use reduction for commercial, industrial and institutional purposes.

b. A 30-percent water use reduction for residential customers.

(2) General responses:

a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.

b. Require customers of the city to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(3) Water-use restrictions:

a. Commercial, industrial and institutional:

1. Prohibit aesthetic water use.

2. Reduce domestic water use to minimum levels necessary for maintaining health and safety.

3. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities.

4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.

5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

b. Residential:

1. Restrict water use to 75 gallons per person per day, and a maximum of 300 gallons per household per day.
2. Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides, and other related water activities.

3. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.

4. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.

(d) Extreme drought alert phase.

(1) Goal:
   a. A 15-percent water use reduction for commercial, industrial and institutional purposes.
   b. A 30-percent water use reduction for institutional and residential customers.

(2) General responses:
   a. Issue a public notice of drought conditions on water supply and demand in a newspaper of general circulation within the affected community and region. This statement shall include a list of water use curtailment measures.
   b. Require customers of the city to comply with the listed water-use restrictions in all categories while extreme drought conditions exist.

(3) Water-use restrictions:
   a. Commercial, industrial and institutional:
      1. Prohibit aesthetic water use.
      2. Reduce domestic water use to minimum levels necessary to maintain health and safety.
      3. Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.
      4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.
      5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even numbered addresses.
   b. Residential:
1. Restrict water use to 55 gallons per person per day, and a maximum of 220 gallons per household per day.

2. Reduce domestic water use to minimum levels necessary to maintain health and safety.

3. Prohibit water-based recreational activities that require filling such as swimming pools, water slides, and other related water activities.

4. Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices, and water runoff in landscape design and maintenance.

5. Restrict landscape watering to Wednesday and Saturday for odd-numbered addresses, and Thursday and Sunday for even-numbered addresses.

(Ord. of 9-14-87(2), § III)

Sec. 86-115. New water service connections.

No applications for new, additional, further expanded, or an increase in size of water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed unless such action is in compliance with provisions of this article.

(Ord. of 9-14-87(2), § IV)

Sec. 86-116. Water rate surcharge.

In the event of an extreme drought related water shortage, the city may monitor water use and limit households to 270 gallons per household member per day. Domestic water use above this limit will be subject to a surcharge of $0.10 per gallon. Institutional, commercial, industrial and recreational water users will be subject to water use surcharges of $1.00 per 1000 gallons of water used if the city manager deems that adequate conservation measures have not been implemented.

(Ord. of 9-14-87(2), § V)

Sec. 86-117. Rationing.

If a drought threatens the preservation of public health and safety, the city may require the rationing of water.

(Ord. of 9-14-87(2), § VI)

Sec. 86-118. Fines and penalties.

After issuing one warning by certified mail, the city may disconnect the water service of any one person or customer whenever it is determined that such person has failed to comply with the provisions of this article. Services disconnected under such circumstances shall be restored only upon payment of a reconnection charge, and any other costs incurred by the city in discontinuing service. In addition, suitable assurances must be given to the city that the same action shall not be repeated during the drought or water shortage.

(Ord. of 9-14-87(2), § VII)
Sec. 86-119. Enforcement.

Law officers of the city police department shall, in addition to duties imposed by law, enforce the provisions of this article.
(Ord. of 9-14-87(2), § VIII)

Sec. 86-120. Variances.

(a) Persons not capable of immediate water use reduction or curtailment because of equipment damage or other extreme circumstances shall commence gradual reduction of water use within 24 hours of the declaration of water use curtailment/reduction and shall apply for a variance from curtailment.

(b) Persons requesting exemption from the provision of this article shall file petition for variance with the city manager within ten days after such curtailment becomes effective.

(c) The city manager shall respond to the petition for variance within five days of the request. The petition shall contain the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision from which the petitioner is requesting relief.
4. Detailed statement as to how the curtailment declaration adversely affects the petitioner.
5. Description of the relief desired.
6. Period of time for which the variance is sought.
7. Economic value of the water use.
8. Damage or harm to the petitioner or others if petitioner complies with this article.
9. Restrictions with which the petitioner is expected to comply and the compliance date.
10. Steps the petitioner is taking to meet the restrictions from which variance is sought and the expected date of compliance.
11. Other pertinent information.

(d) In order for a variance to be granted, the petitioner must show one or more of the following conditions:

1. Compliance with this article cannot be technically accomplished during the duration of the water
shortage.

(2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(e) Variances granted by the city manager shall be subject to the following conditions, unless waived or modified by the city council:

(1) Variances granted shall include a timetable for compliance.

(2) Variances granted shall expire when the water shortage no longer exists, unless the petitioner has failed to meet specified requirements.

(3) All variances granted by the city manager shall be ratified or revoked by the city council at its next regular meeting.

(f) The city manager may, in writing, grant temporary variances for existing water uses otherwise prohibited under this article if it is determined that failure to grant such variances would cause an emergency condition adversely affecting health, sanitation or fire protection for the public or the petitioner and if one or more of the aforementioned conditions is met. The city council shall ratify or revoke any such variance at their next scheduled meeting. Any such variance so ratified may be revoked by later action of the city council. (Ord. of 9-14-87(2), § IX)

Sec. 86-121. Conflicting provisions.

The provisions of this article shall prevail and control in the event of any inconsistency between this article and other rules and regulations of the city. (Ord. of 9-14-87(2), § X)
Chapters 87--89

RESERVED
Chapter 90

VEHICLES FOR HIRE*

Article I. In General

Sec. 90-1. Failure to pay fare.

It is unlawful for any person to fraudulently evade, or attempt to evade, the payment of any fare lawfully established and charged for the carrying of passengers by taxicab, bus, train, or other public conveyance, by whatever name, by giving a false answer to the collector of the fare, by travelling beyond the point to which fare has been paid, or by otherwise riding, or attempting to ride, without paying such fare, or by riding without permission on trains that do not carry passengers, or by concealing himself or themselves upon or about any such taxicab, bus, train or other public conveyance with intent to evade the payment of the lawful fare.

(Code 1977, § 26-1)

Sec. 90-2. Public service vehicle must transport and passenger must pay charges.

No driver or person in charge or control of a taxicab, bus or any public service vehicle shall refuse to
transport a passenger or passengers up to the seating capacity of his vehicle while the same is in operation in the corporate limits of the city, or fail to keep an engagement to transport a passenger or passengers without good and sufficient reason; and no person who has accepted transportation in or engaged or requested the attendance of a taxicab, or other public service vehicle, shall fail or refuse to pay the lawful charge or fare therefor. (Code 1977, § 26-2)

Secs. 90-3—90-30. Reserved.

ARTICLE II.

TAXICABS

Sec. 90-31. Definitions.

The following words 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:

Driver means any person who drives a taxicab.

Owner means any person to whom a certificate of public convenience and necessity for the operation of a taxicab or taxicabs has been issued.

Person means any individual, partnership, association, corporation or other organization owning or operating or proposing to operate any taxicab or taxicabs within the city.

Taxicab means any motor vehicle used in the call and demand transportation of passengers for hire from point to point, as designated by the passenger, when at least one of such points is within the city, and/or any motor vehicle used for transportation of passengers for hire on a fixed schedule, except where the same operate under a permit or franchise issued by the city or by a state agency. (Code 1977, § 26-17)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 90-32. Depot required.

No taxicab shall operate in the city unless the owner thereof maintains a place of business or depot on private property, and no taxicab shall be permitted to use the streets of the city, except for the purpose of transporting, loading and unloading of passengers and their baggage, and for the purpose of returning to such taxicab depot or terminal by the most direct route. (Code 1977, § 26-21)

Sec. 90-33. Prerequisites to issuance of business licenses—Registration and return for tax purposes.

No taxicab shall be licensed to operate in the city unless the same is registered with the state highway department in Laurens County School District No. 56 and in the city, and unless such taxicab is returned for property taxes in such school district and in the city, and unless all city property taxes assessed thereon have been paid. (Code 1977, § 26-23)
Sec. 90-34. Same--Payment of city ad valorem tax.

No license shall be issued by the city for operation of any taxicab business unless with the application for such license there is submitted satisfactory evidence of the payment of the ad valorem tax of the city upon any vehicle to be operated thereunder, if any has been assessed against such vehicle. If no such tax has been assessed against any such vehicle, there must be submitted satisfactory evidence that the vehicle was not properly assessable for taxation by the city. In the latter event, evidence of the payment of taxes assessed against any other vehicles for which the unassessed vehicle may have been substituted must be submitted before a license may be issued.

(Code 1977, § 26-24)

Sec. 90-35. Same--Insurance.

Before the issuance of any business license for a taxicab, the applicant for such license shall first file with the city clerk/treasurer a policy of insurance issued by a company doing business in the state, covering such taxicab for liability in amount of not less than $10,000.00 for injury to one person and in the amount of not less than $20,000.00 for injury to more than one person injured in one accident, and in an amount of $5,000.00 for damage to property of any person. Such insurance shall be of a type and in a company approved by the city council and shall be maintained in full force at all times during the term of the license issued thereunder, and it shall be unlawful for any taxicab to be operated in the city at any time without having such insurance in full force and effect.

(Code 1977, § 26-25)

Secs. 90-36--90-55. Reserved.

ARTICLE III.

USE OF WRECKER SERVICES BY POLICE*

* Cross References: Law enforcement, ch. 42.

Sec. 90-56. Definitions.

For purposes of this article, the term "wrecker services" applies to both conventional wrecker trucks and rollbacks.

(Ord. of 1-10-94)

Cross References: Definitions and rules of construction generally, § 1-2.

Sec. 90-57. Owner's right to select wrecker; police officers not to recommend.

(a) 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 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.
(b) 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.
(Ord. of 1-10-94)

Sec. 90-58. Rotation list.

(a) A wrecker rotation list shall be prepared by the police department. No wrecker service may have
its name placed on the rotation list unless it has first secured a current city business license.

(b) 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.

(c) Wrecker services shall be called from the rotation list in the order in which they appear on the
list on a wreck-by-wreck basis. 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. Selection of a wrecker service by the owner
or driver of the wrecked or disabled vehicle shall not affect the order of the rotation for those wrecker calls by
police authority; under this condition, the wrecker service not called shall remain on the top of the rotation list.

(d) The wrecker service must have a wrecker of sufficient size and strength to handle the job. The
police department shall have the right not to call a wrecker service which in its opinion fails to meet this
qualification. Under these conditions, the wrecker service not called shall remain on the top of the rotation list.
The police department shall maintain written certification of the size and strength of the wreckers of wrecker
services on the rotation list, updated the certification annually.

(e) Wreckers shall respond only upon request of the proper police authority. Response under any
other condition may result in removal from the wrecker list. Response upon being requested by the police for
wrecker service shall be provided to the scene within a reasonable period of time.

(f) When a wrecker service or wrecker driver is unable to answer a call, the police department shall
be promptly notified of that fact and the reason for unavailability.

(g) Any complaints from wrecker services regarding any incident involving the police department or
its operation of the wrecker rotation list must received within 30 days of the alleged incident.

(h) Wrecker services shall be available to the police department and to the public on a 24-hour-basis.
(Ord. of 1-10-94)

Sec. 90-59. Removal or suspension from rotation list.

Wrecker services shall comply with all state and federal motor carrier laws where applicable. Failure of
any wrecker service to comply with the regulations as stated may result in its removal or suspension from the
police department's rotation list. The following procedure shall be followed if a wrecker service is removed or
suspended from the rotation list.
(1) When the police chief receives a complaint against a wrecker service on the rotation list, he shall immediately investigate the complaint and report his findings to the city manager. If, in the opinion of the city manager, the complaint has merit, and he determines that action should be taken against the wrecker service, then the manager shall notify the wrecker service in writing of the complaint, his determination and the sanctions to be imposed. The letter shall give a date upon which the sanction will begin that is no earlier than 15 days from the date of the letter.

(2) Provided, that upon receipt of a written request, from the wrecker service in question, to the city manager's office, no later than ten days after the date of the manager's letter, the wrecker service shall be provided a review by the city manager for the purpose of showing cause why the wrecker service should not be removed from the rotation list. Upon such review, the manager shall either uphold the above sanctions, rescind the sanctions, or good cause appearing therefor, may continue, modify or extend the sanctions against the wrecker service. Should the wrecker service fail to request a review as described above, the sanctions shall be effective as rendered.

(Ord. of 1-10-94)

Sec. 90-60. Financial interest.

No city police officer or police employee shall hold any financial interest or any form of ownership interest in any wrecker service which operates within the jurisdiction of the city police department.

(Ord. of 1-10-94)

Sec. 90-61. Insurance.

(a) Any wrecker service on the rotation list shall carry liability insurance on its wreckers and its premises in an amount as required by the state highway patrol for wrecker services used by the patrol.

(b) Any wrecker service on the rotation list shall carry garage keepers liability insurance covering customer's vehicles in an amount as required by the state highway patrol for wrecker services used by the patrol.

(Ord. of 1-10-94)

Sec. 90-62. Signs; equipment; towing log.

(a) 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 inches high. 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 inch high. All lettering on wreckers shall be plainly visible, in good repair and shall be in a color which contrasts to that of the wrecker.

(b) 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.

(c) Equipment such as broom, shovels, etc., must be carried on all wreckers whereby to remove glass and other debris from the highway/ street. The highway/ street shall be cleaned by the wrecker service prior to leaving the scene of any accident.
(d) 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 and shall accurately reflect all towing done by the wrecker service at the request of the police department. The wrecker log format shall be designed by the police department. Each wrecker service owner shall be responsible for producing this towing log.  
(Ord. of 1-10-94)

Sec. 90-63. Conduct; personal property; charges.

(a) Wrecker operators must conduct themselves in a proper manner at all accident scenes and in a proper manner when dealing with the public.

(b) Wrecker services and operators shall be familiar with and shall comply with the laws regarding solicitation from the highway/street.

(c) Each wrecker service shall be responsible for securing personal property in a vehicle at an 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.

(d) Charges for work performed must be reasonable.

(e) Wrecker service may secure assistance from another wrecker service if upon response and/or arrival at a job, the wrecker service finds it necessary to use another service to complete and/or handle the job. Only one bill is to be submitted to the owner or operator for the work performed.  
(Ord. of 1-10-94)

Sec. 90-64. Storage area.

The wrecker service shall maintain a safe storage area for all vehicles towed. This may be a locked building or a secured fenced-in area where the stored vehicles and other property shall not be accessible to the public.  
(Ord. of 1-10-94)

Sec. 90-65. Unclaimed vehicles.

A wrecker service shall notify the police department if a towed vehicle has been unclaimed by the owner five days after the towing. The police department will then assist the wrecker service in locating the responsible party.  
(Ord. of 1-10-94)
This table gives the location within this Code of those sections of the 1977 Code, as updated through August 3, 1987, which are included herein. Sections of the 1977 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

<table>
<thead>
<tr>
<th>1977 Code Section</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1-1-14</td>
<td>1-1-1-14</td>
</tr>
<tr>
<td>2-1, 2-2</td>
<td>2-1, 2-2</td>
</tr>
<tr>
<td>2-4-2-6</td>
<td>2-3-2-5</td>
</tr>
<tr>
<td>2-16-2-26</td>
<td>2-36-2-46</td>
</tr>
<tr>
<td>2-35, 2-36</td>
<td>2-58, 2-59</td>
</tr>
<tr>
<td>2-37</td>
<td>2-56</td>
</tr>
<tr>
<td>2-38, 2-39</td>
<td>2-62, 2-63</td>
</tr>
<tr>
<td>2-40</td>
<td>2-57</td>
</tr>
<tr>
<td>2-41-2-43</td>
<td>2-64-2-66</td>
</tr>
<tr>
<td>2-52</td>
<td>2-76</td>
</tr>
<tr>
<td>2-53</td>
<td>2-82</td>
</tr>
<tr>
<td>2-55-2-57</td>
<td>2-77-2-79</td>
</tr>
<tr>
<td>2-58</td>
<td>2-80, 2-81</td>
</tr>
<tr>
<td>2-79-2-82</td>
<td>2-121-2-124</td>
</tr>
<tr>
<td>2-82.1</td>
<td>2-125</td>
</tr>
<tr>
<td>2-83-2-87</td>
<td>2-126-2-130</td>
</tr>
<tr>
<td>2-96-2-109</td>
<td>2-141-2-154</td>
</tr>
<tr>
<td>2-111-2-114</td>
<td>2-156-2-159</td>
</tr>
<tr>
<td>3-5</td>
<td>6-2</td>
</tr>
<tr>
<td>3-5, 1</td>
<td>6-3</td>
</tr>
<tr>
<td>3-6</td>
<td>6-4</td>
</tr>
<tr>
<td>3-8-3-10</td>
<td>6-6--6-8</td>
</tr>
<tr>
<td>3-13-3-22</td>
<td>6-10-6-19</td>
</tr>
<tr>
<td>4-1, 4-2</td>
<td>10-1, 10-2</td>
</tr>
<tr>
<td>4-4-4-6</td>
<td>10-4-10-6</td>
</tr>
<tr>
<td>4-7</td>
<td>10-7 10-76</td>
</tr>
<tr>
<td>4-8</td>
<td>10-58</td>
</tr>
<tr>
<td>4-19-4-23</td>
<td>10-31-10-35</td>
</tr>
<tr>
<td>4-35, 4-36</td>
<td>10-56, 10-57</td>
</tr>
<tr>
<td>4-37-4-40</td>
<td>10-59-10-62</td>
</tr>
<tr>
<td>4-48-4-50</td>
<td>10-77-10-79</td>
</tr>
<tr>
<td>4-52</td>
<td>10-80</td>
</tr>
<tr>
<td>4-61-4-65</td>
<td>10-91-10-95</td>
</tr>
<tr>
<td>4-77-4-90</td>
<td>10-116-10-129</td>
</tr>
<tr>
<td>5-1</td>
<td>14-1</td>
</tr>
<tr>
<td>5-4, 5-5</td>
<td>14-3, 14-4</td>
</tr>
<tr>
<td>5-17</td>
<td>14-31</td>
</tr>
<tr>
<td>5-19-5-22</td>
<td>14-32-14-35</td>
</tr>
<tr>
<td>6-1, 6-2</td>
<td>22-1, 22-2</td>
</tr>
<tr>
<td>7-1</td>
<td>26-1</td>
</tr>
<tr>
<td>8-2-8-4</td>
<td>14-58-14-60</td>
</tr>
<tr>
<td>8-16</td>
<td>14-56</td>
</tr>
<tr>
<td>9-1, 9-2</td>
<td>30-1, 30-2</td>
</tr>
<tr>
<td>9-16-9-19</td>
<td>30-31-30-34</td>
</tr>
<tr>
<td>9-26-9-30</td>
<td>30-46-30-50</td>
</tr>
<tr>
<td>9-36</td>
<td>30-61</td>
</tr>
<tr>
<td>9A-1-9A-9</td>
<td>34-3-34-11</td>
</tr>
<tr>
<td>9A-10</td>
<td>34-1</td>
</tr>
<tr>
<td>9A-21-9A-27</td>
<td>34-36--34-42</td>
</tr>
<tr>
<td>10-1--10-5</td>
<td>66-1--66-5</td>
</tr>
<tr>
<td>10-7(b)</td>
<td>66-6</td>
</tr>
<tr>
<td>10-8--10-17</td>
<td>66-8--66-17</td>
</tr>
<tr>
<td>10-20</td>
<td>66-20</td>
</tr>
<tr>
<td>10-21, 10-22</td>
<td>66-22, 66-23</td>
</tr>
<tr>
<td>10-25--10-27</td>
<td>66-24--66-26</td>
</tr>
<tr>
<td>10-28</td>
<td>66-7</td>
</tr>
<tr>
<td>11-1, 11-2</td>
<td>14-96, 14-97</td>
</tr>
<tr>
<td>11-9</td>
<td>14-98</td>
</tr>
<tr>
<td>13-1</td>
<td>14-191</td>
</tr>
<tr>
<td>14-1--14-12</td>
<td>18-1--18-12</td>
</tr>
<tr>
<td>14-15, 14-16</td>
<td>18-13, 18-14</td>
</tr>
<tr>
<td>15-219--15-228</td>
<td>82-27--82-36</td>
</tr>
<tr>
<td>16-1--16-11</td>
<td>46-1--46-11</td>
</tr>
<tr>
<td>17-1, 17-2</td>
<td>50-2, 50-3</td>
</tr>
<tr>
<td>17-6--17-12</td>
<td>50-4--50-10</td>
</tr>
<tr>
<td>17-39--17-41</td>
<td>50-36--50-38</td>
</tr>
<tr>
<td>17-54, 17-55</td>
<td>50-61, 50-62</td>
</tr>
<tr>
<td>17-67--17-72</td>
<td>50-86--50-91</td>
</tr>
<tr>
<td>17-84</td>
<td>50-111</td>
</tr>
<tr>
<td>17-96--17-103</td>
<td>50-131--50-138</td>
</tr>
<tr>
<td>17-115--17-128</td>
<td>50-161--50-174</td>
</tr>
<tr>
<td>17-141--17-143</td>
<td>50-196--50-198</td>
</tr>
<tr>
<td>17-155--17-160</td>
<td>50-211--50-216</td>
</tr>
<tr>
<td>17-166</td>
<td>50-240</td>
</tr>
<tr>
<td>19-16--19-30</td>
<td>54-26--54-40</td>
</tr>
<tr>
<td>20-1</td>
<td>14-216</td>
</tr>
<tr>
<td>21-1, 21-2</td>
<td>42-26, 42-27</td>
</tr>
<tr>
<td>21-4--21-7</td>
<td>42-28--42-31</td>
</tr>
<tr>
<td>22-1</td>
<td>62-1</td>
</tr>
<tr>
<td>22-3, 22-4</td>
<td>62-2, 62-3</td>
</tr>
<tr>
<td>22-6</td>
<td>62-4</td>
</tr>
<tr>
<td>22A-21--22A-26</td>
<td>18-41--18-46</td>
</tr>
<tr>
<td>23-1--23-4</td>
<td>74-1--74-4</td>
</tr>
<tr>
<td>23-18--23-22</td>
<td>74-31--74-35</td>
</tr>
<tr>
<td>23-24--23-28</td>
<td>74-36--74-40</td>
</tr>
<tr>
<td>23-34--23-36</td>
<td>74-51--74-53</td>
</tr>
<tr>
<td>23-38--23-41</td>
<td>74-55--74-58</td>
</tr>
<tr>
<td>23-53</td>
<td>74-81</td>
</tr>
<tr>
<td>23-55</td>
<td>74-82</td>
</tr>
<tr>
<td>23-67--23-74</td>
<td>74-106--74-113</td>
</tr>
<tr>
<td>24-16--24-27</td>
<td>78-26--78-37</td>
</tr>
<tr>
<td>25-1, 25-2</td>
<td>86-1, 86-2</td>
</tr>
<tr>
<td>25-4, 25-5</td>
<td>86-5, 86-6</td>
</tr>
<tr>
<td>25-17--25-20</td>
<td>86-31--86-34</td>
</tr>
<tr>
<td>25-23--25-26</td>
<td>86-36--86-39</td>
</tr>
<tr>
<td>25-39, 25-40</td>
<td>86-63, 86-64</td>
</tr>
<tr>
<td>25-46--25-50</td>
<td>86-76--86-80</td>
</tr>
<tr>
<td>25-55--25-57</td>
<td>86-85--86-87</td>
</tr>
<tr>
<td>26-1, 26-2</td>
<td>90-1, 90-2</td>
</tr>
<tr>
<td>26-17</td>
<td>90-31</td>
</tr>
<tr>
<td>26-21</td>
<td>90-32</td>
</tr>
<tr>
<td>26-23--26-25</td>
<td>90-33--90-35</td>
</tr>
</tbody>
</table>
This table gives the location within this Code of those ordinances adopted since the 1977 Code, as updated through August 3, 1987, which are included herein. Ordinances adopted prior to such date were incorporated into the 1977 Code, as supplemented. This table contains some ordinances which precede August 3, 1987, but which were never included in the 1977 Code, as supplemented, for various reasons. Ordinances adopted since August 3, 1987, and not listed herein, have been omitted as repealed, superseded or not of a general and permanent nature.

<table>
<thead>
<tr>
<th>Adoption Date</th>
<th>Section</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>8- 3-87(1)</td>
<td>66-1</td>
<td>18-66--18-70</td>
</tr>
<tr>
<td>9-14-87(1)</td>
<td></td>
<td>66-21</td>
</tr>
<tr>
<td>9-14-87(2)</td>
<td>I</td>
<td>86-111, 86-112</td>
</tr>
<tr>
<td></td>
<td>II--X</td>
<td>86-113--86-121</td>
</tr>
<tr>
<td>10- 5-87</td>
<td>38-1</td>
<td></td>
</tr>
<tr>
<td>12- 7-87</td>
<td>34-1, 34-2</td>
<td>34-11 34-66--34-68</td>
</tr>
<tr>
<td>4-11-88</td>
<td>50-1</td>
<td></td>
</tr>
<tr>
<td>2- 6-89</td>
<td>3</td>
<td>10-58</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>10-33</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>10-36</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>10-56</td>
</tr>
<tr>
<td></td>
<td>7, 8</td>
<td>10-61, 10-62</td>
</tr>
<tr>
<td></td>
<td>10-12</td>
<td>10-79--10-81</td>
</tr>
<tr>
<td></td>
<td>14</td>
<td>10-92</td>
</tr>
<tr>
<td></td>
<td>16--18</td>
<td>10-94--10-96</td>
</tr>
<tr>
<td>11- 6-89</td>
<td>54-27</td>
<td></td>
</tr>
<tr>
<td>1- 8-90(1)</td>
<td>2-221--2-230</td>
<td>50-132</td>
</tr>
<tr>
<td>1- 8-90(2)</td>
<td>58-3</td>
<td></td>
</tr>
<tr>
<td>1- 8-90(3)</td>
<td>66-27</td>
<td></td>
</tr>
<tr>
<td>1- 8-90(4)</td>
<td>66-6</td>
<td></td>
</tr>
<tr>
<td>10-1-90(1)</td>
<td>50-132</td>
<td></td>
</tr>
<tr>
<td>10-1-90(2)</td>
<td>50-63</td>
<td></td>
</tr>
<tr>
<td>11- 5-90(1)</td>
<td>50-61</td>
<td></td>
</tr>
<tr>
<td>11- 5-90(2)</td>
<td>50-62</td>
<td></td>
</tr>
<tr>
<td>12- 3-90(2)</td>
<td>14-2</td>
<td></td>
</tr>
<tr>
<td>5- 8-91</td>
<td>26-2</td>
<td></td>
</tr>
<tr>
<td>6- 3-91(1)</td>
<td>82-26</td>
<td></td>
</tr>
<tr>
<td>6- 3-91(2)</td>
<td>86-4</td>
<td></td>
</tr>
<tr>
<td>7- 8-91</td>
<td>50-240</td>
<td></td>
</tr>
<tr>
<td>2- 3-92</td>
<td>82-25</td>
<td></td>
</tr>
<tr>
<td>4- 6-92</td>
<td>82-2</td>
<td></td>
</tr>
<tr>
<td>7-13-92</td>
<td>74-82</td>
<td></td>
</tr>
<tr>
<td>12- 7-92(1)</td>
<td>17-161</td>
<td>50-236</td>
</tr>
<tr>
<td>12- 7-92(2)</td>
<td>1-15</td>
<td></td>
</tr>
<tr>
<td>1- 4-93</td>
<td>1, 2</td>
<td>50-213, 50-214</td>
</tr>
<tr>
<td>5- 3-93</td>
<td>22-2</td>
<td></td>
</tr>
<tr>
<td>8- 2-93</td>
<td>1-14</td>
<td></td>
</tr>
<tr>
<td>1-10-94</td>
<td>90-56--90-65</td>
<td>70-5</td>
</tr>
<tr>
<td>3- 7-94</td>
<td>V</td>
<td>66-6</td>
</tr>
<tr>
<td>8- 1-94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
<td>Pages</td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-------</td>
</tr>
<tr>
<td>12-5-94</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-6-95</td>
<td></td>
<td>18-15</td>
</tr>
<tr>
<td>3-6-95</td>
<td>1-3</td>
<td>2-56-2-58</td>
</tr>
<tr>
<td>6-5-95</td>
<td></td>
<td>74-41</td>
</tr>
<tr>
<td>5-5-97</td>
<td>2</td>
<td>26-1</td>
</tr>
<tr>
<td>10-6-97</td>
<td>Added</td>
<td>26-3</td>
</tr>
<tr>
<td>4-6-98</td>
<td>Rpld</td>
<td>78-30-78-37</td>
</tr>
<tr>
<td></td>
<td>Added</td>
<td>78-30-78-32, 78-34-78-52</td>
</tr>
<tr>
<td>6-1-98</td>
<td>Added</td>
<td>74-5, 74-6</td>
</tr>
<tr>
<td>7-6-98</td>
<td>1</td>
<td>Added 54-1</td>
</tr>
<tr>
<td>8-3-98</td>
<td></td>
<td>66-7</td>
</tr>
<tr>
<td>9-14-98</td>
<td></td>
<td>50-240</td>
</tr>
<tr>
<td>10-5-98</td>
<td>Rpld</td>
<td>42-31</td>
</tr>
<tr>
<td>3-1-99</td>
<td>1-IV</td>
<td>Added 50-261-50-264</td>
</tr>
<tr>
<td>4-21-99</td>
<td>Rpld</td>
<td>54-26-54-40</td>
</tr>
<tr>
<td></td>
<td>Added</td>
<td>54-26-54-32</td>
</tr>
</tbody>
</table>
# STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to South Carolina Code 1976.

<table>
<thead>
<tr>
<th>S.C. Code 1976 Section</th>
<th>Section this Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-7-25</td>
<td>2-59</td>
</tr>
<tr>
<td>5-7-30</td>
<td>Ch. 18</td>
</tr>
<tr>
<td></td>
<td>Ch. 66</td>
</tr>
<tr>
<td></td>
<td>Ch. 74</td>
</tr>
<tr>
<td>5-7-80</td>
<td>Ch. 50, Art. X</td>
</tr>
<tr>
<td>5-7-110</td>
<td>Ch. 42</td>
</tr>
<tr>
<td>5-7-190</td>
<td>2-45</td>
</tr>
<tr>
<td>5-7-220</td>
<td>Ch. 2, Art. III, Div. 3</td>
</tr>
<tr>
<td></td>
<td>2-62</td>
</tr>
<tr>
<td>5-7-250(b)</td>
<td>Ch. 2, Art. II, Div. 2</td>
</tr>
<tr>
<td></td>
<td>2-79</td>
</tr>
<tr>
<td>5-7-260</td>
<td>2-76</td>
</tr>
<tr>
<td>5-7-260(3)</td>
<td>2-3</td>
</tr>
<tr>
<td>5-7-270</td>
<td>2-79</td>
</tr>
<tr>
<td>5-7-290</td>
<td>2-82</td>
</tr>
<tr>
<td>5-13-20</td>
<td>2-1</td>
</tr>
<tr>
<td>5-13-20(a)</td>
<td>2-36</td>
</tr>
<tr>
<td>5-13-50</td>
<td>2-122</td>
</tr>
<tr>
<td>5-13-60</td>
<td>2-128</td>
</tr>
<tr>
<td>5-13-70</td>
<td>2-122, 2-123</td>
</tr>
<tr>
<td></td>
<td>2-129</td>
</tr>
<tr>
<td>5-13-80</td>
<td>2-123</td>
</tr>
<tr>
<td>5-15-20</td>
<td>2-1</td>
</tr>
<tr>
<td>5-15-50</td>
<td>2-2</td>
</tr>
<tr>
<td>5-15-61 et seq.</td>
<td>Ch. 26</td>
</tr>
<tr>
<td>5-15-70</td>
<td>Ch. 26</td>
</tr>
<tr>
<td>5-15-150</td>
<td>2-38</td>
</tr>
<tr>
<td>5-21-110</td>
<td>78-29</td>
</tr>
<tr>
<td>5-23-410</td>
<td>54-26</td>
</tr>
<tr>
<td>5-23-410 et seq.</td>
<td>Ch. 54, Art. II</td>
</tr>
<tr>
<td>5-25-10 et seq.</td>
<td>Ch. 30</td>
</tr>
<tr>
<td>5-25-1110</td>
<td>14-1</td>
</tr>
<tr>
<td>5-31-810</td>
<td>Ch. 86, Art. III</td>
</tr>
<tr>
<td>5-39-10</td>
<td>Ch. 22</td>
</tr>
<tr>
<td>6-5-10</td>
<td>2-125</td>
</tr>
<tr>
<td>6-5-20</td>
<td>2-125</td>
</tr>
<tr>
<td>6-7-510</td>
<td>34-2</td>
</tr>
<tr>
<td>6-9-60</td>
<td>Ch. 14, Art. II</td>
</tr>
<tr>
<td>tit. 6, ch. 29</td>
<td>54-1</td>
</tr>
<tr>
<td>6-29-310 et seq.</td>
<td>54-26</td>
</tr>
<tr>
<td>6-29-760(A)</td>
<td>54-32</td>
</tr>
<tr>
<td>11-35-50</td>
<td>Ch. 58</td>
</tr>
<tr>
<td>12-21-2900-- 12-21-2950</td>
<td>6-4</td>
</tr>
<tr>
<td>12-37-2650</td>
<td>78-34</td>
</tr>
<tr>
<td>12-43-220(c)</td>
<td>78-42</td>
</tr>
<tr>
<td>12-43-230(b)</td>
<td>78-43</td>
</tr>
<tr>
<td>12-45-70</td>
<td>78-30</td>
</tr>
<tr>
<td></td>
<td>78-34</td>
</tr>
<tr>
<td>12-45-180</td>
<td>78-36</td>
</tr>
<tr>
<td>Section Numbers</td>
<td>Pages</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------</td>
</tr>
<tr>
<td>tit. 12, ch. 51</td>
<td>78-52</td>
</tr>
<tr>
<td>12-51-40</td>
<td>78-37</td>
</tr>
<tr>
<td>12-51-50</td>
<td>78-38</td>
</tr>
<tr>
<td>12-51-60</td>
<td>78-39</td>
</tr>
<tr>
<td>12-51-70</td>
<td>78-40</td>
</tr>
<tr>
<td>12-51-80</td>
<td>78-41</td>
</tr>
<tr>
<td>12-51-90</td>
<td>78-42</td>
</tr>
<tr>
<td>12-51-90- 12-51-120</td>
<td>78-43</td>
</tr>
<tr>
<td>12-51-95</td>
<td>78-43</td>
</tr>
<tr>
<td>12-51-96</td>
<td>78-44</td>
</tr>
<tr>
<td>12-51-100</td>
<td>78-45</td>
</tr>
<tr>
<td>12-51-110</td>
<td>78-46</td>
</tr>
<tr>
<td>12-51-120</td>
<td>78-47</td>
</tr>
<tr>
<td>12-51-130</td>
<td>78-48</td>
</tr>
<tr>
<td>12-51-140</td>
<td>78-49</td>
</tr>
<tr>
<td>12-51-150</td>
<td>78-50</td>
</tr>
<tr>
<td>12-51-160</td>
<td>78-51</td>
</tr>
<tr>
<td>12-51-170</td>
<td>78-52</td>
</tr>
<tr>
<td>14-25-5 et seq.</td>
<td>Ch. 46</td>
</tr>
<tr>
<td>14-25-15</td>
<td>46-2</td>
</tr>
<tr>
<td>14-25-25</td>
<td>46-2</td>
</tr>
<tr>
<td>14-25-35</td>
<td>46-3</td>
</tr>
<tr>
<td>14-25-45</td>
<td>46-4</td>
</tr>
<tr>
<td>14-25-75</td>
<td>46-5, 46-6</td>
</tr>
<tr>
<td>14-25-85</td>
<td>46-5</td>
</tr>
<tr>
<td>14-25-105</td>
<td>46-7</td>
</tr>
<tr>
<td>14-25-115</td>
<td>46-8</td>
</tr>
<tr>
<td>14-25-125</td>
<td>46-11</td>
</tr>
<tr>
<td>14-25-135</td>
<td>46-9</td>
</tr>
<tr>
<td>tit. 16</td>
<td>Ch. 50</td>
</tr>
<tr>
<td>16-7-110</td>
<td>50-136</td>
</tr>
<tr>
<td>16-11-700</td>
<td>66-5</td>
</tr>
<tr>
<td>16-13-110 et seq.</td>
<td>50-165, 50-166</td>
</tr>
<tr>
<td>16-13-180 et seq.</td>
<td>50-164</td>
</tr>
<tr>
<td>16-13-230</td>
<td>50-170</td>
</tr>
<tr>
<td>16-13-240</td>
<td>50-171</td>
</tr>
<tr>
<td>16-13-260</td>
<td>50-173</td>
</tr>
<tr>
<td>16-13-320</td>
<td>50-89</td>
</tr>
<tr>
<td>16-15-90</td>
<td>50-90</td>
</tr>
<tr>
<td>16-15-130</td>
<td>50-91</td>
</tr>
<tr>
<td>16-17-420</td>
<td>50-94</td>
</tr>
<tr>
<td>16-17-470</td>
<td>50-131</td>
</tr>
<tr>
<td>16-17-530</td>
<td>50-134</td>
</tr>
<tr>
<td>16-19-40 et seq.</td>
<td>Ch. 50, Art. II</td>
</tr>
<tr>
<td>16-23-420</td>
<td>50-212</td>
</tr>
<tr>
<td>23-9-310 et seq.</td>
<td>Ch. 30, Art. II, Div. 2</td>
</tr>
<tr>
<td>23-15-70</td>
<td>50-2</td>
</tr>
<tr>
<td>23-35-10 et seq.</td>
<td>Ch. 30, Art. III</td>
</tr>
<tr>
<td>30-4-10 et seq.</td>
<td>2-59</td>
</tr>
<tr>
<td>30-4-70</td>
<td>2-59</td>
</tr>
<tr>
<td>30-4-70(a)(1)</td>
<td>54-30</td>
</tr>
<tr>
<td>34-11-60</td>
<td>50-169</td>
</tr>
<tr>
<td>34-11-70</td>
<td>50-169</td>
</tr>
<tr>
<td>34-11-90</td>
<td>50-169</td>
</tr>
<tr>
<td>34-11-95</td>
<td>50-169</td>
</tr>
<tr>
<td>37-5-303</td>
<td>50-172</td>
</tr>
<tr>
<td>Code Range</td>
<td>Page Range</td>
</tr>
<tr>
<td>------------------</td>
<td>------------</td>
</tr>
<tr>
<td>40-29-20(9)</td>
<td>78-43</td>
</tr>
<tr>
<td>44-29-30</td>
<td>10-4</td>
</tr>
<tr>
<td>44-53-110</td>
<td>50-261</td>
</tr>
<tr>
<td>44-53-190</td>
<td>50-261</td>
</tr>
<tr>
<td>44-53-210</td>
<td>50-261</td>
</tr>
<tr>
<td>44-53-230</td>
<td>50-261</td>
</tr>
<tr>
<td>44-53-270</td>
<td>50-261</td>
</tr>
<tr>
<td>44-55-1010 et seq.</td>
<td>Ch. 66</td>
</tr>
<tr>
<td>45-1-50</td>
<td>50-174</td>
</tr>
<tr>
<td>47-1-50</td>
<td>10-1</td>
</tr>
<tr>
<td>47-3-540</td>
<td>10-95</td>
</tr>
<tr>
<td>47-5-10 et seq.</td>
<td>Ch. 10, Art. IV</td>
</tr>
<tr>
<td>49-23-10 et seq.</td>
<td>86-114</td>
</tr>
<tr>
<td>tit. 56</td>
<td>82-1</td>
</tr>
<tr>
<td>56-5-1--56-22-1 et seq.</td>
<td>82-2</td>
</tr>
<tr>
<td>56-5-710</td>
<td>Ch. 82, Art. II</td>
</tr>
<tr>
<td></td>
<td>82-25</td>
</tr>
<tr>
<td>56-5-2510</td>
<td>82-31</td>
</tr>
<tr>
<td>56-5-2520</td>
<td>82-32</td>
</tr>
<tr>
<td>56-5-2530</td>
<td>82-27</td>
</tr>
<tr>
<td>56-7-80</td>
<td>1-15</td>
</tr>
<tr>
<td>58-17-4080</td>
<td>62-1</td>
</tr>
<tr>
<td>61-1-10 et seq.</td>
<td>Ch. 6</td>
</tr>
</tbody>
</table>