



TOWN OF YEMASSEE TOWN COUNCIL MEETING

Tuesday, May 9, 2023 – 6:30PM

Yemassee Municipal Complex, 101 Town Cir, Yemassee SC 29945-3363

- I. **Call to Order – Mayor Colin Moore**
- II. **Pledge of Allegiance & Invocation**
- III. **Determination of Quorum**
 - a. Consent of the Agenda for the Tuesday, May 9, 2023, Town Council Meeting
 - b. Approval of the April 11, 2023, Regular Town Council Meeting Minutes
- IV. **Public Comment**
 - a. Public Comment must be submitted to the Town Administrator at least five minutes prior to the start of the meeting. **PUBLIC COMMENT IS LIMITED TO TWO MINUTES AND WILL BE ENFORCED**
- V. **Old Business**
 - a. Consideration of a Request for an Ordinance Approving Annexation of One Parcel of Land of Approximately 1.39 Acres of land, located on Cochran St and further identified by Hampton County TMS: 198-00-00-095. Applicant: Sonja Smith [Ordinance 23-11]
 - b. **Public Hearing** - Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, *Article V – Requirements by District, 5.8 Light Industrial District [LID]*, to amend the minimum acreage required for a parcel to be zoned Light Industrial District. [Ordinance 23-12]
 - c. Consideration of an Ordinance Authorizing and Directing the Town of Yemassee to enter into an Intergovernmental Agreement relating to South Carolina Local Revenue Services; to Participate in one or more Local Revenue Service Programs; to Execute and Deliver one or more Participant Program Supplements; and Other Matters Relating Thereto. [Ordinance 23-13]
- VI. **New Business**
 - a. Proclamation declaring May 20th through May 26, 2023, as National Safe Boating Week in the Town of Yemassee.
 - b. Acceptance of the Presentation of the Town of Yemassee FY22 Audit by The Brittingham Group, LLP., presented by Mr. Bill Hancock
 - c. Consideration of an Ordinance Amending the Town of Yemassee FY23 Budget to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for the Said Funds by Title Only (Second Amendment) [Ordinance 23-14]

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- d. Consideration of an Ordinance Adopting and Enacting a New Code for the Town of Yemassee, South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing when Such Code and this Ordinance Shall Become Effective. [Ordinance 23-15]
- e. Consideration of an Ordinance Amending Portions of the Town of Yemassee’s Zoning Ordinance, Article V – Requirements by District, 5.3 Residential 1/3 Acre, by removing the zoning designation. [Ordinance 23-16]
- f. Consideration of an Ordinance Amending Portions of the Town of Yemassee’s Zoning Ordinance, Article V – Requirements by District, Section(s) 5.1 titled “Single-Family Residential 1 Acre [SF], 5.2 titled “Single-Family Residential ½ Acre [SF] and 5.4 titled Single-Family Residential ¼ Acre [SF]” to rename the respective sections, correct a typographical error and update the description of Section 5.4. [Ordinance 23-17]
- g. Consideration of a Resolution Authorizing the Installation and Placement of a Public Art Project of the Hampton County Arts Council at the Veterans Memorial Park [Resolution 23-07]
- h. Consideration of a Resolution Authorizing the Town Administrator to Execute documents pertaining to an easement acquisition between the Town of Yemassee and the Beaufort-Jasper Water & Sewer Authority (BJWSA) for the Marine Corps Tribute Park parking lot. [Resolution 23-08]

VII. Department Reports

- a. Police Department
- b. Administration
- c. Public Works
- d. Municipal Court

VIII. Council Discussion

- a. Review of Elected Officials handbook

IX. Executive Session

- a. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened or potential claim or other means covered by the attorney-client privilege, settlement or legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. (Pursuant to SC Freedom of Information Act 30-4-70[a][2])
 - i. Legal Matters

X. Action Resulting from Executive Session

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Yemassee policies.”

XI. Adjournment

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Yemassee policies.”

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Approval of the April 2023 Town Council Meeting Minutes

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Minutes of the April 2023 Town Council meeting.

Recommended Action: If no additions or corrections, approve as presented.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

Minutes
Town of Yemassee Town Council
April 11, 2023, Regular Town Council Meeting 6:30 PM
101 Town Cir, Yemassee, SC 29945-3363

Attendance:

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy Bing-O’Banner, Council Member Alfred Washington, Council Member Stacy Pinckney, Town Administrator Matthew Garnes and Chief Gregory Alexander

Absent: Council Member David Paul Murray

Media Present: Lowcountry Inside Track, Ltd.

Call to Order:

Mayor Moore called the Tuesday April 11, 2023, Regular Town Council Meeting to order at 6:33 PM.

Pledge of Allegiance & Invocation

Mayor Pro-Tem O’Banner led the Pledge of Allegiance and Invocation.

Determination of Quorum:

Council Member Murray was absent. The remainder of the Council was present.

Mayor Moore asked for a motion to approve the agenda as presented for April 11, 2023, Regular Town Council Meeting as presented. Council Member Washington made a motion to adopt the agenda as presented. There was no discussion. Second by Council Member Pinckney. **All in favor, Motion Passed, Agenda Adopted.**

Mayor Moore asked for a motion to approve the March 14, 2023, Town Council Meeting minutes as presented. Council Member Pinckney made the motion. There was no discussion. Second by Mayor Pro-Tem O’Banner. **All in favor, Motion Passed.**

Public Comment:

Darrell A. Russell (2 Pine St)- Addressed Council regarding an incident where on a Town newsletter e-mail blast, the email addresses were not blind copied and resulted in his e-mail and 30 other emails being visible. Mr. Russell expressed his concerns about his identity and potential fraud originating from this inadvertent disclosure and asked the

Town Council to furnish him with a membership to LifeLock Identity Theft Protection Service or similar platform. Mr. Russell insisted that the Council hold the Town Administrator accountable and issue a formal reprimand to Mr. Garnes.

Old Business:

Ordinance 23-09: Mayor Moore advised that the next item is a Public Hearing and Consideration of approval for a Zoning Map Amendment application for property referred to as the “Jinks-Corbett Tract” located in Hampton County at the northwest corner of the intersection at U.S. Highway 17A and Jinks Street and further identified by Hampton County TMS: 203-00-00-046, 204-01-05-005 and 204-01-05-013. This is the final reading to re-zone the parcels as Planned Unit Development. Mayor Moore then opened up a Public Hearing on this request.

Stephen Henson (17 Mixson St) – Mr. Henson stated that he is fully supportive of the planned re-zoning and benefits this development will bring to the Town.

With no further comments, Mayor Moore closed the public hearing. The Council had no further discussion. Mayor Pro-Tem O’Banner made a motion to approve second and final reading on the rezoning request and to authorize the following:

1. Amending permitted use under the Light Industrial District (LID) to specifically allow “manufacturing light gauge steel framing products including steel studs for residential and commercial buildings.
2. Lowering the minimum lot size for LID from twenty-five (25) acres to ten (10) acres, Adjusting setbacks from commercial uses from fifty (50) feet to twenty-five (25) feet and from one hundred (100) feet to seventy-five (75) feet from a major thoroughfare.
3. Adjusting minimum residential lot size from 10,890sqft to 6,000sqft, adjusting the front yard setbacks from fifteen (15) feet to ten (10) feet from the street right-of-way line and adjusting the side yard setbacks from ten (10) feet to five (5) feet.
4. The applicant is seeking relief on the minimum distance between access points from one thousand five hundred (1,500) feet to four hundred (400) feet and waiving the requirement for any new development to have access points at least one thousand five hundred (1,500) feet apart to four hundred (400) feet apart.

Second by Council Member Pinckney. **All in favor, Motion Passed.**

Ordinance 23-10: Mayor Moore read Ordinance 23-10, Amending Portions of the Town of Yemassee’s Zoning Ordinance, Article V – Requirements by District, 5.25 River Protection District, to clarify language on which bodies of water are considered outstanding waters of the Town of Yemassee. Mr. Garnes briefed the Council that the impetus for the change was a result of Staff conducting a review of the overlay zoning and finding inconsistencies with respect to waterways that this overlay was applicable. If

approved, this would list the waterways within and abutting the Town limits. Mayor Moore then opened a Public Hearing.

Stephen Henson (17 Mixson St) – Mr. Henson stated that he supports the proposed Text Amendment for the River Protection Overlay District and that it's update is long overdue, and this will put the Town in the right direction.

With no further comments, Mayor Moore closed the Public Hearing. Mayor Pro-Tem O'Banner made the motion to approve second and final reading of Ordinance 23-10. Second by Council Member Washington. **All in favor, Motion Passed.**

New Business:

Resolution 23-06: Mayor Moore read the resolution which ranks our needs for the purposes of CDBG grants. Mayor Moore remarked that we must evaluate our needs for grant purposes annually. Council Member Pinckney made the motion to adopt Resolution 23-06. Second by Council Member Washington. **All in favor, Motion Passed.**

Resolution 23-07: Mayor Moore read the resolution which adopts the Town of Yemassee Zoning Board of Appeals annual meeting schedule. Mr. Garnes advised that since the board was just recently reconstituted, an annual schedule needed to be drafted. The members of the board set a date and time for the meetings which is before the Council for consideration tonight. Mayor Pro-Tem O'Banner made the motion to adopt Resolution 23-07. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Resolution 23-08: Mayor Moore read the resolution which would authorize the execution of an Intergovernmental Agreement between the Town of Yemassee and Hampton County for Law Enforcement Mutual-Aid Services. Mr. Garnes reported that the Police Department maintains these agreements with agencies across the State in the event our assistance was required or if Yemassee needed outside assistance. This request was submitted to the Police Department by Sheriff Russell and has updated language from the previous IGA under former Sheriff Smalls administration. Mayor Pro-Tem O'Banner made the motion to adopt Resolution 23-07. Second by Council Member Washington. **All in favor, Motion Passed.**

Resolution 23-09: Mayor Moore read the resolution which would authorize the execution of an Intergovernmental Agreement between the Town of Yemassee and Allendale County for Law Enforcement Mutual-Aid Services. Mr. Garnes reported that the Police Department maintains these agreements with agencies across the State in the event our assistance was required or if Yemassee needed outside assistance. Mayor

Pro-Tem O'Banner made the motion to adopt Resolution 23-07. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Ordinance 23-11: Mayor Moore read Ordinance 23-11, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 1.39 Acres of land, located off Cochran Street, and further identified by Hampton County TMS: 198-00-00-095. The applicant is Sonja Smith, who did not submit a petition back in 2018 when most of Cochran Street was annexed. Mayor Pro-Tem O'Banner asked what prompted the applicant to apply now. Mr. Garnes advised that he routinely reaches out to the few remaining holdouts and Ms. Smith responded to the correspondence with an executed petition. The parcel is zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of General Residential (GR) under the Town of Yemassee Zoning Ordinance. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Ordinance 23-12: Mayor Moore read Ordinance 23-12, Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, *Article V – Requirements by District, 5.8 Light Industrial District [LID]*, to amend the minimum acreage required for a parcel to be zoned Light Industrial District. Mr. Garnes advised the current minimum lot size for an industrial designation is twenty-five acres and this will hopefully simplify the process for prospective businesses to establish operations. Mayor Pro Tem O'Banner made the motion to approve the first reading of Ordinance. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Ordinance 23-13: Mayor Moore read Ordinance 23-13. Mr. Garnes advised that the MASC has updated the branding on their Local Revenue Services programs and the Town must expeditiously approve the updated agreement to remain eligible for the program. Council Member Washington made the motion to approve the first reading. There was no discussion. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Department Reports:

Police Department – The Police Department assisted Beaufort City Police with a homicide investigation last night.

Administration – Mr. Garnes gave an update on town projects and active permits.

Public Works – Mr. Garnes gave a brief report on behalf of Mr. Green.

Municipal Court – No Report

Council Discussion

Mayor Pro-Tem O'Banner deferred the Elected Officials Handbook until next month.

Executive Session

Mayor Moore advised that the Council needed to go into Executive Session for a moment for an update on legal matters. Mayor Pro-Tem O'Banner made the motion to enter Executive Session. Second by Council Member Washington. All in favor, Executive Session begun at 7:36PM.

Mayor Moore asked for a motion to resume regular session and adjourn Executive Session. Motion by Mayor Pro-Tem O'Banner. Second by Council Member Pinckney. All in favor, Executive Session complete at 7:41PM. Mayor Moore said they just discussed a legal matter. Mr. Garnes gave an apology to the affected individuals whose e-mail addresses were not blind copied and advised that safeguards are now in place to prevent an incident similar from happening again.

Adjournment

Mayor Moore asked for motion to adjourn. Mayor Pro-Tem O'Banner made the motion to adjourn. Second by Council Member Washington. All in favor, **Meeting Adjourned at 7:46PM.**

Recommended Motion

(April 2023 Town Council Meeting Minutes)

***“I move to approve the minutes of the April 11,
2023 Regular Town Council meeting”.***

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Request for an Ordinance Approving Annexation of One Parcel of Land of Approximately 1.39 Acres of land, located on Cochran St and further identified by Hampton County TMS: 198-00-00-095. Applicant: Rosalyn Smith [Ordinance 23-11]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Staff have received an annexation petition for a parcel of land located off Cochran Street in Hampton County that's currently a donut hole. The applicant is seeking a zoning of General Residential which matches the surrounding zoning designations. The parcel is currently undeveloped and would be accessed off Solomon St.

Recommended Action: Approve second and final reading of Ordinance

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
TOWN OF YEMASSEE)
ORDINANCE NUMBER:)
(23-11)

An Ordinance Annexing One Parcel of
Land owned by Rosalyn Smith into
the Town of Yemassee, South
Carolina.

AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND OF APPROXIMATELY 1.39 ACRES, LOCATED ON COCHRAN ST, OWNED BY ROSALYN SMITH, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.

Section 1. Findings of Facts

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

Section 2.

NOW, THEREFOR IT BE ORDAINED by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150 and Section 5-3-100, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-095, 1.39 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

SO ORDERED AND ORDAINED THIS ____ Day of _____ 2023.

By the Yemassee Town Council being duly and lawfully assembled.

Colin Moore, Mayor

Matthew Garnes, Town Administrator

Peggy Bing-O'Banner, Councilmember

David Paul Murray, Councilmember

Stacy Pinckney, Councilmember

Alfred Washington, Councilmember

(Seal)

First Reading:
Second Reading:

0 45 90 180
FEET

Exit 5

**PROPOSED
ANNEXATION
AREA**

Residential
1/2 Acre

198-00-00-095

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

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Residential

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Residential

General
Residential



Summary

Parcel Number 198-00-00-095.
 Tax District County (District N)
 Location Address
 Town Code
 Class Code (NOTE: Not Zoning Info) 206-Residential Lot Vacant
 Acres 1.39
 Description
 Record Type Residential
 Town Code / Neighborhood
 Owner Occupied

[View Map](#)

Note: Acres will not display correctly if any or all of the parcel is classed as exempt. (Exempt acreage will not calculate in total acreage.)

Owners

SMITH ROSALYN
 1280 CLARK STREET
 RAHWAY NJ
 07065

2022 Value Information

Land Market Value \$10,500
 Improvement Market Value \$0
 Total Market Value \$10,500
 Taxable Value \$7,700
 Total Assessment Market \$460

Note: Values will not display correctly if any or all of the parcel is classed as exempt. (Exempt building values will not display nor calculate in totals.)

Sales Information

Sale Date	Price	Deed Book	Plat Book	Grantor
7/11/1996	\$5	194 327	20 701	MCCLENDON MAE C
5/26/1970	Not Available	59 230	Not Available	Not Available

No data available for the following modules: Building Information, Lot Size Information (Dimensions in Feet).

Hampton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

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Last Data Upload: 3/16/2023, 11:22:00 AM

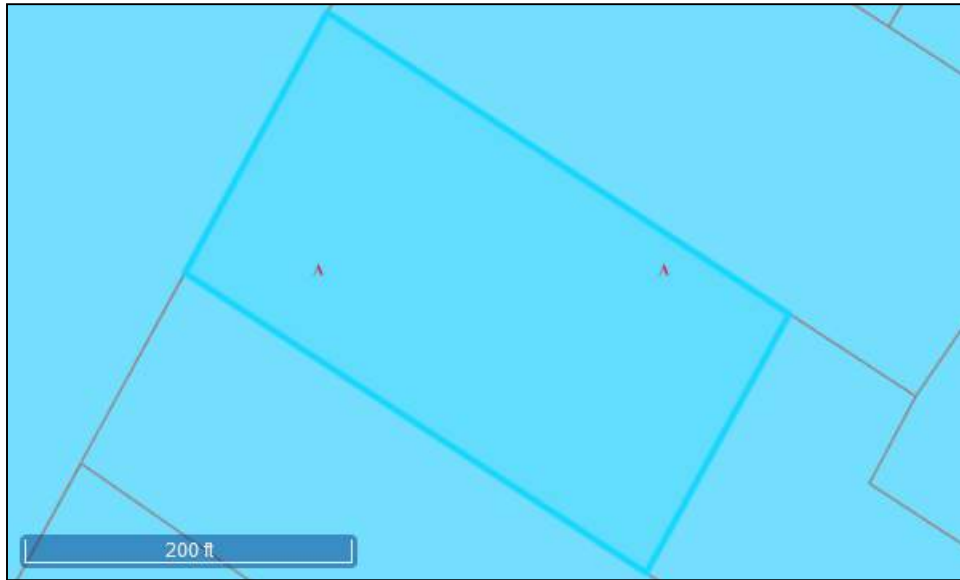


Version 2.3.253

Town of Yemassee

Flood Zone Report - Hampton County

16 Mar 2023



Parcels Hampton

TMS: 198-00-00-095.
Owner City State ZIP Code: RAHWAY NJ 07065
Owner: SMITH ROSALYN
Owner Street Address: 1280 CLARK STREET RAHWAY NJ
Parcel Street Address:

Flood Zones 2010

Count	Zone and Subtype	Overlapping Quantities
1.	2 A	121,027.1sf (2.78acres)

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

**Town of Yemassee Administration Department
Annexation Analysis (ANNX-03-23-1026)
Smith Tract, Cochran St (Hampton County)**

Applicant: Rosalyn Smith

Owner: Roslyn Smith

Address(es): Unaddressed parcel on Cochran Street

Tax Map Number(s): 198-00-00-095

County: Hampton

Site Description: This project contains a single parcel of uplands on the west side Cochran Street and just east of Interstate 95. The property is a rectangular parcel of land totaling 1.39 acres of land. If developed, access would be off Solomon Street which would require an extension.

Present Zoning and Existing Conditions: The parcel is undeveloped with no improvements. As the parcel is currently located within unincorporated Hampton County, the parcel is subject to the Hampton County Zoning Ordinance. These parcels are currently zoned "General Development" under the County code. The applicant is requesting a zoning designation of General Residential (GR) under the Yemassee Zoning Ordinance. The Town of Yemassee Zoning Ordinance defines its General Residential District as to be "designed to provide for a variety of residential uses, including single-family, two (2) family, and mobile home dwellings. The intent of the district is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use."

The surrounding properties were annexed in July 2018 with the Cochran / Bing / Riley Street residential annexations. The property owner was originally contacted to notify them of the surrounding annexations and inviting them to complete an application in 2018, however a response was not received by Staff. This has created the existing donut hole involving this parcel and four more adjacent properties.

Zoning Comparison:

	General Development Hampton County	General Residential (GR) Town of Yemassee
Maximum Density:	One (1) Dwelling unit per acre	Three (3) Dwelling unit per acre
Permitted Uses:	<ul style="list-style-type: none"> • Forestry • Clearcutting • Agricultural Support Services • Automobile Service station and/or Garage • Cemetery • Church • Community and Child Care Centers • Dwelling including mobile homes. • Family Day Care Home • Home Occupation • Schools • Equestrian uses • Flea Markets • Outdoor Recreation • Retail Store • Roadside stand • Recreational Vehicle Park • Automotive Racetrack • Public Utilities • Stockyards • Landfills • Recycling Centers • Marinas & Piers 	<ul style="list-style-type: none"> • Single-Family Dwelling (Stick-Built home) • Two (2) Family Dwelling • Mobile Home Dwelling • Church, Civic or Institutional Use • Home Occupation • Family Day Care Home
Minimum Lot Size:	Not listed in Zoning Ordinance	14,520sqft
Maximum Building Height:	Not listed in Zoning Ordinance	35ft
Setbacks:	Not listed in Zoning Ordinance	Front Yard: Five (5) ft Side & Rear: Five (5)

Utilities / Public Services:

Should the property be developed, the property would be served by the following utilities and public services:

- **Electric:** Dominion Energy
- **Telecommunications:** Century Link and Comcast/Xfinity
- **Fire Protection:** Hampton County Fire District
- **Emergency Medical Services:** Hampton County Emergency Medical Services
- **Law Enforcement:** Currently Hampton County Sheriff's Office, upon annexation primary response would become the Town of Yemassee Police Department while Hampton County Sheriff's Office would be utilized on an as needed, mutual-aid basis.
- **Water/Wastewater:** Lowcountry Regional Water System (LRWS) is the franchised water and wastewater provider within the Town of Yemassee and upon annexation the parcel would be theoretically served by LRWS if there was infrastructure in the area. Preliminary review indicates water available on Cochran Street, but infrastructure would need to be established prior to servicing the parcel. There is currently no sewer available on Cochran Street and a private septic permitted through SC DHEC would be required.

Analysis:

The following analysis has been conducted on the parcels petitioning annexation:

1. Is the application in the best interests of the Town of Yemassee and its residents?

- a. **Finding:** The application will expand the footprint of the Town which directly affects funding and representation for the Town at state and federal levels. Any vehicles or personal/business property taxed by Hampton County will be subjected to the town tax rate imposed for FY2023 which is 74.00 mills in Hampton County. Additionally, the parcel will close a donut hole within the Cochran Street community.

2. Does the Annexation have the potential to create a tax burden or measurably reduce the level of service(s) provided to existing services and property owners?

- a. **Finding:** Based on the current use of the property and the maximum allowed development under the proposed zoning of

General Residential, a tax burden is not created and a reduction in the level of service is not anticipated.

3. **Has the full impact of the proposed Annexation on Law Enforcement been considered?**

a. **Finding:** Administration Staff have consulted with Chief Alexander who advised annexation of this parcel will not have a negative impact on services offered by the Yemassee Police Department. Upon annexation, the primary response agency for law enforcement issues would be the Yemassee Police Department, with backup provided on an as-needed basis from the Hampton County Sheriff's Office. This parcel would fall within Zone A for police response.

4. **Does the Petitioner understand all potential costs & benefits associated with the Annexation?**

a. **Finding:** The applicant has been provided with an estimated tax bill for the year following annexation. As of this report, there has been no additional questions from the petitioner regarding the information provided.


Adjacent Properties and Jurisdictions:

Direction	Tax Map Number / Owner & Address	Jurisdiction
West	Hampton County / 198-00-00-112 783 Riley St St. Jude Church	Town of Yemassee
North	Hampton County / 198-00-00-101 000 Oliver Dr Frances Parker	Town of Yemassee
East	Hampton County / 198-00-00-252 000 Cochran St Jalil E. Muhammed	Hampton County
South	Hampton County / 198-00-00-094 000 Cochran St Alfred Miles Jr ETAL	Hampton County

Staff Review: Staff have reviewed the application and requested zoning and concur with the request of General Residential.

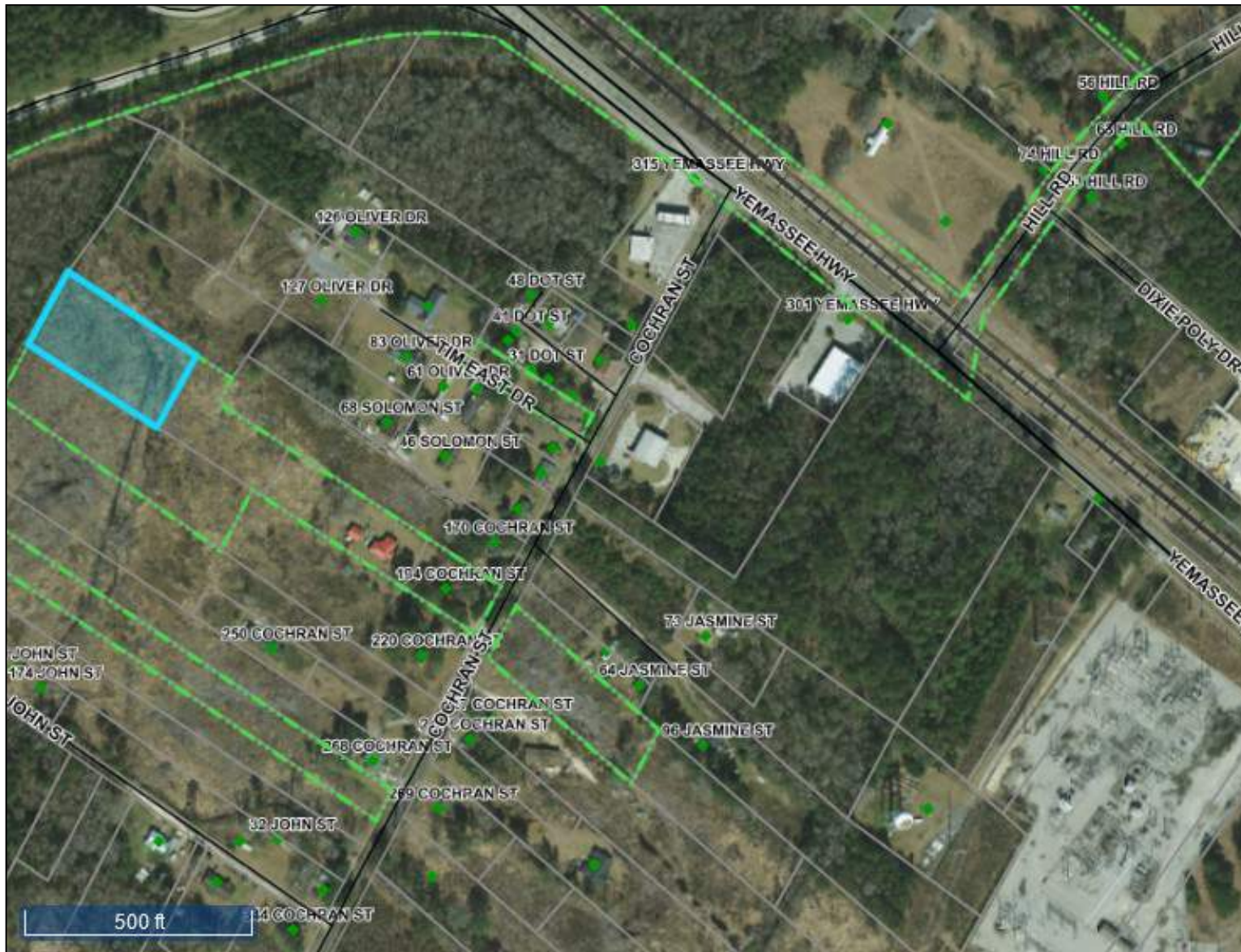
Staff Recommendation: Staff request approval of the annexation.

This document is for reference only. Please contact the Town of Yemassee Planning & Zoning Department for specific ordinance language

	<p style="text-align: center;">General Residential (GR) Zoning District</p> <p>The General Residential District is designed to provide for a variety of residential uses, including single-family, two (2) family and mobile home dwellings. The intent of the district is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.</p> <p style="text-align: center;">Section 5.5, Town of Yemassee Zoning Ordinance</p>
<p>Standards for the GR District 5.5.1</p>	
<ul style="list-style-type: none"> • Maximum Density: Three (3) dwelling units per acre • Minimum Lot Size: 14,520 square feet per dwelling unit. • Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, or flagpoles • Minimum front yard setback: Five (5) feet from the street right-of-way line. • Minimum side and rear yard setbacks: Five (5) feet from lot lines 	
<p>Permitted Uses for the GR District 5.5.2</p>	
<ul style="list-style-type: none"> • Single-Family dwelling (Stick built home) • Mobile Home dwelling (provided the home is under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the mobile home. • Church, Civic or Institutional use • Home Occupations are permitted if there is no exterior evidence of the home occupation. • Family Day Care Home (Consult Town of Yemassee Zoning Ordinance, Article X, Definitions) • Two (2) family dwelling 	
<p>Prohibited Uses for the GR District 5.3.3</p>	
<ul style="list-style-type: none"> • Adult Entertainment Establishments • Any business, person, entity, or service offering Adult Entertainment 	



Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper

Zoning

- Office Commercial District
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined

Road Names

Roads

- Roads
- Major Roads
- Interstate

Road Names Jasper

- Roads
- Major Roads
- Interstate

...

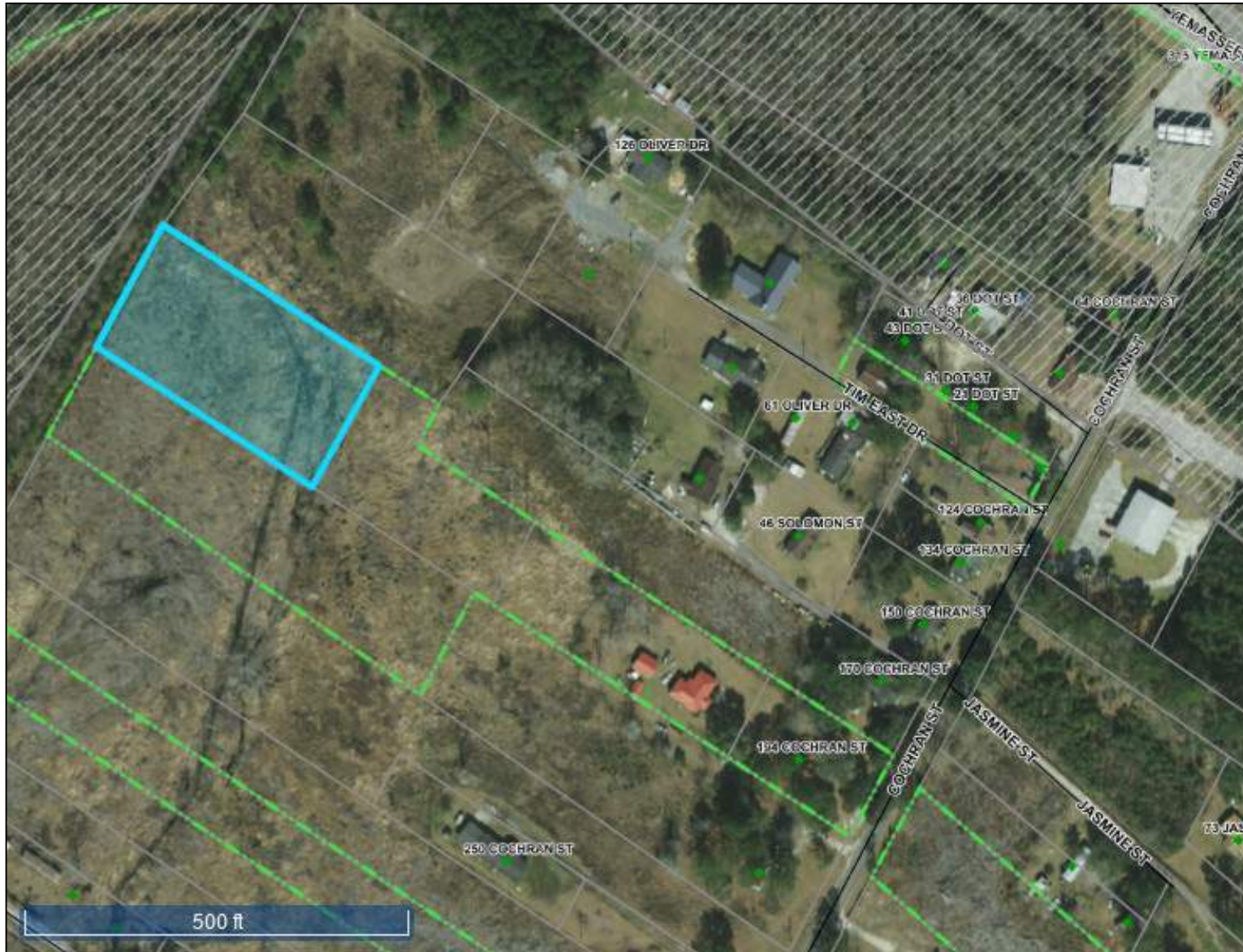
Note:
Zoning of surrounding parcels

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

▲ 16 Mar, 2023



Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Highway Corridor Overlay District
- Road Names**
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✕ Railroads
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary

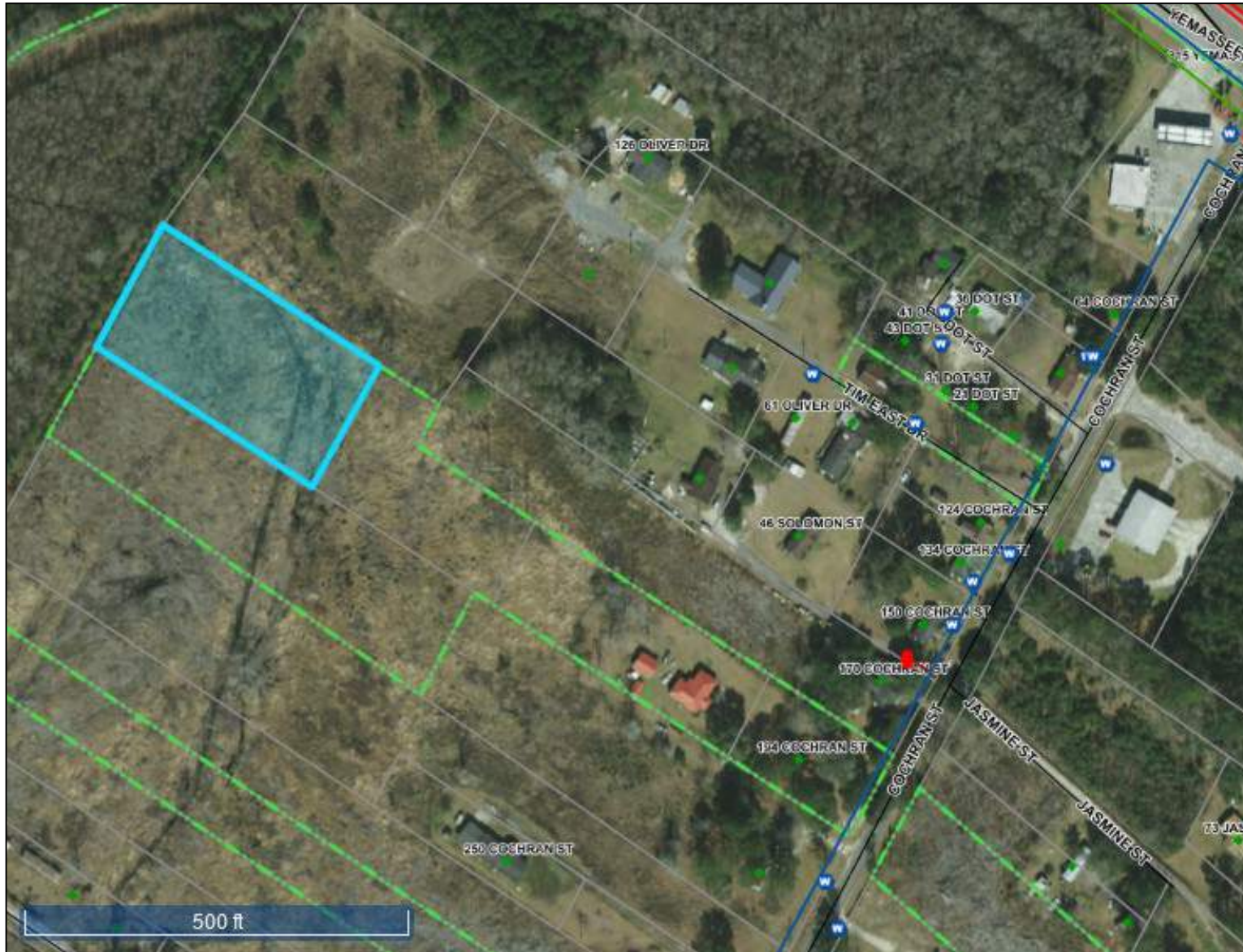
▲ 16 Mar, 2023

Note:
Highway Corridor Overlay District

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Sewer Lift Stations

Sewer Lines

- Service
- Main
- Force main

Fire Hydrants

- Fire Hydrants

Water Meters

- Water Meters

Water Lines

- Water Main Line
- Water Service Line
- Water Fire Line

Road Names

Roads

- Roads
- Major Roads
- Interstate

Road Names Jasper

- Roads
- Major Roads
- Interstate

Roads Jasper

- Roads
- Major Roads
- Interstate

Railroads

- Railroads

County Boundary Beaufort

- County Boundary Beaufort

County Boundary Hampton

- County Boundary Hampton

County Boundary Jasper

- County Boundary Jasper

Yemassee Boundary

- Yemassee Boundary

Note:
Existing infrastructure of LRWS

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▲ 16 Mar, 2023



Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Police Patrol Zones**
- Zone A
- Zone B
- Zone C - Yemassee Core
- Zone C - Sheldon
- Zone D
- Road Names**
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✕ **Railroads**
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

▲ 16 Mar, 2023

Note:
Adjacent Police Patrol Zones

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- ...

 16 Mar, 2023

Note:
Adjacent police patrol grids

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Parcels Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✂ Railroads
- Census Block Groups**
- 0 - 853
- 854 - 1115
- 1116 - 1425
- 1426 - 1919
- 1920 - 41163
- Census Tracts
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary

▲ 16 Mar, 2023

Note:
Census Tracts

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Town of Yemassee - Rosalyn Smith



Legend

- Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✂ **Railroads**
- ▬ **County Boundary Beaufort**
- ▬ **County Boundary Hampton**
- ▬ **County Boundary Jasper**
- ▬ **Yemassee Boundary**
- **Flood Line**
- **Base Flood Elevations**
- Flood Zones 2010**
- 1% Annual Chance Flood Hazard
 - Zones A, AE, A99, AO, AH, AR, V, VE
 - ▨ Regulatory Floodway
 - Zone AE
- 0.2% Annual Chance Flood Hazard
 - Zone X
- ▨ Future Conditions 1% Annual Chance Flood Hazard
 - Zone X
- ▨ Area with Reduced Risk Due to Levee
 - Zone X
- ▨ Area of Minimal Flood Hazard
 - Zone X

16 Mar, 2023

Note:
FEMA Floodplains

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✕ **Railroads**
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary
- ▬ Contour Labels Hampton
- Contours Hampton**
- Major
- Minor

16 Mar, 2023

Note:
Elevation Contours

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Town of Yemassee - Rosalyn Smith



Legend

- Address Points Beaufort
- Parcels Beaufort
- Address Points Hampton
- Parcels Hampton
- Address Points Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary ...

16 Mar, 2023

Note:
Soil Classifications

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- ▭ Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✂ **Railroads**
- ▭ **County Boundary Beaufort**
- ▭ **County Boundary Hampton**
- ▭ **County Boundary Jasper**
- ▭ **Yemassee Boundary**
- NWI**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

▲ 16 Mar, 2023

Note:
National Wetland Inventory

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Recommended Motion

(Ordinance 23-11)

“I move to approve second and final reading of Ordinance 23-11, annexing one parcel of land located on Cochran Street in Hampton County, identified by Tax Map Number 198-00-00-095 with a zoning designation of General Residential.”

Mayor

 Peggy Bing-O'Banner
Mayor Pro Tempore

 Matthew Garnes
Town Administrator



Council Members
 Alfred Washington
 Stacy Pinckney
 David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District, 5.8 Light Industrial District [LID], to amend the minimum acreage required for a parcel to be zoned Light Industrial District. [Ordinance 23-12]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Staff, in consultation with the Planning Commission have proposed a text amendment to the Zoning Ordinance section on Light Industrial District. Currently, the minimum lot size for a parcel to be eligible for Light Industrial Zoning is twenty-five acres. The proposed modification will decrease the minimum lot size to five acres. Town Council conducted first reading at the April meeting where it was approved, and a public hearing scheduled for this Council meeting.

Recommended Action: Conduct public hearing and second reading on Ordinance.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



Staff Report Administration



Meeting Date:	May 9, 2023
Project:	Proposed Amendments to the Town of Yemassee Zoning Ordinance, Chapter 5, Section 5.8 titled “Light Industrial”, to amend the minimum acreage required for Light Industrial Zoning.
Project Manager:	Matthew E. Garnes Town Administrator

Introduction: As set forth in Section 8.3 (Procedures for Amendments”, the Planning Commission shall review and prepare a report, including its recommendation for transmittal to the Town Council. Before enacting an amendment to this Ordinance, the Town Council shall hold a public hearing; notice of the time and place of which shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing.

The Planning Commission recommended approval of the text amendment in March 2023 and forwarded it to the Town Council for consideration. Town Council approved first reading at their April 2023 meeting.

Request: The Town Administrator requests that the Town Council approve second and final reading of a Text Amendment to the following Zoning Ordinance sections:

Chapter 5 – Section 5.8 – Light Industrial

Background: The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. Taking into account the existing inventory of property zoned Light Industrial and out of the parcels zoned Light Industrial the amount of potential area for potential industrial occupancies is limited to a handful of parcels as most parcels zoned LID do not meet the 25-acre minimum threshold.

Existing Language: Section 5.8.5 outlines the general requirements for Light Industrial Zoning. Staff is requesting that the minimum lot size for Light Industrial Zoning be decreased from twenty-five (25) acres to five (5) acres. No changes are proposed to setbacks nor buffers and any potential development would be required to



Staff Report Administration



meet the screening, buffering and landscaping requirements in the DSO.

Proposed Text Change to 5.8.5 (a)

"A. Minimum lot size is five (5) acres."

Town Council Action: As granted by the powers and duties set forth in the Town of Yemassee Zoning Ordinance, the Planning Commission has the authority to take the following actions with respect to this application:

- a. Approval of the application as submitted
- b. Approval of the application with amendments; or
- c. Denial of the application as submitted by the applicant

The Planning Commission recommended approval of the text amendment at their March Planning Commission meeting and requested Town Council consider the amendment. Town Council may:

- a) Approve first reading as submitted
- b) Approve first reading with modifications
- c) Table ordinance until time certain
- d) Denial of the ordinance

Staff Recommendation: Administration Staff recommend approval of the text amendment as presented for first reading and request Council schedule a Public Hearing at the May 2023 Town Council meeting.

Next Steps:

Step	Date	Complete
Step 1. Planning Commission Recommendation	March 7, 2023	√
Step 2. Town Council 1st Reading	April 11, 2023	√
Step 3. Town Council Public Hearing	April 11, 2023	
Step 4. Town Council 2nd Reading	April 11, 2023	

Attachments:

- Existing Chapter 5.8 Text
- Proposed Modification to Chapter 5.8

Town of Yemassee
 Planning & Zoning Department
 Zoning Classifications by District: Light Industrial District (LID)

Number	Parcel Number	County	Situs Address (If Applicable)	Current Use	Acerage	Annx Date
1	197-00-00-098	Hampton	27 Dixie Poly Dr	Warehouse	5.26	N/A
2	197-00-00-099	Hampton	28 Dixie Poly Dr	Warehouse	2.36	N/A
3	198-08-02-012	Hampton	28 Dixie Poly Dr	Warehouse	6.50	N/A
4	198-08-02-011	Hampton	76 Willis St N	Unimproved land	6.50	N/A
5	198-08-02-010	Hampton	000 Willis St N	Unimproved land	2.00	N/A
6	198-00-00-039	Hampton	000 Yemassee Hwy	Dominion Energy substation	15.48	N/A
7	198-00-00-179	Hampton	000 Yemassee Hwy	Dominion Energy substation	2.34	N/A
8	198-08-01-001	Hampton	000 Yemassee Hwy	Dominion Energy substation	17.76	N/A
9	198-09-04-005	Hampton	000 Steinmyer St	Dominion Energy substation	2.06	N/A
				Total Acerage Zoned LID:	60.26	

minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

5.7.5 Uses Not Permitted in the Mixed Use District

- A. Any convenience or other high volume commercial business.
- B. Motels and hotels.
- C. Any business involving junk, salvage operations, the open storage of junk and salvage materials, construction vehicles, or more than two (2) trucks maintained on the premises.
- D. Any business that constitutes a nuisance.
- E. Drive-in and drive-thru facilities.
- F. Self-service Laundromat or dry cleaning store.
- G. Package liquor store.
- H. Adult Entertainment Establishments.
- I. Any business, person, entity or service offering Adult Entertainment.

Section 5.8 Light Industrial District [LID]

- 5.8.1 The purpose of this District is to provide a suitable environment for and enhancing the locational flexibility of uses generally classified as research and development, assembly, high technology production, precision manufacturing, and light industry by excluding heavy manufacturing and permitting only those cleaner industries and operations which tend to be less objectionable to the community; and by requiring high performance standards and

tolerating minimal creation of air and water pollution, hazardous waste, and other off-site nuisances.

- 5.8.2 The following uses shall be permitted in any LID provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, is conducted on the premises either as independent operations or as part of the primary permitted activity. Similar uses shall be considered for inclusion.
- A. All permitted and conditional uses in the Regional Commercial District subject to the same conditions apply in the District;
 - B. Warehouse, wholesale, or distribution operation;
 - C. Workshop for building trades other than carpentry;
 - D. Photocopying, typesetting, or stripping operation; bindery;
 - E. Handicrafts workshop or fine arts studio; and
 - F. Manufacturing, production, processing, assembly, fabrication, packaging, storage, and distribution of the following materials and products plus customarily associated operations:
 - 1. Computers, computer components, and computer accessories including, but not limited to: printed circuit boards, semiconductors, terminals, printers, storage devices, peripheral equipment, and software;
 - 2. Electrical and electronic components and systems for office and consumer use including, but not limited to: audio and video equipment, television sets, radios, telephones, telegraphs, and calculating machines;
 - 3. Small office supplies and machines suitable for sale in stationery store; household cooking equipment;
 - 4. Lighting fixtures, fans, lamp bulbs, and tubes;
 - 5. Cameras and other photographic equipment excluding film and chemicals;

6. Watches, clocks, meters, scales, and other counting and timing devices;
7. Medical, surgical, and dental instruments; optical and ophthalmic instruments, lenses, and eyeglasses; orthopedic and prosthetic appliances;
8. Precision instruments and gauges used for measuring, testing, control, display, and analysis; precision instruments used for communications, search, detection, navigation, and guidance;
9. Magnetic and optical recording media, audio/video tapes and disks;
10. Electronic capacitors, coils, connectors, and resistors for small office and consumer products; electron tubes;
11. Materials for fiber optic process;
12. Sporting and athletic goods; musical instruments; hand-held tools; lawn and garden equipment;
13. Hand held firearms excluding ammunition;
14. Lightweight metal or plastic furniture; drafting equipment, writing, drawing, and marking implements;
15. Vending machines; signs and advertising specialties;
16. Brooms, brushes, and combs; fasteners, buttons, needles, and pins;
17. Games, toys, dolls, figurines, and stuffed animals; small curios, novelty items, and tourist souvenirs;
18. Needlework and textile manufacture or assembly; and
19. Trade shop or tool and die shop.

5.8.3 The following uses shall be permitted in on a conditional basis in the LID, provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, are conducted on the

premises either as independent operations or as part of the primary permitted activity.

- A. Laboratory for research, development, experimentation, or testing; or biotechnology operation provided there is no activity exceeding Bio-safety Level II and no use of recombinant DNA;
- B. Textile, fabric, or apparel operation specifically including woven fabric mill, knitting mill, yarn and thread mill, and cut and sew operation provided none of the following occurs on the premises: production of synthetic fibers; printing, dyeing, bleaching, finishing, or waterproofing of materials; water-jet weaving; pulling or scouring of wool; leather tanning or curing of hides;
- C. Carpentry workshop or cabinet making/wood furniture operation provided there is no chemical treatment of wood by immersion or pressure application, or sawing or planing of raw-lumber and provided the operation does not exceed twenty thousand (20,000) square feet.
- D. Printing, lithography, and gravure provided that the operation does not exceed twenty thousand (20,000) gross square feet. If only water-soluble inks or photocopying processes are used, there is no size limitation;
- E. Bulk storage of petroleum or other flammable, volatile, or hazardous materials provided they are used for operations on the premises rather than for distribution; and provided the storage arrangement complies with *Occupational Safety and Health Administration and National Fire Protection Association Standards*;
- F. Cold storage plant provided there is no processing of food other than seafood and shellfish;
- G. Light assembly or fabrication of any product not listed in *Section 5.8.2, Permitted Uses*, or in *Section 5.8.3, Conditional Uses*, provided only finished, previously prepared materials are used including, but not limited to: metal, plastic, rubber, ceramic, glass, wood, fabric, leather, canvas, fur, paper, or paperboard; provided production is carried out primarily with hand

operations or light-duty machines/tool room-type equipment; provided only simple machining, cutting, reshaping, and fastening processes are involved; provided no chemicals, dyes, solutions, or other applicants are used in the production process with the exception of paints and finishes applied with a small brush or jet, cleansers, lubricants, solders, and glues;

H. Campgrounds and Recreational Vehicle Parks provided that:

1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
5. No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground;
6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures;
7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps* of the *South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
8. All campground facilities shall be served by public water and sewer.

- 5.8.4 Prohibited Uses and Operations: The uses, operations, processes, facilities, and equipment specified below shall not be permitted in any Light Industrial District either as independent operations or as part of the primary permitted activity.
- A. Production for sale as end product or as major component of an end product of chemicals, abrasives, acetylene, acids, asbestos, bleaches, carbon black, caustics, celluloid, chalk, cleaning compounds, dyes, inks, linoleum, oilcloth, paints, polishes, pyroxylin, soda or soda compounds, synthetic resins, turpentine, varnish, or other substances considered by the USEPA to be toxic;
 - B. Production of primary commodities from raw materials, specifically including: metals, plastic, rubber, and paper;
 - C. Primary metal operations including, but not limited to: smelting, refining, rolling, drawing, founding, forging, die casting, and extrusion;
 - D. Manufacture of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials;
 - E. Cyanide plating, blast furnace, boiler works, coke oven, punch press over twenty (20) tons rated capacity, drop hammer; distillation of coal, tar, or wood; combustion of coal or high sulfur oil;
 - F. Production of food for distribution (excluding seafood, shellfish, restaurant preparation and bakery serving local community);
 - G. The storage, utilization, or manufacture of materials or products which decompose by detonation including, but not limited to: primary and high explosives; blasting explosives such as dynamite and nitroglycerine; propellants such as nitrocellulose; pyrotechnics and fireworks; unstable compounds such as acetylides, tetrazoles, perchloric acid, nuclear fuels, and fissionable materials;
 - H. Any activity which generates radioactive waste with the exception of waste used or created from medical treatments by physicians or veterinarians. Radioactive waste created from medical treatment must be disposed of in accordance with

South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is twenty-five (25) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is ~~twenty five (25)~~ five (5) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

TOWN OF YEMASSEE
Ordinance No. 23-12

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE’S ZONING
ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION 5.8,
titled “LIGHT INDUSTRIAL DISTRICT (LID)”, TO AMEND THE MINIMUM
ACERAGE REQUIRED FOR A PARCEL TO BE ZONED LIGHT
INDUSTRIAL DISTRICT.

WHEREAS, THE Town of Yemassee desires to periodically improve its Zoning Ordinance and to identify areas for potential modifications; and

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Yemassee Town Code and the Town of Yemassee Zoning Ordinance provides a framework for development within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

WHEREAS, the Town of Yemassee Town Council adopted its zoning ordinance, known as the Town of Yemassee Zoning Ordinance, on March 9, 2007; and,

WHEREAS, the Zoning Ordinance establishes zoning districts that serves as a regulatory tool identifying specific areas for land use; and,

WHEREAS, the Zoning Ordinance establishes a Light Industrial District (LID) to dictate appropriate development of Industrial properties within the Town limits; and

WHEREAS, revisions are desired to amend the minimum acreage a lot is required to have in order to be zoned Light Industrial District; and

WHEREAS, the Planning Commission conducted a review of the proposed text amendment at their March 7, 2023, Planning Commission Meeting and recommended forwarding the proposed amendment to the Town Council for consideration; and

WHEREAS, a Public Hearing shall be conducted by the Town Council prior to second reading; and

WHEREAS, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1, Amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends

the Zoning Ordinance of the Town of Yemassee, Article V, Section 5.8 Light Industrial District (LID) as follows:

Section 1. AMENDMENTS. The Town of Yemassee hereby amends the Zoning Ordinance of the Town of Yemassee, South Carolina by adopting and incorporating amendments to the Town of Yemassee Zoning Ordinance, Article V, Section 5.8, Light Industrial District, Section 5.8.5(a) General Requirements as follows:

“5.8.5 General Requirements.

a) Minimum lot size is five (5) acres.

Section 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: April 11, 2023

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O'Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

(seal)

Recommended Motion

(Ordinance 23-12 | Zoning Ordinance Text Amendment)

“I move to approve second and final reading of Ordinance 23-12, Amending the Town of Yemassee Zoning Ordinance Article V – Requirements by District, 5.8 titled Light Industrial District, changing the minimum lot size from twenty five (25) to five (5) acres”.

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Authorizing and Directing the Town of Yemassee to enter into an Intergovernmental Agreement relating to South Carolina Local Revenue Services; to Participate in one or more Local Revenue Service Programs; to Execute and Deliver one or more Participant Program Supplements; and Other Matters Relating Thereto. [Ordinance 23-13]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: See attached Memo

Recommended Action: Approve second reading on Ordinance 23-13.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

Date: February 28, 2023

To: Mayors, Managers, Administrators, Clerks and
Local Revenue Service Contacts

From: Caitlin Cothran, Manager for Local Revenue Services

Re: Ordinance, Agreement, and Supplement for Local Revenue Service Programs
PROMPT ACTION REQUIRED

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- There are THREE attachments to this memo: (1) an ordinance to participate in Local Revenue Services, (2) an intergovernmental agreement for the programs, and (3) a program participant supplement by which a municipality elects which programs to join.
- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023.** We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccothran@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

Municipal Association - New Local Revenue Services Ordinances

Caitlin Cothran <CCothran@masc.sc>

Wed 3/15/2023 10:14

To: Lori Mixson <lmixson@townofyemassee.org>; Colin Moore <cmoore@townofyemassee.org>; Matthew Garnes <mgarnes@townofyemassee.org>

Cc: Ashley Kellahan <AKellahan@masc.sc>; Anita Lancaster <ALancaster@masc.sc>; Fran Adcock <FAdcock@masc.sc>; Kaylee Summerton <KSummerton@masc.sc>

 4 attachments (355 KB)

LRS Ordinance Update Cover Memo-2023.pdf; LRS Participant Program Supplement-2023.docx; LRS Intergovernmental Agreement-2023.DOCX; LRS Ordinance-2023.DOCX;

Dear Mayor and staff of Yemassee,

For many years, the Municipal Association of South Carolina has offered collection programs for certain business license taxes.

Historically, these programs have been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. In the last year, the Municipal Association has [collectively rebranded these programs as Local Revenue Services](#) to better reflect its purpose and has renamed the three business license programs as the Insurance Tax Program, or ITP; the Brokers Tax Program, or BTP; and the Telecommunication Tax Program, or TTP.

Your municipality participates in all of these programs. Because of the name change of the programs, and because of changes to the state's business licensing law from Act 176 of 2020, your continued participation in these programs requires your municipality to **take prompt action to pass new authorizing ordinances and agreements by May 26**.

The full memo, ordinance, agreement, and supplement are attached.

If you have questions about the attached documents, please contact Manager for Local Revenue Services Caitlin Cothran at 803.354.4786 or ccothran@masc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Municipal Association General Counsel Eric Shytle at 803.933.1214 or eshytle@masc.sc.

Thanks,

Caitlin Cothran (ccothran@masc.sc)

Manager for Local Revenue Services

Municipal Association of South Carolina

p: 803.354.4786 | f: 803.354.4791 | www.masc.sc



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subject to the SC Freedom of Information Act. Any review, retransmission, dissemination, or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited and punishable to the fullest extent of the law. If you are not the intended recipient, please contact the sender by return email and destroy all copies of the original message.

ORDINANCE 23-13

AN ORDINANCE

AUTHORIZING AND DIRECTING THE TOWN OF YEMASSEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Yemassee (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in ITP, BTP, and TTP;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 21-10 on December 20, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the Town of Yemassee Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Yemassee as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The Mayor (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the ITP, the BTP, and the TTP. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is

located based on the same premium.

- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, “gross premiums” shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the “Brokers Act”) establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker’s premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current 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. Declining rates shall not apply.

- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. 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. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) 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.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide

Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20 ____.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Yemassee (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

TOWN OF YEMASSEE, SOUTH CAROLINA

Name: Colin J. Moore
Title: Mayor

ATTEST:

Name: Matthew E. Garnes
Title: Town Clerk of Yemassee

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ A.D., 20____, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the "Appeals Board"). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association ("BLOA") shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
 - (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
 - (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

TOWN OF YEMASSEE, SOUTH CAROLINA

Name: Colin J. Moore

Title: Mayor

ATTEST:

Name: Matthew E. Garnes

Title: Town Clerk of Yemassee

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Yemassee (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

Recommended Motion

(Ordinance 23-13)

I make a motion to:

- ***Approve***
- ***Approve w/ Corrections.***
- ***Deny***

“second and final reading of Ordinance 23-13”.

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Proclamation declaring May 20th thru May 26th, 2023, as National Safe Boating Week in the Town of Yemassee.

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Other
<input type="checkbox"/>	Support Documents	<input type="checkbox"/>	Motion	<input type="checkbox"/>	

Summary: National Safe Boating Week is held annually in May and aims to educate boaters and the public on responsible boating, ensuring all necessary safety items are stocked on all watercraft as well as various public education events. The United States Coast Guard Auxiliary, District 7, Division 10, Flotilla 1 is the all-volunteer group of Auxiliarists that cover the waterways in and abutting the Town of Yemassee, including the Broad River, Huspah Creek, and the Pocotaligo River. The Mayor & Town Council desire to proclaim the third week in May as National Safe Boating Week in the Town of Yemassee and will assist education efforts and outreach in any way possible.

Recommended Action: Transmit signed Proclamation to the United States Coast Guard Auxiliary.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



National Safe Boating Week

Proclamation

WHEREAS; on average, 650 people die each year in boating-related accidents in the U.S.; approximately three fourths of these deaths are caused by drownings; and

WHEREAS; the vast majority of these deaths are caused by human error or poor judgment and not by the boat, equipment or environmental factors and;

WHEREAS; a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets and;

WHEREAS; the U.S. Coast Guard prepared a resolution, and on June 4, 1958, President Dwight D Eisenhower signed PL-85-445, to establish National Safe Boating Week as the first Sunday in June. In 1995, the date for National Safe Boating Week was changed to the full week before Memorial Day Weekend each year. This allowed the message of safe boating to reach more boaters before the season and enforce the message for a longer amount of time each year and;

WHEREAS; the United States Coast Guard Auxiliary, Flotilla 10-1, is the volunteer unit that is tasked with conducting public education, free boating safety checks patrolling waterways in and abutting the Town of Yemassee including the Huspah Creek, Stoney Creek and the Pocatoligo River. Their members constantly exhibit compassion, professionalism and understanding in the performance of their duties.

NOW THEREFORE, I, Colin J Moore, Mayor of the Town of Yemassee, along with the Yemassee Town Council, do hereby proclaim the week of May 20th thru May 26, 2023, as National Boating Safety Week in the Town of Yemassee.

Colin J. Moore, Mayor

(seal)

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Acceptance of the Presentation of the Town of Yemassee FY22 Audit by The Brittingham Group, LLP., presented by Mr. Bill Hancock

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance		Resolution	√	Other
√	Support Documents	√	Motion		

Summary: The Brittingham Group have completed their audit of the Town of Yemassee for the fiscal year ended August 31, 2022 and is issuing an unmodified (clean) opinion.

Recommended Action: Town Council accept the Fiscal Year 2022 Audit for the Town of Yemassee presented by Mr. Bill Hancock of The Brittingham Group, LLP.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

THE BRITTINGHAM GROUP, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

501 STATE STREET
POST OFFICE BOX 5949

WEST COLUMBIA, SOUTH CAROLINA 29171

PHONE: (803) 739-3090

FAX: (803) 791-0834

INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members
Of Town Council
Town of Yemassee, South Carolina
101 Town Circle, Post Office Box 577
Yemassee, South Carolina 29945

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Yemassee, South Carolina (the "Town") as of and for the year ended August 31, 2022, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the Town, as of August 31, 2022, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 – 9, the Schedule of Proportionate Share of the South Carolina Retirement Systems Net Pension Liabilities on page 36, and the Schedule of South Carolina Retirement Systems Contributions on page 37, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The accompanying combining fund financial statements and Schedule of Court Fines, Fees, Assessments, and Surcharges, is presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the accompanying combining fund financial statements and the Schedule of Court Fines, Fees, Assessments, and Surcharges is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated _____, on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Town's internal control over financial reporting and compliance.

West Columbia, South Carolina

Recommended Motion

(Acceptance of FY22 Audit)

***“I make a motion to accept the Fiscal Year 2022
Audit for the Town of Yemassee presented by
The Brittingham Group, LLP.”***

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending the Town of Yemassee FY23 Budget to Recognize Additional Expenditures and to Allocate Sources of Revenue for all Funds. [Ordinance 23-14]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: The FY23 Budget was approved in August 2022 and entered effect September 1, 2022, ending August 31, 2023. Staff presented the 1st Amendment to the Budget in February 2023 and was approved in late February. As we approach $\frac{3}{4}$ of the way towards the end of the fiscal year, it is necessary to amend the budget to ensure a balanced budget at closeout in August.

Recommended Action: Staff request Council approve first reading on the 2nd Amendment to the FY23 Budget.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Agenda Item

Subject: Consideration of an Ordinance Adopting and Enacting a New Code for the Town of Yemassee, South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing when Such Code and this Ordinance Shall Become Effective. [Ordinance 23-15]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Over the last two years, Staff have worked with Municode, a CivicPlus company, to codify our code of ordinances, to create an online, searchable database of code and bring the Town in line with surrounding municipalities using Municode. The platform converted the former typewriter code from the early 1990s into a searchable database which will go live after adoption on the Town website and on municode.com.

Recommended Action: Request first reading.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

ORDINANCE NO. 23-15

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF YEMASSEE, SOUTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL:

Section 1. The Code entitled "The Code of Ordinances for the Town of Yemassee, South Carolina," published by Municipal Code Corporation, consisting of chapters 1 through 32, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before March 14, 2023, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished according to code Section 1-7. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. The new code of ordinances is adopted subject to code Sections 2-1, 2-50, and 10-14, notwithstanding their publication in the code as originally printed, being adopted as revised and as follows:

Sec. 2-1. Form of government.

The form of government of the town shall be the council form.

Sec. 2-50. Meetings--Regular; place.

(a) The regular meetings of town council shall be held at the town hall on the second Tuesday of each month at 6:30 p.m., local time.

(b) In the event an official town holiday falls on the scheduled town council meeting date, the regular meeting will be held the following day.

(c) Public notice of the regular meetings shall be posted at the town hall at the beginning of each calendar year, as required by S.C. Code 1976, § 30-4-80.

(d) Should the monthly council meeting fall on a national, state, or county election day, the town council meeting would fall on the next day, Wednesday.

Sec. 10-14. Clerk of court; records.

(a) A clerk of court shall be appointed by the council, to serve as clerk of court.

(b) The clerk shall keep such records and make such reports as may be required by the municipal judge or the state court administrator.

Section 7. Ordinances adopted after March 14, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This ordinance shall become effective June 13, 2023.

Passed and adopted by the town council on this 13th day of June, 2023.

Colin J. Moore, Mayor

ATTEST:

Town Clerk

1st Reading: May 9, 2023

2nd Reading: _____

Council Action: _____

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the town council, held on the _____day of _____, 2023.

Town Administrator

Ordinance 23-15

Attachments

“Attachment A” – Existing Code

“Attachment B” – Updated Code to be Codified by Municode

The Town of Yemassee

South Carolina

THE CODE OF ORDINANCES

Effective

September 1, 2001

Carolina Municipal Codes
100 Anson Court
Sumter, South Carolina 29150

Phone: (803) 469-8184

Fax: (803) 469-8784

E-mail: sccodes@sc.rr.com

FOREWORD

In the data sent to us the town for the preparation of this code, there was an ordinance, "...adopting a new Code of Ordinances for the Town of Yemassee ..." It consisted of seventeen chapters and provided that it, "shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the Town Council, prior to 1990, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose."

Unfortunately, neither the ordinance nor the fronting page was signed. Other than the year (1990), no month or day was stipulated. That being the case, the editors of this code have chosen to assume the intent of the Town Council was to adopt the code and, therefore, we have utilized the contents of that code as the basis for The Code of Ordinances of 2001. In doing so, we have omitted provisions made obsolete by state laws or amending ordinances by Town Council and have added others that may be required.

(On a separate page, the names of the members of Town Council and the Town Clerk were listed as "OFFICERS OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, 1990." These however did not constitute signatures to adopt the code, as required by South Carolina law.)

Since that time, various ordinances have been adopted by Council and, again, no effort was made to codify them as required by Section 5-7-290 of the South Carolina Code of Laws, until the Council entered into a *Memorandum of Agreement* with the publishers of this code to do so.

That action was taken to bring that code current into this volume, reflecting all subsequent amendments and repeals. All ordinances not contained herein have been repealed, except specific ones that are set forth in the ordinance adopting this revision. They are also enumerated in Appendix D.

At the end of this volume, several appendices and one exhibit are included to facilitate the use of this code; they are:

Appendix A. The South Carolina *Freedom of Information Act*.

Appendix B. Mayor-Council form of government.

Appendix C. Sample ordinance when amending this code.

Appendix D. Ordinances not repealed by this code.

Exhibit 1. *Schedule of Rates and Fees*.

YEMASSEE TOWN CODE

It is the desire of the Mayor and Council that the user of this volume will find it user-friendly. Any questions should be addressed to the Mayor, any member of Council or the Town Clerk.

THE MAYOR AND COUNCIL
YEMASSEE, SOUTH CAROLINA

HOW TO USE THIS CODE

This code is a complete revision of all ordinances of the town. Editor's Notes are shown at the beginning or end of chapters, sections or paragraphs, to provide a cross-reference to relevant state statutes and town ordinances. Generally accepted municipal practices have been inserted in some instances.

1. Unless otherwise noted, all South Carolina Code references apply to the 1976 Code of Laws of South Carolina, as amended. Thus, a reference such as (1976 SC Code §5-7-30) means Title 5, Chapter 7, Section 30 of the 1976 South Carolina Code of Laws.

2. Local ordinances have been referenced to either the number of the ordinances or date of adoption, when available. For example, an arbitrary reference such as (Ord. #30. 5-8-96) or (Ord. 5-8-96) means the number and date or date of adoption of that particular ordinance, respectively. For ordinances without a number, the date of adoption is used.

3. When YQ is used as a reference, it refers to the Yemassee Questionnaire completed by the town prior to the recodification of this code. Example: (YQ 4) means question #4 on the questionnaire.

4. When YTC is used, it refers to the 1990 Yemassee Town Code. Thus a reference such as (YTC 3-4-13) means Chapter 3, Article 4, Section 13.

5. Future ordinances should have numbers assigned, to facilitate the identity of ordinances in future supplements and to provide easy reference to them when subsequently codified.

Many municipalities use only a number without using the year, such as No. 23, No. 24, etc., in other municipalities, however, ordinance numbers begin with the year of adoption followed by 1, 2, 3, etc., for example: No. 01-1, No. 01-2, No. 01-3, etc.

R. Powell Black
Editor

YEMASSEE TOWN CODE

ORDINANCE NO. _____

AN ORDINANCE TO CODIFY THE ORDINANCES OF THE TOWN OF YEMASSEE

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

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

SECTION 2. This code may be referred to as the *Code of Ordinances of 2001* or the *Yemassee Town Code* or the *Town Code*.

SECTION 3. Any act prohibited by this code, or any amendment hereto, for which a penalty is not herein prescribed, shall be punishable as a misdemeanor by fine or imprisonment, or both, to the extent permitted by the laws of South Carolina; provided, however, no fine shall exceed five hundred dollars (\$500.00) or imprisonment for a term not to exceed thirty (30) days, or both. Each day any such violation shall continue shall be treated as a separate offense, unless otherwise provided.

(1976 SC Code §14-25-65)

SECTION 4. An official copy of this code shall be filed in the office of the Town Clerk and made available to persons desiring to examine the same. It shall be the duty of the Town Clerk to insure that all subsequent amendments to this code are inserted in the official copy, amended parts noted or removed and new amendments distributed in the form of supplements to the holders of this code.

SECTION 5. Resolutions are not repealed by this code.

SECTION 6. The repeal herein provided shall not affect any offense or act committed or any penalty or forfeiture incurred or any contract or right established or accruing before the date of this adopting ordinance.

SECTION 7. The repeal herein provided shall not affect any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issue of any bonds or any evidence of indebtedness or any contract assumed by the municipality nor any responsibility made prior to the enactment hereof.

YEMASSEE TOWN CODE

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CHAPTER 1. GENERAL PROVISIONS

ARTICLE I. THE CHARTER

Editor's Note.

Statutory authority for the Mayor-Council form of government can be found at Title 5, Chapter 9 of the 1976 South Carolina Code of Laws, as amended.

A reprint of that chapter is included in this code as Appendix C.

ARTICLE II. THE CODE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the Yemassee Questionnaire and generally accepted municipal definitions.

1.201. HOW CODE DESIGNATED AND CITED.

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

1.202. PROVISIONS CONSIDERED AS CONTINUATION OF EXISTING ORDINANCES.

The provisions appearing in this code, as far as they are the same as those ordinances existing at the time of the adoption hereof, shall be considered as a continuation thereof and not as new enactments.

1.203. SEVERABILITY OF PARTS OF CODE.

It is hereby declared to be the intention of the Mayor and Council that if any section, paragraph, sentence, clause or phrase of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code since the same would have been enacted without the incorporation in this code of any such unconstitutional phrase, clause, sentence, paragraph or section.

1.204. CATCHLINES OR CATCHWORDS OF SECTIONS.

The catchlines of the several sections of this code printed in capital letters, a different type or underlined are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

1.205. DEFINITIONS.

In the construction of this code and all other ordinances, the following definitions shall be observed, unless the context clearly requires otherwise:

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

BOND Where bond is required, an undertaking in writing shall be sufficient.

BUSINESS DISTRICT shall mean the territory contiguous to and including a street when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

CLERK/TREASURER shall mean the Municipal Clerk as provided by state law and may be used interchangeably with "Clerk," "Municipal Clerk" or "Town Clerk."

CODE shall mean the "Code of Ordinances," and "The Code" shall be construed to mean the Code of Ordinances for The Town of Yemassee, South Carolina.

CODE OF LAWS shall mean the 1976 South Carolina Code of Laws. When the 1976 South Carolina Code of Laws is used as a reference, i.e., (1976 SC Code §14-25-45), it shall include all amendments.

COMPUTATION OF TIME shall mean the time within which an act is to be done and be computed by excluding the first day and including the last, and if the last day be Sunday or a legal holiday, that shall be excluded.

CORPORATE LIMITS shall mean the legal boundary of The Town of Yemassee.

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

COUNTY shall mean the Counties of Beaufort/Hampton, as appropriate.

DAY shall mean a period of twenty-four (24) hours.

DELEGATION OF AUTHORITY shall mean that whenever a provision or section of this code appears requiring the Clerk or head of a department of the town to do some act or make certain inspections, it shall be construed to authorize them to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

DHEC shall mean the South Carolina Department of Health and Environmental Control.

DOMESTIC ANIMAL shall mean any of various animals (as the horse or sheep) domesticated so as to live and breed in a tame condition.

EMERGENCY VEHICLE shall mean vehicles of the fire and police departments, ambulances and/or emergency vehicles or public service corporations as are designated or authorized by SCDOT or by the Town Council.

GENDER - See "Rules of Construction." (§1.206 of this chapter)

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

JUNK shall mean old iron, glass, paper or other waste that may be used in some form again; second hand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance.

JUNKYARD shall mean a yard or area used to store sometimes resalable junk.

KEEPER AND/OR PROPRIETOR shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

LIVESTOCK shall mean animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

MAY shall be permissive.

MINOR, for the purposes of this code, all references to minors shall mean persons under the age of eighteen (18) years, except in laws relating to the sale of alcoholic beverages.

(1976 SC Code §15-1-320)

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPAL CLERK shall mean "Clerk/Treasurer," "Clerk" or "Town Clerk."

MUNICIPALITY may be used interchangeably with "town" and shall mean the entire area within the corporate limits of The Town of Yemassee.

MUST shall be mandatory.

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

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

OATH, SWEAR, SWORN shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be the equivalent to words "affirm" and "affirmed" and vice versa.

OR, AND shall be used interchangeably, if the sense requires it.

OWNER shall mean and include, when applied to a building or land, any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

PERSON shall include an individual or individuals, a corporation, firm, partnership, association, organization or any other group as a unit.

PERSONAL PROPERTY shall include every species of property, except real property as defined herein.

PRECEDING, FOLLOWING shall mean the next before and the next after, respectively.

PREMISES shall mean place or places.

PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean all properties owned or controlled by public entities.

REAL PROPERTY AND REAL ESTATE shall include lands, tenements and the hereditaments.

RESIDENCE shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed as his residence.

ROADWAY shall mean that portion of a street improved, designed or ordinarily used for vehicular travel.

SC CODE shall mean the 1976 South Carolina Code of Laws, as amended.

SCDHEC shall mean the South Carolina Department of Health and Environmental Control.

SCDOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of The Town of Yemassee.

SHALL shall be mandatory.

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

SOUTH CAROLINA 1976 CODE OF LAWS shall mean the 1976 South Carolina Code of Laws, as amended.

STATE shall mean The State of South Carolina, unless otherwise provided.

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

TAX COLLECTOR shall mean the Town Clerk/Treasurer of Yemassee.

(YQ 40)

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

TIME shall mean words used in the past or present tense and includes the future as well as the past and present.

TOWN shall mean all the area embraced within the corporate limits of The Town of Yemassee.

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

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

YEAR shall mean a calendar year, unless it is clearly indicated that the fiscal year is intended.

1.206. RULES OF CONSTRUCTION.

As used in this code and all ordinances, in all cases in which the spirit and intent may require it, the following shall apply:

1. Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
2. All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
3. All words importing the present tense also shall apply to the future.

1.207. GENERAL PENALTY. CONTINUING VIOLATIONS.

a. Whenever in this code or in any ordinance, resolution, rule, regulation or order promulgated by any agency or officer thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, where no specific penalty is provided for the violation thereof, the violation of any such provisions of this code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding five hundred (\$500.00) dollars or by imprisonment for a period not exceeding thirty (30) days, or both; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses.

b. Each day a violation of this code or any ordinance, rule or regulation shall continue, it shall constitute a separate offense.

(1976 SC Code §14-25-65)

1.208. LIABILITY OF CORPORATIONS, ETC., AND AGENTS FOR VIOLATIONS.

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

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

(State v. Johnson, 255 S.C. 14, 176 S.E. 2nd 575 (1970).)

1.209. OFFENSES BEYOND TOWN LIMITS.

Any person committing any offense in, at or upon lands owned by the town or leased to the town outside the limits of the town shall be deemed and considered as committing an offense against the provisions of this code and other ordinances of the town and shall be triable for the same like manner and to the same extent as other offenders.

1.210. EFFECT OF REPEAL OR EXPIRATION OF ORDINANCE.

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

1.211. AMENDMENTS TO CODE.

a. All ordinances adopted subsequent to the adoption of this Code of Ordinances, which amend, repeal or in any way affect this code, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

b. Amendments to any of the provisions of this code may be made by amending such provisions by specific reference to the section number of this code in substantially the following, or similar language: *that Section No. ___ of the Yemassee Town Code is hereby amended as follows:* The new provisions may then be set out in full as enacted, utilizing the text and numbering system consistent with this code.

c. In the event a new section not heretofore existing in the code is to be added, the following or similar language may be used: *... that the Yemassee Town Code is hereby amended by adding a new section, to be numbered, and which shall read as follows:* The new section shall then be numbered and set out in full. The sections of this ordinance may be renumbered to accomplish consistency.

d. All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

(Editor's Note. Please refer to Appendix B for detailed guidance when preparing ordinances.)

1.212. ALTERING CODE.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this code, or to insert or delete pages, or portions thereof, or to alter or tamper with such code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in §1.207 hereof.

1.213. PROSECUTION WHERE DIFFERENT PENALTIES EXIST FOR SAME OFFENSE.

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

1.214. CORPORATE LIMITS ESTABLISHED.

A map of the town, when prepared, shall indicate the territorial limits, and, when approved by the Town Council and attested by the Town Clerk, is hereby designated as the official map of the town. The corporate limits as shown thereon are declared to be true and correct.

1.215. MUNICIPAL SEAL.

The municipality shall have a seal which shall be affixed to all deeds of real estate executed on behalf of the municipality and to all notes, bonds and other evidences of indebtedness executed in behalf of the municipality, or when deemed necessary by the Town Council.

ARTICLE III. RESPONSIBILITIES OF MUNICIPALITY

Editor's Note: Title 5, Chapter 7, Section 10 of the 1976 South Carolina Code of Laws provides that:

The provisions of this chapter provide for the structure, organization, powers, duties, functions and responsibilities of all municipalities under all forms of municipal government provided for in Chapters 9 (Mayor-Council), 11 (Council) and 13 (Council-Manager) unless otherwise specifically provided for in these chapters.

The powers of a municipality shall be liberally construed in favor of the municipality and the specific mention of particular powers shall not be construed as limiting in any manner the general powers of such municipalities.

This article has been added, to set forth the authority contained in South Carolina law for all municipalities in this state.

ARTICLE IV. PENALTIES

1.401. PENALTY.

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

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

(1976 SC Code §14-25-65)

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- 2.104. Same. Eligibility.
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- 2.106. Mayor. Duties.
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CHAPTER 2. ADMINISTRATION

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the Yemassee Questionnaire and generally accepted municipal practices. (Also, see Article III, this chapter, for Municipal Elections.)

ARTICLE I. IN GENERAL

2.101. FORM OF GOVERNMENT.

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

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

2.102. TOWN COUNCIL. COMPOSITION.

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

2.103. SAME. TERMS.

- a. The term of office for Mayor shall be four (4) years.
- b. The term for the office for Council shall be four (4) year staggered terms.

(1976 SC Code §5-15-40) (YQ 3)

2.104. SAME. ELIGIBILITY.

To be eligible for the office of Mayor or as a member of the Council, a candidate shall be a qualified elector of the municipality. (See §2.316, this code.)

(1976 SC Code §7-5-120)

2.105. COMPENSATION. INCREASES. ACTUAL EXPENSES.

a. The Mayor shall be paid twelve thousand dollars (\$12,000.00), and members of Council shall be paid two thousand four hundred dollars (\$2,400.00), per annum.

(YQ 4)

b. Increases in compensation shall be approved by ordinance and shall not become effective until the commencement date of the next general election.

c. The Mayor and members of Council may receive payment for actual expenses incurred in the performance of their official duties when supported by official expense vouchers.

(1976 SC Code §5-7-170)

(Editor's Note. Compensation includes anything of value provided at public expense for performing official duties... Retirement benefits, insurance benefits, vehicles, etc., which are not reimbursement of actual expenses incurred while performing official duties should also be included in the ordinance setting salaries... Salary setting is a legislative matter the council must address by ordinance. UPTOWN, May, 1997, page 6.)

2.106. MAYOR. DUTIES.

a. The Mayor shall preside at all regular and special meetings of Council, shall execute, on behalf of Council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or Council.

b. He shall have other such duties as set forth in SC Code §5-9-10.

(Editor's Note. 1976 SC Code §5-9-10 provides for the authority of the Mayor.)

2.107. MAYOR PRO TEMPORE. DUTIES.

a. The Council shall elect from among its members a Mayor Pro tempore, at the first January meeting following a general election. The Mayor Pro tempore shall act for the Mayor during the absence or disability of the Mayor. In case of a vacancy in the office of Mayor, the Mayor Pro tempore shall serve until a successor is elected.

b. In the absence of both the Mayor and Mayor Pro tempore such member of the Council shall perform the duties of the Mayor as the Council may designate.

(1976 SC Code §5-7-190)

2.108. OATH OF OFFICE. REQUIRED.

The Mayor, each member of Council and other officials, when required, before entering upon the duties of their respective offices, shall take the following oath:

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

(Art. VI, Sec. 5, S. C. Constitution)

As Mayor (Councilman, Judge, Police Officer, etc.) of The Town of Yemassee I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected (or appointed). So help me, God.

(1976 SC Code §14-25-15) (1976 SC Code §5-15-150)

2.109. ORDINANCES.

It shall be the duty of the Council to pass, from time to time, such ordinances as in its judgment shall best promote the interests of the citizens and property owners of the municipality.

(1976 SC Code §5-7-30)

(Editor's Note. See Appendix B for details of ordinance preparation. Section 19-3-10 of the 1976 South Carolina Code of Laws provides that, *in all courts...in this state the...ordinances of the municipalities...shall constitute prima facia of the genuiness of the same.*) (See also §2.110.a, Editor's Note.)

2.110. SAME. SIX DAYS BETWEEN READINGS. AMENDMENTS.

a. No ordinance shall be adopted until it shall have been read two (2) times and on two (2) separate days with at least six (6) days between each reading.

(1976 SC Code §5-7-270)

(Editor's Note. An opinion by the South Carolina Attorney General [No. 77-298, p 225] stated that any town ordinances that have been properly adopted *are valid and enforceable under the provisions of §5-7-270....*)

b. The introduction and reading of any ordinance may be by the reading of the title only, unless full reading is requested by a majority of Council members present.

c. An ordinance may be amended at the time of a second reading.

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

2.111. SAME. BOOK OF.

a. The Town Clerk shall enter in a book the original copy of all ordinances passed by the Council. The book shall be known as the *Book of Ordinances*.

b. The book shall contain the dates of first and second readings of all ordinances, notation of repeals or amendments, whether or not the ordinance is to be codified and a brief summary of the contents.

(1976 SC Code §5-7-290)

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

a. The Town Clerk shall write on the first page of every ordinance, subsequent to entry in the *Book of Ordinances*, if the same shall be amended or repealed, as the case may be.

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

2.113. SAME. ENACTING CLAUSE.

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

2.114. SAME. REQUIRED BY STATE LAW.

The Council shall act by ordinance in all matters required by law to be done by ordinance, in order to:

1. Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
2. Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
3. Appropriate funds and adopt a budget;
4. Grant, renew or extend franchises, licenses or rights in public streets or in public property and close abandoned streets;
5. Authorize the borrowing of money or the issuance of bonds;
6. Levy taxes, assess property for improvements or establish charges for services;
7. Annex areas;
8. Convey or lease or authorize the conveyance or lease of any lands; and
9. Amend or repeal any ordinance described in subparagraphs 1 through 8 above.

In all other matters, the Council may act either by ordinance, resolution, or on motion, written or oral, which shall be recorded in the minutes.

(1976 SC Code §5-7-30, §5-7-260)

2.115. SAME. ANNUAL CODIFICATION.

All ordinances amending this code shall be codified as often as desired, but at least annually, in loose-leaf form and available for public inspection during normal office hours.

(1976 SC Code §5-7-290)

2.116. SAME. FORM OF. TO BE IN WRITING AND FINAL FORM. TO BE SIGNED.

Every proposed ordinance shall be numbered, in writing and in the form required for final adoption. All ordinances shall include:

1. A number;
2. A title briefly describing the contents;

(South Carolina Attorney General Opinion No. 86-117, p 343.)

3. Findings, reasons or basis for the ordinance, if desired and when appropriate;
4. An enacting clause;
5. A repealing provision, when appropriate;
6. The provisions of the ordinance including section numbers, when appropriate;
7. The name of the person introducing the ordinance, when requested by him;
8. The effective date of the ordinance, dates of first and second readings and, when requested, approval of the Town Attorney as to form.
9. The Mayor and Council shall sign and the Town Clerk shall attest all ordinances, following adoption thereof; provided, however, all members may sign.

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

2.117. SAME. INTRODUCTION. ATTORNEY APPROVAL. PUBLIC INSPECTION.

- a. Any member of Council may propose an ordinance.
- b. After an ordinance is introduced, the Town Clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of Council, its title is read.
- c. When appropriate, a proposed ordinance shall be referred to the Municipal Attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.

(Editor's Note. Electors may propose ordinances except an ordinance appropriating money or authorizing the levy of taxes. SC Code §5-17-10, as amended.)

2.118. SAME. FINAL FORM BEFORE ADOPTION.

All ordinances shall be complete in the form in which it is finally adopted.

(1976 SC Code §5-7-270)

(Editor's Note. See §2.110, this code, for requirement of six days between readings.)

2.119. EMERGENCY ORDINANCES. EXPIRATION. READING. RESTRICTIONS.

a. Emergency ordinances shall expire automatically as of the sixty-first (61st) day following the date of enactment.

(1976 SC Code §5-7-250(d))

b. Emergency ordinances may be adopted without regard for any reading, without notice or hearing, by affirmative vote of two-thirds of the members present.

c. An emergency ordinance may not levy taxes.

(1976 SC Code §5-7-250)

d. An emergency ordinance may not relate to a franchise or a service rate.

(1976 SC Code §5-7-250)

(Editor's Note. The reader is referred to the SC Code §5-7-250 through §5-7-280, for further details as to emergency requirements.)

2.120. SAME. STATE OF EMERGENCY. POWERS OF THE MAYOR. CURFEW.

a. A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

b. In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency.

c. In order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the Town Council, the Mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the Town Council and to specific hours of the day or night and to exempt from the curfew law enforcement officers, fire fighters, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

(1976 SC Code §5-7-250)

2.121. RESOLUTIONS. INTRODUCTION.

a. A voice motion by a member of Council shall be considered to be the introduction of an oral resolution, which shall require no written record other than a notation by the Town Clerk in the Council minutes.

b. A resolution proposed in writing shall be introduced in the same manner as an ordinance and, when appropriate, in such form as may be recommended as applicable by the Municipal Attorney.

2.122. SAME. ADOPTION.

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

2.123. FEES. SCHEDULE OF RATES AND FEES. EXHIBIT 1.

a. Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in Exhibit 1, entitled *Schedule of Rates and Fees*.

b. The exhibit is hereby made a part of this code as if fully set forth herein, and filed in the office of the Town Clerk.

c. All changes to Exhibit 1 shall be made by ordinance.

ARTICLE II. MEETINGS OF TOWN COUNCIL

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the Yemassee Questionnaire and generally accepted municipal practices. (See SC Code §5-7-250 as to council meetings, rules of procedure, etc.)

2.201. MEETINGS. REGULAR. PLACE.

a. The regular meetings of Town Council shall be held at the Town Hall on the second Tuesday of each month at 7:00 p. m., local time. (See §2.203 herein, for change in meeting date.)

(YQ 6)

b. In the event an official town holiday falls on the scheduled Town Council meeting date, the regular meeting will be held as determined by Council.

c. Public notice of the regular meetings shall be posted at the Town Hall at the beginning of each calendar year, as required by SC Code §30-4-80.

2.202. SAME. SPECIAL. WORK SESSIONS.

a. Special meetings may be held:

1. whenever called by the Mayor in cases of emergency, or;
2. when, in the judgment of the Mayor, the good of the municipality requires it, or;
3. by a majority of the members of Council.

b. Work sessions shall be treated as regular meetings and shall have an agenda.

2.203. SAME. NOTICE OF CHANGE.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the *Freedom of Information Act*. (Appendix A, this code.)

2.204. SAME. OPEN TO PUBLIC.

All Council meetings shall be open to the public and shall be governed by the *Freedom of Information Act*. (Appendix A, this code.)

2.205. SAME. MAYOR TO PRESIDE.

The Mayor shall preside at all Council meetings.

2.206. AGENDA.

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

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

(1976 SC Code §30-4-80.a)

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

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

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

(YQ 7)

2.207. APPEARANCE OF CITIZENS.

Any citizen of the town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters.

(YQ 8) (See also §2.215.h, this code.)

2.208. MINUTES OF TOWN COUNCIL MEETINGS.

a. The minutes of all public meetings of the Council shall be a matter of permanent public record. At each regular Council meeting, the minutes of the previous meeting or meetings shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the Council.

b. Any member of Council desiring to express a position in the minutes on a matter voted upon by Council may do so by presenting the position in writing to Council not later than the next regular meeting.

c. No person shall make any change in the minutes or remove same from Town Hall, without prior approval of the Mayor.

2.209. QUORUM. REQUIRED.

- a. All actions of Council shall require a quorum.
- b. *A majority of the total membership of Council shall constitute a quorum for the purpose of transacting Council business.*

(Editor's Note. §2,209.b is a direct quote from the 1976 SC Code, §5-7-160.)

2.210. RULES OF ORDER. PARLIAMENTARIAN.

- a. Except as otherwise provided by state law or this code, Robert's Rules of Order shall govern all proceedings of Council.
- b. The Municipal Attorney shall act as parliamentarian when present. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, who shall be selected by a majority vote of members.

2.211. MOTIONS. TO BE IN WRITING.

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

2.212. UNLAWFUL TO INTERRUPT MEETINGS.

It shall be unlawful for any person or persons to interrupt the proceedings of Council, the Court or any other official body while in session.

(See also §14.706, this code.)

2.213. ORDER OF BUSINESS.

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

- | | |
|-------------------------------|---------------------------------|
| 1. Invocation. | 6. New Business. |
| 2. Approval of the Minutes. | 7. Finance Reports, Bills, etc. |
| 3. Unfinished Business. | 8. Citizens' Agenda. |
| 4. Council Committee Reports. | 9. Adjournment. |
| 5. Department Reports. | |

2.214. VOTING.

a. The Town Clerk shall record the result of each vote on every question in the minutes. The "yeas" and "nays" on any question shall be recorded, when requested by any member.

b. Every member of Council, including the Mayor, shall vote on every question, except when required to refrain from voting by state law.

(Editor's Note. SC Code §5-13-30 authorizes the Mayor to vote as other members of Council; he is not required to "break ties.")

c. A show of hands or a voice vote shall be sufficient to record votes.

d. During the meeting, no member shall leave the Council chamber without permission from the presiding officer.

e. Any member abstaining from voting shall submit his reason in writing which shall be given to the Council, for inclusion in the official minutes of the Council meeting.

(Editor's Note. The Municipal Association strongly recommends that all members vote on every question, except when required by law to refrain, such as having personal interest in the matter under discussion. See also §5-7-130 of the South Carolina Code of Laws.)

f. Any member, at his request, shall have his reasons for voting for or against any measure recorded in the minutes.

g. Neither the Mayor nor any member of Council shall vote on any question of a private nature in which he is personally or financially interested.

(1976 SC Code §8-13-700)

2.215. CONDUCT OF MEETINGS. GENERALLY.

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

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

b. The presiding officer shall ensure that all Council members have an opportunity to express their views on matters properly presented for discussion. The presiding officer may temporarily relinquish the chair in order to engage in active debate or discussion.

c. The presiding officer shall have the same rights/responsibilities as other Council members with regard to making motions and voting.

d. During a meeting, Council members shall request permission of the Mayor or presiding officer before speaking.

e. Council members shall not engage in shouting, arguments or personally disrespectful behavior towards each other during meetings.

f. No member of Council shall speak more than twice on the same question, except to explain his position, without concurrence of a majority of the Council.

g. In unusual cases and by a majority vote, Council may permit public discussion or input on a specific subject during a meeting. Otherwise, no person from the audience may interrupt the Council meeting or address the Council unless recognized by the Mayor or presiding officer. Persons who are disorderly or who act in a threatening manner may be asked to leave the Council chamber.

h. If a number of citizens wish to speak at any meeting, the Mayor or presiding officer may reasonably limit the length of time allotted to each citizen and shall state the time limitations before the public comments begin.

(See also §2.207, this code.)

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

2.216. MOTIONS. NOT DEBATABLE.

The following motions shall be without debate:

1. To adjourn,
2. To lay on the table,
3. To read any paper,
4. To take the "yeas" and "nays" for the previous question, and
5. To reconsider.

2.217. SAME. PRECEDENCE DURING DEBATE.

When a question is under debate, no motion shall be received except a motion:

1. To adjourn,
2. To lay on the table,
3. For the previous question,
4. To postpone to a certain day, and
5. To commit, to amend or to postpone indefinitely.

The above motions shall have precedence in the order in which they are set forth.

2.218. SAME. TO RECONSIDER.

A motion to reconsider shall not be entertained unless it be made by a member of Council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.

2.219. COMMITTEES. APPOINTMENT. PUBLIC HEARINGS.

a. The Council may appoint committees to serve at the pleasure of the Council, including a committee to hold a public hearing upon any matter pending before it, unless otherwise prohibited by law.

b. Minutes or reports of hearings held by such committees shall be filed with the Town Clerk as public records.

(YQ 16)

2.220. SAME. REPORTS.

a. Reports of committees shall be rendered as the presiding officer may determine, unless otherwise required by Council.

b. Standing committee reports shall be in writing and signed by a majority of the members. Reports involving the expenditure of money shall include the amount to be expended, or an approximation thereof, and the reasons therefor.

(YQ 16)

2.221. EXECUTIVE SESSIONS.

a. Council may hold Executive Sessions as permitted by the South Carolina *Freedom of Information Act*, at such times and places, as Council may deem necessary and in the public interest.

b. A majority vote of Council members shall be necessary to call such sessions, and the reason shall be stated in the motion, as required by the *Freedom of Information Act*.

c. No official action may be taken in an Executive Session.

d. Any action which results from an Executive Session discussion shall be taken in open session prior to such action becoming effective, as required by the *Freedom of Information Act*.

(Editor's Note. See Appendix A, this code, for requirements of the *Freedom of Information Act*.)

ARTICLE III.. MUNICIPAL ELECTIONS

EDITOR'S NOTE. THE UNITED STATES CONGRESS HAS MANDATED THAT ANY ORDINANCE THAT IMPACTS UPON THE ELECTION PROCESS MUST BE CLEARED IN ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE. (Section 5 of the Voting Rights Act of 1965, as amended.)

Under South Carolina law, each municipal governing body determines by ordinance the time for filing nominating petitions, holding primary elections or conventions, the time for conventions, the time for closing of entries, and the time and manner of filing by candidates in nonpartisan elections, etc.

The municipal governing body determines by ordinance that either filing a statement of candidacy or a petition with the municipal election commission is required to place the name of the candidate on the ballot in nonpartisan general elections.

This article derives from SC Code §5-15-90 et seq., as amended; the Yemassee Questionnaire and generally accepted municipal practices.

2.301. ELECTION LAWS OF THE STATE TO GOVERN.

All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.

(1976 SC Code §5-15-20 et seq.)

2.302. MUNICIPAL ELECTION COMMISSION ESTABLISHED. TERMS.

a. There is hereby established a Municipal Election Commission composed of three (3) electors who shall be residents of the municipality and who shall serve terms of six (6) years.

b. Members shall be appointed by the Town Council and shall conduct all municipal elections.

(1976 SC Code §5-15-90, §5-15-100)

c. The Council shall appoint an interim commissioner to fulfill the duties of any disabled member for the duration of the election period.

2.303. DATE OF ELECTIONS.

All general elections for Council shall be held the first Tuesday after the first Monday in November in each odd numbered year and specified in the public notice of the election.

(1976 SC Code §5-15-50) (YQ 10)

(Editor's Note. The Municipal Association has recommended that all general municipal elections be held *"The first Tuesday after the first Monday in April and November..."* Office holders would continue in office until the next election.) (MASC News of April 4, 1995)

2.304. VOTING HOURS. PLACE.

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

(1976 SC Code §7-13-60) (YQ 14)

2.305. FILING. STATEMENT OF CANDIDACY. PETITIONS.

All candidates for election shall file a "Statement of Candidacy", not less than sixty (60) days prior to an election. Petitions shall be required.

(1976 SC Code §5-15-70) (YQ 12.b)

2.306. SAME. FEES.

The filing fee for the office of Mayor shall be fifty dollars (\$50.00); for the office of Council it shall be twenty-five dollars (\$25.00).

(YQ 13)

2.307. OATH.

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

2.308. CERTIFICATION.

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

2.309. PUBLIC NOTICE REQUIRED.

Public notice of all municipal elections shall be given at least sixty (60) days prior to such elections, as required by law.

(1976 SC Code §5-15-50)

2.310. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.311. SUCCESSORS TO BE QUALIFIED.

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

2.312. WHEN QUALIFIED. ASSUMING OFFICE.

a. Newly elected members of Council shall not be qualified until at least forty-eight (48) hours after the closing of the polls.

(1976 SC Code §5-15-120)

b. Newly elected members of Council shall assume office at the first meeting in November after the election.

(YQ 15)

2.313. AT-LARGE. ELECTIONS. POLITICAL PARTIES.

a. Elections for Mayor and members of Council shall be at-large.

(1976 SC Code §5-15-50) (YQ 11)

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

(YQ 12)

2.314. NONPARTISAN PLURALITY ELECTIONS. RUNOFFS. TIE VOTES. CONTESTED RESULTS.

a. As prescribed in SC CODE §5-15-61, election results shall be determined by the nonpartisan plurality election and runoff election method.

(Editor's Note. Due to the lengthy requirements of that section, it is not reproduced here.)

b. In the event of a tie vote for any office, a runoff election shall be conducted two (2) weeks following that election.

(1976 SC Code §5-15-125)

c. Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(1976 SC Code §5-15-130) (Ord. No. 9502, July 1, 1995)

2.315. VACANCIES.

A Town Council vacancy with one hundred eighty-one (181) days or more of an unexpired term shall require a special election, and public notice thereof shall be given at least sixty (60) days prior thereto.

(1976 SC Code §5-7-200, §7-13-190) (See §2.309, this article, as to public notice.)

2.316. QUALIFICATIONS FOR VOTING.

Every citizen of The Town of Yemassee shall be entitled to vote in all municipal elections provided they have:

1. reached the age of eighteen (18) years.
2. are not laboring under disabilities named in the constitution of 1895 of this state.
3. resided in the corporate limits for thirty (30) days previous to municipal elections.
4. been registered for national, state and county elections.

(1976 SC Code §7-5-120) (See also §2.104, this code.)

(Editor's Note. SC Code §5-15-145 provides for the transfer of "...authority to conduct municipal elections to county elections commissions.")

ARTICLE IV. PERSONNEL

Editor's Note: This article derives from Title 5, Chapter 9 of the 1976 South Carolina Code of Laws and generally accepted municipal practices, to provide guidance relating to personnel matters.

2.401. AUTHORITY TO ESTABLISH.

The Council may create and establish such town offices, departments and sections as it may deem proper for orderly and efficient government.

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Mayor shall be the chief administrative officer of the town.

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this code, employees of the town shall be appointed by the Mayor and shall be subject to suspension by him.

(1976 SC Code §5-9-10 et seq.)

2.404. SAME. COMPENSATION.

The compensation, as appropriate, of all appointed officers and employees of the town shall be fixed by the Council and incorporated in the annual budget.

2.405. RESISTING OR INTERFERING WITH OFFICIALS OR EMPLOYEES.

It shall be unlawful for any person to resist or interfere with any municipal officer or employee in the discharge of his official duties.

2.406. DUTY TO REPLACE DAMAGED PROPERTY.

Members or employees of the various departments of the town, losing or damaging any of the property and/or equipment furnished by the town, shall be required to replace the same at their own expense.

2.407. DUTY TO RETURN PROPERTY UPON TERMINATION OF EMPLOYMENT.

Employees of the town shall be required to return the said town any and all property which is owned by the town, which may be in their possession at the time of dismissal, suspension or resignation from employment with The Town of Yemassee.

2.408. HOLIDAYS.

a. All town employees, both salaried and hourly, after six (6) months' continuous service, shall receive the following holidays with pay, provided they have worked the work day preceding and the work day following the holiday:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day and the day after
Memorial Day	Christmas Day and the day after
Independence Day	

b. Holidays which fall on Saturdays and Sundays shall be observed the following Monday.

2.409. MILITARY.

Military leave shall comply in all respects with SC Code §8-7-90.

2.410. JURY DUTY.

a. Any employee serving as a juror in a Court of competent jurisdiction shall be entitled to his normal rate of pay from the town for a period not exceeding thirty (30) work days per year. Payment for additional days of jury duty shall be subject to approval of the Mayor and Council.

b. The town shall pay the difference between jury pay and normal pay only.

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

(Editor's Note. It is recognized that jury duty may last longer than anticipated; however, this provision allows the Mayor and Council to monitor the provision for pay purposes.)

ARTICLE V. CLERK/TREASURER

Editor's Note. This article derives from SC Code §5-7-220.

2.501. APPOINTMENT.

- a. The Council shall appoint an officer who shall have the title of Town Clerk.
- b. The Clerk also may have the title of Town Clerk.
- c. The Clerk shall hold office at the pleasure of the Council.

(1976 SC Code §5-7-220)

(Editor's Note. State law requires the appointment of the Clerk to be made by Council.)

2.502. BOND. SURETY COMPANY. FEE.

a. Before entering upon the duties of his office, the Town Clerk shall give bond to the town in such an amount as prescribed by Council. It shall be conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the town in his custody.

b. A surety company authorized by law to engage in business in the state shall write the bond required.

c. The town shall pay the fee therefor.

2.503. DUTIES.

The Town Clerk shall give notice of council meetings to its members and the public, attend all Council meetings, unless excused by the Mayor, keep the minutes of Council proceedings and perform such other duties as are assigned by the Council.

(1976 SC Code §5-7-220)

2.504. COMPENSATION.

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

ARTICLE VI. MUNICIPAL ATTORNEY

Editor's Note. This article derives from SC Code §5-7-230.

2.601. APPOINTMENT. TERM OF OFFICE. RESIDENCE.

- a. The Council may appoint a Municipal Attorney who shall be a lawyer of good and reputable standing, a member of the South Carolina Bar Association and admitted to practice law in this state.
- b. He shall serve at the pleasure of the Council.
- c. He need not be a resident of the municipality.

(Editor's Note. SC Code §5-7-230 requires the appointment of the Attorney to be made by the Council.)

2.602. DUTIES.

- a. It shall be the duty of the Municipal Attorney, whenever called upon by Council, or the necessity arises, to give advice and direction to the Council or any member thereof, or the Town Clerk or such other officer or employees as authorized by Council. This shall include, but not limited to, any and all legal questions that may arise in the course of the administration of the municipal government, or in the discharge of the duties of their respective offices.
- b. Whenever required to do so by the Council, he shall give his legal opinion in writing.
- c. When appropriate, he shall draft or supervise the drafting of and approve all ordinances and other written instruments relative to the business of the municipality.
- d. He shall attend the meetings of Council, when requested, and shall perform such other duties as assigned by the Council.

2.603. COMPENSATION.

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

Chapter 3. Animals

ARTICLE I. IN GENERAL

Sections 3.101 – 3.120. Reserved

ARTICLE II. ANIMAL CONTROL

- 3. 201. Authority for and Enactment of Chapter
- 3.202. Definitions
- 3.203. County Pet License; Rabies Vaccination Tags
- 3.204. Lifetime/Annual pet license issuance, fees, and exemptions
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YEMASSEE TOWN CODE

3.223 – 3.250. Reserved

ARTICLE III. SPECIFIC TO THE TOWN OF YEMASSEE

3.301. Driving and Racing

3.302. Swine, Livestock Prohibited from Town, Exceptions

3.303. Nuisances: Failure to Abate

3.304. Wild Bird Sanctuary Established

3.305. Farm Lands. Swamps Excluded

3.306. Slaughter Houses

Chapter 3. Animals

This chapter derives SC Code, Title 51, Chapter 15 §20 et seq; Ordinance #11-14 entitled "Recreation Ordinance", adopted September 12, 2000, and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference).

Article I. In General

3.201. Authority for and Enactment of Chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

3.202. Definitions

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

- **Abandonment** shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.
- **Animal** shall mean a live vertebrate creature except a human being.
- **Animal services director** shall mean any person so appointed by the Beaufort County Administrator.
- **Animal services facility** shall mean any facility so designated by the Beaufort County Council.
- **BCAS officer** shall mean any person employed by the County as an enforcement officer of the provisions of this chapter.
- **BCAS** shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.
- **Breeder** shall mean any person owning unaltered pets with the intent of selling pets' offspring.
- **Domestic** shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.
- **Dub** shall mean to trim or remove.
- **Feral** shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

- **Infraction** shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.
- **Kennel** shall mean a small shelter for a dog, cat or other animal.
- **Livestock** shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.
- **Muzzle** shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.
- **Non-domestic** shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.
- **Nuisance** shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- **Owner** shall mean any person who:
 - (1) Has a property right in an animal;
 - (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
 - (3) Permits an animal to remain on or about any premises occupied by him or her for three or more days.
 -
- **Pet** shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).
- **Pit bull** shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.
- **Provocation** shall mean an intentional action or statement made to incite anger, aggression, annoyance, or a violent response.
- **Serious injury** shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.
- **Shelter** shall mean a structure made of durable material with four walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.
- **Tethering** shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.
- **Unaltered** shall mean a pet which has not been spayed or neutered.
- **Under restraint** shall mean when an animal is prevented from freedom of movement or action; and is on the premises of its owner or keeper or if

accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

3.203. County Pet License; Rabies Vaccination Tags

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current County annual or lifetime license. The owner of any pet over four months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No County license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the County for the purpose of establishing residency shall have 30 days in which to obtain the license.

3.204. Lifetime/Annual Pet License Issuance, Fees, and Exemptions

(a) Eligibility. The owner of a pet, which is four months of age or older and has been spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.

(b) Permanent identification requirement. A person applying for an annual license, or a lifetime license shall choose either a tattoo, a BCAS-approved tag or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form, and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 4-30.

(c) Pets previously microchipped. If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.

(2) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) County license and fees. The Director of BCAS shall establish a fee schedule subject to the approval of County Council. All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.

(1) Lifetime pet license. To be eligible for a lifetime pet license a pet shall:

- a. Be spayed or neutered;
- b. Microchipped;
- c. Pay the appropriate one-time fee per the published fee schedule.

(2) Annual pet license. All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:

a. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.

b. Any owner of a dog currently being used for hunting purposes. Owner must provide a copy of a valid State hunting license by the proper State agency and proof that the dog is properly registered with the State Department of Natural Resources.

Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

3.205. Declaration of Restricted Dog, Appeal of Breed Determination

(a) For the purposes of this section, a restricted dog shall be defined as a pit bull.

(b) No person may own, keep, or harbor a restricted dog in violation of this section.

(c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:

(1) The restricted dog is less than four months of age;

(2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.

(3) The determination of the dog's breed is under appeal pursuant to Section 4-30;

(4) The owner or custodian has owned or had custody of the dog less than 30 days.

(d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.

(e) Determination of Breed

(1) Determination. The Director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the Director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in Section 4-27 for pit bulls shall not be construed to indicate the dog is not a pit bulldog under this section.

(2) Notice. Upon determination of the breed, the BCAS officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed and state the dog shall be spayed or neutered within ten (10) days of receipt of said notice.

(3) Compliance. The owner or custodian of an unaltered restricted dog shall comply with this article within ten days after receipt of notice of restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.

(4). Non-Compliance. If the owner or custodian of a dog determined to be a restricted breed under this Section fails to comply with the requirements of this Section, then a citation shall be issued by a BCAS Officer and a hearing shall be held in the Beaufort County Magistrate Court for a final breed determination. If following a final breed determination by the Beaufort County Magistrate Court, the Court finds the dog to be a restricted breed, the Court shall require the dog to be spayed or neutered within 10 (ten) days and require the owner or custodian to provide written verification to BCAS confirming compliance within the same time period.

If after a final breed determination, the owner or custodian fails to comply with the restricted breed requirements, BCAS shall petition the Beaufort County Magistrate Court for an animal pickup order or a search warrant for the temporary seizure of the dog for the purposes of enforcing the requirements of

this Section. The Owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this Section.

3.206. Pet Breeder License, Inspection and Fees

It shall be unlawful for a pet breeder to fail to obtain a County pet breeder license. The requirements for such a license are as follows:

- (a) Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.
- (b) Applicants must have a valid County annual pet license and microchip for all pets before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
 - (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (2) All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any Federal, State, or local laws or regulations pertaining to animal cruelty within five years of the date of application.
- (f) The pet breeder license fee published in the fee schedule approved by County Council. The license shall expire 365 days after the date it is issued.

(g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

3.207. Dangerous Animals

(a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

(1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;

(3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

(5) An animal which is used as a weapon in the commission of a crime.

(b) Notwithstanding paragraph (a) above, a magistrate judge may (or may not) deem an animal a dangerous animal, after considering the totality of circumstances, regardless of location of an attack or provocation, when such an attack results in serious injury to a human.

(c) Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

(1) Declaration. An BCAS officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

(2) When, in the discretion of an BCAS officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a magistrate judge. When a BCAS officer or law enforcement officer takes temporary

possession of an animal pursuant to this section, the requirements of paragraph 3 of this section shall be held in abeyance during the pendency of a hearing.

(3) Confinement requirements. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:

a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.

b. No person shall permit a dangerous animal to go outside its confined space unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.

An exception to such animal being muzzled may be made if a muzzle would cause harm to the health of the animal. In order for this exception to apply, the owner shall provide BCAS with a written statement from a licensed veterinarian stating the name and description of the animal, that a muzzle will cause harm to the said animal, and the type of harm which would be caused to the said animal. If this exception is applicable, then the animal shall be required to wear a harness while on a leash.

(4) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable. After a final determination and declaration of a dangerous animal by the Beaufort County Magistrate Court, the owner shall adhere to the following requirements:

- a) Insurance Requirement. Owner must provide BCAS with proof of liability insurance or surety bond of at least \$50,000. If proof of liability is provided, it must adhere to the following requirements:
 - i. animal must be specifically referred to by name and description;
 - ii. may not contain exceptions related to liability towards third parties and/or restricted to Owner's real property; and
 - iii. may not contain exceptions related to animal bites or injuries to third parties.
- b) Notice of Dangerous Animal. No person owning or harboring or having the care or custody of a dangerous animal may permit the animal to go unconfined on his/her premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be

clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.

- c) Registration and License. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on BCAS fee schedule subject to County Council approval.

3.208. Running at Large

(a) Unlawful. It shall be unlawful for any owner or custodian of any dog to permit the same to run at large except on property owned or rented by the owner or custodian. All dogs must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

1. For the purposes of this Section, the term permit shall be defined as an act, regardless of the intent of the owner or custodian of the dog, which allows or provides opportunity for an action to occur.
2. For the purposes of this Section, the term "run at large" is defined as a dog off the premises of the owner or custodian and not under the physical control of the owner or custodian by means of a leash or other similar restraining device.
3. For the purposes of this Section, the term "under restraint" is defined as when a dog is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(b) Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large." A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

3.209. Nuisance Pets or Livestock

(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property. Determination of a nuisance pet is a lesser-included offense of a dangerous animal determination, as defined in Section 3.207 (14-32 Beaufort County Code).

1. Final determination of a nuisance pet by the Beaufort County Magistrate Court requires that the owner shall:
 - a. If the pet is outdoor and not under restraint, the pet shall be confined to a fenced in area, whereby the height of the fence shall be sufficient to keep the pet contained at all times.
 - b. Regardless of the location, the pet shall not be allowed outside of a fenced in area without being kept under restraint or confinement and under the

physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

(b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 3.208. (14-33 Beaufort County Code).

(2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

(3) Failure to maintain a dangerous animal in a manner other than that which is described in Section 3.207. (14-32 Beaufort County Code).

(4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.

(6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining a pet or livestock that is diseased and dangerous to the public health.

(8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

(c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of this Code.

3.210. Animal Cruelty and Neglect

(a) Animal care generally. It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment. It shall be determined a failure to provide sufficient good and wholesome food, or proper shelter and protection from weather when an animal has gone without for a period of twelve (12) consecutive hours.

(b) Mistreatment. It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) Physical alteration. It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

(d) Abandonment. It shall be unlawful for any owner to abandon an animal as defined in Section 3.202 (14-27 Beaufort County Code).

(1) Abandonment During Named Storm. It shall be unlawful for an individual to abandon an animal and allow an animal to remain in a home, building, fence, cage, coop, crate, or any other structure when any named tropical storm or named hurricane is expected to impact Beaufort County. For the purposes of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning, or evacuation; or when a hurricane watch, warning, or evacuation is in effect for Beaufort County. This section is applicable to those properties specifically located in Special Flood Hazard Areas as described in the Beaufort County Ordinances.

(e) Unlawful tethering. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighths of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar

and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

No animal shall be tethered during any named tropical storm or named hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning or evacuation or a hurricane watch, warning or evacuation is in effect for Beaufort County.

(1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

- a) Inside a pen or secure enclosure; or
- b) A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
- c) The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.

(2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(f) Animal Neglect. It shall be unlawful for an individual or owner who fails to provide sufficient food or water for any period of time, provide inadequate shelter, or in general not adequately care for an animal. The violation of this Paragraph shall be at the discretion of the BCAS Director or BCAS Officer and shall result in the issuance of an administrative citation as provided for in Section 2.222 (Section 14-47 Beaufort County Code)

3.211. Sale of Animals, Pets or Livestock

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any animal or pet four weeks of age or younger, except as surrender to Beaufort County Animal Services facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, County animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.

(e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

3.212. Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock

(a) Seizure and right of entry. If the owner does not give permission to the BCAS officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the BCAS officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

(b) Citation. The BCAS officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the BCAS officers shall post a copy of the notice at the property where the animal was seized.

(c) Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in Section 3.214, below.

(d) Euthanasia. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes, as determined appropriate by BCAS.

3.213. Impoundment

(a) Any pet or livestock found within the County in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

(c) The owner of a dog that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) consecutive days from the date of mailing to contact BCAS for pick-up. If the owner does not pick up the said dog within fourteen (14) consecutive days of notification from BCAS, the dog may be euthanized. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within fourteen (14) consecutive days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For dogs impounded at BCAS, the Director of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the dog humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).

(d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the Director of Animal Services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.

(e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to Beaufort County Animal Shelter and/or affiliated organizations as soon as possible for the mandatory holding period.

3.214. Redemption

(a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:

(1) For a pet or livestock that has not been properly inoculated, licensed, microchipped, and spayed or neutered, the BCAS Director of Animal Services or his/her designee may issue a warning or administrative citation for the first offense at their discretion after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to County Council approval.

(2) In addition to the administrative penalty for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.

(3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 3.204 (e)(1)—(e)(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of Sections 3.207, 3.208, 3.209 & 3.210. (14-32, 14-33, 14-34, or 14-35 Beaufort County Code).

(b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

(c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

3.215. Adoption

(a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) The County Animal Services Director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the Assistant County Administrator for Public Safety. If any person surrenders an owned pet or livestock to the Animal Services Department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

3.216. Trapping

(a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the Animal Services Department. Any pets, livestock or domestic animals trapped with prior approval from the Animal Services Department will be reported or delivered to the Animal Services Department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the Animal Services Department. If a trapped animal is in need of immediate attention, the Animal Services Department or 911 will be notified immediately of the animal in distress.

(b) Exemption. Trapping is permitted for hogs.

3.217. Management of Feral Cat Colonies

(a) Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the Animal Services Department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

(b) Feral cat colony management. Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by Animal Services Department.

3.218. Livestock

(a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the County or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) Owners or possessors of livestock impounded for violation of this article or any State and/or Federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(c) Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

(d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the Municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other sections within this chapter reference livestock this section shall be controlling.

3.219. Importation of Exotic Animals Prohibited

(a) Definition. An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those

nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

(b) Unlawful act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.

(c) Exceptions. This article shall not apply to following entities:

(1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).

(2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

(3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.

(4) A team mascot for a university or educational facility.

3.220. Rabies Control Act (S.C. Code § 47-5-10)

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any State, County or Municipal law enforcement agencies.

(1) *Vaccinations*. It shall be unlawful for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into Beaufort County from a location outside Beaufort County shall comply with this section within 30 days after having moved into the Beaufort County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

(2) *Proof of vaccination*. It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand

to any person charged with the enforcement of this chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog

(3) Harboring unvaccinated dogs and cats. It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

(4) Non-transferability. Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

(5) Exceptions. No person charged with violating 3.220 rabies control shall be convicted if he produces in court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

3.221. Interference with a BCAS officer

It shall be unlawful for any person to interfere with, hinder, or molest a BCAS officer in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

3.222. Enforcement and Penalties

(a) The BCAS officer shall be charged with the responsibility of enforcing all ordinances enacted by the County and contracts entered into with the County for the care, control, and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.

(b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated Municipality within the County, unless and until the governing body of a Municipality requests in writing that County Council include the area of such Municipality within the coverage of this article, and County administration has acted favorably on such request and has so notified such Municipality of its approval of such request.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the Magistrate Courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (e) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(1) Liability to Person Bitten. In addition to the above, if a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a

private place including the property of the dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this state, the ordinances of Beaufort County, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

a. Exemptions for liability. This section does not apply if, at the time a person is bitten or otherwise attacked:

- i. The person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
- ii. The dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a final dangerous dog determination of the court, a magistrate may order possession and custody of the animal to be surrendered permanently to BCAS at a BCAS facility.

(e) Habitual violators. In addition to any legal remedy available under the provisions of this chapter, it shall be the duty of the BCAS to summon the owner of any animal(s) which is found guilty by the Beaufort County Magistrate Court of any three violations contained in this chapter in any 12-month period to abate any or all animals from owner's premise. If, after fully hearing the matter and any statement the owner may make any testimony he/she may offer in his/her behalf concerning the matter, should the Beaufort County Magistrate Court find such owner is unable or unwilling to adhere to the provisions of this chapter, the Beaufort County Magistrate Court shall issue a written order to the owner, directing and requiring him/her with a certain specified time to relocate the animal(s) to a home with a person unrelated to the owner or surrender the animal(s) to BCAS.

(f) Infractions resulting in administrative citations and penalties. In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code § 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this chapter subject to administrative citation and penalty are in the discretion of the BCAS officer and include, but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and/or warnings for a noisy public nuisance animal, or any violation of Section 3.209 (Section 14-13 Beaufort County Code). Dangerous dog determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection, and administrative review of administrative citations and penalties:

1. *Notice of infraction.* If an animal is owned, kept, maintained, or found to be in violation of a County animal control ordinance, an administrative citation may be issued by the BCAS officer.
2. *Content of citation.* The administrative citation shall be issued on a form approved by BCAS director and shall contain the following information:
 - a) Date, location and approximate time of the infraction;
 - b) The ordinance violated and a brief description of the infraction;
 - c) The amount of the administrative penalty imposed for the infraction;
 - d) Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
 - e) Instructions on how to appeal the citation;
 - f) The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

(3). *Service of administrative citation.*

1. If the person who has violated the County animal control ordinance is present at the scene of the infraction, the BCAS officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
2. If the owner, occupant or other person who has an infraction of a County animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
3. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last County equalized assessment roll.

The citation shall also be mailed to any additional addresses for the owner in department records.

(4) Administrative penalties.

a. The penalties assessed for each infraction of a County animal control ordinance shall not exceed the following amounts:

- i. One hundred dollars for a first infraction;
- ii. Two hundred dollars for a second infraction of the same administrative abatement order within one year;
- iii. Five hundred dollars for each additional infraction of the administrative abatement order within one year

b. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.

c. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.

d. The penalties assessed shall be payable to the Beaufort County Treasurer Animal Control Services.

e. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.

f. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Beaufort County Magistrate Court.

(5). Administrative appeal of administrative citation.

a. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the department. The written notice of appeal must be filed within 20 days of the service of the administrative citation set forth in subsection c. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on County forms and shall contain the following information:

- i. A brief statement setting forth the appellant's interest in the proceedings;
- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
 - iv. The notice of appeal must be signed by the appellant;
 - v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the administrative appeal will be scheduled;
 - vi. Indigence must be proved to have the deposit waived.
- c. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
- i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten days before the hearing to the person requesting the hearing.
 - ii. The administrative hearing regarding the administrative citation shall be held before the Public Safety Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
 - iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
 - iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The Hearing Officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the Circuit Court.

(6) Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an administrative appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to Circuit Court must be filed within 30

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days of the notice of the administrative officer's decision being mailed to the recipient of an administrative citation.

Sections 3.224 – 3.250. Reserved

Article III. Specific to The Town of Yemassee

3.301. Driving and Racing

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

3.302. Swine, Livestock Prohibited from Town, Exceptions

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

3.303. Nuisances: Failure to Abate

All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County Health Officer.

3.304. Wild Bird Sanctuary Established

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Bindon Plantation, Cotton Hall Plantation and Tomotley Plantation.

(b) Unless otherwise authorized under State hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council.

3.305. Farm Lands. Swamps Excluded

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

3.306. Slaughter Houses

No person shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse or abattoir within the corporate limits.

CHAPTER 4. BEAUTIFICATION

ARTICLE 1. COMMISSION

- 4.101. Commission Created.
- 4.102. Membership. Terms. Compensation.
- 4.103. Function and Authority
- 4.104. Meetings.
- 4.105. Reports.
- 4.106. Interference With Commission.
- 4.107. Utility Exemption.
- 4.108. Flowers, Shrubs, Trees.

ARTICLE II. PENALTIES

- 4.20. Penalty.

CHAPTER 4. BEAUTIFICATION

Editor's Note. This chapter derives from the general authority of municipalities as provided by §5-7-30 of the 1976 South Carolina Code of Laws, Question 21 of the Yemassee Questionnaire and generally accepted municipal practices.

ARTICLE 1. COMMISSION

4.101. COMMISSION CREATED.

There is hereby created a "Beautification Commission."

4.102. MEMBERSHIP. TERMS. COMPENSATION.

- a. The Commission shall consist of three (3) members who shall be appointed by the Town Council.
- b. Members shall serve such staggered terms as may be determined by Council. A member shall continue to serve until his successor is appointed and qualifies.
- c. Any member who resigns shall be replaced by appointment by the Mayor for the unexpired term of that member.
- d. Any member having three (3) unexcused consecutive absences shall be automatically removed from the Commission, and the unexpired term filled by appointment by the Mayor.
- e. Commission members shall serve without compensation.

4.103. FUNCTION AND AUTHORITY.

a. The function of the Commission shall be to promote compliance with all environmental projects of the town; to determine and promote ways for making its highway approaches thereto and the surrounding areas more attractive and aesthetically pleasing to the eye; to encourage specifically the preservation, protection and replacement of trees, flowers and shrubs within the town and prevent their unnecessary destruction pursuant to the general police powers of the town.

b. The Commission shall not enter into any contracts involving financial liability or incur any indebtedness except upon written authority from Council; provided, however, the Commission may enter into agreements for the purpose of effecting its objectives, when no liability of the town is involved.

4.104. MEETINGS.

a. The Commission shall elect from its group a Chairperson, Vice-Chairperson, Secretary and Chairperson of Publicity. The Commission shall meet on call by the Chairperson. In his absence, the Vice-Chairperson may call such meetings.

b. The Chairperson may appoint such temporary committees from within or outside the membership of the Commission, as may be deemed necessary to effect the functions of the Commission.

c. Minutes of meetings shall be kept in written form as a permanent record, and copies shall be forwarded to Council.

d. Robert's Rules of Order shall be followed as a procedure guide for all meetings. A quorum shall consist of a majority of the members of the Commission, and a quorum shall be present to conduct business.

4.105. REPORTS.

The Commission shall report at least annually to Council as to the activities, programs and needs of the Commission and shall make such other reports as may be requested.

4.106. INTERFERENCE WITH COMMISSION.

It shall be unlawful for any person to interfere with the Commission, or any of its agents, while engaging in planting, cultivating, mulching, pruning, spraying or removing of trees on public grounds.

4.107. UTILITY EXEMPTION.

Public and private utility companies shall be exempt from the provisions of this chapter, provided they file with the Town Clerk, after notice thereby, the policies and procedures followed in their flower, shrub and tree trimming and removal practices and provided a mutually acceptable standard is agreed upon by the utility and Town Council.

4.108. FLOWERS, SHRUBS, TREES.

No person shall drive any animal or vehicle along, on or across any grass plot in any public place; or trample, pluck, mutilate or injure the grass, shrubs or flowers planted or growing in such place.

ARTICLE II. PENALTIES

4.201. PENALTY.

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

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

(1976 SC Code §14-25-65)

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Chapter 5. Buildings, Flood Control and Planning

ARTICLE I. ADMINISTRATION

- 5.101. Authority of Inspectors.
- 5.102. Ordinary Repairs, Maintenance Authorized
- 5.103. Homeowner's Provisions
- 5.104. Liability Not Assumed by Town
- 5.105. Unsafe Buildings. Repairs. Failure to Repair.
- 5.106. Same. Notice to Remove/Correct. Summons Ordinance.
- 5.107. Unfit Dwellings
- 5.108. Utility Connections
- 5.109. Smoke-Free Municipal Building
- 5.110. Appeals
- 5.111. Public Project Applications
- 5.112. Permits. Application Required

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Chapter 5. Buildings, Flood Control and Planning

This chapter derives from the 1976 South Carolina Code of Laws, Questions 22 through 25 of the Yemassee Questionnaire and generally accepted municipal practices. This article has been included for local guidance.

Article I. Administration

5.101. Authority of Inspectors.

The Town Council hereby vests the necessary authority for the enforcement of building codes and related provisions in the Town Building Inspector. The Building Inspector shall be appointed by the Town Council.

(YQ 22)

5.102. Ordinary Repairs. Maintenance Authorized.

Ordinary minor repairs and general maintenance may be made, provided such repairs do not violate any of the provisions of this code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

5.103. Homeowners Provisions

- a) Nothing in this chapter shall prevent any homeowner from constructing or maintaining buildings, or installing electrical wiring, gas piping or appliances or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family.
- b) Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

(Editors Note. Removed)

5.104. Liability Not Assumed by Town

This chapter shall not be construed to relive from or lessen the responsibility of any party owning, operating, controlling, or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the town be held as

assuming any such liability by reason of inspection authorized, herein, or certificate issued.

5.105. Unsafe Buildings. Repairs. Failure to Repair

- a) Every building which shall appear to the Building Inspector to be dangerous to life or limb or, because of its liability to fire, bad conditions of walls, overloaded construction, decay or other cause shall be held to be unsafe, the Building Inspector shall affix a notice of dangerous character of the structure at a conspicuous place on the exterior wall of the building and shall give immediate notice to the owner or agent of the correction of such condition.
- b) Failure to do so in sixty (60) days, unless extended by the Mayor and Town Council by Resolution, shall constitute a misdemeanor.

5.106. Same. Notice to Remove/Correct. Summons Ordinance

The Building Inspector shall report his findings to the Town Clerk, Mayor & Town Council, which after consideration, may cause an Ordinance Summons to be issued as set forth in Chapter 14, Article 1, of this code for the immediate correction, removal or discontinuance of the hazard.

5.107. Unfit Dwellings

The Town Council may authorize the repairing, closing or demolition of unfit dwellings.
(1976 SC Code 31-15-20)

5.108. Utility Connections

No supplier of water, wastewater, gas or electric service shall initiate or reinstate service to any building, unless the Building Inspector has executed the appropriate release form and transmitted the release form to the appropriate utility provider. A copy of the executed release form will be placed into the case file for the permit.

5.109. Smoke-Free Municipal Building

- a) The Town Hall of the Town of Yemassee, also known as the Yemassee Municipal Complex, is hereby declared to be a smoke-free environment.
- b) Violation hereof shall constitute a misdemeanor.

5.110. Appeals

Appeals from decisions of authorized officials shall be made in writing to the Town Clerk, who will schedule an appeal hearing at an upcoming Council Meeting.

5.111. Public Projects. Application Required

The intent of this Section is to provide procedures and standards for the review of Public Project Applications. The review of Public Project Applications will help ensure the project is consistent with the spirit and intent of the Town of Yemassee while ensuring

the Town Council, residents and business owners have ample opportunity for feedback regarding the proposed project and have questions regarding the project answered. Any fee for the application submittal shall be noted on the Schedule of Rates & Fees.

Applicability

- a) This Ordinance applies to any utility expansion or modification (Including, but not limited to, water and wastewater utilities, telecommunication companies, including telecommunications towers, electric and natural gas providers), new Town facilities, or any other infrastructure project of significance on public-rights-of-way in and abutting the Town limits.

Application Review Criteria

The Town of Yemassee shall consider the following criteria in assessing an application for a Public Project:

- a) The application form will be made available on the Town website as well as at the Yemassee Municipal Complex. The Town Clerk will create the form and make any updates to the form as needed.
- b) The application must be completed in its entirety, signed by both the Applicant and Property Owner(s) (where applicable).
- c) The application should list a separate contact person for any necessary communication during the project.
- d) The application must be in conformance with the applicable location and character of the Town of Yemassee.
- e) Public Project Applications will be publicized utilizing the following methods: certified mail to adjacent property owners, posted notice on Town social media platforms and/or the Town website, and posted signage; and
- f) Once a Public Project application is received by Town staff, the submittal items will be reviewed for clarity, content, and completeness before scheduling a Town Council hearing. Town staff may ask for further documentation to ensure the Town Council has ample information to make an informed decision on approval, approval with modifications or denial of the project.

Effect and Expiration of Approvals

- a) Approval of the Public Project shall authorize the applicant to:
 - a. Commence all improvements to the land and the construction of all support facilities as specified by the approval; and
 - b. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by approval.
- b) Expiration
 - a. Approval of a Public Project shall expire two years from the date of its issue unless an appreciable amount of construction and development

commences and proceeds to completion in a timely and customary manner in accordance with the approval.

Extensions of Approvals

Upon request by the Applicant and in conformance with the requirements of this article, the Town of Yemassee shall grant not more than five extensions for a period of one year each.

Amendments to Approved Public Projects

Modifications or amendments to the plan may be approved by the Town of Yemassee where the proposed revision does not substantially alter the basic design approved by the Town of Yemassee. Should the Town of Yemassee determine that the requested amendment alters the approved plan, a new, separate Public Project application shall be submitted.

5.112. Permits. Application Required

The following building activities require a permit from the Town, and any fees if applicable, shall be maintained in the schedule of rates and fees. Permits shall be valid for six months from the date of issue. A Permit may be renewed once, following a written request to the Town is supplied and Town Staff have submitted a response.

- New Residential Construction
- Residential Addition
- New Commercial Construction
- Commercial Addition
- Mobile Home Placement
- Gas Permit
- Electrical Permit
- HVAC Permit

Article II. Codes

(Previous editors note has been removed)

5.201. Authority & Enforcement

The authority to adopt codes and enforce provisions thereof for the Town of Yemassee, including Building and related provisions such as electrical, plumbing, etc. is hereby delegated to the Building Inspector.

(YQ 25)

Article III. Building and Property Numbers

(Previous editor's note has been removed)

5.301. Numbers Required for Buildings and Property

- a) All buildings and properties located within the corporate limits shall display an address number.
- b) The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:
 - a. Numbers shall be durable and clearly visible
 - b. Numbers shall be placed conspicuously immediately above to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than fifty (50) feet from the street, the number shall be placed near the sidewalk, post, tree, or other appropriate place so that the number can be seen plainly from the street.
 - c. If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three (3) inches, as space permits, provided it can be plainly seen from the street.
 - d. It shall be the responsibility of the owner, occupant, or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

5.302. Same. Assigned

Properties located within Beaufort County portion of the Town of Yemassee, shall procure their address from the Beaufort County Sheriff's Office E911 addressing office.

Properties located within Hampton County portion of the Town of Yemassee, shall procure their address from the Hampton County Building Department.

Article IV. Mobile Homes

Editors Note; This chapter derives from the Yemassee Questionnaire, Number 28 and generally accepted municipal practices, to ensure such homes are classified for tax purposes. (See 8.301, this code).

5.401. Purpose and Intent of this Article

The purpose and intent of this article shall be to:

- a) Provide a sound and healthy residential environment to meet the unique needs of inhabitants living in mobile homes.
- b) Provide certain standards, provisions and requirements for safe and sanitary needs and methods for present and future inhabitants of mobile homes within the Town of Yemassee.

5.402. Definition

Definitions as used in this article:

- 1) Mobile home shall mean any vehicle or similar portable structure having no foundation other than wheels, jacks or skirting, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- 2) Mobile home park shall mean any mobile home park (one parcel of land) where two (2) or more units are used for dwelling or sleeping purposes.
- 3) Mobile home unit shall mean any plot of ground within a mobile home park designed for the accommodation of a mobile home, camper, etc.

(YTC 5.1)

5.403. Requests

- a) A request shall be submitted to the Town Clerk, for tax purposes, before a mobile home can be moved into the town.
- b) The applicant shall complete a Town of Yemassee Manufactured / Mobile Home Permit and submit it to the Town for review to ensure compliance with zoning, setbacks and any zoning overlays. The application shall be submitted with a bill of sale and a certificate of title for the mobile home, thereby establishing ownership and registration at the time of application.
- c) The applicant shall complete a Water & Sewer Availability form with Lowcountry Regional Water System to verify if there is water and sewer available in front of the property.
- d) Once a permit is issued, it must be prominently displayed on the property.
- e) This section shall not apply to singlewide mobile homes located in the Town on or before the effective date of adoption of this section of code.

5.404. Mobile Home Courts Prohibited

No mobile home court shall be authorized to operate in the Town, except those in operation prior to the adoption of this article, unless approved by Resolution of the Mayor & Town Council.

5.405. General Provisions

- a) Mobile homes located within the Town shall be entitled to all town services, health and sanitation measures afforded to single family residences.
- b) Mobile homes shall be subject to all tax ordinances applicable to any residence.
- c) Any plumbing used in a mobile home shall hereby be subject to the provisions of Chapter 17 of this code.
- d) To ensure that no provision of this article has been violated, officials of the Town are hereby authorized to enter upon any mobile home lot at reasonable hours for the purpose of inspecting same.
- e) It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the Town, except as provided for in this article.

5.406. Mobile Home Requirements

- a) Mobile homes shall be on a permanent brick, permanent block or other concrete reinforced foundation that extends the perimeter of the mobile home on a concrete footing.
- b) Except for electrical and telephone connections, mobile homes shall have permanent utility hookups, water metered at the property line, and water utility connections concealed from view.
- c) Each mobile home shall have separate connections to the water and sewer mains operated by Lowcountry Regional Water System.

(YTC Chapter 15)

Article V. Fair Housing

Editors Note: The month of April has been set aside nationally and, in many municipalities, to declare that:

5.501. Month Designated

- a) The month of April is hereby designated as Fair Housing Month in the Town of Yemassee.
- b) It is the intent of the Town Council that all citizens of Yemassee be afforded to the opportunity to obtain a decent, safe and sound living environment, regardless of race, religion, color, creed, sexual orientation, homelessness; that every citizen be afforded the opportunity to select a home of their choice.
- c) Annually, the Town shall publish its Fair Housing Proclamation and its policy on Non-Discrimination in the newspaper of general circulation, The Beaufort Gazette, each April.

(YQ 26)

5.502. Program. Minimum Elements

- a) The Town of Yemassee shall publicize this section to encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal and State Fair Housing Law and amendments, state laws or local laws and ordinances.
- b) Said program will at a minimum include a printing and publicizing of this policy and other applicable fair housing information through local media and community contacts and the distribution of posters, flyers and any other means that will bring to the attention of those affected the knowledge of their respective responsibilities and rights concerning equal opportunity in housing.

Article I. General Standards

5.601 Statutory Authorization

Municipality - The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, 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 Town Council of the Town of Yemassee, South Carolina does ordain as follows:

5.602 Findings of Fact The Special Flood Hazard Areas of the Town of Yemassee 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 of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Furthermore, 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 lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

5.603 Statement of Purpose and Objectives - It is the purpose of this ordinance to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the ordinance prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

The objectives of this ordinance are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas, and to insure that potential home buyers are notified that property is in a flood area. The provisions of the ordinance are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this ordinance is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

5.604 Lands to Which this Ordinance Applies This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map dated September 1, 1986, and its Flood Insurance Studies, dated March 23, 2021 (Beaufort County) and September 29, 2010 (Hampton County) with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this ordinance.

Upon annexation any special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the unincorporated areas of Beaufort or Hampton, with accompanying map and other data are adopted by reference and declared part of this ordinance.

5.605 Establishment of Development Permit A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

5.606 Compliance No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

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

5.608 Partial Invalidity and Severability If any part of this Ordinance is declared invalid, the remainder of the Ordinance shall not be affected and shall remain in force.

5.609 Warning and Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the

Town of Yemassee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

5.610 Penalties for Violation - Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful action as is necessary to prevent or remedy any violation.

Article II. DEFINITIONS

5.611 General - Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- a) Accessory Structure (Appurtenant Structure)** - structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.
- b) Addition (to an existing building)**- an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.
- c) Agricultural structure** - a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are *not* exempt from the provisions of this ordinance.
- d) Appeal** - a request for a review of the local floodplain administrator's interpretation of any provision of this ordinance.
- e) Area of shallow flooding** - a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

- f) Area of special flood hazard** - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.
- g) Base flood** - the flood having a one percent chance of being equaled or exceeded in any given year.
- h) Basement** - means any enclosed area of a building that is below grade on all sides.
- i) Building** - see structure
- j) Coastal High Hazard Area** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.
- k) Critical Development** – development that is critical to the community’s public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.
- l) Development** - any man-made 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, or storage of equipment or materials.
- m) Elevated building** - a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.
- n) Executive Order 11988 (Floodplain Management)** - Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.
- o) Existing construction** - means, for the purposes of determining rates, structures for which the start of construction commenced before October 31, 1975.
- p) Existing manufactured home park or manufactured home subdivision** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 1, 2001.

- g) Expansion to an existing manufactured home park or subdivision** - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).
- r) Flood** - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.
- s) Flood Hazard Boundary Map (FHBM)** - an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
- t) Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- u) Flood Insurance Study** - the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- v) Flood-resistant material** - any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- w) Floodway** - 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.
- x) Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

y) Functionally dependent use- a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

z) Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

aa) Historic Structure - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories **MAY NOT** be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the **potential** for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has **individually determined** that the structure or district meets DOI historic structure criteria.

bb) Increased Cost of Compliance (ICC) – applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

cc) Limited storage - an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE and A1-A30 zone it must meet the requirements of Article IV.A.4 of this ordinance. If the area is located below the base flood elevation in a V, VE and V1-V30 zone it must meet the requirements of Article IV of this ordinance.

dd) Lowest Adjacent Grade (LAG) - is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

ee) Lowest Floor -the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

ff) Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

gg) Manufactured Home Park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

hh) Mean Sea Level – means, for the purpose of this ordinance, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

ii) National Geodetic Vertical Datum (NGVD)of 1929 - as corrected in 1929, elevation reference points set by National Geodetic Survey based on mean sea level.

ji) North American Vertical Datum (NAVD) of 1988 – vertical control, as corrected in 1988, used as the reference datum on Flood Insurance Rate Maps.

kk) New construction - structure for which the start of construction commenced on or after September 1, 2001. The term also includes any subsequent improvements to such structure.

ll) New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 1, 2001.

mm) Primary Frontal Dune - a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms.

The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

nn) Recreational vehicle - a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

oo) Repetitive Loss – a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

pp) Section 1316 of the National Flood insurance Act of 1968 - The act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

qq) Stable Natural Vegetation - the first place on the oceanfront where plants such as sea oats hold sand in place.

rr) 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, rehabilitation, addition, 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 the installation of streets and/or walkways; nor does it include excavation for 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

ss) Structure - a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

tt) Substantial damage - damage of any origin sustained by a structure whereby the

cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Please refer to the definition of "substantial improvement".

uu) Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

vv) Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

ww) Variance - is a grant of relief from a term or terms of this ordinance.

xx) Violation – the failure of a structure or other development to be fully compliant with these regulations.

Article III. ADMINISTRATION

5.612 Designation of Local Floodplain Administrator -The Town Clerk or their designee is hereby appointed to administer and implement the provisions of this ordinance.

5.613 Adoption of Letter of Map Revisions (LOMR) – All LOMRs that are issued in the areas identified in 5.604 of this ordinance are hereby adopted.

5.614 Development Permit and Certification Requirements.

1. **Development Permit:** - Application for a development permit shall be made to the

local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- a) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the Duties and Responsibilities of the local floodplain administrator of Article III or the Standards for Subdivision Proposals of Article IV and the Standards for streams without Estimated Base Flood Elevations and Floodways of Article IV. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of Article III or the standards for subdivision proposals of Article IV and the standards for streams without estimated base flood elevations and floodways of Article IV.
- b) Where base flood elevation data is provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III the application for a development permit within the flood hazard area shall show:
 - (1) the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
 - (2) if the structure will be floodproofed in accordance with the Non-Residential Construction requirements of Article IV the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- c) Where base flood elevation data is not provided as set forth in Article I or the duties and responsibilities of the local floodplain administrator of Article III, then the provisions in the standards for streams without estimated base flood elevations and floodways of Article IV must be met.
- d) Alteration of Watercourse: Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a

map showing the location of the proposed watercourse alteration or relocation.

2. Certifications

- a) Floodproofing Certification - When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the non-residential, floodproofed structure meets the floodproofing criteria in the non-residential construction requirements of Article IV.
- b) Certification During Construction – A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- c) V-Zone Certification - When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Article IV.
- d) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements of Article III that the development is built in accordance with the submitted plans and previous pre-development certifications.

5.615 Duties and Responsibilities of the Local Floodplain Administrator - shall include, but not be limited to:

1. **Permit Review** - Review all development permits to assure that the

requirements of this ordinance have been satisfied.

2. **Requirement of Federal and/or state permits** - Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
3. **Watercourse alterations**
 - a) Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b) In addition to the notifications required watercourse alterations per Article III, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 - c) If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a Conditional Letter of Map Revision with the Federal Emergency Management Agency prior to the start of construction.
 - d) Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of Article III.C.2.d, the applicant shall submit as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.
4. **Floodway encroachments** - Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article IV are met.
5. **Adjoining Floodplains** - Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
6. **Notifying Adjacent Communities** – Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in

areas of special flood hazard and/or flood-related erosion hazards.

7. Certification requirements –

- a) Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in Article III or the coastal high hazard area requirements outlined in Article IV.
- b) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in Article III.
- c) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the non-residential construction requirements outlined in Article IV.
- d) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in Article IV of this ordinance.

8. Map Interpretation - Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

9. Prevailing Authority – Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in Article IV.

10. Use Of Best Available Data - When base flood elevation data and floodway data has not been provided in accordance with Article I, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in Article IV in order to administer the provisions of this ordinance. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data from a federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.

11. Special Flood hazard Area/topographic Boundaries Conflict - When the exact

location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the Letter of Map Amendment issued from FEMA.

12. **On-Site inspections** - Make on-site inspections of projects in accordance with the administrative procedures outlined in Article III.
13. **Administrative Notices** - Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in Article III.
14. **Records Maintenance** - Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
15. **Annexations and Detachments** - Notify the South Carolina Department of Natural Resources Land, Water and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include special flood hazard areas.
16. **Federally Funded Development** - The President issued *Executive Order 11988, Floodplain Management May 1977*. E.O. 11988 directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
17. **Substantial Damage Determination** – Perform an assessment of damage from any origin to the structure using FEMA’s Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
18. **Substantial Improvement Determinations** – Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether “substantial improvement” will occur.

The market values shall be determined by one of the following methods:

- a) the current assessed building value as determined by the county’s assessor’s

office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

- b) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, *less the cost of site improvements and depreciation for functionality and obsolescence.*
- c) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

5.616 Administrative Procedures

- a) Inspections of Work in Progress** - As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- b) Stop-Work Orders** - Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- c) Revocation of Permits** - The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- d) Periodic Inspections** - The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- e) Violations to be Corrected** - When the local floodplain administrator finds

violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

f) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last known address or by personal service, that:

- 1)** the building or property is in violation of the Flood Damage Prevention Ordinance,
- 2)** a hearing will be held before the local floodplain administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- 3)** following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

g) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe; provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

h) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

i) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

j) Denial of Flood Insurance under the NFIP: If a structure is declared in violation of

this ordinance and after all other penalties are exhausted to achieve compliance with this ordinance then the local floodplain administrator shall notify the Federal Emergency Management Agency (FEMA) to initiate a Section 1316 of the National Flood insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the ordinance. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 be rescinded.

k) The following **documents** are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this ordinance as found on FEMA's website at www.fema.gov:

- a) FEMA 55 Coastal Construction Manual
- b) All FEMA Technical Bulletins
- c) All FEMA Floodplain Management Bulletins
- d) FEMA 348 Protecting Building Utilities from Flood Damage
- e) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets

Article IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

5.617 General Standards

Development may not occur in the Special Flood Hazard Area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard the following provisions are required:

- i. **Reasonably Safe from Flooding** - Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding
- ii. **Anchoring** - All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- iii. **Flood Resistant Materials and Equipment** - All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency.

- iv. **Minimize Flood Damage** - All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages,
- v. **Critical Development** - shall be elevated to the 500 year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500 year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500 year flood elevation data,
- vi. **Utilities** - Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 the base flood plus one (1) foot.
- vii. **Water Supply Systems** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system,
- viii. **Sanitary Sewage Systems** – 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,
- ix. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding,
- x. **Gas Or Liquid Storage Tanks** – All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent floatation and lateral movement resulting from hydrodynamic and hydrostatic loads.
- xi. **Alteration, Repair, Reconstruction, Or Improvements** - Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance. This includes post-FIRM development and structures.
- xii. **Non-Conforming Buildings or Uses** - Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance,
- xiii. **American with Disabilities Act (ADA)** - A building must meet the specific standards for floodplain construction outlined in Article IV.B, as well as any

applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

5.618 Specific Standards

In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in Article I.D or outlined in the Duties and Responsibilities of the local floodplain administrator Article III.D., the following provisions are required:

- A. Residential Construction** - New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV.

- B. Non-Residential Construction**
 - a) New construction and substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Article IV. No basements are permitted. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

 - b) A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in the floodproofing certification requirements in Article III. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in Article V of this ordinance. Agricultural structures not meeting the criteria of Article V must meet the non-residential construction standards and all other applicable provisions of this ordinance. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to

it.

C. Manufactured Homes

- a)** Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or sub-division, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b)** Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in Article IV of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot than above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c)** Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with Section 40-29-10 of the *South Carolina Manufactured Housing Board Regulations*, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- d)** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.

D. Elevated Buildings - New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and which are subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

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

- a. Provide a minimum of two openings on different walls having a *total net area* of not less than one square inch for every square foot of enclosed area subject to flooding.
- b. The bottom of each opening must be no more than 1 foot above the higher of the interior or exterior grade immediately under the opening,
- c. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
- d. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- e. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

b) Hazardous Velocities - Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than 5 feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.

c) Enclosures Below Lowest Floor

- a. 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).
- b. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
- c. One wet location switch and/or outlet connected to a ground fault

interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in Article IV.

- d. All construction materials below the required lowest floor elevation specified in the specific standards outlined in Article IV should be of flood resistant materials.

E. Floodways - Located within areas of special flood hazard established in Article I, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a)** No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 - b. A Conditional Letter of Map revision (CLOMR) has been approved by FEMA. A Letter of Map Revision must be obtained upon completion of the proposed development.
- b)** If Article IV is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article IV.
- c)** No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article IV and the encroachment standards of Article IV are met.
- d)** Permissible uses within floodways may include: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.

F. Recreational Vehicles

- a)** A recreational vehicle is ready for highway use if it is:
- a. on wheels or jacking system
 - b. attached to the site only by quick-disconnect type utilities and security devices; and
 - c. has no permanently attached additions
2. Recreational vehicles placed on sites shall either be:
- a. on site for fewer than 180 consecutive days; or
 - b. be fully licensed and ready for highway use, or
 - c. *meet* the development permit and certification requirements of Article III, general standards outlined in Article IV, and manufactured homes standards in Article IV.

G. Map Maintenance Activities – The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in Article I. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:

a) Requirement to Submit New Technical Data

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable , but no later than six months of the date such information becomes available. These development proposals include; but not limited to:
 - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and

- iv. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Article IV.
- b. It is the responsibility of the applicant to have technical data, required in accordance with Article IV prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
- c. The local floodplain administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - i. Proposed floodway encroachments that increase the base flood elevation; and
 - ii. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
- d. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Article IV.

b) **Right to Submit New Technical Data** - The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.

H. **Accessory Structures**

- a)** A detached accessory structure or garage, the cost of which is greater than \$3,000, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93 *Wet Floodproofing Requirements* or be elevated in accordance with Article IV Section B(1) and B (4) or dry floodproofed in accordance with Article IV B (2).
- b)** If accessory structures of \$3,000 or less are to be placed in the floodplain, the following criteria shall be met:
 - o Accessory structures shall not be used for any uses other than the parking of

vehicles and storage,

- Accessory structures shall be designed to have low flood damage potential,
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters,
- Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure,
- Service facilities such as electrical and heating equipment shall be installed in accordance with Article IV.
- Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article IV.
- Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

I. Swimming Pool Utility Equipment Rooms - If the building cannot be built at or above the BFE, because of functionality of the equipment then a structure to house the utilities for the pool may be built below the BFE with the following provisions:

- Meet the requirements for accessory structures in Article IV.
- The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.

J. Elevators

- a)** Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- b)** All equipment that may have to be installed below the BFE such as counter weight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93 Elevator Installation for Buildings Located in Special Flood Hazard Areas.

11. Fill - An applicant shall demonstrate that fill is the only alternative to raising the

building to meet the residential and non-residential construction requirements of Article IV, and that the amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a) Fill may not be placed in the floodway unless it is in accordance with the requirements in Article IV.
- b) Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c) Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d) Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e) Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f) The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g) Fill may not be used for structural support in the coastal high hazard areas.
- h) Will meet the requirements of FEMA Technical Bulletin 10-01, *Ensuring That Structures Built On Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding*.

12. Standards for Subdivision Proposals and other development

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d) The applicant shall meet the requirement to submit technical data to FEMA

in Article IV when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

5.619. Standards for Streams without Established Base Flood Elevations and Floodways -

Located within the areas of special flood hazard (Zones A and V) established in Article I, are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

1. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
2. No encroachments, including fill, new construction, substantial improvements and new development shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Article IV is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article IV and shall be elevated or floodproofed in accordance with elevations established in accordance with Article III.
4. Data from preliminary, draft, and final Flood Insurance Studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data as Available Data*. If an appeal is pending on the study in accordance with 44 CFR Ch. 1, Part 67.5 and 67.6, the data does not have to be used.
5. When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual *Managing Floodplain Development in Approximate Zone A Areas*:
 - a) Contour Interpolation
 - (1) Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 - (2) Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b) Data Extrapolation - A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been

computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.

- c) Hydrologic and Hydraulic Calculations- Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

5.620. Standards for Streams with Established Base Flood Elevations but without Floodways -

Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the FIRM or in the FIS.

1. No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

5.621. Standards for Areas of Shallow Flooding (AO Zones) - Located within the areas of special flood hazard established in Article I, are areas designated as shallow flooding. The following provisions shall apply within such areas:

- All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade.
- All new construction and substantial improvements of non-residential structures shall:
 - Have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - Be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level 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. Certification is required as stated in Article III.
- All structures on slopes must have drainage paths around them to guide water away from the structures.

5.622. Coastal High Hazard Areas (V-Zones) (this section can be removed if no V Zones) -

Located within the areas of special flood hazard established in Article I or Article III are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
- All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one (1) foot above the base flood elevation.
- All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Article IV of this ordinance.
- There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/ aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - Particle composition of fill material does not have a tendency for excessive natural compaction,
 - Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - Slope of fill will not cause wave run-up or ramping.

- There shall be no alteration of sand dunes that would increase potential flood damage.

8. All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in Article IV. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in Article IV.

Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
 - b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.
 - c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature controlled.
9. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article IV.
10. Recreational vehicles shall be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article IV and the Temporary Structure provisions of Article IV.
11. Accessory structures, below the required lowest floor elevation specified in Article are prohibited except for the following:

a) Swimming Pools

- (1) They are installed at-grade or elevated so long as the pool will not act as an obstruction
- (2) They must be structurally independent of the building and its foundation.
- (3) They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
- (4) As part of the certification process for V-zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.

b) Access Stairs Attached to or Beneath an Elevated Building:

- (1) Must be constructed of flood-resistant materials.
- (2) Must be constructed as open staircases so they do not block flow under the structure in accordance with Article IV.

c) Decks

- (1) If the deck is structurally attached to a building, then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
- (2) If the deck is to be built below the BFE then it must be structurally independent of the main building and must not cause an obstruction.
- (3) If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.

12. Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.

13. Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 base flood event plus one (1) foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks, hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

No utilities or components shall be attached to breakaway walls.

Article V. VARIANCE PROCEDURES

5.623 Establishment of Appeal Board – The Town Council of the Town of Yemassee, shall hear and decide requests for variances from the requirements of this ordinance.

5.624 Right to Appeal - Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court.

5.625 Historic Structures - Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

5.626 Functionally Dependent Uses – Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

5.627 Agricultural Structures - Variances may be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Article V. this section, and the following standards:

a) Use of the structure must be limited to agricultural purposes as listed below:

1. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
2. Steel grain bins and steel frame corncribs,
3. General-purpose barns for the temporary feeding of livestock that are open on at least one side;

a) For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Article IV.B.2 of this ordinance; and,

b) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.

- c) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- d) The agricultural structure must meet the venting requirement of Article IV of this ordinance.
- e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation (BFE), plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV.A.5 of this ordinance
- f) The agricultural structure must comply with the floodway encroachment provisions of Article IV of this ordinance.
- g) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

5.628 **Considerations** In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- h) The danger that materials may be swept onto other lands to the injury of others;
- i) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- k) The importance of the services provided by the proposed facility to the community;
- l) The necessity to the facility of a waterfront location, where applicable;
- m) The availability of alternative locations, not subject to flooding or erosion damage,

for the proposed use;

- n)** The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- o)** 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;
- p)** 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; and
- q)** Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the Special Flood Hazard Area and no other alternative locations for the structure are available.

5.628 Findings - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

5.629 Floodways - Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted the applicant must provide a bond for 100% of the cost to perform the development.

5.631 Conditions - Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- a)** Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- b)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c)** Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and 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.

- d)** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
- e)** The local floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon request.
- f)** Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance. Violations must be corrected in accordance with Article III.E.5 of this ordinance.

Article VI. LEGAL STATUS PROVISIONS

5.632. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance -

This Ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 1, 2001 and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Yemassee enacted on September 1, 2001, as amended, which are not reenacted herein, are repealed.

5.633. Effect upon Outstanding Building Permits - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when start of construction has not occurred under such outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

5.634. Effective Date -This ordinance shall become effective on March 23, 2021.

PASSED:

1st Reading: February 9, 2021

2nd Reading: February 15, 2021



The information on this map was derived from the following sources:

09/19/2010 10:52:56.91 N 79:48:48.12 W

FLOOD HAZARD INFORMATION

SEE THIS REPORT FOR DETAILED LEGEND AND NOTES MAP FOR FLOOD DATA LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
 - Without Flood Overlay (RFA) Zone 1-433
 - With RFE or DFE Overlay 434 or 435
 - Regulatory Flooding**
 - 62% Annual Chance Flood Hazard, A-1 to A-30, which shows flood with average depth from 1.5 to 4.0 feet and with a 100-year return period (100-year flood)
 - Future Coastal High Elevation (CHLE) Flood Hazard
 - Approach Reduced Flood Risk, A-1 to A-30
 - Area with Flood Hazard Not in Zone 1-433
- OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN** Areas of Minimal Flood Hazard
 - City Wetlands
 - Areas of Undetermined Flood Hazard
- OTHER AREAS**
 - Channel, Levee, or Storm Sewer
 - Levee, Dike, or Flooding
 - Other Structures with 1% Annual Chance
 - Water Surface Elevation
 - Special Features
 - Physical Barrier
 - Floodway Features
 - State Flood Elevation Area (SFE)
 - Other Features
 - Area of Study
 - Area of Study Boundary

NOTES TO USERS

This information is not a guarantee of flood hazard. Flood hazard areas are shown with the best available information. The information on this map was derived from the following sources:

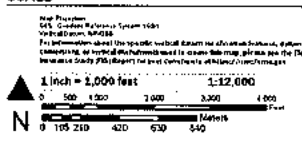
1. Flood Hazard Information System (FHIS) data from the National Flood Insurance Program (NFIP) and other sources.

2. Flood Hazard Information System (FHIS) data from the National Flood Insurance Program (NFIP) and other sources.

3. Flood Hazard Information System (FHIS) data from the National Flood Insurance Program (NFIP) and other sources.

4. Flood Hazard Information System (FHIS) data from the National Flood Insurance Program (NFIP) and other sources.

SCALE



National Flood Insurance Program

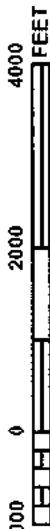
NATIONAL FLOOD INSURANCE PROGRAM

HAMPTON COUNTY, SOUTH CAROLINA AND INCORPORATED AREAS

PANEL 450 of 550

COMMUNITY	NUMBER	PANEL
TOWN OF YEMASSEE	49085	340
COLLEENSCOURT	49096	240
UNINCORPORATED AREA	49093	240
YAMBER COUNTY	49093	240
YAMBER COUNTY	49093	240

MAP SCALE 1" = 2000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0425C

FIRM FLOOD INSURANCE RATE MAP HAMPTON COUNTY, SOUTH CAROLINA AND INCORPORATED AREAS

PANEL 425 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS	NUMBER	PANEL	SUFFIX
COMMUNITY	45095	3475	C
HAMPTON COUNTY			

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown should be used on insurance applications for the subject community.

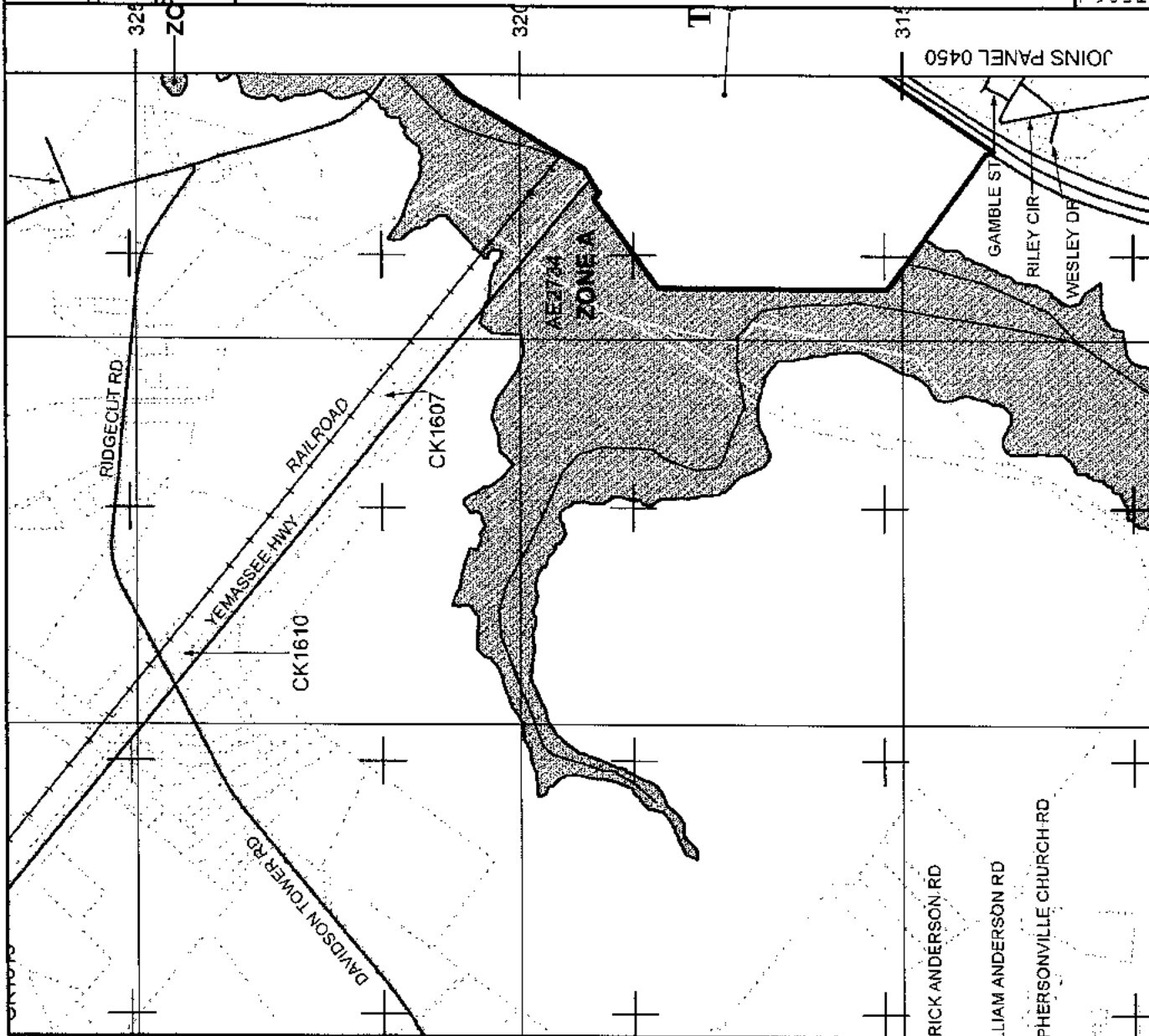


MAP NUMBER
45049C0425C

EFFECTIVE DATE
SEPTEMBER 29, 2010

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-Map On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 2000'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0450C

FIRM
FLOOD INSURANCE RATE MAP
HAMPTON COUNTY,
SOUTH CAROLINA
AND INCORPORATED AREAS

PANEL 450 OF 550
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 NUMBER 450075
 PANEL 0450
 SUFFIX C

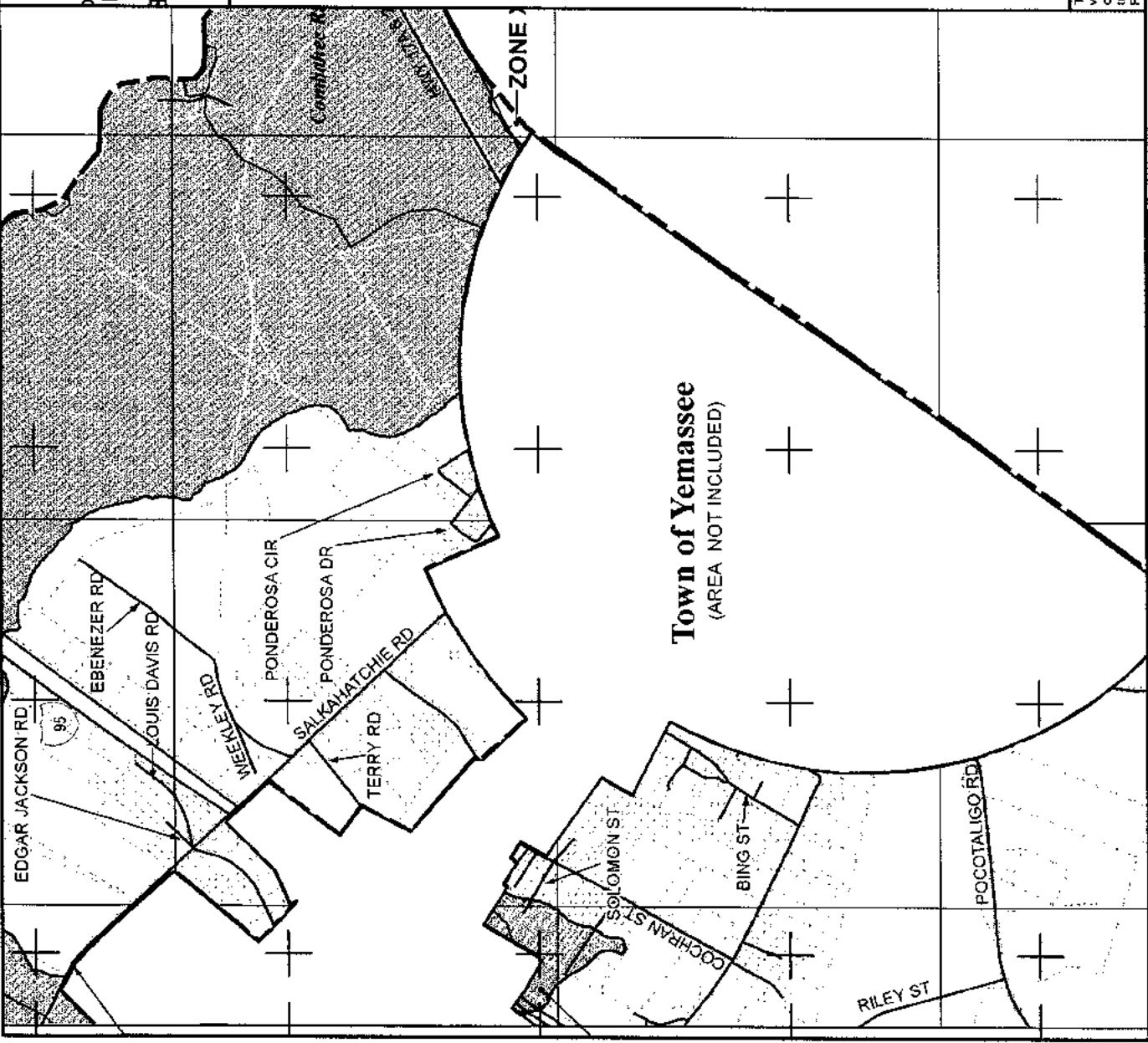
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used in insurance applications for the subject community.

MAP NUMBER
45049C0450C
EFFECTIVE DATE
SEPTEMBER 29, 2010

Federal Emergency Management Agency



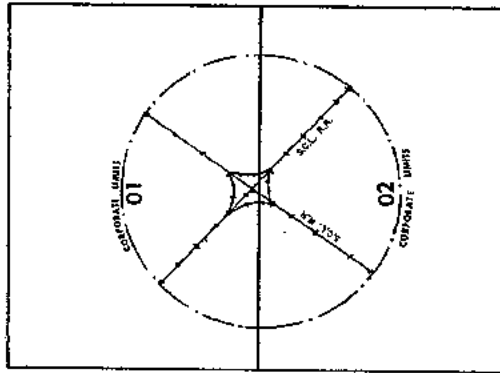
This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT Cut-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the site block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



COMMUNITY No. 460103

These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

Consult NFIA Servicing Company or local insurance agent or broker to determine if properties in this community are eligible for flood insurance.



LEGEND

- Levee [Symbol: a line with short perpendicular dashes]
- Sea Wall [Symbol: a line with small squares]
- Zone Boundary [Symbol: a line of small circles]
- SPECIAL FLOOD HAZARD AREA ZONE A [Symbol: a shaded rectangular area]

SPECIAL FLOOD HAZARD AREA
IDENTIFICATION DATE
JUNE 21, 1974

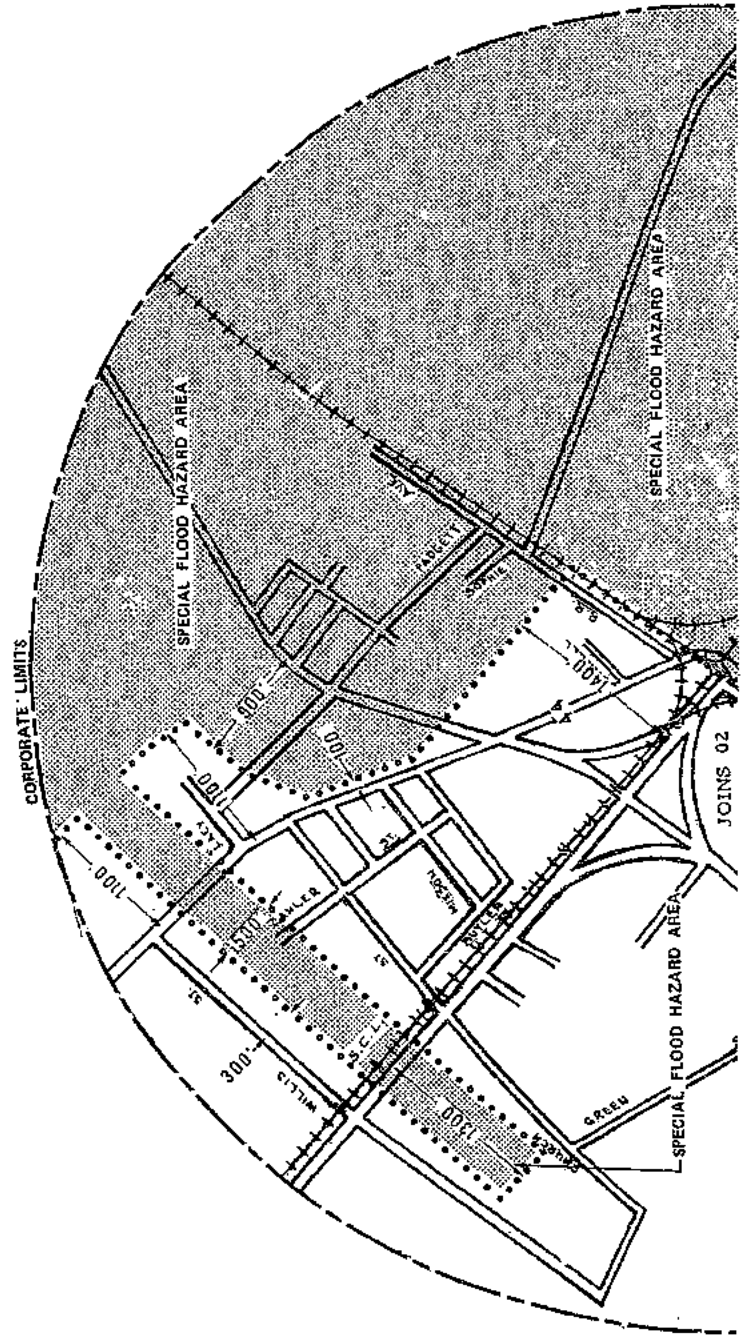
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration
TOWN OF YEMASSEE (SC)
(HAMPTON CO.)
MAP INDEX
FIA FLOOD HAZARD BOUNDARY MAPS
No. H O-1000
HILTON HEAD ISLAND
MINTON CHURCH

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration
TOWN OF YEMASSEE, SC
(HAMPTON CO.)

FIA FLOOD HAZARD BOUNDARY MAP
No. H01

Effective Date:
JUNE 21, 1974

APPROXIMATE SCALE
500 0 1000 2000 3000 FEET



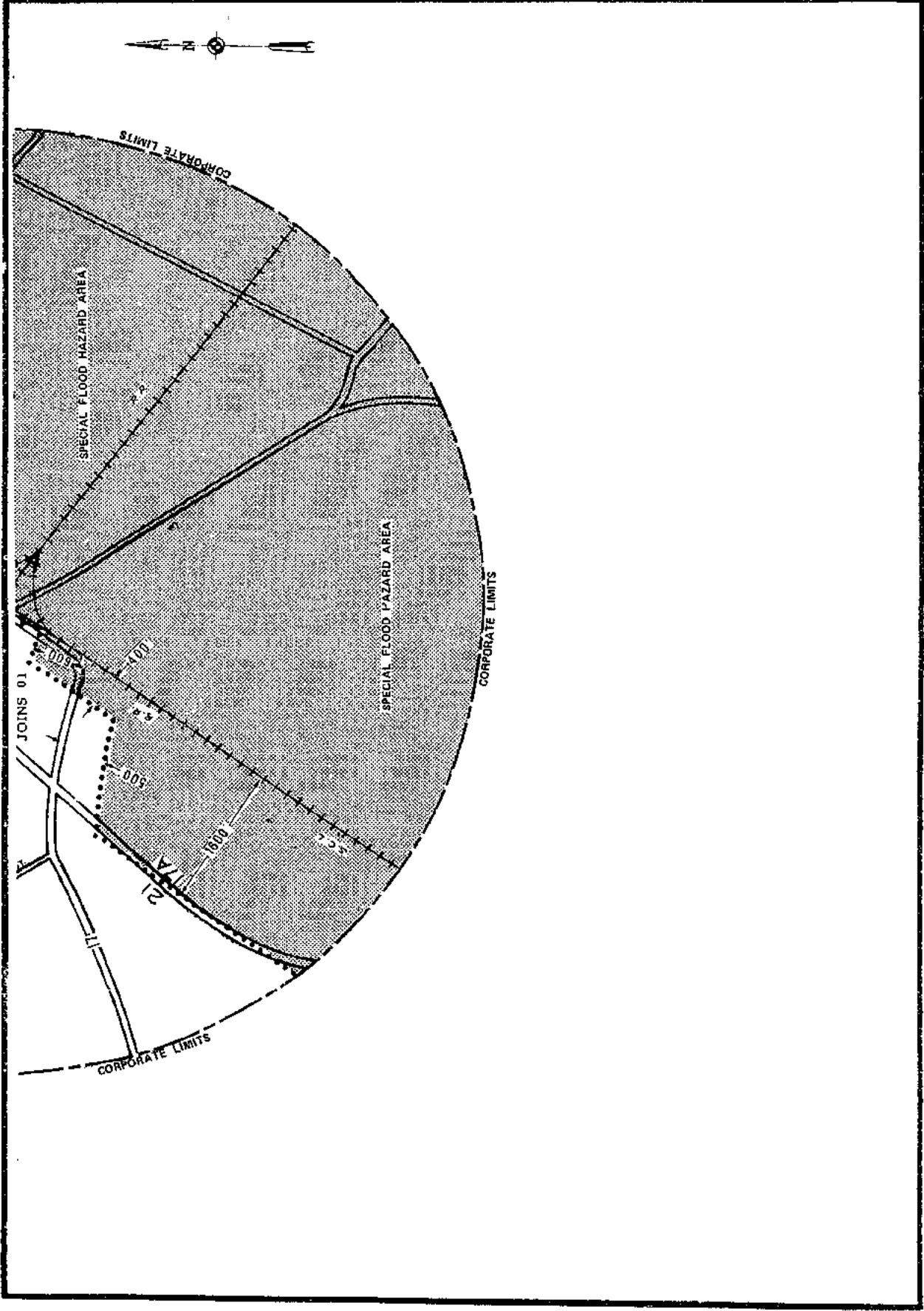
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration
TOWN OF YEMASSEE, SC
(HAMPTON CO.)

RIA FLOOD HAZARD BOUNDARY MAP
No. H02

Effective Date:
JUNE 21, 1974

APPROXIMATE SCALE
500 0 1000 2000 3000 FEET



Best Available Copy

Article VII. Planning, Land Use & Zoning

(Previous Editor's Note removed)

5.701. Commission Established

There is hereby established a Planning Commission to consist of five (5) members, who are appointed by the Mayor and Town Council for terms of three (3) years.

5.702. Same. Authority

The Commission shall exercise such authority as provided by State Laws. (South Carolina Code of Laws, Chapter 29, Article 1)

5.703. Same. Similar Ordinances

In addition to the above referenced ordinance, all other ordinances pertaining to planning, land use, zoning, etc., are not rescinded by this code. The same shall remain in effect as adopted as if fully set forth herein verbatim.

Article VIII. Penalties

5.801. Penalty

- a) Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.
- b) Each day during which a violation of the provisions in this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code 14-25-65)

CHAPTER 6. RESERVED

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

CHAPTER 7. COURT

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- 7.101. Municipal Court.
- 7.102. Jurisdiction. Contempt.
- 7.103. Civil Matters.
- 7.104. Judge. Appointment. Term. Oath.
- 7.105. Same. Compensation.
- 7.106. Same. Residency.
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- 7.109. Restriction of Judge to Practice in His Court.
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- 7.201. Jury Commissioners. Town Council May Act.
- 7.202. Jury Box. Compartments.
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- 7.205. Refusal to Appear as Juror.
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CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. In 1980, the General Assembly adopted Act No. 480 which required all municipalities in this state to conform to the South Carolina Unified Judicial System by establishing a Municipal Court. (The previous provision for a Recorder was rescinded.)

The act also specified procedures to be followed. This chapter follows those requirements and of SC Code §14-25-5, et seq.

This chapter derives from the provisions of that authority and Questions No. 31 and 32 of the Yemassee Questionnaire.

7.101. MUNICIPAL COURT.

A Municipal Court is hereby established which shall become a part of the Unified Judicial System of the State of South Carolina, as provided by law.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CONTEMPT.

a. The Municipal Court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon Magistrates.

b. The Municipal Court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on Municipal Courts.

(1976 SC Code §14-25-45)

7.103. CIVIL MATTERS.

The Municipal Court shall have no jurisdiction in civil matters.

(1976 SC Code §14-25-45)

7.104. JUDGE. APPOINTMENT. TERM. OATH.

a. The Municipal Court shall be presided over by a Municipal Judge, appointed by the Town Council for a term not to exceed four (4) years and until his successor is appointed and qualified.

(1976 SC Code §5-7-230, §14-25-15) (YQ 31)

b. Before entering upon his duties, the Municipal Judge shall take the oath of office as prescribed by Article VI, Section 5, of the South Carolina Constitution.

c. All Councilmen and the Mayor are ineligible to serve as Municipal Judge.

(1976 SC Code §5-7-230) (See §2.108, this code, as to the actual oath.)

7.105. SAME. COMPENSATION.

The compensation for the Municipal Judge shall be included in the annual budget.

(1976 SC Code §14-25-15)

7.106. SAME. RESIDENCY.

The Municipal Judge shall not be required to be a resident of the town.

7.107. ACTING JUDGE.

a. The Council may appoint an Acting Judge, during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

b. The acting Judge shall possess the qualifications of the Municipal Judge.

c. The Council may contract with the county to employ a Magistrate to preside over its court, in the absence of the Municipal Judge.

(1976 SC Code §14-25-25)

7.108. SAME. QUALIFICATIONS.

The qualifications required of Magistrates are hereby imposed upon the Municipal Judge.

(1976 SC Code §22-1-10, subsection c)

7.109. RESTRICTION OF JUDGE TO PRACTICE IN HIS COURT.

The Municipal Judge shall not practice law in the Municipal Court for which he is appointed.

(1976 SC Code §14-25-15)

7.110. SESSIONS OF THE COURT.

The Municipal Judge shall establish a regular place and time for the Court to hold its sessions.

7.111. SUSPENDED SENTENCES. PUBLIC SERVICE.

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.

(1976 SC Code §14-25-75)

7.112. RULES OF PROCEDURE.

The Municipal Judge shall establish and prescribe all necessary and proper rules of procedure for the Municipal Court; provided, however, the same shall not conflict in any manner with existing state, county or municipal laws.

7.113. FINES TO BE DEPOSITED IN GENERAL FUND.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the Clerk/Treasurer who shall provide monthly accounting therefor to the Town Council.

(1976 SC Code §14-25-85)

7.114. CLERK OF COURT. RECORDS.

a. The Town Clerk or other municipal employee may be appointed by Council to serve as Clerk of Court.

b. He shall keep such records and make such reports as may be required by the Municipal Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

7.115. MAXIMUM PENALTIES COURT MAY IMPOSE.

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 as prescribed in §7.301 of this code.

(1976 SC Code §14-25-65)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25 of the 1976 South Carolina Code of Laws and the Yemassee Questionnaire No. 31 and 32.

7.201. JURY COMMISSIONERS. TOWN COUNCIL MAY ACT.

a. The Council shall appoint not less than three (3) nor more than five (5) persons to serve as Jury Commissioners.

b. The Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135) (YQ 32)

7.202. JURY BOX. COMPARTMENTS.

a. The commissioners shall, within the first thirty (30) days of each year, prepare a box to be known as the jury box.

b. Such box shall contain two (2) compartments, designated as "A" and "B," respectively.

(1976 SC Code §14-25-145)

c. Compartment "A" shall contain a separate ballot or number for each name on the jury list.

(1976 SC Code §14-25-155, as to c)

d. Compartment "B" shall contain the names of jurors, following selection.

e. When all names or numbers in Compartment "A" have been exhausted, the names or numbers shall be returned from Compartment "B" to compartment "A." Thereafter jurors shall continue to be drawn therefrom in the manner provided herein.

(1976 SC Code §14-25-175, et seq.)

7.203. JURY LIST. COMPUTER GENERATED.

a. A jury list shall be composed of all names on the official list of qualified electors of the town furnished to the town by the State Election Commission each year, or copied from the official voter registration list of the municipality.

(1976 SC Code §14-25-155)

b. Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(1976 SC Code §14-25-170)

7.204. JURIES. SINGLE TRIALS. TRIAL TERMS. ETC.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to §14-25-165, et seq., of the 1976 South Carolina Code of Laws.

(Editor's Note. In 1981, the General Assembly completely rewrote §14-25-165. Due to its length, it is referenced here to avoid lengthy repetition.)

7.205. REFUSAL TO APPEAR AS JUROR.

It shall be unlawful for any person to fail, refuse or neglect to appear before the Municipal Court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(1976 SC Code §14-25-185)

7.206. REFUSAL TO APPEAR AS DEFENDANT.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five (5) days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the Municipal Court shall proceed with the trial of said case, as though the defendant were present.

7.207. COMPENSATION.

Jurors shall serve without compensation.

(YQ 32)

ARTICLE III. PENALTIES

7.301. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 8. FINANCE, BUDGET, TAXATION AND PURCHASING

ARTICLE I. BUDGET AND FINANCE

- 8.101. Fiscal Year.
- 8.102. Budget and Accounting Year.
- 8.103. Annual Budget. Capital Projects. Tax Rate. Summary. Clerk to Notify County.
- 8.104. Same. Contingent Expenses.
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- 8.110. Disbursements to be by Check. Signatures.
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- 8.201. Basis of Value of Property for Taxation.
- 8.202. Municipal Tax Lien.
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8.401. Purchasing Agent. Designated.

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8.403. Financial Interest of Town Officials and Employees Prohibited.

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ARTICLE V. BUSINESS LICENSES

8.501. Business License Ordinance Not Repealed.

8.502. Administration. Enforcement.

8.503. Yard Sales. No Fee Required.

ARTICLE VI. PENALTIES

8.601. Penalty.

CHAPTER 8. FINANCE, BUDGET, TAXATION AND PURCHASING

ARTICLE I. BUDGET AND FINANCE

Editor's Note. This article derives from the 1990 Yemassee Town Code, questions No. 33 through 49 of the Yemassee Questionnaire, pertinent additions by the editors and generally accepted municipal practices.

8.101. FISCAL YEAR.

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

(YQ 33)

8.102. BUDGET AND ACCOUNTING YEAR.

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

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

a. Before the beginning of the budget year, the Mayor and Clerk/Treasurer shall prepare a budget for the ensuing year. When adopted, the Mayor may transfer funds within and between departments as necessary to achieve the goals of the budget. He shall inform Council of this action not later than Council's next meeting.

(1976 SC Code §5-13-30(3)) (YQ 34.a)

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

c. The budget shall contain a summary of estimates of all capital projects pending which Council believes should be undertaken within the budget year and within the next five (5) succeeding years.

d. The budget shall be in sufficient detail and summarized as to proposed income and expenditures in such a manner as to present to Council and to the taxpayers a simple and clear summary of the budget.

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

(YQ 34.b)

d. It shall be the duty of the Clerk/Treasurer to notify the appropriate officials of Beaufort/Hampton County of any changes in the tax millage rates, when approved by Council.

(See Article II, this chapter.)

8.104. SAME. CONTINGENT EXPENSES.

Separate provisions shall be included in the budget for contingent expenses for the administration, operation and maintenance of the town.

8.105. SAME. PUBLIC HEARING. PUBLIC NOTICE.

a. Pursuant to §6-1-80 of the 1976 South Carolina Code of Laws, as amended, the Town Council shall determine a place and time for a public hearing on the budget.

b. Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one (1) newspaper of local general circulation.

c. The notice shall be given not less than fifteen (15) days in advance of the public hearing and must be a minimum of two (2) columns wide with a bold headline.

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

(YQ 34.c)

(Editor's Note. Section 6-1-80 of the 1976 South Carolina Code of Laws requires every municipality to hold a public hearing on its budget

to provide notice to the public by advertising the public hearing before the adoption of its budget for the next fiscal year in at least one South Carolina newspaper of general circulation in the area...not less than fifteen days in advance of the public hearing." It also provides the details of the notice that...must be a minimum of two columns wide with a bold headline.

8.106. SAME. PUBLIC INSPECTION.

The budget shall be a public record in the office of the Clerk/Treasurer, for public inspection during regular office hours.

8.107. SAME. FAILURE TO ADOPT.

Should Council, by ordinance, fail to adopt a budget for the next fiscal year, on or before its beginning, the budget as initially proposed by the Mayor shall be effective until a budget is finally adopted.

8.108. SAME. APPROPRIATIONS SHALL LAPSE.

All appropriations shall lapse at the end of the budget year, to the extent that they shall not have been expended or lawfully encumbered.

8.109. SAME. FINANCIAL REQUIREMENTS.

The budget shall identify various sources of anticipated revenue to meet the financial requirements of the budget.

8.110. DISBURSEMENTS TO BE BY CHECK. SIGNATURES.

All disbursements shall be by check and signed by the Mayor and Clerk/Treasurer.

(YQ 35)

8.111. RETURNED CHECKS. FEE.

a. All dishonored checks payable to the town and redeemed by the maker shall have added to the principal sum a collection fee for each such check.

b. Such fee shall be as set forth in the *Schedule of Rates and Fees* as shown on Exhibit 1 of this code.

(YQ 36)

8.112. AUDIT.

a. Prior to the end of each fiscal year, Council shall designate a qualified Certified Public Accountant who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the Council.

b. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the municipality or of any of its officers.

c. He shall, within specifications approved by Council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

(1976 SC Code §5-7-240)

(Editor's Note. Section 5-7-240 of the 1976 South Carolina Code of Laws requires the appointment of a *certified public accountant or public accountant or firm of such accountants*. They can have *no personal interest, direct or indirect, in the fiscal affairs of the town or any of its offices.*)

8.113. BORROWING REVENUES. BY ORDINANCE.

a. The Council may, during each fiscal year, borrow money for its current expenses and pledge for the payment thereof any revenues collected.

(1976 SC Code §5-7-30)

b. The borrowing of money shall be by ordinance.

(1976 SC Code §5-7-260)

8.114. EMERGENCY APPROPRIATIONS.

In the absence of unappropriated available revenues to meet emergency appropriations, Council may authorize by ordinance the issuance of notes, which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

ARTICLE II. ANNUAL TAXES. DELINQUENT

Editor's Note. SC Code §5-7-300 provides authority for municipalities of this state *to levy and collect taxes on real and personal property.*

SC Code §5-21-110 provides statutory authority for property *subject* to municipal taxes.

The collection of delinquent taxes by municipalities must be "*substantially in the same manner*" as the provisions for county collections. SC Code §5-7-300 further limits the penalty to collect delinquent taxes to not more than fifteen percent (15%) of total costs.

Taxes may be assessed only as authorized by the legislature. (Watson v. Orangeburg, 229 S. C. §367, 93, S. E. 2d 20 (1956))

(SC Code § 5-7-300 also authorizes a municipality to contract with the county for the collection of municipal taxes or for the collection of delinquent municipal taxes upon such terms and conditions as may be mutually agreeable to both the municipality and the county. Many municipalities have availed themselves of this option. Should the Mayor and Council feel an interest in this, the names of counties in which this is now accomplished can be supplied.)

8.201. BASIS OF VALUE OF PROPERTY FOR TAXATION.

The basis of value for taxation of real estate, personal property or other taxable property shall be such assessment as levied by the Beaufort/Hampton County Auditors.

8.202. MUNICIPAL TAX LIEN.

Until paid in full, all taxes levied upon real or personal property shall constitute a lien upon said property upon which the tax is levied, together with any penalties thereon, and shall be paramount to all other liens, except those for federal, state and county taxes.

8.203. COUNTY ASSESSMENT ROLLS. TAX BOOK TO BE MAINTAINED.

The Town Clerk shall, on or before September 1 of each year, obtain from the Auditor of Hampton County, a statement of such real and personal property, together with the assessment made upon the same appearing on the books of said Auditor as assessed for taxation for county and state purposes. The Town Clerk shall copy such statement upon a book to be kept for the purpose of entering in the appropriate columns the taxes due from each taxpayer in the town.

8.204. TAX BOOK. DATE OF COLLECTIONS. NOTICE REQUIRED.

On September 1 of each year the Town Clerk shall open the tax books for the collection and receipt of taxes due the town. The Town Clerk shall give notice of the time and place where said taxes may be received and collected. All taxes are due and payable on or before January 1, after which time a penalty will be charged.

8.205. SAME. CLOSING DATE. HOURS AVAILABLE FOR PAYMENT. PENALTIES.

The tax books shall be open during posted office hours. They shall close on August 31 of the following year, and all taxes not paid shall be subject to the following penalties:

- a. January 15 15%
- b. March 15 5%
- c. September 1 5%

8.206. COSTS OF COLLECTION. DELINQUENT DATE.

a. As required by SC Code §-7-300, in addition to the above, in the collection of delinquent taxes, all expenses of any levy, seizure and sale must be added and collected as additional execution costs.

b. They shall include, but shall not be limited to, the expense of taking possession of real or personal property, advertising, mailing certified notices, storage and identifying the boundaries of the property, etc.: provided, however, reasonable expenses shall not exceed five percent (5%).

c. Taxes shall become delinquent, if not paid by January 15, annually.

(YQ 41)

8.207. SALE OF PROPERTY FOR DELINQUENT TAXES. PROCEDURE.

a. Not later than July 1, annually, executions shall be issued on all unpaid real property and same advertised and sold to pay all taxes, penalties and costs.

b. In the sale of property for which delinquent taxes have not been paid, the provisions of SC Code §12-51-40, et seq., shall govern.

(Editor's Note. When property is sold for delinquent taxes, certain restraints are imposed by law on the municipality. For example, certified mailings and advertising of the property for sale are required. Also, "days of notice" are mandatory.)

8.208. TOWN CLERK DESIGNATED TAX COLLECTOR.

The Town Clerk is hereby appointed as the Tax Collector and vested with all the rights, powers and privileges thereof and is charged with all the duties designated for the enforcement and collection of delinquent taxes.

8.209. EXECUTIONS AGAINST DEFAULTING TAXPAYERS.

The Tax Collector shall issue an execution or warrant, in duplicate, against each defaulting taxpayer at his last known address levying 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 delinquent taxes and penalty.

8.210. SEIZURE OF REAL ESTATE. OWNER NOT LOCATED.

a. After the warrant or execution has been issued by the Tax Collector, he shall complete, in duplicate, a seizure and levy form which describes the property to be seized and shall sign such form. Thereafter, the Tax Collector, or an officer designated by him, shall enter upon the seized real estate, show the tax execution to the owner, deliver to him a copy of the levy and inform him that the property is in the exclusive possession of the municipality.

b. In the event the owner cannot be located, the levy form shall be mailed by certified mail, return receipt requested, to the owner of record upon the town's tax records. If the certified mail is returned undeliverable, the levy form shall be tacked upon the front entrance of a building located on the real estate or, if there are no buildings, the notice shall be tacked to a tree or stake in such a manner as to give adequate notice of seizure. The officer seizing the property shall complete the certification on the tax execution form.

8.211. RIGHTS OF REAL ESTATE MORTGAGEES.

The rights of all real estate mortgagees shall be protected, and all levies thereupon.

8.212. LEVY AND SALE OF PERSONAL PROPERTY. NOT REDEEMABLE.

a. The collection of delinquent taxes for personal property shall be in accordance with §8.206 of this code.

b. Personal property, when sold for taxes, shall not be subject to redemption.

(1976 SC Code §12-51-110)

(Editor's Note. Personal property does not include motor vehicles, as this is now a state/county responsibility.)

8.213. SALES DAY DESIGNATED.

Sales day for the sale of property for delinquent taxes, both real and personal, is hereby designated as the first Monday in October at the Town Hall at 10:00 a.m.

(SC Code §15-39-680)

8.214. TAX EXEMPTION FOR DISABLED VETERANS. WIDOWS.

Pursuant to §12-37-220.10.B.1 of the South Carolina Code of Laws, 1976, as amended, a veteran, who is one hundred percent permanently and totally disabled from a service-connected disability, shall be exempt from municipal taxes for the dwelling house in which he resides and a lot not to exceed one acre of land owned in fee or for life, or jointly with a spouse, if the veteran or qualifying surviving spouse files a certificate signed by the county service officer, of the total and permanent disability with the State Department of Revenue.

8.215. SAME. WIDOWS OF LAW ENFORCEMENT OFFICERS .

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

8.216. SAME. PARAPLEGICS OR HEMIPLEGIC PERSON.

The provisions set forth in §8.214 and §8.215, herein, shall apply to paraplegics or hemiplegic persons.

ARTICLE III. MOBILE HOMES TAXES

Editor's Note: This section derives from the 1976 South Carolina Code of Laws and an opinion of the Attorney General, to ensure that mobile homes are placed on the tax roles.

"Trailers on permanent foundations are taxable as part of the realty and are not subject to the license fee if so affixed to the land within fifteen days after purchase or entry into this State."
1964-65 Op Atty. Gen. No. 1955, p 263

8.301. MOBILE HOMES TAXED AS REAL PROPERTY. AVOIDANCE.

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

b. To avoid said classification, the owner of a mobile home shall give written notice to the County Auditor that the mobile home is without permanent foundation, within fifteen (15) days after purchase or entry into this state.

c. The County Auditor shall then determine the taxable classification of the mobile home.

(1976 SC Code §12-43-230)

ARTICLE IV. PURCHASING

Editor's Note. The 1976 South Carolina Code of Laws, §11-35-50, requires that, "all political subdivisions of the State shall adopt ordinances or procedures embodying sound principles of appropriately competitive procurement."

This article derives from that requirement and Questions 45 through 47 of the Yemassee Questionnaire.

8.401. PURCHASING AGENT. DESIGNATED.

- a. The Clerk/Treasurer shall serve as Purchasing Agent for the town and shall:
 - (1) approve all purchase orders prior to a purchase transaction;
 - (2) notify department heads of availability of funds; and,
 - (3) keep appropriate records for audit purposes.
- b. Procedures shall be:
 - (1) A purchase order will be required for each purchase.
 - (2) Purchase orders shall be approved prior to purchase.
 - (3) Refer to purchase order number, when making a purchase or order. (The purchase order number should be referenced on the invoice.)
 - (4) Indicate on the purchase order to which department the order should be charged.
 - (5) A purchase order number may be given for purchases; provided, however, any item over fifty dollars (\$50.00) shall require approval from the Purchasing Agent.
 - (6) Receipts shall be turned over to the Clerk/Treasurer at the end of each month for reconciliation of the monthly statement.

(7) Any item to be purchased at a cost exceeding five hundred dollars (\$500.00) shall require Council approval.

c. Special Purchases:

(1) Emergency purchases shall be handled on an individual basis.

(2) Work contracts shall require a purchase order.

d. Department Heads shall assist the Purchasing Agent, by ensuring prices of items and bids are competitive.

8.402. SAME. DUTIES.

The Purchasing Agent is further authorized and shall be responsible for:

1. the purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the town government;

2. the storage and distribution of all supplies, materials and equipment required by any office, department or agency of the town government;

3. establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the town government. Such specifications shall be definite and certain and shall permit competition;

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

5. soliciting and maintaining, when practical, an up-to-date list of qualified suppliers who have requested their names to be added to a "bidders list." The Purchasing Agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the town or who have failed to meet established specifications or delivery dates.

8.403. FINANCIAL INTEREST OF TOWN OFFICIALS AND EMPLOYEES PROHIBITED.

a. Any municipal officer or employee who has a financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a town officer or employee in matters related thereto.

b. Any officer or employee of the town who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall constitute malfeasance in office and, upon conviction, shall forfeit his office or position.

c. Violation of this section with the express or implied knowledge of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the Town Council.

8.404. EQUIPMENT, SUPPLIES, RECOVERED PROPERTY, PUBLIC AUCTION.

The Purchasing Agent shall have authority to sell all vehicles, equipment, supplies, etc., including any unclaimed recovered property, which have become unsuitable for public use or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder. All moneys received from such sales shall be paid into the appropriate fund of the town.

(See also §13.114, this code as to recovered property.)

8.405. GIFTS AND REBATES.

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

8.406. COOPERATIVE PURCHASING.

The Purchasing Agent shall have authority to join with other units of government in cooperative purchasing plans when the best interest of the town would be served thereby.

8.407. STATE PURCHASING.

The Purchasing Agent shall have 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.

ARTICLE V. BUSINESS LICENSES

Editor's Note. Business License Ordinances are not included in codes, due to the technical nature. The ordinance is filed with the Town Clerk and available for public inspection during regular office hours.

8.501. BUSINESS LICENSE ORDINANCE NOT REPEALED.

a. The provisions of the Business and Professional License Ordinance of The Town of Yemassee, as amended, are not repealed by this code.

b. The provisions shall remain in full force and effect, as if fully set forth herein and made a part hereof.

8.502. ADMINISTRATION. ENFORCEMENT.

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

8.503. YARD SALES. NO FEE REQUIRED.

a. Yard sales shall be permitted, but notice thereof shall be given to the Town Clerk.

b. No fee shall be charged to hold a yard sale.

c. A business license shall be required if over two (2) sales per year are held.

ARTICLE VI. PENALTIES

8.601. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 9. FIRE DEPARTMENT

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- 9.501. State Firemen's Association. Payment.
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ARTICLE VI. PENALTIES

- 9.601. Penalty.

CHAPTER 9. FIRE DEPARTMENT

Editor's Note: Many towns in this state have made arrangements with their respective counties for fire service. The Yemassee Fire Department has such an arrangement.

This chapter derives from sections of Chapter 6 of the 1990 Yemassee Town Code, generally accepted municipal practices and sets forth basic provisions used by other towns for the protection of its citizens. It also derives, as amended, from the Yemassee Questionnaire, Questions 50 and 51.

General state statutes governing fire protection are found at Title 5, Chapter 25 of the 1976 South Carolina Code of Laws, as amended, entitled, "BUILDING CODES AND FIRE PROTECTION."

ARTICLE I. ADMINISTRATION

9.101. FIRE DISTRICT PROVISIONS DESIGNATED.

The Yemassee Fire Department is hereby created, authorized and designated as the responsible organization to address fire and life safety issues including fire protection and emergency medical care.

(YQ 50)

9.102. APPOINTMENT OF CHIEF.

The Fire Chief shall be appointed by the Town Council.

9.103. VOLUNTEERS.

The Fire Chief shall appoint volunteers.

(YQ 50.c)

9.104. COMPENSATION.

Only the town's full time fire fighter shall receive compensation for his services.

(YQ 50.d)

9.105. COMMAND AT SCENE OF FIRE.

The Fire Chief shall have control of operations at the scene of fire or other emergency incident. In event of his incapacity or absence, his duties shall devolve on the Assistant Chief. In the event of the incapacity or absence of the Assistant Fire Chief, such duties shall devolve upon the duty officer designated by the Fire Chief.

9.106. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.

Immediately upon his arrival on the premises, the Fire Chief or his designee shall have sole and absolute possession and control of any and all buildings on fire within the town and shall so remain in possession and control until the fire shall be extinguished and the premises abandoned at his direction.

9.107. RIGHT OF ENTRY DURING EMERGENCIES.

In a fire or life threatening emergency, while endeavoring to control or extinguish fires or rescue injured victims, the Chief, or his designated representatives, may pass through and enter any adjacent building or property.

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

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

9.109. POLICE OFFICERS TO ENFORCE PROVISIONS.

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire or other incident, where the Fire Department is operating and subject to availability of personnel, a police officer may be stationed at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within said block to be moved immediately and block the street from other vehicles.

9.110. FIRE INSPECTOR.

The town's full time fire fighter is hereby authorized to serve as Fire Inspector for the town.

(1976 SC Code §5-25-120) (YQ 51)

9.111. FIRE INVESTIGATIONS.

The Inspector shall hold an inquiry into the origin of every fire occurring within the limits of the town and file a report in writing of the investigation.

(1976 SC Code §5-25-160, §5-25-170)

9.112. BUILDING BURNED OR DESTROYED MORE THAN HALF ITS VALUE.

a. If an existing building is damaged by fire, deterioration or otherwise, in excess of fifty percent (50%) of its then physical value, said building shall be removed.

(1976 SC Code §5-25-1160 requires the removal)

b. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear in Municipal Court, as provided in §14.101 of this code.

c. Upon conviction, said person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Court.

ARTICLE II. PROHIBITED ACTS

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

9.201. FALSE ALARMS.

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

(1976 SC Code §16-17-570)

9.202. PARKING AT HYDRANTS. OBSTRUCTING FIRE EQUIPMENT OR MEMBERS.

a. No person shall park any vehicle within fifteen (15) feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at an emergency incident.

b. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his official capacity or when proceeding to an emergency incident.

9.203. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.

a. No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to an emergency incident closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to an emergency incident.

(1976 SC Code §56-5-2530)

b. Bystanders shall stay a safe distance away as determined by the officer in charge.

9.204. FAILURE TO OBEY LAWFUL ORDERS.

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

9.205. DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief or his designee, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the Fire Department.

(1976 SC Code §56-5-3850).

9.206. OPENING FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to interfere with or open for any purpose whatever any fire hydrants of the town, except in case of fire, without first having obtained a proper permit to do so from the local water authority.

9.207. BURNING TRASH.

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first obtaining permission from the property owner and a permit from the State Forestry Commission or DHEC.

9.208. FIRE HAZARD UPON LOTS, BUILDINGS, PREMISES; ACCUMULATION, GROWTH, ETC.

a. It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

b. Any person who shall fail, within seven (7) calendar days of a notice, to eliminate a fire hazard, upon conviction, shall be guilty of a misdemeanor.

9.209. FIRES NEAR BUILDINGS.

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

ARTICLE III. FIRE DISTRICT

Editor's Note. Section 5-25-1110 of the 1976 South Carolina Code of Laws requires every municipality in this state to pass an ordinance "...*establishing and defining fire limits, which shall include the principal business portion of the city or town.*" (Emphasis supplied.)

9.301. FIRE DISTRICT DEFINED.

The area designated by the Town Council and shown on a map and which filed with the Town Clerk shall constitute the fire limits.

(YQ 50.f)

ARTICLE IV. FIREWORKS

Editor's Note. This article derives from SC Code §23-35-10, et seq. and generally accepted municipal practices.

9.401. FIREWORKS DISPLAYS. PERMITS. REQUIREMENTS.

a. Any person who desires to hold a fireworks display shall first obtain a permit from the Mayor and Council, in triplicate. The manufacturer or wholesaler supplying the fireworks display material shall retain one (1) copy of the permit and the person putting on the display shall retain one (1) copy. One (1) copy shall be forwarded to the State Fire Marshal's office.

b. All fireworks display materials shall be purchased through a manufacturer or wholesaler licensed in the South Carolina who will supply insurance protection for any accidents that might take place during the display, except as otherwise provided for in this article.

c. Any display requiring shells to be fired from mortars or set pieces more than sixteen (16) feet high shall be classified as Type "A" and, when such display is used, an experienced fireworks operator shall be in charge for the protection of spectators. Any display commonly called a local or family display, which includes no uncased shells and no shell larger than regular one hundred (100) aerial or set pieces larger than ten (10) feet, may be fired by persons putting on the display who shall assume responsibility for insurance.

d. No commercial fireworks item such as "Cherry Bombs", T-N-T, M-80's or other domestic items of commercial fireworks or a similar type shall be considered as display fireworks.

9.402. TOY CAPS AND SIMILAR DEVICES EXCEPTED.

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

9.403. OTHER EXCEPTIONS.

Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the State or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

9.404. PERMISSIBLE FIREWORKS.

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

9.405. PERMISSIBLE SALE OF FIREWORKS.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in Section 23-35-10 of the 1976 South Carolina Code of Laws.

9.406. SALE TO MINORS.

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

9.407. RESTRICTIONS.

It shall be unlawful:

1. To explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum or public school; provided, however, that this provision shall not apply to the Shrimp Festival;
2. To explode or ignite fireworks within seventy-five (75) feet of where fireworks are stored, sold or offered for sale;
3. To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and
4. To place or throw any ignited fireworks into or at any motor vehicle.

9.408. IDENTIFICATION AND MARKING.

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

9.409. RETAIL HANDLING. STORAGE.

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

ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND

Editor's Note. This article summarizes the requirements of §23-9-310 of the SC Code that provides for the use of the funds received by a municipality from the Firemen's Insurance and Inspection Fund (FIIF). This article derives from those provisions, the 1990 Yemassee Town Code and Question 52 of the Yemassee Town Code.

Title 23, Chapter 9, SC Code requires any municipality receiving these funds to belong to the fund.

9.501. STATE FIREMEN'S ASSOCIATION. PAYMENT.

a. The Town of Yemassee is hereby declared to be a member of the State Firemen's Association as required for participation in the Firemen's Insurance and Inspection Fund.

b. The town shall pay to the Treasurer of the association five percent (5%) of the gross proceeds received annually from the one percent (1%) tax on fire insurance allocated to the town.

9.502. TRUSTEES. COMPENSATION.

a. The Mayor, Town Clerk and Chief of the Fire Department shall serve as trustees of said fund. They shall have control thereof and direct disbursements under such rules and regulations as may be adopted by them in accordance with state law.

c. They shall serve without compensation.

(YQ 52.a)

9.503. BENEFITS ACCEPTED.

The town hereby accepts the benefits of the Firemen's Insurance and Inspection Fund.

9.504. RECEIPT AND DISBURSEMENT OF FUNDS.

The Town Clerk is hereby authorized to receive the benefits of said fund from the State Treasurer. All such funds shall be deposited in a special checking account and paid out only upon approval of the Trustees.

9.505. USE OF FUNDS.

a. Before any expenditure of funds in excess of one hundred dollars (\$100.00) can be made, it must be approved by the local trustees and the trustees of the State Firemen's Association.

(1976 SC Code §23-9-450)

("Accounting Manual, Firemen's Insurance and Inspection Fund," (Amended 1999)
(Page 8.B.1.d))

(Editor's Note. The editors were informed by the State Firemen's Association, during the preparation of this code, that this is a requirement of all participants in the FIIF.)

b. No such funds shall be expended in any manner for any purpose for which the town may be legally liable.

c. No funds shall be divided among the fire fighters in cash.

(1976 SC Code 23-9-460 as to "b" and "c" above.) (YQ 52)

9.506. AUTHORIZATION TO SIGN CHECKS.

All disbursements shall be by check and signed by the Fire Chief and the Town Clerk, to ensure accountability of all funds.

(YQ 52.b)

9.507. STATE FIRE MARSHALL REPORTS.

The Town Clerk shall submit a report to the State Fire Marshall annually, as required, on or before October 31 of each year.

(SC Code §23-9-340)

ARTICLE VI. PENALTIES

9.601. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 10. HEALTH AND SANITATION

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- 10.101. Beaufort/Hampton County Referral.
- 10.102. Food Handling Establishments.
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- 10.301. Agreement With CDS, INC., Not Rescinded.

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- 10.401. Pit Privy Defined. Declared Unlawful.
- 10.402. Disposal of Human Excrement.
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CHAPTER 10. HEALTH AND SANITATION

Editor's Note: Health matters in The Town of Yemassee are subject to supervision of the Beaufort/Hampton County Health Department. This chapter derives from Chapter 8 of the 1990 Yemassee Town Code and generally accepted municipal practices.

ARTICLE I. IN GENERAL

10.101. BEAUFORT/HAMPTON COUNTY REFERRAL.

Health matters, generally, shall be referred to the Beaufort/Hampton County Health Departments.

(YQ 53)

10.102. FOOD HANDLING ESTABLISHMENTS.

All food handling establishments shall adhere to the State and County Health Department rules and regulations.

10.103. ODORS. UNWHOLESOME. OFFENSIVE. UNLAWFUL.

a. No person shall erect or maintain any place of business dangerous to life or detrimental to health or where unwholesome, offensive or deleterious gas, smoke, deposits or exhalations are generated, without approval from the Board of Health.

b. All such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health.

c. No offensive or deleterious waste substance, water-gas tar, sludge, refuse or injurious matter shall be allowed to accumulate upon the premises thereof or be thrown or allowed to run into any public water, stream, watercourse or onto any street or public place.

10.104. DEBRIS REMOVAL.

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

b. Anyone providing services to residents or businesses in the town, such as roofers, building contractors, pulpwood dealers, etc., upon completing such services, shall remove any debris created thereby.

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

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

10.106. REMOVAL OF ACCUMULATIONS OF DELETERIOUS MATTER.

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

10.107. GARBAGE COLLECTION FEES.

- a. A fee shall be charged each residence and business for the collection of solid waste.
- b. The said fee shall be collected with the water bill.
- c. Anyone not paying a water bill shall pay the garbage collection fee to receive garbage collection service.
- d. Such fees shall be as set forth in the *Schedule of Rates and Fees* as shown on Exhibit 1 of this code.

ARTICLE II. VACANT LOTS, PREMISES, LAND

Editor's Note. This authority derives from SC Code §5-7-80.

10.201. ACCUMULATIONS. PROHIBITED.

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any vacant lots, improved or unimproved premises, or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk or other matter deleterious to good health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

10.202. SAME. SUMMONS FOR FAILURE TO MAINTAIN LOTS.

The Mayor is hereby authorized to summon the owner of such premises. If, after fully hearing the matter and any statement the owner may make and any testimony he may offer on his behalf concerning such matter, the Mayor should find such premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

10.203. SAME. HOW SUMMONS GIVEN.

The notice shall be served on the owner to whom it is directed or by Certified Mail, Return Receipt Requested, addressed to such owner at his last known post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two (2) times within fifteen (15) consecutive days in a local newspaper of general circulation.

10.204. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR. PENALTY.

a. Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear before the Municipal Judge, as provided in §14.101 of this code.

b. Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the Municipal Judge.

ARTICLE III. GARBAGE AND SOLID WASTE

Editor's Note. On January 9, 1992, The Town of Yemassee entered into a formal agreement with CDS, INC., a South Carolina Corporation (contractor) with its principal place of business at Goose Creek, South Carolina. The agreement is currently in effect.

The agreement provided for services to be rendered by the contractor to Yemassee's residential and business properties. The contractor agreed to "...provide for the collection (and disposal) service of garbage, refuse and bulky waste..." The contractor would not, however, be "...required to collect hazardous waste...(or)...construction debris..."

The agreement did provide for the method to be used in the collection and removal of those items to be collected and removed. It also included liability, permits, licenses, notices, compensation and adjustments thereto, collection equipment, personnel, notification of residents, missed collections, holidays, complaints and insurance.

Due to the legalities set forth in the agreement and its length, and since the contractor is held liable for both the collection and disposal of garbage, refuse and solid waste, the agreement is not reproduced in this code. The reader is, therefore, referred to the Town Clerk for further information.

In view of the agreement, the provisions of Chapter 8, Article II, of the 1990 Yemassee Code of Ordinances are not longer valid and are not incorporated into this code.

10.301. AGREEMENT WITH CDS, INC. NOT RESCINDED.

The Agreement between The Town of Yemassee and CDS, INC., entered into on January 9, 1992, shall not be rescinded by this code, and the provisions thereof shall remain in effect until amended by the Mayor and Council.

ARTICLE IV. TOILET FACILITIES

10.401. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

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

b. Pursuant to the 1976 South Carolina Code of Laws, §44-55-210, it shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

(YQ 55)

10.402. DISPOSAL OF HUMAN EXCREMENT.

It shall be unlawful for any person, firm or corporation to deposit or throw upon the ground or bury any human excrement, solid or liquid, or to otherwise dispose of such substances in any manner other than into a sanitary septic tank constructed in accordance with DHEC requirements.

10.403. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

a. All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal.

b. The contract shall provide for such facilities, the plans shall state the proposed method of disposal and the Town Clerk shall be notified.

ARTICLE V. PENALTIES

10.501. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 11. RESERVED

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

YEMASSEE TOWN CODE

Chapter 12. Parks, Recreation and Public Property

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- 12.101. Public Park Defined.
- 12.102. Applicability
- 12.103. Closing Hours
- 12.104. Damage to Landscaping
- 12.105. Injury to Structures or Property
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- 12.107. Bills, Posters and Advertising Prohibited
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- 12.110. Motor Vehicle Traffic in Parks
- 12.111. Picnic Regulations
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- 12.114. Firearms. Dangerous Weapons
- 12.115. Entering Closed Areas
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- 12.201. Recreation Committee. Established
- 12.202. Membership
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YEMASSEE TOWN CODE

12.205. Finance

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ARTICLE III. PENALTY

12.301. Penalty

Chapter 12. Parks, Recreation and Public Property

This chapter derives SC Code, Title 51, Chapter 15 §20 et seq; Ordinance #11-14 entitled "Recreation Ordinance", adopted September 12, 2000, and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference).

Article I. General

12.101. Public Park Defined.

"Public Park" shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits. Public Parks and property owned or operated by the Town include:

- a) Harold Peeples Athletic Park (Pocotaligo Road)
- b) Marine Corps Tribute Park (Wall Street)
- c) Moore's Park (Salkehatchie Road)
- d) Town Hall Municipal Complex Ballfield (Town Circle)
- e) Willis Street Athletic Courts (Willis St S)
- f) Yemassee Community Center (Mixon St)
- g) Yemassee Veterans Memorial Park (Salkehatchie Road)

The Town Council shall have the authority to declare any property owned or operated by the Town, as a public park.

12.102. Applicability

This chapter shall apply to all Town parks and/or recreation facilities now or hereafter within the Town of Yemassee. This ordinance also applies to public pathways and waterways within the Town of Yemassee. Nothing in this ordinance shall supersede state or federal laws. Where posted, rules pertaining to a particular public property shall be enforced as a part of this ordinance.

12.103. Hours of Operation

All parks and/or recreation facilities owned by the Town and within the Town limits of Yemassee shall be 8:00am. The closing hour for all parks and/or recreation facilities owned by the Town and within the Town limits of Yemassee shall be 10:00pm, unless a permit has been approved following an application to the Town Clerk.

12.104. Damage to Landscaping

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flowers, or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "Keep off" sign has been posted.

12.105. Injury to Structures or Property

It shall be unlawful for any person to write on, carve, cut, deface, injure, or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

12.106. Sanitation.

No person in or on a public property shall:

- a) Depositing Refuse. Leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially, for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park. Any refuse generated from activity in within the Public Park shall be disposed of at either an on-site receptacle or properly disposed of off property.
- b) Pollution of Waters. Throw, discharge or otherwise place or caused to be placed in the waters of any fountain, pond, lake, stream, river or other body of water in or adjacent to any such area, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may result in the pollution of such waters.

12.107. Bills, Posters and Advertising Prohibited

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park. This Ordinance does not apply to the paid advertising areas in the outfield of the Harold Peoples Athletic Park.

12.108. Selling in Public Parks

It shall be unlawful for any person, except as may have a permit or concession from the Town Clerk, to sell or offer for sale within any public park any cold drinks, food or any other merchandise. The Town of Yemassee Recreation Department staff shall operate the Concession Stand at the Harold Peoples Athletic Park during all municipal intramural sporting programs and during private event rentals. All revenue generated from concession sales shall be reinvested into the recreational offerings of the Town of Yemassee.

12.109. Intoxicating Liquors, Disorderly Conduct, Etc. Drug Use

- a) It shall be unlawful for any person to carry into any public park any intoxicating liquors, to consume the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar, or indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious, disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.
- b) It shall be unlawful to disturb or interfere unreasonably with any person or party occupying the area or participating in any authorized activity.
- c) It shall be unlawful to possess, consume, or distribute non-prescriptive drugs or illegal substances on the premises of any public park.

12.110. Motor Vehicle Traffic in Parks

No person in or on a public property shall:

- a) Compliance with motor vehicle laws. Fail to comply with all applicable provisions of the state or local motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such governmental regulations as are contained in this article and other ordinances.
- b) Obedience to Police officers. Fail to obey all Police Officers and Town employees, such persons being hereby authorized and instructed to direct traffic whenever needed in such areas and in accordance with the provisions of this article and such regulations as may be issued by the Town.
- c) Speed of vehicles; operation off roadways. Ride or drive a motorized vehicle within any public property, when authorized, at a rate of speed exceeding five miles an hour or operate such vehicle off any paved or clearly maintained portion of a roadway in any public park or other publicly owned property, except when authorized by the Town. All motorized vehicles are expressly prohibited on designated bike trails.
- d) Operation of motorcycles. Operate a golf cart, motorcycle, motorbike or similar motorized vehicle within the limits of any public property except upon those paved portions of a roadway and parking areas designed for such vehicles.
- e) Double parking. Double park any vehicle in any such area unless directed by a Town official.

12.111. Picnic Regulations

- a) It shall be unlawful to picnic or lunch in a place other than those areas designated for that purpose. Town Staff have the authority to regulate the activities in such areas when necessary, to prevent congestion and to secure the maximum use for comfort and convenience of the public.
- b) It shall be unlawful to violate the regulation that the use of the picnic tables and benches follows the general rule of "first come, first served".
- c) It shall be unlawful to leave the area before all trash, in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in receptacles provided.

If no such receptacles are available, then the refuse and trash shall be carried away from the park and disposed of elsewhere.

12.112. Camping. Fires

- a) No person in or on a public property maintained by the Town shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Town.
- b) It shall be unlawful to camp in any area without written permission from the Town Clerk. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purposes, such as campers, trailers or the like.

12.113. Fireworks in Parks. Prohibited.

It shall be unlawful to bring or have in their possession or set off or otherwise cause to be exploded or discharged or burn any firecracker, sparkler, or other fireworks or explosive or to discharge or throw them into any such land or highway adjacent thereto without written permission from the Town Council or Town Clerk.

12.114. Firearms. Dangerous Weapons.

It shall be unlawful to carry, use or possess firearms or other dangerous weapons of any nature within any park or other recreation facility; however, this section shall not apply to law enforcement officers while engaged in the course of their duties.

12.115. Entering Closed Areas

It shall be unlawful to:

- a) Enter an area of public property posted as closed to the public.
- b) Breach any door, gate, chain or other device used to restrict access to a park, building within a park or a specific area of the park.

12.116. Special Event Permits for Exclusive Use.

- a) Upon receipt of an application, the Town may issue a special event permit authorizing the exclusive use of park space or park facilities for a limited time in accordance with its regulations and fees established for that purpose. No person having been issued such permit in or on a Town playground or park shall fail to produce and exhibit the permit upon request of any authorized Town representative who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.
- b) No person shall disturb or unreasonably interfere with any person who has obtained a special event permit under subsection (a) while the permittee is in possession and use of the permitted space or facilities. Any person refusing to

stop such disturbance or interference when requested to do so, may be cited for a violation of this code or ordered to leave the park, or both, by any Town officer or employee authorized to enforce this article.

- c) Any fees that may be required for a specific facility rental shall be included on the current Schedule of Rates & Fees. The Town Clerk has the authority to waive any or all fees associated with a rental if they deem it in the best interests of the Town.
- d) Any person or persons entering into a lease or rental agreement with any recreation facility or public park agrees to hold harmless the Town, its Staff, its agents of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

12.117. Commercial Utilization of Space and Facilities.

- a) The Town may allow the commercial utilization of public property on an exclusive use basis in accordance with such contracts and permitting procedures as the Town Clerk may approve. However, the commercial utilizations must be for limited periods of time in clearly defined space and with limited frequencies. The services rendered during such utilizations must be the types that promote the general purposes of the park in its availability to the public at large. The Town must receive reasonable compensation for the use. The methods for allocating such utilization among interested applicants must be fair and open to all interested providers of the service. The commercial user must make the rendered service available to members of the public without discrimination based on race, religion, national origin, gender, or ethnic identity. The commercial user must have a Town business license.
- b) Walking tours and other business operations which utilize public property do not require special permits, provided they do not impede the right of the public to use public property for its intended purposes and provided they do not have the effect of gaining exclusive use of specific space or facilities for any meaningful period of time or with undue frequency.

12.118. Park Restrictions.

Any section or part of any park or recreation area or facility may be declared closed to the public by the Town Clerk at any time and for any interval of time, either temporarily or at regular stated intervals (daily or otherwise) and to certain users.

12.119. Enforcement.

- a) The Town Clerk or the Recreation Director, if such position shall exist, has the authority and responsibility to enforce any rules and regulations governing the use of parks and recreation facilities as adopted by the Town of Yemassee.
- b) The Town Clerk or the Recreation Director, any authorized municipal employee shall have the authority to eject from any recreation facility any person acting in

violation of this article, or in violation of the rules and regulations enacted pursuant to this article or any other ordinance adopted by the Town Council.

- c) The Yemassee Police Department may draw warrants, issue citations, or take such other legal measures as may be allowed to enforce the terms and provisions of this article.

12.120.Tournaments.

A Special Event permit shall be required to conduct athletic tournaments such as baseball, basketball, softball, etc.

12.121. Unsafe Conduct in Park Waterways.

- a.) Prohibited. No person shall engage in unsafe conduct in or near any stream or river on public property. Unsafe conduct is any activity which threatens harm to the bed or banks of the waterway, or which threatens serious bodily injury to the person engaging in the activity or to others. Unsafe conduct includes, but is not limited to, climbing, or sliding on rocks in or next to a waterway; climbing over the sides of any bridge which crosses over a waterway; or destroying, disrupting, or agitating the condition of banks of a waterway. Nor shall any person actively induce or engage other people in unsafe conduct in a park waterway.
- b.) Lawful order. Any law enforcement officer shall assist in enforcement of this section may direct activity having the appearance of unsafe conduct in subsection (a) be stopped. The failure to obey such lawful order is also a violation of this section.

12.122.Protection of Natural Resources.

No person in or on a public property, without consent of the Town, shall dig or remove any soil, sand, rock, stones, shrubs or plants, down timber, or other wood materials, or make any excavation by tool, equipment, blasting or other means or agency.

Sections 12.123 – 12.199. Reserved

Article II. Recreation Committee

12.201. Recreation Committee. Established

The Town of Yemassee hereby establishes a Recreation Committee that is designated to promote the recreational offerings provided by the Town and to provide opportunities for all citizens to participate in activities.

12.202. Membership

The Committee is hereby established with three (3) members, appointed by the Town Council, who will serve terms of four (4) years. Upon completion of their term, the member may apply for consideration of reappointment.

Members for the Recreation Committee are not required to maintain residency or be a current or former freeholder within Town limits.

12.203. Compensation

Members of the Recreation Committee shall serve without compensation.

12.204. Council Liaison to the Town

The Town Council shall designate a Council Member to serve as a Committee Liaison from the Committee to Town Staff and the Council. The Council Liaison shall advise Staff on required purchases and any requests for events, programs, sporting events or other activities as deemed necessary by the Committee shall be formally requested to the Council Liaison.

12.205. Finance

The Town Administrator will maintain financial records and an accounting of funds including revenue and expenditures for the activities of the Committee in accordance with the provisions of Chapter 8 of this code. Financial reports shall be made available to the Committee members monthly.

12.206. Meetings

The Committee shall conduct regular meetings at least once (1) per month unless there is no business before it. Special meetings may be held at the call of the Chairman and at such other times as the Recreation Committee may determine.

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Public notice of all meetings shall be in accordance with the South Carolina Code of Laws 30-4-70 and have agendas available no later than twenty-four (24) hours prior to the meeting.

The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and shall keep records of its examinations and other official actions, all of which must be immediately filed with the Town Administrator upon approval by the Committee.

Article III. Penalties

12.301. Penalty

- a) Any person found upon the premises of any town parks and/or recreation facilities within the town limits of the Town of Yemassee, after the official closing hour of 10:00PM without the express written consent of the Town Clerk or their authorized representative or the written permission of the Mayor & Town Council shall be deemed a trespasser and in violation of this chapter.
- b) This chapter shall not apply to members and employees of the Town of Yemassee, and the Town of Yemassee Recreation Committee engaged upon their official duties in connection with said parks and recreation facilities.
- c) Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor.
- d) Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

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CHAPTER 13. POLICE

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws, the 1990 Yemassee Town Code, as amended, and from No. 57 through 59 of the Yemassee Questionnaire and generally accepted municipal practices.

ARTICLE I. IN GENERAL

13.101. COMPOSITION. APPOINTMENT.

a. A Police Department is hereby established which shall consist of such officers and employees as may be authorized by this chapter.

b. The Police Chief shall be appointed by the Mayor, upon approval of Council.

(YQ 57)

(Editor's Note. Section 5-9-30, et seq., of the 1976 South Carolina Code of Laws provides that the Mayor appoints all town employees.)

13.102. CHIEF OF POLICE. AUTHORITY.

a. The Chief of Police shall supervise the Police Department and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.

b. To that end, police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.

13.103. SURETY BOND. PREMIUMS.

a. The Chief of Police and other members of the department shall give bond in favor of the town, in the amounts and under the conditions as the Council may, from time to time, determine.

b. The town shall pay the premiums.

13.104. POWERS. GENERALLY.

a. Each officer of the department shall be sworn and invested with all powers as authorized by law, and he shall have the power to perform all duties assigned to him by statutes, ordinances, resolutions, directives, rules or regulations.

b. Any officer failing or refusing to exercise his lawful authority shall be subject to suspension or discharge.

13.105. BONDS AND FINES.

No official written receipt shall be given for cash bonds and fines.

13.106. SAME. BAIL MONEY.

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

13.107. SAME. TRIAL DATE.

Any person violating ordinances of the town shall be apprehended and the apprehending officer shall designate a trial date.

13.108. COMPENSATION.

Compensation shall be determined by the Council and included in the annual budget.

13.109. UNIFORMS.

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

13.110. PROPERTY TO BE RETURNED.

a. Upon termination of services, for whatever reason, all members of the department shall return any equipment and all official material or things belonging to the department.

b. Failure to do so shall constitute a misdemeanor.

13.111. STREETS. JURISDICTION.

If any portion of a street or highway is within the boundary of the municipality, the remaining width of the street or highway, not within the municipal boundary but touching the boundary, shall be considered to be within the boundary of the municipality for purposes of its police jurisdiction.

(1976 SC Code §5-7-155)

13.112. SAME. OBSERVATION OF CONDITIONS.

All members of the department shall constantly observe the condition of all streets, sidewalks and alleys, including any obstruction, nuisance or impediments, and shall take necessary measures to remove or abate them or to report such conditions to the appropriate town official.

13.113. EMERGENCIES. OTHER POLITICAL SUBDIVISIONS. ASSISTANCE.

In case of emergency, the Mayor may, upon request of any other political subdivision of this state, send officers of the town to the requesting political subdivision.

(1976 SC Code §5-7-120)

13.114. PERSONAL PROPERTY. RECOVERED.

a. This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items that may be recovered by or returned to the Police Department in connection with the performance of its duties. Such items are hereby referred to as personal property.

b. All personal property that has been lost, stolen or abandoned and which is in the possession of the department and which remains unclaimed by the owner, shall be disposed of by annual public sale to the highest bidder by the Purchasing Agent.

c. Notice of same shall be posted at the Town Hall at least fifteen (15) days prior to such sale.

d. Said notice shall contain time, place and terms of the sale and a general description of the property to be sold.

e. The proceeds from the sale of unclaimed personal property shall be paid into the General Fund of the town on the day of the sale.

(See also §8.402, this code, as to responsibility of Purchasing Agent.)

13.115. ADDITIONAL DUTIES.

All members of the Police Department shall perform such other duties as may be directed and required by the Mayor and Council.

13.116. OATH OF OFFICE.

Before entering upon the duties of his office, each police officer shall take an oath that he will support the constitution and laws of the state and the Constitution of the United States.

(Editor's Note. As to oath, please see §2.108, this code.)

ARTICLE II. RULES OF CONDUCT

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

13.201. PERSONAL APPEARANCE. UNIFORM. EQUIPMENT.

a. All personnel on duty shall maintain an appearance of neatness, cleanliness and dignity, as may be approved by the Chief of Police. He shall be in uniform as his duties may dictate.

b. He shall keep said uniform clean, pressed and in good repair and his equipment clean and in good working order.

13.202. DRINKING ON DUTY.

No member of the department shall partake of any alcohol or other intoxicating liquors while on duty.

13.203. CONDUCT. GENERAL Demeanor.

Each member of the department shall conduct himself at all times in a quiet and orderly manner.

13.204. SAME. ON DUTY.

Each officer shall, at all times while on duty, act with prudence, coolness and judgment, but with a deliberate determination of effecting and strictly enforcing all the laws and ordinances of the town.

13.205. SAME. OFF DUTY.

All police personnel, while off duty, shall conduct themselves in such a manner as to command the respect of the public. He shall wear no uniform or any part thereof while off duty, unless he obtains prior approval in writing from a superior officer.

13.206. PUBLIC DISCUSSION OF DEPARTMENT PROHIBITED.

No personnel shall discuss any activity or any employee of the department with the general public. Complaints shall be made in accordance with the chain of command.

13.207. SUSPENSIONS. HEARING.

a. The Chief of Police may suspend any police officer for neglect of duty, disobedience of orders or violation of any law or ordinance. Within twenty-four (24) hours, he shall report such suspension and the reasons therefor to the Mayor and Council.

b. The Mayor and Council, upon written request of the officer disciplined, shall conduct a hearing at which the officer shall have the right to be heard.

c. The decision of the Mayor and Council shall be final, subject to appeal to a court of competent jurisdiction.

13.208. SAME. CHIEF OF POLICE.

Discharge of the Chief of Police shall be subject to approval of the Mayor and Council.

ARTICLE III. INTERFERENCE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws and generally accepted police procedures.

13.301. OBEDIENCE TO OFFICERS.

No person shall willfully fail or refuse to obey or comply with any lawful order or direction of any police officer or other officer of the law, while such officer is engaged in the performance of his official duties.

13.302. CITIZENS TO AID. POSSE COMMITATUS.

It shall be the duty of all citizens, when called upon by a police officer, to promptly aid and assist such officer in the discharge of his duties.

(1976 SC Code §5-7-30, §23-15-70)

13.303. OBSTRUCTING OFFICER. WARRANTS.

a. It shall be unlawful for any person to obstruct, hinder and oppose a peace officer, or to attempt to do so, when such peace officer is engaged in the discharge of his duty, including the serving of a warrant.

(1976 SC Code §16-5-50)

b. In the serving of a warrant, no occupied dwelling shall be searched between sundown and sunrise, except as permitted by state law.

13.304. RESISTING OFFICER MAKING ARREST.

Any person or persons who shall resist or aid any person or persons in resisting an officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor.

13.305. ASSAULTING OFFICER.

It shall be unlawful for any person to make an assault upon any peace officer in any manner, when such peace officer is engaged in the discharge of his duty.

13.306. APPROACHING WITHIN TWENTY FEET OF PERSON BEING ARRESTED.

a. It shall be unlawful for any person or persons willfully to approach nearer than twenty (20) feet to any police officer who is making an arrest or attempting to do so.

b. All police officers are empowered to order all persons away from the vicinity of the site of arrest while any person is being held for custody.

13.307. FAILURE TO STOP ON COMMAND OF OFFICER.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other peace officer.

13.308. COUNSELING, ADVISING, ETC., UNLAWFUL.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinance. Such person shall be held and deemed a principal.

(1976 SC Code §16-1-40) (State v. Westfield, 1 Bail. (17 S.C.L. 132))

13.309. PRISONERS. COMMUNICATION WITH.

It shall be unlawful for any person, except authorized officials, to give anything to or in any way communicate with any prisoner confined, unless permission to do so shall have first been obtained from the Chief of Police or his deputies.

13.310. SAME. ESCAPE FROM CUSTODY UNLAWFUL.

It shall be unlawful for any person to escape from custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person or persons to escape from the custody of an officer making an arrest or an officer assisting therein.

(1976 SC Code §16-9-420)

13.311. IMITATING SIGNAL OR CALL FOR POLICE OFFICER PROHIBITED.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, upon conviction, shall be guilty of a misdemeanor.

ARTICLE IV. PENALTIES

13.401. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 14. PUBLIC PEACE. OFFENSES

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CHAPTER 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

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

14.101. SUMMONS ORDINANCE. PROCEDURE FOR OFFENSES OTHER THAN BREACH OF PEACE.

a. In all actions for the violation of the provisions of the ordinances of The Town of Yemassee, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the Municipal Judge at a time to be set in the summons.

b. The summons shall cite only one (1) violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

c. Breach of peace shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

d. Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court; upon conviction, shall be guilty of a misdemeanor.

e. The Town Council shall designate individuals who shall be authorized to issue municipal summons that shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance that regulates the use of motor vehicles on the public roads.

g. This section shall not be construed as a limitation upon the power of any person, officer or employee to seek or pursue any other lawful process or legal remedy.

h. The Municipal Judge shall prescribe the bond amount for violations. Bonds shall be posted in the manner prescribed by him. Town officers, when appointed, and other law enforcement officers shall be prohibited from accepting bonds, except as may be otherwise permitted by this code.

i. Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

(YQ 59)

ARTICLE II. ALCOHOLIC BEVERAGES

Editor's Note. This article derives from The 1976 South Carolina Code of Laws and generally accepted municipal practices. Although various state laws regarding the regulation of alcoholic beverages have been repealed, this article has been included to provide guidance to the town and to assist law enforcement officers.

14.201. DEFINITIONS.

ALCOHOLIC LIQUORS as used in this chapter shall mean any spirituous malt, vinous, fermented, brewed or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and used as a beverage.

14.202. JURISDICTION OF THE MUNICIPAL JUDGE.

The Municipal Judge shall try and determine all cases involving any violation of this article occurring within the corporate limits and shall have jurisdiction over such criminal cases, with the right and duty of sending such cases, occurring within the corporate limits but beyond its jurisdiction to try, to the higher courts. Any persons convicted hereunder shall be treated as municipal prisoners.

(1976 SC Code §5-7-30)

14.203. PRIOR OFFENSES.

A conviction, plea of guilty, plea of nolo contendere or forfeiture of bond for the violation of any of the laws of this state, or of the United States relating to alcoholic liquor shall constitute prior offense for the purpose of any prosecution, or for the purpose of imposition of sentence for any subsequent violation of this chapter.

ARTICLE III. BEER, ALE, PORTER AND WINE

Editor's Note. This article derives from generally accepted municipal practices, and although various state laws regarding the regulation of alcoholic beverages have been repealed, this article also has been included to provide guidance to the town and to assist law enforcement officers.

14.301. UNLAWFUL TO SELL UNLESS TAX PAID.

a. It shall be unlawful for any person to sell or permit to be sold any beer, ale, porter, wine, malt or other beverage authorized to be sold under South Carolina statutes regulating same, on which tax levied be not paid.

b. The first offense shall constitute a misdemeanor.

14.302. SALE TO MINORS.

It shall be unlawful for any person to sell beer, ale, porter, wine or other malt or fermented beverage to a minor under the age of twenty-one (21) years.

14.303. GIVING FALSE AGE.

It shall be unlawful for any person to whom beer or wine cannot be lawfully sold to knowingly give false information concerning his age for the purpose of purchasing beer or wine.

14.304. PURCHASE FOR TRANSFER TO PERSONS UNDER TWENTY-ONE.

It shall be unlawful for any person to transfer beer, wine or alcoholic liquor to persons under twenty-one (21) years of age for the purpose of consumption.

14.305. PURCHASE OR POSSESSION BY MINOR.

a. It shall be unlawful for any minor under the age of twenty-one (21) years to purchase, or knowingly have in his possession any beer, ale, porter, wine or any other similar malt or fermented beverage. Any such possession shall be prima facie evidence that it was knowingly possessed.

b. This section shall not apply to any employee lawfully engaged in the sale or delivery of any such beverage in an unopened container.

14.306. DRINKING, POSSESSION ON LICENSED PREMISES. PROHIBITED HOURS.

a. It shall be unlawful for any person to drink alcoholic liquors on the premises of any retail, wholesale or manufacturing alcoholic liquor business or business establishment.

b. It shall be unlawful to sell, give away, disperse or permit the consumption of any wine, beer or malt liquor in a place of business, including the premises, between the hours of 2:00 a.m. and 7:00 a.m.

14.307. DRINKING LIQUOR IN PUBLIC CONVEYANCES.

Any person who shall drink alcoholic liquor in any public conveyance, upon conviction, shall be deemed guilty of a misdemeanor.

14.308. INTOXICATING BEVERAGES. DRINKING IN PUBLIC.

It shall be unlawful for any person or persons to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places, except for permitted activities.

14.309. ACTS PROHIBITED ON LICENSED PREMISES. REVOCATION OF LICENSE.

No holder of a permit authorizing the sale of beer or wine or any servant, agent or employee of the permittee shall knowingly do any of the following acts upon the licensed premises covered by such holder's permit:

1. Sell beer or wine to any person while such person is in an intoxicated condition;
2. Permit gambling or games of chance;
3. Permit any lewd, immoral or improper entertainment, conduct or practices;
4. Permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under local ordinances or the laws of the state;
5. Sell, offer for sale or possess any beverage or alcoholic liquor the sale or possession of which is prohibited on licensed premises under the laws of this state.

A violation of any of the foregoing provisions shall be grounds for the revocation or suspension of such holder's permit by the state.

14.310. SALE OF BEER OR WINE AFTER LICENSE REVOKED, CANCELED OR SUSPENDED.

It shall be unlawful for any licensee, or any holder of a license, to sell beer or wine at wholesale or retail, to sell or offer to sell beer or wine after such license shall have been revoked or canceled or during the period of a suspension of such license.

14.311. PERMITTEE SELLING DRAFT BEER TO BE APPROVED BY DHEC.

No person holding a retail permit to sell beer, ale, porter and other similar malt or fermented beverages, issued by the state, shall sell such beverages on draft, on tap or from kegs or other containers on the premises described in the permit, unless approved by the rules and regulations of DHEC governing eating and drinking establishments and other retail food establishments.

14.312. SAME. PERMIT AND HEALTH CERTIFICATE TO BE POSTED.

Both the permit issued by the state and the certificate of approval issued by DHEC shall be conspicuously posted on the premises.

14.313. MANUFACTURE, SELL, BUY, ETC., UNLAWFUL.

It shall be unlawful for any person, firm or corporation to manufacture, store, receive, transport, buy, sell, barter, exchange or deliver any unlawfully manufactured alcoholic beverages in the corporate limits.

14.314. UNLAWFUL PURCHASE.

It shall be unlawful for any person to purchase or otherwise procure any alcoholic liquor other than that purchased from licensed dealers within the state.

(See also §14.301, this chapter.)

14.315. UNLAWFUL TO CONSUME AT CERTAIN PLACES. PUBLIC PROPERTY.

a. It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.

b. It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, highways, roads or other public place within the corporate limits.

c. Possession of such container shall constitute prima facia evidence of a violation of this section.

d. This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

14.316. UNSTAMPED LIQUOR CONTRABAND.

Alcoholic liquors not having affixed to the bottle or container the stamps required by law, found in the possession of anyone, are declared to be contraband and may be seized by any law enforcement officer without a warrant.

ARTICLE IV. MUSICAL DEVICES. ENTERTAINMENTS

Editor's Note. This article derives from the Yemassee Questionnaire and generally accepted municipal practices.

14.401. MUSICAL DEVICES. HOURS OF BUSINESS.

It shall be unlawful for any place of business having in its possession for use any piccolo, nickelodeon, radio, television or other music-making machine, to be open not later than 1:00 a.m.

(YQ 61) (See also §14.709, this code.)

14.402. SAME. OPERATED LOUDLY.

It shall be unlawful to operate at any time, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community; provided, that this section shall not prohibit the operation of a radio, television, electronic games or other instruments in the home, which are so operated as not to disturb the peace.

14.403. DISTURBANCE AT ENTERTAINMENTS. GATHERINGS. ETC.

It shall be unlawful for any person to behave disorderly in any public hall or other place of amusement, entertainment or gathering or to enter the same in a drunken condition or to interrupt any play, performance, lecture, entertainment or service therein or any player, speaker or other person taking part therein.

14.404. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.

All places of public amusements, for safety purposes, shall have entrances that open onto a public street.

14.405. CARNIVALS AND STREET SHOWS PROHIBITED WITHOUT PERMIT.

a. All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the Town Clerk.

b. Permits, when issued, shall specify the date, time, place, length of show, durations of appearance and all other details as may be required by Town Clerk.

ARTICLE V. BILLIARD ROOMS

Editor's Note. This article derives from Chapter 5 of the 1990 Yemassee Town Code.

14.501. DEFINITIONS.

a. The terms "billiard room" and "pocket-billiard room," as used in this article, shall mean any room, hall, building or place kept for the purpose of operating billiard or pocket billiard tables for the purpose of permitting games to be played for profit.

b. The term "pocket billiard table" shall mean the general character of the table which has heretofore been called a "pool table."

c. The term "pocket billiards" shall mean the game to which heretofore has been referred to as "pool."

14.502. LICENSE.

It shall be unlawful for any person to operate a billiard room without first applying to and receiving a license from the Town Council. The application shall be in writing, under oath and contain the following:

1. The name and address of the applicant;
2. The name and address of the corporation, its president and secretary, if the applicant is a corporation;
3. The name and address of the person who will have actual control and management of the billiard room;
4. The exact location of the billiard room; and,
5. The number of billiard tables to be operated.

14.503. SAME. QUALIFICATIONS OF APPLICANT.

No license shall be issued, unless the applicant or person to be in actual control of the billiard room:

1. Is a citizen of the United States;
2. Is over eighteen (18) years of age;
3. Is of good moral character and a law-abiding citizen; and,
4. Has not had a license for the operation of a billiard room canceled within five (5) years preceding the date of the application.

(Editor's Note. Act No. 383, effective July 1, 1996, decreased the age from 21 to 18.)

14.504. FEE.

Each person under the provisions of this article, operating a billiard room shall pay to the town and annual license fee as prescribed in the town's Business License Ordinance.

14.505. SAME. FORFEITURES.

Any person licensed hereunder who shall sublease the licensed business shall forfeit his license.

14.506. CONDUCT OF OPERATIONS.

Any person, firm or corporation licensed hereunder shall conduct the operation in a lawful manner that shall be construed to mean:

1. That no game prohibited by law, or other games of chance, be permitted on the premises;
2. That no gambling devices be permitted on the premises;
3. That the billiard room be closed at twelve o'clock (12:00 midnight) each night and remain closed until six o'clock (6:00 a.m.) the following morning, except that on Sunday, no billiard tables shall be operated;
4. That no patron shall be allowed to play on any table at any time during the hours that the billiard room is closed;
5. That no intoxicated person shall be permitted to play or loiter and remain in or on such premises;

6. That no racing or betting pools shall be exhibited, promoted or sold in or on such premises;
7. That no loud or profane language shall be permitted in or on the premises; and,
8. That the premises shall be kept in a clean and sanitary condition.

14.507. MINORS.

a. It shall be unlawful for a minor, defined as any person under eighteen (18) years of age, to loiter in any billiard room, or play billiards in any billiard room, unless accompanied by his parent or guardian, or with the written consent of his parent or guardian.

b. In the event the proprietor or manager of a billiard room is of the opinion that any person desiring admission is under the age of eighteen (18) years, he shall require such person to certify his age in writing.

c. It shall constitute a misdemeanor for any such person to make a false certification as to his age or use a forged permit from his parent or guardian.

d. Any billiard room proprietor or manager who shall permit a violation of this section shall be guilty of a misdemeanor.

(1976 SC Code §20-7-8915)

14.508. PLACARDS TO MINORS TO BE POSTED ON PREMISES.

a. Every licensed billiard room proprietor shall post in rooms where billiard tables are operated a placard conspicuously written or printed thereon in letters of not less than one-fourth inch (1/4") in height for the information of his patrons.

b. Said placard shall incorporate all provisions set forth in §14.507, this code.

ARTICLE VI. OFFENSES AGAINST MORALITY,
DECENCY AND PUBLIC WELFARE

Editor's Note. This article derives, in part, from the 1976 South Carolina Code of Laws and generally accepted municipal practices.

14.601. ICEBOXES. ABANDONMENT PROHIBITED.

a. It shall be unlawful for any person to abandon or discard any icebox, refrigerator, ice chest or other type of airtight container of a capacity sufficient to contain any child without, prior to such abandonment, removing the door, lid or other device for the closing thereof.

b. It shall also be unlawful for any person in charge of property to knowingly permit any abandoned icebox, refrigerator, ice chest or other type of airtight container to remain thereon accessible to children without removing the door, lid or other device for the closing thereof.

(1976 SC Code §16-3-1010)

14.602. WELLS, OPEN PITS PROHIBITED.

It shall be unlawful for any owner or tenant to permit or allow any abandoned well or pit to remain open and unprotected on any place or premises owned or occupied by such person.

(1976 SC Code §16-3-1020)

14.603. LOITERING. UNLAWFUL. DEFINED.

a. It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part thereof, or obstruct the passage of any person through any public street or public place.

b. For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

(1) Obstruction of the unhampered passage of pedestrians or vehicles;

(2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or

(3) Refusing to move when requested to do so by an official authorized to do so, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

14.604. DISPLAY OR SALE OF OBSCENE MATERIAL.

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

14.605. DISTURBANCE AT SCHOOLS.

It shall be unlawful:

1. For any person willfully or unnecessarily (a) to interfere with or to disturb in any way or in any place the students or teachers of any school, (b) to loiter about such school premises or (c) to act in an obnoxious manner thereon; or

2. For any person to enter upon any school premises or loiter around the premises, except on business, without the permission of the principal or person in charge.

(1976 SC Code §16-17-420)

14.606. DISTURBING THE PEACE.

It shall be unlawful for any person to conduct himself in such a manner as to result in a disturbance of the peace to the inhabitants of the town or to knowingly aid, assist or abet therein.

(1976 SC Code §16-17-530) (See §14.701, this code for "Disorderly Conduct.")

14.607. GAMBLING PROHIBITED. EXCEPTIONS. BINGO.

a. It shall be unlawful for any person to engage in gambling or games of chance, to keep or operate, or permit to be kept or operated, any slot machines, punchboard, tipboard, or other device pertaining to games of chance of whatsoever name or kind.

b. It shall be unlawful to operate any punchboard in the town where there is any element of chance involved, or to raffle any article or thing, by selling chances for same where value is not received for each and every chance purchased, or to permit the use of any game of chance of any kind whatsoever, where value received is not given to every person obtaining any such chance.

(1976 SC Code §16-19-160)

c. Exceptions shall include automatic weighing, measuring, musical and vending machines which are so constructed as to give a certain uniform and fair return in value for each coin or bill deposited therein, and in which there is no element of chance, as may be permitted by state statutes.

(1976 SC Code §16-19-40)

d. Notwithstanding the provisions of §14.607, herein, the conduct of bingo and similar games shall be permitted within the town; provided however, that said games are:

(1) Conducted solely by and under the supervision of a church, school or other charitable, educational or eleemosynary institution;

(2) The entire net proceeds from said game is applied directly to the purposes of the institution or organization conducting the same;

(3) No cash prizes shall be awarded; and,

(4) Prior to the conducting of such games, a permit shall be applied for and obtained from the Mayor and Council. The permit shall be issued only after investigation discloses compliance with the foregoing conditions.

14.608. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.

a. Upon the charging of any person of a violation of §14.607, hereof, it shall be the duty of law enforcement officers to seize and take into possession any gaming device, machines, punchboard, tipboard, or other device of whatever name or kind pertaining to games of chance.

b. Upon conviction, it shall be the duty of law enforcement officers to destroy the gaming device of whatever name or kind.

14.609. SAME. HOUSES UNLAWFUL.

It shall be unlawful for any person or persons to keep or maintain a gambling house or room or place where people resort to engage in gambling or games of chance, or to permit gambling or games of chance in any building on their premises or under their control.

14.610. INDECENT EXPOSURE. LANGUAGE.

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

14.611. PEEPING TOMS.

It shall be unlawful for any person to enter upon the private property of another to spy or look into the windows or doors of any building located on private property; provided, this section does not apply to law enforcement officers in the actual discharge of their duties.

14.612. SAME. PUBLIC DRUNKENNESS.

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.

(1976 SC Code §16-17-530)

ARTICLE VII. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

Editor's Note: This article derives from generally accepted municipal practices and appropriate state statutes.

14.701. DISORDERLY CONDUCT. DEFINED.

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

(1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace; or

(2) Making unreasonable noise or offensively coarse utterance, gesture or display, or addresses of abusive language to any person present; or

(3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or

(4) Existence of any disorderly, lewd or indecent conduct by scurrilous, obscene, indecent or profane writing, picture, mark or figure on any wall, fence, house or structure.

b. For the purpose of this section "public" means affecting or likely to affect any person or persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(1976 SC Code §16-17-530, §17-25-110) (See §14.606, this code, for "Disturbing the Peace.")

14.702. CARRYING FIREARMS. EXCEPTIONS.

It shall be unlawful for any person to carry about the person, whether concealed or not, any pistol, except as follows:

1. Any person carrying a permit issued by lawful authority, pursuant to South Carolina statutes.

2. Marshals, sheriffs, police officers or other law enforcement officers, or peace officers of the federal government or other states when they are carrying out official duties while in this state.

3. Members of the Armed Forces of the United States or of the National Guard, organized reserves or the state militia when on duty.

4. Members of organizations authorized by law to purchase or receive firearms from the United States or this state, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while the members are at or going to or from their places of target practice, or their shows and exhibits.

5. Licensed hunters or fishermen while engaged in hunting or fishing.

6. Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of that person while possessing, using or carrying a pistol in the usual or ordinary course of business.

7. Guards of common carriers, banks and other financial institutions while engaged in that capacity and guards engaged in protection of property of the United States or any agency thereof.

8. Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

9. Any person in his home, or upon his real property, or fixed place of business.

10. Any person in any vehicle where the pistol is secured in a closed glove compartment or closed trunk.

11. Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of one's fixed place of business.

12. Any night watchman while engaged in his duties as a night watchman.

14.703. CONCEALED WEAPONS.

Except as herein provided, it shall be unlawful for any person to possess or carry concealed about his person any dirk, metal knuckles, razor, ice pick, or other weapon usually used for the infliction of personal injuries.

(1976 SC Code §16-23-460)

14.704. SAME. CARRYING WEAPONS. KNIVES.

a. It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.

b. It shall be unlawful for any person within the town to possess or conceal upon his person any knife, measuring seven (7) inches or greater in length either when opened or unopened, or any switchblade knife.

(1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.

(2) This section does not apply to pocket knives, which when open, do not exceed five and one-half (5 1/2) inches in overall length.

(1976 SC Code §16-23-405)

14.705. DISCHARGE OF FIREARMS. DANGEROUS DEVICES. SLINGSHOTS.

a. It shall be unlawful for any person to point at or discharge or cause to be discharged at any person any loaded or unloaded firearm of any kind.

b. It shall be unlawful, within the corporate limits, to fire, aim or discharge any air rifle, pellet rifle, sling shot or other device, in any manner, which may be intentionally used to harm any person or property.

c. Nothing contained herein, however, shall be construed to abridge the right of self-defense, to apply to theatricals or like performances or to peace officers in the discharge of their duties.

d. It shall be unlawful for any person to use slingshots on any public place within the town.

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

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

(1976 SC Code §17-25-100)

14.707. CRIME WATCH AREA. TOWN DESIGNATED.

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

(YQ 68)

14.708. RIOTS: INSTIGATING, AIDING, PARTICIPATING.

Any person, upon conviction of engaging in a riot, rout or affray when no weapon was actually used and no wound inflicted, shall be subject to and liable for each offense as a misdemeanor.

(1976 SC Code §16-5-120, §16-5-130)

14.709. NOISE. UNREASONABLE PROHIBITED.

a. The creation of any unreasonably loud, disturbing and unnecessary noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.

b. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section; provided however, that such enumeration shall not be construed to be exclusive of other noises:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.

(3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.

(5) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.

(7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday noon to 7:00 p.m. Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit from the Town Clerk, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.

(9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof, provided, however, that this subsection shall not apply to houses of worship. (See also §15.403, this code.)

(11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.

(12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.

(13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by Town Council.

(14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m. in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

(15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise.

(16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.

(1976 SC Code §5-7-30) (Morrison v. Rawlinson, 193 S. C. 25, S. E. 2d 635 (1940))

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

(17) The erection (including excavation), demolition, alteration or repair of any building in a residential or business area other than between the hours of seven (7) o'clock a.m. and seven (7) o'clock p.m. on weekdays, except in cases of urgent necessity in the interest of public safety and then only with the permission of Town Council.

(18) The creation of loud and excessive noises in connection with the loading or unloading of any vehicle, or railroad car, repairing, or opening and destroying bales, boxes, crates and containers.

(19) The operation of any garage, filling station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of eight (8) o'clock p.m. and seven (7) o'clock a.m., in such a manner as to create loud and disturbing noises, of such frequency and volume as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of such disturbing noises of such volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boarding house or other type of residence.

14.710. DRUG PARAPHERNALIA DEFINED. DECLARED UNLAWFUL.

(Editor's Note. Act No. 400 of the 1982 S. C. Legislature amended §44-53-110 of the 1976 South Carolina Code of Laws, as amended, relating to narcotics and controlled substances. This defined paraphernalia as used in administering or preparing marijuana, hashish or oils thereof or cocaine, to provide certain exceptions, to include paraphernalia in the definition of deliver or delivery and to amend the 1976 code by adding §44-53-391. That act made it unlawful to advertise for sale, manufacture, possess, sell or deliver or to possess with the intent to sell or deliver paraphernalia.)

14.711. CURFEW.

Any youth eighteen (18) years or under must not be on the streets within the town limits after eleven (11) p.m., until six (6) a. m. unless accompanied by a parent. Failure to adhere to this section shall constitute a misdemeanor.

(YQ 63)

14.712. RELIGIOUS WORSHIP, MEETINGS, DISTURBING UNLAWFUL.

It shall be unlawful for any person to willfully and maliciously disturb or interrupt any meeting, society, assembly or congregation, convened for the purpose of religious worship, or to enter such meeting while in a state of intoxication or otherwise, or to use or sell spirituous liquors or to use blasphemous language, at or near the place of worship or meeting.

(1976 SC Code §17-25-100)

14.713. ENTERTAINMENT NOISES.

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

ARTICLE VIII. OFFENSES AGAINST PROPERTY

Editor's Note: This article derives from appropriate state statutes and generally accepted municipal practices.

14.801. MALICIOUS MISCHIEF.

It shall be unlawful for any person to willfully or maliciously destroy or in any manner injure any property, real or personal, public or private, not his own within the town.

14.802. DAMAGING PROPERTY.

Any person or persons who shall damage any goods, wares or merchandise, or other personal property of another person, or any public property, or who shall damage or destroy any fencing, trees, shrubbery or buildings on the land of another or belonging to any other person or persons, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-510, §16-11-520)

14.803. FAILURE TO LEAVE PREMISES WHEN ORDERED.

Any person or persons who, when requested to leave the premises of another or the house wherein any one or more persons shall conduct business (except offices of public officers), shall refuse to do so, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-620) (*State v. Hanapole*, 255 S. C. 258, 178 S. E. 2d 247 (1970))

14.804. PETIT LARCENY. DEFINED.

a. Petit larceny is hereby defined as any article of goods, choses in action, bank bills, bills receivable, chattels or other article of personalty of which, by law, larceny may be committed or of any such fixture or part or product of the soil, severed from the soil by an unlawful act, or has a value of one thousand dollars (\$1,000.00).

b. The act shall constitute a misdemeanor.

(1976 SC Code §16-13-30)

14.805. STOLEN GOODS.

Any person who shall buy, receive, or have in his possession any goods or chattels or other property, knowing the same to have been stolen, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-13-180, §16-13-240)

14.806. TRESPASSING; PRIVATE PROPERTY.

a. For the purposes of this section, private property shall mean the house and land surrounding the house, either owned or rented or occupied by any person.

b. Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall constitute a misdemeanor.

(Editor's Note. For detailed information regarding this subject, please refer to Title 16, Chapter 11, of the 1976 South Carolina Code of Laws, as amended.)

14.807. SECURING PROPERTY BY FRAUDULENT IMPERSONATION OF OFFICER.

Whoever, with intent to defraud any government, firm, or person, shall take upon himself to act as an officer or shall in such pretension or pretended character demand, obtain or receive from any government, firm or person any money, paper, document or other valuable thing of a value less than twenty dollars (\$20.00), upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-13-290)

14.808. SHOPLIFTING.

Shoplifting is hereby declared to be a misdemeanor.

(1976 SC Code §16-13-110)

14.809. ADVERTISING MATTER. PAINTING. PRINTING ON SIDEWALKS, ETC.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT or any department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for other town purposes.

14.810. PUBLIC EVENTS. GAINING ADMISSION WITHOUT PAYMENT.

It shall be unlawful for any person:

1. where an admission charge is made, to gain admittance to any athletic contest or other public event, without paying the price of admission.
2. unless upon his own premises, to witness an athletic contest or other public event, where an admission is charged, without paying the price of said admission.
3. to aid, abet or assist in any way any other person to witness any athletic contest or other public event without said person paying the admission charge.

14.811. BREAKING INTO MOTOR VEHICLE. STORAGE TANKS.

- a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, upon conviction, shall be guilty of a misdemeanor.
- b. Whoever shall break or attempt to break any tank, pump or other vessel, where kerosene, gasoline or lubricating oil is stored or kept, with intent to steal any such product therein contained, upon conviction, shall be guilty of a misdemeanor.

14.812. BAD CHECKS. UNLAWFUL TO ISSUE. PENALTY.

- a. It shall be unlawful to draw, make, issue or deliver fraudulent checks to another person, firm or corporation.

(1976 SC Code §34-11-60)

- b. For such checks issued to the town, a penalty fee shall be charged the issuer. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(YQ 36)

14.813. FENCES: REMOVING, DESTROYING OR LEAVING DOWN.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crop or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

14.814. PROPERTY TO BE RETURNED TO TOWN.

Upon leaving town employment or any town office, it shall be unlawful for any employee or official, including volunteers, to fail to return to the town any town property or equipment issued to him, including this Code of Ordinances.

14.815. TOWN MACHINERY. OTHER PROPERTY.

It shall be unlawful for any person to handle or use any engine, tool, machinery or vehicle belonging to the town, or any part used therewith, without permission of the officer in charge.

14.816. JUNKYARDS. BUILDINGS.

Junkyards, when permitted, shall conform to all regulations of §40-27-100 et seq. and §57-27-10 et seq., of the 1976 South Carolina Code of Laws.

14.817. NUISANCES. CREATING, MAINTAINING, PERMITTING.

a. It shall be unlawful for any person to create or maintain or permit the creation or maintenance of any nuisances.

b. It shall be unlawful for any person to conduct himself or to manage any property, real or personal, belonging to or controlled by him, in such a manner as to result in a nuisance to his neighbors or to the public or to knowingly aid, assist or abet therein.

ARTICLE IX. OFFENSES AGAINST THE PERSON

Editor's Note. This article derives, generally, from Title 16, Chapter 3 of the 1976 South Carolina State Code of Laws and generally accepted municipal practices.

14.901. ASSAULT AND BATTERY.

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

b. This section shall not apply to any person using such force as shall be necessary in ejecting an invader from his premises in the protection of his property.

(1976 SC Code §16-3-610)

14.902. POINTING PISTOL OR GUN AT ANY PERSON.

It shall be unlawful for any person to point at any other person any loaded or unloaded firearm. Nothing contained herein shall be construed to abridge the right of self-defense or to apply to theatrical or like performances or to peace officers in the discharge of their duties.

14.903. UNLAWFUL TO THROW OBJECT INJURING PERSON OR DAMAGING PROPERTY.

It shall be unlawful for any person to throw any stone, stick or other object whereby any person may be, or shall be, hit or hurt, or any window broken, or other property belonging to another damaged or destroyed.

ARTICLE X. PARADES

Editor's Note: This article derives from Chapter 10 of the 1990 Yemassee Town Code.

14.1001. DECLARATION OF NECESSITY.

It is hereby declared necessary to the regulation of traffic and the preservation of health and safety of the town to provide certain rules and regulations governing parades on the streets of the town.

14.1002. DEFINITIONS. EXCEPTIONS TO PROVISIONS.

- a. For the purpose of this article, a parade is hereby defined as the gathering or procession of ten (10) or more people, whether on foot or in an automobile, and shall include any procession of two (2) or more automobiles, other than for emergency purposes.
- b. Police, fire, wedding and funeral processions are specifically exempted.

14.1003. PERMIT REQUIRED.

- a. It shall be unlawful for any person to parade unless and until the Mayor or Town Council issues a written permit of approval.
- b. The permit shall contain the date, time, route, approximate number of persons and motor vehicles and assembly and dispersal points.

14.1004. APPLICATION FOR PERMIT.

It shall be unlawful for any person to join in a parade or to aid, abet or instigate a parade on the streets of the town without first having filed a written request with the Mayor and Town Council. This request must be made more than twenty-four (24) hours prior to the proposed parade or procession.

14.1005. REGULATIONS.

The following regulations are hereby prescribed governing the conduct of parades.

1. **Route:** The parade shall not be held over any other route than prescribed in the permit.
2. **Vehicle Interval:** No motor vehicle participating in the parade shall follow another any closer than twenty-five (25) feet.
3. **Lights:** No motor vehicle shall display lights or illumination other than that required or permitted by the South Carolina Motor Vehicle Law.
4. **Noise:** Unless specifically permitted by the permit, no vehicles participating in the parade shall sound horns, sirens, whistles or other noise making devices.
5. **Vehicle Passengers:** Except as authorized specifically by said permit, not more than four (4) persons shall occupy any one vehicle.
6. **Assembly Point:** The parade shall assemble at the point designated in the permit.
7. **Movement:** The parade shall move in an orderly fashion along the prescribed route as expeditiously as possible.
8. **Dispersal:** The parade shall disperse immediately upon reaching the prescribed terminal point.

ARTICLE XI. DEMONSTRATING. PICKETING

Editor's Note. This article derives court decisions, appropriate state statutes and generally accepted municipal practices.

14.1101. DEMONSTRATIONS. PICKETING.

a. It shall be unlawful to demonstrate, picket or march unless permission has been secured from the town. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the Town Clerk not less than seven (7) days prior to the time desired. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said demonstration, picketing or marching is to occur. The application shall include the names of the individual, group of individuals or organization directing and responsible therefor.

b. When picketing or engaging in "demonstrations," no person shall:

(1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.

(2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the Town Council.

(3) Engage in riotous conduct which invades the privacy of homes or businesses.

(4) Damage or destroy or injure the person or property of others.

(5) Block, without a permit, in any manner, the streets and means of ingress and egress to places of business.

(6) Interfere with, in any manner, or obstruct any official in the performance of his duties.

(7) Interfere in any matter with the attendance, during school hours, of children in schools.

(8) Picket other than in accordance with the following principles:

- (a) In a manner so as not to interfere with pedestrians or vehicular traffic.
- (b) In a manner so as not to block entrances or exits to or from picketed establishments.
- (c) No picket trespassing upon the property of the business establishment being picketed.
- (d) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.
- (e) No person or persons, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.

(9) "Demonstrate," other than in accordance with the following principles:

- (a) Walking not more than two (2) abreast upon the public sidewalks or in groups of not more than thirty (30) persons.
- (b) Observe all traffic control devices.
- (c) Walking close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
- (d) Assemble peacefully and speak peacefully for a period of time not exceeding thirty (30) minutes and when traffic to and from places of business or employment is not at its peak, and in such circumstances as will not unduly disrupt the public peace, and conducted in such a manner as not to deprive the public of adequate police and fire protection.

(Darlington v. Stanley, 239 S. C. 139, 122 S.E. 2d 207 (1961))

c. This section shall not apply to funeral processions, the United States Armed Forces or the military forces of this state.

(Editor's Note. See §18.401, this code, for other funeral processions.)

14.1102. PERMIT REQUIRED. ISSUANCE.

Upon receipt of an application for a permit, the Town Clerk shall issue a permit therefor, subject to considerations of the public convenience and public welfare, and approval by the Mayor.

14.1103. IMPOSITION OF RESTRICTIONS.

a. The Town Clerk shall have the authority, subject to approval of the Mayor, to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as he shall deem fit or proper, consistent with this article.

b. Masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The Town of Yemassee.

14.1104. APPEALS.

Appeals shall be made to the Council.

ARTICLE XII. PENALTIES

14.1201. MISDEMEANOR.

The violation of any provision of this chapter shall constitute a misdemeanor.

14.1202. ADOPTION OF CRIMINAL LAWS OF STATE OF SOUTH CAROLINA.

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the Town Council.

14.1203. PARTIES TO A CRIME.

Every person who, whether present or absent, commits, attempts to commit, conspires to commit or aids or abets in the commission of any act violating any provision of this code, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall, upon conviction, be guilty of such violation. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any such provisions, upon conviction, shall be guilty of such offense.

14.1204. PLEA OF GUILTY OR NOLO CONTENDERE OR FORFEITURE OF BAIL
SAME AS CONVICTION.

The entry of any plea of guilty or nolo contendere or the forfeiture of any bail posted for the violation of any provision of this code or for the violation of any other law or municipal ordinance shall have the same effect as a conviction after trial under such provisions.

14.1205. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

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- 15.101. Types Prohibited.
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ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

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- 15.401. Loudspeakers, Musical Instruments for Advertising Purposes.
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- 15.403. Same. Church Bells Excepted.

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- 15.501. Penalty.

CHAPTER 15. SOLICITING. POSTINGS. ADVERTISING

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

ARTICLE I. SOLICITING

15.101. TYPES PROHIBITED.

Unless approved by the Mayor and Council, it shall be unlawful:

1. For the operator, owner or manager of any rooming, boarding or lodging house, restaurant, cafe, tea room, lunch room or storage garage, hereafter called establishment, to employ or use any person or persons to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever, and

2. For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

15.102. USE OF STREETS FOR SALES AND DISTRIBUTION PROHIBITED.

Unless approved by the Town Clerk, it shall be unlawful for any person or group of persons to sell, solicit sales or offer for distribution any merchandise, publication, handbill or pamphlet while such person is standing in the street, areas reserved for parking spaces, the areas reserved for loading and unloading or to enter any of said areas for the purpose of sale and/or delivery of any said items.

15.103. APPEALS.

Appeals shall be made to the Council.

ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

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

15.201. PUBLIC AND PRIVATE PROPERTY. POLITICAL SIGNS.

a. It shall be unlawful to place any advertisement, notice or sign of any nature on public property within the corporate limits, without prior approval of the Town Clerk, or on any private property without prior approval of the owner thereof.

b. The above shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.

c. It shall be unlawful to post political signs of any nature on public property, without prior approval of the Town Clerk, including, but not limited to, power poles, telephone poles, street signs, etc.

15.202. HANDBILLS AND PLACARDS. PLACEMENT. APPLICATION.

a. Except as authorized by the Town Clerk, no handbill or placard shall be distributed on public property within the corporate limits.

b. Application for permit to distribute advertising matter shall be made to the Town Clerk.

15.203. MUNICIPAL OR STATE SIGNS.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.

ARTICLE III. ADVERTISING

Editor's Note. This article derives from Chapter 3 of the 1990 Yemassee Town Code.

15.301. BANKRUPT SALES. AUCTIONS. ETC.

It shall be unlawful for any person to place or erect, or cause to be placed or erected, any signs, placards, advertisements or billboards on or over the streets and sidewalks, attached to the front of any mercantile store or establishment abutting on said sidewalk or street, advertising any bankrupt sale, auctions sale, bargain sale, removal sale or any special sale whatsoever; provided, however, that this shall not prohibit the placing of permanent signs in front of mercantile establishments carrying only the name and character of the business conducted.

15.302. DISPLAY OF MERCHANDISE ON STREETS AND SIDEWALKS.

It shall be unlawful for any person conducting a mercantile or other business or establishment to expose or display any goods, wares, or merchandise by way of advertisement or otherwise on or upon any of the sidewalks or streets of the town.

15.303. POSTING OF ADVERTISING MATTER.

It shall be unlawful to post any notice or advertisement matter either by nailing, gluing, hanging or painting upon any public or private property, without permission of the legal owner of said property.

15.304. SIGNS, BANNERS SUSPENDED ACROSS STREETS.

It shall be unlawful for any person to extend or suspend any sign or banner across any public street, park or other public way without a permit from the Town Clerk.

15.305. LICENSE FEES FOR SIGN ADVERTISING.

- a. Every corporation, association, firm or individual operating advertising signs within the corporate limits of the town shall pay an annual license fee.
- b. A double rate shall apply to all nonresidents.
- c. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

ARTICLE IV. ADVERTISING NOISES

Editor's Note. This article derives from generally accepted municipal practices. (For noises from musical devices, see §14.401 and for unreasonable noises, see §14.709, this code.)

15.401. LOUDSPEAKERS, MUSICAL INSTRUMENTS FOR ADVERTISING PURPOSES.

a. It shall be unlawful for any person to maintain and operate in any building or on any premises any radio device or mechanical musical instrument or device of any kind whereby the sound therefrom is cast directly upon the public streets and places in a manner as to create unreasonably loud, excessive and disturbing noise.

b. This shall include any device that is or may be maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public.

c. Also, any device so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

15.402. NOISE MAKING FOR OTHER PURPOSES.

a. It shall be unlawful for any person to make any noise upon a public street or in a proximity thereto as to be distinctly and loudly audible upon the street by any kind.

b. This shall include, but not be limited to, crying, calling or shouting, or any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for any purpose of attracting attention or of inviting patronage of any persons to any business whatsoever.

15.403. SAME. CHURCH BELLS EXCEPTED.

This article shall not apply to the ringing of church bells by established places of worship.

(See also §14.709.b.10, this code.)

ARTICLE V. PENALTIES

15.501. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 16. STREETS AND SIDEWALKS

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- 16.102. Jurisdiction. Naming.
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- 16.501. Penalty.

CHAPTER 16. STREETS AND SIDEWALKS

Editor's Note: This chapter derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws, Chapter 13 of the 1990 Yemassee Town Code and generally accepted municipal practices. (See §5.301, this code, for house numbering.)

ARTICLE I. IN GENERAL

16.101. TOWN MAP. INFORMATION. STREETS. PUBLIC PLACES.

- a. The official map of the town, when prepared, shall be retained in the office of the Town Clerk.
- b. The names of said streets shall be as shown on said map, and new streets accepted by the town hereafter shall likewise be included.

16.102. JURISDICTION. NAMING.

- a. All streets now in existence and any new proposed streets now within the town limits or any other streets that are now connected with any streets within the town shall be within the control and jurisdiction of the Council.
- b. No person shall have authority to name any street, without written approval of the Council.
- c. Should a builder, contractor or individual violate this section, he shall have his license revoked which shall remain revoked until this section has been complied with.

16.103. MAINTENANCE AND CONSTRUCTION. EXCEPTIONS.

- a. The Council shall approve the construction and maintenance of streets and roads in the town.
- b. This article shall not apply to streets under the supervision and control of SCDOT or Beaufort/Hampton County.

16.104. SIDEWALKS. ADJACENT PROPERTY OWNERS TO KEEP CLEAR.

It shall be the duty of all owners of real estate within the corporate limits to keep the sidewalks adjoining their real estate clear and free from grass, weeds, trash and garbage.

16.105. SAME. PARKING PROHIBITED. EXCEPTIONS.

- a. It shall be unlawful to park a vehicle on any sidewalk.
- b. Exceptions may be made when it is necessary to avoid traffic or when directed by a law enforcement officer or a traffic control device.

(1976 SC Code §56-5-2530)

16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.

a. In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town, where development or activity may affect a right-of-way, easement, or setback, shall be required to conduct a survey of said properties by a registered land surveyor.

b. A permanent survey marker shall be erected on each corner of said property at the point where it intersects with any other property.

ARTICLE II. UNLAWFUL ACTS

Editor's Note: This article derives from the 1976 South Carolina Code of Laws and generally accepted municipal practices.

16.201. OBSTRUCTIONS. INTERFERENCE. VEHICLES. EXCEPTIONS.

a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.

b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.

c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.

d. Any person building a house or other structure within the town may obtain from the Town Clerk permission for a partial and temporary use of the streets for said building purposes.

e. No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.

f. Any obstruction placed on any street, sidewalk or highway in violation of this section shall constitute a misdemeanor.

g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.

h. It shall be unlawful for any person to leave any vehicle or other article dangerous to the public safety upon the public streets of the town at night, or to make or cause to be made any unreasonable or dangerous obstruction upon the public streets thereof; provided, however, that any person building houses or other structures within the town may obtain from the Mayor written permission for a partial and temporary use of the public streets for building purposes.

(Editor's Note. See §16.211.c, this code, for advertising prohibitions.)

16.202. SAME. PROTECTION BY BARRICADES, LIGHTS.

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

16.203. DAMAGING PUBLIC PROPERTY.

a. It shall be unlawful for any person to damage, mutilate or deface any street or other public property within the corporate limits.

b. This section shall prohibit the erection of anything in a street right-of-way or on public property, without the written consent of the Town Clerk.

16.204. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.

a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any oil, trash, garbage, slop or refuse matter of any kind onto streets or sidewalks.

b. This section shall apply to obstruction of any gutter, storm drain, ditch, etc.

16.205. BURNING ON STREETS PROHIBITED.

It shall be unlawful for any person to burn any trash, garbage, and leaves or refuse matter on the streets and sidewalks.

16.206. DANGEROUS SUBSTANCES PROHIBITED.

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans; nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.

(1976 SC Code §57-7-20)

16.207. GARBAGE, OTHER SOLID WASTE, TRASH, OFFENSIVE MATTER.

It shall be unlawful for any person or persons to throw or cause to be thrown any garbage, other solid waste, trash or other offensive matter onto any sidewalk, street, lot or public place.

16.208. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.

On corner lots there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets at their center lines, within the area formed by joining points on the property lines, measured as follows:

1. On property lines abutting streets fifty (50) feet or less in right-of-way width, the points on the property lines shall be not less than twenty-five (25) feet from the lot corner.
2. On property lines abutting streets more than fifty (50) feet in right-of-way width, the points on the property lines shall be fifty (50) feet from the lot corner.
3. This restriction shall not apply to buildings in business districts.

16.209. SAME. REMOVAL.

Whenever there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

(1976 SC Code §5-7-80)

16.210. SAME. FAILURE TO CLEAN DECLARED A MISDEMEANOR.

Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an Ordinance Summons to appear before the Municipal Judge, as provided in §14.101 of this code.

16.211. SIDEWALKS. MERCHANDISE. EXCEPTIONS. ADVERTISING.

a. It shall be unlawful for any merchant to display merchandise on the streets or sidewalks without approval by the Town Clerk.

b. The provisions of this section shall not be construed to prohibit sidewalk sales and displays by charitable, religious, educational or eleemosynary groups or organizations.

c. It shall be unlawful for any person to paint, write, inscribe, place, affix in any manner or display any advertising matter, inscriptions or devices on the streets or sidewalks or upon any property belonging to the town or to procure the same to be done.

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

a. It shall be unlawful for any person to place, or cause to be deposited any materials or decayed matter of any kind, so that it falls or flows upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.

b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

(1976 SC Code 5-7-30)

16.213. LOTS DRAINING TOWARD SIDEWALK.

When required by the Council, every person owning any lot which drains toward a sidewalk, shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets as required by law.

(1976 SC Code §34-31-30)

16.214. CURBS. BREAKING, DESTROYING PROHIBITED; PERMISSION REQUIRED. ENTRANCE TO PROPERTY.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefor from SCDOT.

16.215. SPEAKING, EXHIBITING, ENTERTAINING ON STREETS, GAMES.

a. Preaching, lecturing or speaking, exhibition or entertainment of any nature shall be permitted on the streets, sidewalks or public ways of the town, but the Town Clerk shall be informed prior thereto. Failure to do so shall constitute a misdemeanor.

b. It shall be unlawful for any person to play football, baseball, basketball or any other games in and upon any street, or any public place that may pose a danger to motorists or pedestrians.

16.216. GATES AND DOORS OPENING ONTO SIDEWALKS.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(1976 SC Code §5-7-30)

16.217. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES, ETC.

a. In the public interest, it shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits.

b. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions.

16.218. STREET LIGHTS. BREAKING. REMOVING.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with street lights.

16.219. TREE WASTE. REMOVAL.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste.

16.220. FENCES. REPAIRS.

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

16.221. TREES AND SHRUBS ON STREETS.

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

16.222. CAMPING ON PUBLIC PROPERTY. UNLAWFUL.

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

16.223. CLEATED WHEELS OR TREADS PROHIBITED.

It shall be unlawful to drive or cause to be driven upon or across any paved street, alley or public place in the town any motor truck, tractor or traction engine, or other vehicle of every kind or description which has wheels cleated transversely or diagonally on their outer surfaces with strips of iron, wood or other similar substances.

16.224. DISC HARROWS PROHIBITED.

It shall be unlawful to pull or drag on the streets, public roads or pavements of the town any disc harrow. This section does not apply to any disc harrow being transported in such a manner whereas the metal blades do not touch the road surface in any way.

16.225. APPEALS.

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

ARTICLE III. EXCAVATIONS

Editor's Note: This article derives from state statutes and generally accepted municipal practices.

16.301. PERMISSION REQUIRED. BOND REQUIRED.

a. It shall be unlawful to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town and SCDOT, except in a bona fide emergency situation.

(1976 SC Code §5-7-30)

b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the Clerk/Treasurer to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

16.302. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.

a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.

b. Adequate lights shall be displayed at night.

16.303. REMOVAL OF DANGER SIGNALS.

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

16.304. CUTS, EXCAVATIONS TO BE RESTORED.

Any such cut or excavation shall be restored according to the standards of SCDOT within a period of twenty-four (24) hours. Upon request, the town or SCDOT may grant special consideration due to extreme weather conditions.

16.305. FAILURE.

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within a reasonable time of being notified by the town and/or SCDOT.

ARTICLE IV. LITTERING

Editor's Note: This article derives from generally accepted municipal practices. (As to the jurisdiction of municipalities, see §16-11-700, 1976 South Carolina Code of Laws.)

16.401. PROHIBITED.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

16.402. DUTY OF BUSINESS OWNERS, OCCUPANTS.

a. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.

c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

16.403. DUTY OF CUSTOMER.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

ARTICLE V. PENALTIES

16.501. PENALTY.

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

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

(1976 SC Code §14-25-65)

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CHAPTER 17. UTILITIES

Editor's Note. This chapter derives from §5-321-610 of the 1976 South Carolina Code of Laws which provides for the construction and operation of a water and sewerage utility, from Chapters 16 and 17 of the 1990 Yemassee Town Code and from generally accepted municipal practices.

ARTICLE I. WATER AND SEWER

17.101. UTILITY DEFINED. NOT ABSOLUTE.

- a. The word utility used in this chapter shall mean the water and sewerage utilities of The Town of Yemassee and any other public utility such as telephone, electric power, gas, cable television or any similar service provider.
- b. This definition shall not be construed as absolute.

17.102. WATER AND SEWERAGE SYSTEMS COMBINED. DHEC PROVISIONS.

- a. The complete waterworks and sewerage systems are hereby combined and shall be under the supervision, direction and control of the Mayor and Council.
- b. For the protection of health and the prevention of disease in The Town of Yemassee, there is hereby adopted the *Rules and Regulations Governing the Development of Subdivisions for Water Supply and Waste Disposal*, as prescribed by the South Carolina Department of Health and Environmental Control (DHEC). The same are hereby adopted and incorporated as fully as if set out at length herein.

17.103. SERVICE. APPLICATION.

- a. Any person, business or other entity requiring the use of the town's utility systems shall make application for service and establish an account with the town.
- b. Such application shall contain the uses for which such utility service is desired and such data as deemed necessary by the Town Clerk.

17.104. SAME. RESTRICTED TO ONE APPLICANT.

It shall be unlawful for any person obtaining utility service from the town to permit any other person to use such utility service.

17.105. SAME. MAY NOT BE FURNISHED IF DEBTS TO TOWN NOT PAID.

Town utility service shall not be furnished to any user who is in debt to the town for any reason, unless approved by the Mayor and Council.

17.106. SAME. USE ASSUMED.

All premises connected to the utility service of the town shall be assumed to be using such utility service. The owner or occupant shall be charged therefor as long as such premises shall remain connected with the utility service.

17.107. UTILITY EXTENSIONS. AREAS NOT SERVED. TAP FEES.

a. The cost of expansion of the water and sewer system to areas not serviced by the town's water and sewerage system shall be approved by the Mayor and Council and borne by the property owners, when requested to do so.

b. Such service may be extended, upon determination that the expansion is in the best financial interest of the town.

c. Those customers who do not receive service from the town, but wish to receive it, shall be required to pay for any additional costs for construction or laying of pipes, etc.

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

e. Charges shall be in advance.

f. A fee shall be paid to tap into the town water and sewerage systems as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

g. Tapping fees for customers outside corporate limits shall be the same tapping fees charged inside customers, plus time and materials. The Mayor and Council must approve all outside connections.

h. Charges become effective on and after the first day of the month.

(Editor's Note. See also Article III, this chapter, as to fees.)

17.108. CONNECTIONS REQUIRED. SEPTIC TANKS. EXCEPTIONS.

a. When available, every building which is located such that the property line thereof is within three hundred (300) feet of a town water line or sewerage system shall be connected thereto within ninety (90) days of official notice to do so. Said connection shall be made prior to occupancy of any new building.

b. If the owner of property or buildings referred to hereinabove shall fail or neglect to comply strictly with all of the provisions of the preceding section within the requisite time, it shall be the duty of the Town Clerk to give notice in writing thereto. Said notice shall be by Certified Mail, Return Receipt Requested, to the owner, his agent or tenant, that such connection with a water line or sewer, or installation of a sanitary septic tank, must be made as required by this article.

c. Owners may continue to use existing septic tanks of the type and kind approved by the Beaufort/Hampton County Health Department. Owners shall not be required to connect to a public sewer as long as the septic tank is maintained properly; provided, however, when such tank malfunctions, connection to the sewer shall be required.

(See §17.214, this chapter, for septic tanks allowed.)

d. Should it be impractical to connect with a sewer, any such real estate within a distance of three hundred (300) feet from such sewer, by reason of insufficient fall and lack of proper drainage or for other good and sufficient cause duly shown unto the town, the property owner shall not be required to connect therewith.

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

f. All connections with the public sewer and septic tanks referred to hereinabove shall be maintained in such condition and repair so that the same will not allow any overflow, seepage or other condition which may be or may become injurious or obnoxious to any member of the public.

g. Upon failure of any work to comply herewith, the town may require any faulty or insufficient work or material to be removed and replaced with such materials, workmanship and labor as required.

(YTC 16-1)

17.109. PROPERTY OWNER RESPONSIBLE: WHEN. FOR WATER AND SEWER LINES.

It shall be the responsibility of the property owner to install and maintain that portion of the water or sewer lines from the point of connection to the municipal water or sewerage system to the point of connection with the premises served thereby.

17.110. WATER CONNECTIONS REQUIRED.

Every residence or other building requiring water service, which is located within three hundred (300) feet of a water main shall be connected thereto and shall utilize the same for water for the premises.

17.111. CONNECTION GUIDELINES.

Each connection to the utility systems shall be classified in accordance with the following general guidelines for average monthly consumption.

Residential	less than 5,000 gallons
Small commercial/industrial/institutional	less than 5,000 gallons
Large commercial/industrial/institutional	over 5,000 but less than 100,000 gallons
Special Needs	over 100,000 gallons
Lowcountry Regional Industrial Park Account	

(Ord. 5-16-01)

17.112. FIRE PREVENTION. USE OF WATER. EXCEPTIONS.

a. During fire-fighting emergencies, the demands of the Yemassee Fire Department shall be paramount to the requirements of other customers, and the town hereby reserves the right to suspend the furnishing of water to customers when said department may be using water to extinguish a fire.

b. Any water taken from the water system shall have the prior approval of the town water department. Excluded from the above shall be water used during fire emergencies.

c. Any water usage or connections to the water system, other than fire or fire preventative measures, is hereby prohibited.

d. Violations of this section shall constitute grounds for immediate disconnection at the customer's expense and shall constitute a misdemeanor.

17.113. WATER HYDRANT USAGE. DEPOSIT.

a. Any person, firm or corporation using water from a water hydrant shall obtain permission therefor from the Town Clerk and shall pay a deposit therefor.

b. Such fee shall be as set forth in the "Schedule of Rates and Fees" as shown on Exhibit 1 of this code.

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Sections 5-31-20 and 6-11-280 and generally accepted municipal utility practices.

17.201. POLLUTION OF WATER SUPPLY.

It shall be unlawful to defile or pollute the public water system or to make connection therewith or maintain any connection whereby water from any other source may be pumped or allowed to flow into the public distribution system which may result in a cross-connection.

17.202. BACKFLOW PREVENTER.

An approved backflow preventer shall be installed at the water meter on the owner's or user's side.

(Editor's Note. DHEC requires backflow preventers.)

17.203. ILLEGAL CONNECTION. TAMPERING WITH UTILITY SYSTEMS. WELLS.

It shall be unlawful for any person, firm or corporation to:

1. connect with, use or tap any public water or sewer main without specific authorization of the Mayor and Council, in writing first obtained;
2. discharge any substance from any source that may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage therein;
3. connect or permit to remain connected any open gutter or rain water conductor or cesspool with any sanitary sewer line;
4. fail to cease and desist, after notice, to violate the provisions of this article; and
5. tamper with any manhole cover, filter, bed or other appurtenance of the system, without written authority or direct supervision of the proper municipal employee.
6. This section shall apply to private wells.

17.204. ILLEGAL AND UNMETERED HOOKUP. FEE.

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

b. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.205. ILLEGAL RECONNECTION WHEN SERVICE IS DISCONTINUED FOR NONPAYMENT.

It shall be unlawful to reconnect water or sewer service or to continue to use such service when it has been discontinued for nonpayment of a bill for service, until such bill has been paid in full, including a reconnection fee, as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.206. WATER METERS. TAMPERING WITH. CHANGES. DEFRAUDING.

a. It shall be unlawful for any person to alter, change, deface, remove or otherwise tamper with or change any water meter or to make any connection to the town's utility systems, without written permission from the town.

b. The subscriber shall be responsible to ensure that no one tampers with or changes any water meter connection with his knowledge. Water turned on at his meter after the town has discontinued service shall constitute his knowledge of the meter being tampered with.

c. Any person, firm or corporation to whom water is furnished from or by means of a meter, who shall, willfully and with intention to cheat and defraud the town, alter or interfere with such meter shall be guilty of a misdemeanor.

17.207. DESTRUCTION, DEFACEMENT, ETC. UNLAWFUL.

a. It shall be unlawful for any person or persons to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other fixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances.

b. It shall also be unlawful for any person or persons to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves, or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

17.208. OBSTRUCTION, ABUSE OF UTILITIES. RESPONSIBILITY OF OWNER.

a. It shall be unlawful to place in any water closet, or allow to enter any soil pipe, any paper other than what is commonly known as toilet paper, or material or substance likely to block, obstruct the flow or damage the pipeline or sewerage system or to dispose of any flammable, noxious or chemically active material harmful to life or property into the sewerage system.

b. The occupant of premises which connect with the water and/or sewerage systems shall be accountable for any abuse of said systems; and in all cases where stoppages are caused by abuse of said systems, the property owner shall defray the expenses of remedying the condition.

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

a. Application for permission to cut or excavate any public street shall be made to and approved by the inspector who shall require payment to the Town Clerk of the amount prescribed by Town Council, to replace any pavement which is removed.

b. A permit to make a water or sewer connection also shall first be obtained.

17.210. COVERING SEWER WITHOUT INSPECTION. SUSPENSION OF LICENSE.

a. It shall be unlawful for any person to cover or cause to be covered any sewer line without due inspection and approval of the same by the inspector of sewers and plumbing.

b. A violation of this section shall authorize the Inspector of Sewers and Plumbing to excavate and examine said line, at the expense of the plumber.

c. The license of the plumber may be suspended until said expense is paid or for such period as Council may direct.

17.211. TAPPING WATER MAIN WITHOUT PERMIT.

It shall be unlawful for any person, firm or corporation to extend service pipes or perform any work connected with the extension thereof, attached to the mains and water supply on any premises within the town limits without first obtaining permission therefor in writing from the town.

17.212. TAMPERING WITH WATER SYSTEM.

It shall be unlawful to tamper with the water system of the town, after the water has been disconnected. Anyone doing so shall be assessed a fee as set forth in the "Schedule of Rates and Fees" as shown on Exhibit 1 of this code.

(YTC 16-5)

17.213. DOUBLE METERS.

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

17.214. SEPTIC TANKS. WHEN PERMITTED.

Septic tanks may be used where approved by SCDHEC, where sewer lines are not accessible; provided, however, that no new or additional septic tanks be approved where sewer lines are provided.

(See also §17.108.c, this chapter.)

17.215. DITCHES OR TRENCHES FOR PIPES.

a. All ditches or trenches opened for the purpose of laying pipes in connection with the water or sewerage system of the town shall be compactly closed after the pipes are laid. This applies particularly to openings made to make connection with any pipe already laid.

b. No cut completely across a street may be made for placement of pipe until approved by the town.

17.216. CONNECTIONS TO SEWERAGE SYSTEM PROHIBITED.

a. It shall be unlawful for any person to connect an open gutter, cesspool or rainwater conductor with the sanitary sewerage system, either directly or indirectly.

b. It shall be unlawful for any person to make any connection to a sewer line of the town for the purpose of discharging surface water, oils or any chemicals or substances that would hinder the efficiency of the operation of the disposal plants.

c. Sanitary sewer that does not include water from a town well will not be accepted for treatment at The Town of Yemassee wastewater treatment plant.

(Ord. 5-16-01)

17.217. DISCHARGES TO SEWERAGE SYSTEM PROHIBITED.

It shall be unlawful for any person to discharge kitchen waste, bath water, water from clothes washers, sink drains, or sewage of any sort into a drain, ditch or upon a street or lot or connect a pipe or other device, directly or indirectly, with a drain or ditch by means of which said discharges may be transferred to said drains or ditches.

17.218. SEWER SERVICE DISCONTINUED. OCCUPANCY OF PROPERTY.

It shall be unlawful for any occupant to reside in a residence or other building more than five (5) days, after sewer service has been discontinued.

17.219. VIOLATION, EFFECT.

A conviction for the violation of any section of this article shall not operate as a release or discharge from the requirement of such section. The town shall have a first lien upon the property affected thereby and may recover the amount due in any court of competent jurisdiction, and shall have all rights and remedies for the collection of same as is given under the laws of the state.

17.220. PROHIBITED ACTS NOT ALL-INCLUSIVE.

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

ARTICLE III. RATES AND FEES

Editor's Note. This article derives from data furnished by the town; the 1976 South Carolina Code of Laws, §5-31-250 and §5-31-900 and generally accepted municipal utility practices.

17.301. ESTABLISHMENT OF RATES. TO BE POSTED. CHANGES.

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

b. A monthly fee as provided above shall be charged to each water customer to cover testing charges assessed to the town by the "Safe Water Act" of the South Carolina Department of Health and Environmental Control (DHEC).

c. The fees set forth herein shall apply to all facilities now located, or which may be located, in the Lowcountry Regional Industrial Park and shall be based upon maintenance and distance from the Yemassee Wastewater Treatment Plant.

d. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

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

17.302. WATER. SEWER. DEPOSIT REQUIRED. REFUND.

a. A one-time water deposit fee shall be required in advance from all applicants who apply for water service and/or sewer service.

b. Whenever service is properly discontinued, the deposit shall be returned, without interest, after first deducting all outstanding charges for utility services.

c. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(YTC 16-3, 16-5) (Ord. 5-16-01)

17.303. BILLINGS. WATER AND SEWER. LATE CHARGES. GARBAGE FEE.

- a. Each monthly utility bill shall be mailed and shall become effective after the first day of the month.
- b. If any bill remains unpaid by the 10th day of the month, following the month for which the service was rendered, a penalty of ten percent (10%) shall be added on the eleventh day.
- c. If payment is not received by the close of business, postmarked or deposited in night depository before 5:00 p. m. on the 20th day of the month, service shall be discontinued.
- d. If any above date fall on Saturday, Sunday or legal holiday, the following workday shall be observed. No second notice will be required. (This information may be condensed and printed on utility billing notices.)

(YTC 16-4)

- e. A garbage fee as required by §10.107 of this code, shall be included as part of the water/sewer bill.
- f. All fees shall be set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.304. FEES OR CHARGES. FAILURE TO PAY.

- a. The town hereby reserves the right to discontinue service to any premises for failure to pay water and sewer charges when due and payable as set out in this article.
- b. Before the water and/or sewer can be returned to service, when disconnected for nonpayment, a fee shall be paid each and every time the water and/or sewer is reconnected.

(YTC 16-4)

17.305. NO FREE SERVICE.

It shall be unlawful to furnish water or sewer service free of charge to any person, firm or corporation.

17.306. WATER METERS REQUIRED. READINGS.

All water service furnished by the town shall be by the use of meters that shall be read at least once each month.

17.307. SAME. SEPARATE METERS.

A separate meter shall be installed for each dwelling unit or business establishment that makes use of water furnished by the town.

17.308. UNMETERED SERVICE.

a. Water customers who are not connected to a town water meter shall pay a minimum monthly fee which shall not be less than twenty dollars (\$20.00), and said minimum fee may be revised from time to time by Town Council. When revised by ordinance, the revised fee shall be shown on the Schedule of Rates and Fees.

b. Said fees shall be set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.309. SAME. RESIDENTIAL COMPLEXES.

Each different unit in a residential complex, such as an apartment, shall have a separate water meter, unless a master meter is authorized.

17.310. CONNECTIONS. FEE REQUIRED.

a. For each new water and sewer connection to the utility systems there shall be charged a connection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(YTC 16-2)

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

17.311. DISCONTINUANCE OF SERVICE. DELINQUENT CHARGES.

a. Consumers wishing to discontinue the use of any utility service shall give notice thereof to the Town Clerk. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

b. When water is not supplied by the town water system, but a sewer connection is provided, and the service charge becomes delinquent, necessitating a discontinuance of service, the fee to reconnect shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

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

- a. Every building equipped with a sprinkler system shall be assessed as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.
- b. Each fire hydrant or hose connection attached to the town water system and located on private property shall be assessed as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.
- c. Violations of this section shall constitute grounds for immediate disconnection at the customer's expense.

ARTICLE IV. PUBLIC UTILITY CONSTRUCTION

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

17.401. PERMIT REQUIRED. HEARING.

a. It shall be unlawful for any person, firm or corporation to use streets to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure facility for utilities, communications, cable television or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance which prescribes the term, fees and conditions for use and a permit obtained therefor.

b. The Mayor and Council, after written notice of not less than ten (10) days to the person seeking the permit shall grant a hearing at which the parties in interest shall be heard.

c. The decision of the Mayor and Council shall be final and binding on all parties.

17.402. SAME. INSTALLATION.

Property owners shall be responsible for the installation and maintenance of utility lines to the point where same are connected with the town's utility systems.

17.403. EXCAVATION FOR PIPE LAYING.

a. All ditches or trenches opened for the purpose of laying pipes, whether on private premises or across streets or sidewalks, shall be carefully and compactly filled after the pipes are laid.

b. All paving disturbed in connection with the work shall be skillfully and carefully repaired and restored to its original status.

17.404. RIGHT OF ENTRY FOR INSPECTION.

a. As a condition precedent to connecting to the town's utility systems, representatives of the town shall be permitted to enter the premises of any utility user at reasonable times, to inspect or examine utility pipes and their connections and the use of water on the premises.

b. It shall be unlawful for any person to refuse entrance for such purposes as herein authorized.

ARTICLE V. IMPACT FEES

Editor's Note. On March 27, 1995, Council adopted an ordinance commonly referred to as IMPACT FEES. The ordinance was a requirement of DHEC to regulate the use of public and private sewers and drains, private sewage disposal and related functions relating to wastes discharged into the public sewerage system. The ordinance provided penalties for violations.

Due to its technical nature and extensive length, the ordinance is not incorporated into this code; provided, however, the ordinance is not rescinded by this code and remains in full force and effect.

The reader is referred to the Town Clerk's office where the original of the ordinance is filed.

17.501. IMPACT FEES.

The provisions ordained by Town Council on March 27, 1995, when it adopted an ordinance, entitled

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR THE VIOLATION OF THEREOF IN THE TOWN OF YEMASSEE, COUNTIES OF HAMPTON/BEAUFORT, STATE OF SOUTH CAROLINA

are not rescinded by this Code of Ordinances. The provisions thereof shall continue in full force and effect as if fully set forth herein verbatim.

17.502. CONFLICTS WITH CODE OF ORDINANCES.

Should a court of competent jurisdiction conclude conflicts exist between this article and the Yemassee Code of Ordinances of 2001, as such conflicts may relate to public and private sewers, etc., as provided in said article, the provisions of this article shall prevail and be controlling.

ARTICLE VI. PENALTIES

17.601. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 18. VEHICLES. TRAFFIC

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CHAPTER 18. VEHICLES. TRAFFIC

Editor's Note. This chapter derives, generally, from Title 56 of the 1976 South Carolina Code of Laws, the 1990 Yemassee Town Code and generally accepted municipal practices relating to motor vehicles and traffic control.

Unfortunately, Chapter 10 of the 1990 Yemassee Town Code entitled "MOTOR VEHICLES AND TRAFFIC" did not include the many requirements needed by the town. Therefore, this chapter has incorporated those that were included and many provisions other municipalities have found useful.

ARTICLE I. IN GENERAL

18.101. SHORT TITLE.

This chapter may be cited as the "Traffic Ordinance."

18.102. UNIFORM ACT. DEFINITIONS.

For the purpose of this chapter, and local enforcement, applicable provisions of Title 56, entitled "MOTOR VEHICLES" of the 1976 South Carolina Code of Laws, as amended, is hereby adopted and made a part of this code, including definitions set forth therein.

18.103. JURISDICTION OF MUNICIPAL JUDGE.

a. The Municipal Judge may try and determine violations of the provisions of this chapter or provisions of the 1976 South Carolina Code of Laws, relating to motor vehicles and traffic occurring within the corporate limits, when the penalty prescribed by state law for such violations does not exceed thirty (30) days imprisonment or five hundred dollars (\$500.00) fine, or both.

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

(1976 SC Code §56-5-6150)

18.104. FIXING TRAFFIC TICKETS UNLAWFUL.

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

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

a. The Council may, from time to time, request SCDOT to place and maintain traffic control devices upon the streets of the town, as deemed necessary, to regulate, warn or guide traffic in the town.

b. All such traffic control devices shall conform to the specifications of SCDOT.

(1976 SC Code §56-5-930)

c. Drivers of all vehicles shall abide by signals of traffic officers and all automatic and stationary signals and lines painted on the streets to guide vehicular traffic.

d. No person shall willfully, without lawful authority, attempt to or alter, deface, injure, knock down or remove any traffic control device or sign or street name sign or any part thereof. In addition, any unauthorized person found in possession of any street sign or traffic control device from the town shall be deemed in violation of this section.

18.106. SPEED LIMIT VARIATION BY TOWN. SCDOT APPROVAL. SIGNS.

a. Whenever the Council shall have determined on the basis of an engineering and traffic investigation that the maximum speed imposed by this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Town Council may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) Increases the limit within an urban district, but not to more than fifty-five (55) miles per hour; or

(3) Decreases the limit outside an urban district, but not to less than twenty-five (25) miles per hour.

b. Any alteration of maximum limits on state highways or extensions thereof in the town, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

(These provisions are required by the 1976 SC Code §56-5-1540.)

c. Any altered limit established, as authorized by this article, shall be effective at all times, when appropriate signs giving notice thereof have been erected.

18.107. DRIVER'S AND VEHICLE LICENSES REQUIRED. EXCEPTIONS.

a. No person shall operate a motor vehicle on any street without, in his possession, a valid driver's license issued by this or another state to operate the vehicle, and said vehicle shall have current license tags.

(1976 SC Code §56-1-20, §56-3-110 et seq.)

b. This section shall not apply to persons expressly exempt by state law from the requirement of a driver's license nor shall this section be construed so as to interfere with reciprocity rights under state law as concerns the driver of a vehicle bearing an out-of-state license to driving with an out-of-state driver's license.

(1976 SC Code §56-1-30)

18.108. RESPONSIBILITY OF VEHICLE OWNER.

No person shall knowingly allow, permit or let any vehicle registered in his name to violate any of the ordinances of the town; provided, however, that all violations of parking ordinances shall be presumed to be with the knowledge of the owner of such vehicle.

ARTICLE II: MOVING TRAFFIC

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

18.201. ADOPTION OF STATE LAWS.

All vehicles shall be operated in accordance and conformity with all current state laws and this Code or amendments thereto, as such laws and amendments relate to the operation of vehicles. Such provisions are adopted by reference and made a part of this chapter as if fully set out herein, except those provisions relating solely to SCDOT and those provisions the penalty for which exceeds a fine of five hundred dollars (\$500.00) or imprisonment for more than thirty (30) days, or both.

18.202. CARELESS OPERATION OF A MOTOR VEHICLE. POINTS.

a. It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.

b. Any person failing to do so shall be guilty of the offense of careless operation of a motor vehicle.

c. Careless driving shall be unlawful and may be considered a lesser offense than reckless driving.

d. The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facie evidence of a violation of this section.

e. The provisions of this article may be used in lieu of tickets requiring points.

f. Any person violating the provisions of this section shall be punished by a fine not exceeding two hundred dollars (\$200.00) or by imprisonment not exceeding thirty (30) days.

(Editor's Note. "Only a court could determine with finality whether a municipal ordinance prohibiting the careless operation of motor vehicles is inconsistent with state statutory provisions regulating the operation of motor vehicles as to preclude enforcement of such ordinance." 1988 Op Atty. Gen. No. 88-16, p 54.)

(YQ 74)

18.203. RECKLESS DRIVING.

Any person who drives a vehicle in such manner as to indicate a willful or wanton disregard for the safety of persons or property, upon conviction, shall be guilty of reckless driving and of a violation of this section.

(1976 SC Code §56-5-2920).

18.204. DRIVING ACROSS PRIVATE PROPERTY TO MAKE TURNS.

a. It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to "cut a corner" purposely.

b. It is the intention of this section to prohibit corner cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

18.205. STOP SIGNS.

When stop signs are erected at the entrance to any intersection, every driver of a vehicle shall stop, before entering the intersection, except when directed to proceed by a law enforcement officer or traffic control signal.

18.206. ENTERING INTERSECTION OR MARKED CROSSWALKS.

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

18.207. BOARDING OR ALIGHTING FROM VEHICLES.

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

18.208. LEAKING OR SCATTERING LOAD PROHIBITED.

It shall be unlawful for any owner or operator of every vehicle employed in removing or carrying any dirt, sawdust, sand, coal or any other materials liable to be blown by the wind or fall by gravity, or any manure or filth or offensive matter of any kind or description, along or over any public street, to fail to keep the same in such tight and secure condition that such matter shall not be scattered or suffered to fall on any such streets.

18.209. DAMAGING PAVED SURFACES PROHIBITED.

It shall be unlawful for any person to operate, drive, or cause to be driven or operated, over, upon or across the paved streets or any thoroughfare, a vehicle having wheels with flanges, ribs, clamps, spikes or other devices attached to or a part of the wheel of such vehicle that would injure or damage the paved surface of said streets or thoroughfares.

18.210. SIDEWALKS. VEHICULAR PROHIBITIONS.

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

(1976 SC Code §56-5-3835)

18.211. "U" TURNS.

It shall be unlawful for any person driving a vehicle to make a "U" turn or other prohibited turn at any point where such turn is prohibited by posted signs or to accomplish a "U" turn by deviously going into or through private property adjoining a street where such turn is prohibited.

18.212. STREETS UNDER REPAIR, CLOSED TO TRAVEL.

No person shall drive or cause to be driven any vehicle over any street that is being repaired or paved or over any part of a street wholly closed to travel.

18.213. ADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior written approval of the Mayor.

18.214. HITCHING TO MOVING VEHICLES.

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

18.215. LOADS TO BE SECURELY CHAINED.

No person shall haul logs, pulpwood logs, lumber, crossties or barrels over or upon any street unless they shall be safely and securely fastened, with chains, on such vehicle. The links of such chain shall be made of material of a dimension not less than one-half (1/2) inch in diameter.

18.216. SPEED RESTRICTIONS.

No person shall drive a vehicle on any street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(1976 SC Code §56-5-1520 et seq.)

18.217. LOWER SPEEDS REQUIRED.

The driver of every vehicle shall, consistent with the requirements of this article, drive at an appropriate speed when approaching and crossing an intersection, when approaching a hill crest, when traveling upon any narrow or winding roadway and when any special hazard exists with respect to other traffic or by reason of weather or street conditions.

18.218. SPECIAL HAZARDS.

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

18.219. EMERGENCY VEHICLES. RESTRICTIONS.

a. The speed limitations set forth herein shall not apply to authorized police, fire and ambulance emergency vehicles when responding to emergency calls and the drivers thereof sound an audible signal by siren, bell or exhaust whistle capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet.

b. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

18.220. UNATTENDED 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 side of the highway or street.

18.221. DRIVING WHILE INTOXICATED/UNDER INFLUENCE OF DRUGS.

It shall be unlawful for any person under the influence of intoxicating liquors, narcotic drugs, barbiturates, paraldehydes or drugs, herbs or any substance of like character, whether synthetic or natural, to drive any vehicle within the town.

(1976 SC Code §56-5-2930)

18.222. ACCIDENTS. ASSISTANCE REQUIRED.

Every person driving a vehicle of any kind which strikes or hits any person or another vehicle shall stop such vehicle at once and render such assistance as he can, give his name, post office address, license number and serial number of his vehicle to the other person or driver. He shall assist in calling for assistance and shall remain at the scene until an officer arrives.

(Editor's Note. As to state laws relating to accidents, please see §56-5-1210 et seq., of the 1976 South Carolina Code of Laws.)

18.223. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.

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

18.224. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

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

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

ARTICLE III. PARKING. STANDING. STOPPING

Editor's Note. This article is derived from the 1976 South Carolina Code of Laws and standards used by other municipalities in this state.

18.301. PARKING. AUTHORIZED.

a. In addition to the other provisions of this article relative to parking, the Town Council may designate areas or spaces on town streets where the parking of vehicles is either permitted, prohibited or limited to a specific time or otherwise restricted.

b. When signs are erected giving notice that parking is prohibited during certain hours, no person shall park a vehicle between the hours so designated on any day, except Sundays and public holidays.

c. When signs are erected giving notice that parking is limited to a certain period of time, no person shall park a vehicle for longer than the period and between the hours so designated, except on Sundays and public holidays.

18.302. SAME. MANNER.

Where parking is permitted on streets not marked off for parking, the operator of any vehicle shall park such vehicle with the right front and right rear wheels as near as possible to the curb or side of the road and parallel thereto. Vehicles parked within marked areas shall not occupy any part of more than one (1) space. The operator of a parked vehicle shall enter the roadway only when the roadway is clear.

18.303. SAME. TICKETS AUTHORIZED.

a. The Council may authorize, subject to the restrictions imposed in the foregoing sections, signs and devices relating to the limitations upon parking at particular places.

b. Failure to pay the penalty within the prescribed time shall subject the owner thereof to be summoned by the Municipal Judge and punished within his discretion.

18.304. BLOCKING STREETS AND ALLEYS. EXCEPTION.

a. No person shall stop, stand or park any vehicle upon a street or an alley in such a manner or under such conditions as to obstruct the well-traveled portion of the roadway.

b. No person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than ten (10) feet of width of the roadway for the free movement of vehicular traffic.

c. A driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a law enforcement officer.

18.305. LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone are in effect. In no case shall the stop for loading and unloading of materials exceed sixty (60) minutes.

18.306. HANDICAPPED PERSONS. PARKING. PENALTY.

a. It shall be unlawful to park at or in a space specifically designated for handicapped persons without proper authorization to do so.

b. A person violating the provisions hereof, upon conviction, shall be guilty of a misdemeanor and must be fined two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

(Editor's Note. SC Codes §56-3-1970 requires a penalty of two hundred dollars (\$200.00) for each offense.

Section 56-3-1950 of the 1976 South Carolina Code of Laws defines "handicapped."

Section 56-3-1960 of the 1976 South Carolina Code of Laws authorizes a handicapped person to park in any metered or timed parking place without a fine, as long as the vehicle displays a current handicapped license plate or placard.

Section §56-3-1965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons.

§56-3-1971 authorizes "All law enforcement officers..." to issue "a uniform parking violations ticket..." to vehicles violating designated spaces for handicapped persons.)

18.307. SIGNAL TO STOP.

It shall be unlawful for any person operating a motor vehicle upon the public streets, alleys or ways of the town to fail to stop when signaled to do so, by the sounding of a siren, exhaust whistle, bell or word of mouth or any whistle known as a police signal device.

18.308. STOP SIGNS. DUTY TO STOP.

The driver of a vehicle shall stop at an intersection where a stop sign is erected . He shall then proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard.

18.309. VISION OBSTRUCTION OF TRAFFIC UNLAWFUL.

No vehicle shall be parked on any street if the vehicle obstructs the vision of traffic approaching the vehicle in any direction, or which causes vehicles approaching the parked vehicle to alter their normal course of movement.

18.310. DISABLED VEHICLES.

The operator of any vehicle that becomes disabled on any street within the town shall:

(1) Move the disabled vehicle to the extreme right side of the road;

(2) Make immediate arrangements to have the vehicle removed as quickly as possible by wrecker, tow truck or other method; and,

(Editor's Note. See Article V, this chapter, for abandoned vehicles and/or junk.)

18.311. FIRE LANES DESIGNATED. PARKING PROHIBITED. PENALTY.

a. To provide for the emergency access of fire department apparatus and rescue operations, fire lanes may be designated adjacent to buildings. The fire lanes may be designated by the use of no-parking signs, yellow curbing and/or pavement markings.

b. Any person who stops, stands or parks a vehicle in a designated fire lane, within the corporate limits of the town, shall be deemed to be in violation of this section.

c. Any violation of this article shall be deemed a misdemeanor.

(1976 SC Code §5-7-30)

18.312. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

a. Except at the direction of a law enforcement officer, no person shall stop, stand or park a vehicle, whether occupied or not:

- (1) on a sidewalk;
- (2) within an intersection;
- (3) on a crosswalk;
- (4) where official traffic-control devices prohibit stopping, standing or parking.
- (5) to obstruct a street, private driveway or a crossing for pedestrians.

b. Except to momentarily pick up or discharge passengers, no person shall stop, stand or park a vehicle, whether occupied or not:

- (1) in a traveled portion of the street or highway;
- (2) in front of a public or private driveway;
- (3) within fifteen (15) feet of a fire hydrant;
- (4) at any place where official traffic-control devices prohibit stopping, standing or parking.
- (5) on the left side of the street, except for funeral processions.

c. Any person who stops, stands or parks a vehicle in a prohibited area shall be deemed to be in violation of this article.

d. The violation of this article shall be deemed a misdemeanor.

(1976 SC Code §5-7-30, §56-5-2530)

ARTICLE IV. FUNERALS

18.401. DRIVING INTO FUNERAL PROHIBITED.

No driver of a vehicle shall drive between vehicles comprising a funeral while in motion and when such vehicles are conspicuously identified as required herein.

18.402. IDENTIFICATION.

A funeral procession of vehicles shall be identified as such by the lead vehicles by a display on the outside of each vehicle.

18.403. DRIVERS IN PROCESSIONS TO FOLLOW CLOSELY.

Each driver in a funeral shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as closely as practical and safe, with headlights on.

ARTICLE V. ABANDONED VEHICLES

Editor's Note. This article provides for the control of abandoned vehicles on public and private property under certain circumstances, as utilized by other municipalities. (See §18.310, this chapter, for disabled vehicles.)

18.501. INOPERABLE VEHICLES.

For the purposes of this article, the following words and phrases shall have the following meanings, notwithstanding other sections of this code relating thereto:

Abandoned Vehicle shall mean any vehicle parked for forty-eight (48) hours in excess of the time allowed for such parking by provisions of this chapter.

Junk Automobile shall mean any automobile with such present value that it would not be economical to repair or store it.

Unoperational automobile shall mean an automobile incapable of moving under its own power without repair.

18.502. UNLICENSED. SALVAGE. REPAIR ON PRIVATE PROPERTY.

a. It shall be unlawful for the owner of any property in the town to permit a vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be brought upon or remain upon his property unless it is in a completely enclosed building.

b. This provision shall not apply to a licensed car dealer, new or used, upon property operated for his business.

c. No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, or for the purpose of storage or repair, unless said vehicle has a current vehicle license and unless said vehicle is covered or sheltered in such a fashion as to adequately prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes, other insects, rats or other vermin.

18.503. IMPOUNDMENT. DISPOSITION. EXPENSES. FORFEITURE.

a. If any such vehicle is found parked in violation of this code, or abandoned on the streets of the town, it shall be removed at the owner's expense. The owner, or person in whose name such vehicle is registered, shall be given immediate personal notice, if he is a resident of the town. If he is a nonresident, he shall be given notice by Certified Mail, Return Receipt Requested, if his address can be ascertained.

b. If the address of such owner cannot be ascertained, the Town Clerk shall advertise that such vehicle has been abandoned and impounded, giving an accurate description thereof. He shall include the name of the person licensed to operate it, the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within thirty (30) days. Such notice shall be published once a week for two (2) consecutive weeks in a newspaper of local circulation. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash at public auction to the highest bidder in front of the Town Hall or such other place as may be designated by Council.

c. The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale and the balance, if any, deposited with the Town Clerk, subject to the claim of the owner which shall be filed and proved within twelve (12) months thereafter.

d. If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town.

18.504. RECORDS TO BE MAINTAINED.

The Clerk shall keep a written record of such vehicle, the name of the registered owner, the license tag and the circumstances under which it was found, impounded, stored and sold, including the amount received at the sale and any amount deducted therefrom.

ARTICLE VI. PEDESTRIANS

Editor's Note. This article derives from generally accepted municipal practices to provide for the safety of pedestrians.

18.601. WALKING ON STREETS AND ROADWAYS.

Where sidewalks are not provided, any pedestrian walking upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

18.602. DRIVERS TO EXERCISE DUE CARE WITH REGARD TO PEDESTRIANS.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn, when necessary. He shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street.

ARTICLE VII. BICYCLES

This article derives from the 1990 Yemassee Town Code and generally accepted municipal practices.

18.701. REGULATIONS APPLICABLE TO BICYCLES.

This article shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

18.702. APPLICABILITY OF TRAFFIC LAWS.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code of Ordinances, except as to special regulations herein and except as to those provisions of this Code which by their nature can have no application.

18.703. DUTY TO KEEP TO RIGHT.

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable.

18.704. RIDING ABREAST.

It shall be unlawful for persons on bicycles to ride more than two abreast, except in parades and similar circumstances.

18.705. BICYCLE PATHS TO BE USED.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

18.706. RIDING BICYCLES ON SIDEWALKS.

It shall be unlawful for anyone to ride a bicycle on a sidewalk, except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to tricycles operated in residential districts by children under twelve years of age.

18.707. CLINGING TO VEHICLES:

No person riding upon a bicycle, coaster, roller skates, sled or toy vehicle shall attach it or them or himself to any vehicle on a roadway.

18.708. RIDING "NO HANDS". GENERAL CONTROL.

It shall be unlawful to operate a bicycle without having at least one hand on the handlebars at all times, or to fail to have control of the bicycle at all times.

18.709. LIGHTS.

Every bicycle, when in use after dark, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of the lawful upper beams of head lamps on a motor vehicle.

A red lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. "After dark" shall mean the time during which the street lights of the town are or should be lighted.

18.710. WARNING DEVICES.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

18.711. LARCENY OF BICYCLES.

The larceny of any bicycle shall be punishable at the discretion of the Court.

18.712. BRAKES.

No person shall operate a bicycle unless it is equipped with a brake that will enable the operator to make the braked wheels skid on dry, level and clean pavement.

ARTICLE VIII. RAILROADS

Editor's Note. This article derives from the 1990 Yemassee Town Code and generally accepted municipal practices.

Act No. 343 by the General Assembly provided that effective April 20, 1984:

"No ordinance of a municipality which affects the operation of any railroad, as defined by §58-17-10, is effective until a certified copy of the ordinance has been sent to the division superintendent or local agent of the railroad company affected, by certified mail, return receipt requested. If a municipality annexes an area in which a railroad company operates, any existing ordinance which affects the company is not effective until the division superintendent or local agent of the company has been sent a certified copy, by certified mail, return receipt requested, of the ordinance declaring the area annexed."

18.801. DEFINITIONS.

As used in this article, the following words or phrases shall have the meanings ascribed to them:

GRADE CROSSING shall mean a crossing at the grade of a public street or highway over a track or tracks of a railroad.

RAILROAD shall mean a carrier of persons or property upon cars, other than street cars, operated on stationary rails.

RAILROAD TRAIN shall mean a steam or diesel engine, electric or other motor, with or without cars coupled thereto, and operated on rails.

RAILROAD SIGNAL or RAILROAD SIGN shall mean any sign, signal or device erected by authority of a public body or official beside a railroad and intended to give notice of the presence of a railroad track or the approach of a railroad train.

18.802. SPEED OF ENGINES.

It shall be unlawful to run an engine on any railroad within the municipality faster than fifty (50) miles per hour.

18.803. POISON SPRAY ON RAILROAD RIGHT-OF-WAY.

It shall be unlawful for any railroad, its agent or employees operating any railroad in and through the municipality to spray with poison the weeds and grass along the railroad right-of-way within the corporate limits.

18.804. STOP SIGNS AT DANGEROUS RAILROAD CROSSINGS.

The Mayor and Council have the authority to designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. No stop signs shall be erected without the approval of the South Carolina Department of Transportation (SCDOT).

18.805. FLAGMAN AT CROSSING.

The railroad company is hereby required to provide and keep stationed at each of its crossings within the corporate limits at least one flagman, unless warning devices are installed and maintained which comply with the 1976 South Carolina Code of Laws.

18.806. BLOCKING OF STREET BY TRAINS.

Any person who shall be in charge or control of an engine or a car upon the track of the railroad company, who shall stop any one of them upon or across any of the streets of the municipality longer than five (5) consecutive minutes shall be deemed guilty of a misdemeanor. At no time shall trains or railroad cars block more than two (2) crossings at one time, unless the train is in motion.

18.807. COMPLAINTS OF RAILROAD CONDUCT.

The Mayor and Council shall apply directly to the South Carolina Public Service Commission for relief from conduct of any railroad within the corporate limits.

ARTICLE IX. PENALTIES

18.901. PENALTY.

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

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

(1976 SC Code §14-25-65)

CHAPTER 19. DROUGHT RESPONSE

ARTICLE I. IN GENERAL

- 19.101. Declaration of Policy, Purpose and Intent.
- 19.102. Definitions.
- 19.103. Nonessential Water Use.
- 19.104. Responses to Moderate, Severe and Extreme Drought Alert Phases.
- 19.105. New Water Service Connections.
- 19.106. Water Rates and Fees.
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- 19.109. Enforcement.

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- 19.201. Control.

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CHAPTER 19. DROUGHT RESPONSE

Editor's Note. In 1985, the South Carolina General Assembly enacted Act No. 63 (§49-23-90 of the 1976 South Carolina Code of Laws) which affected every municipality in this state. The act required every municipality *engaged in the business...of supplying water for any purpose...to develop and implement drought response ordinances. They...must be consistent with State Drought Response Plan...* (In 1993 the Water Resources Commission was changed to the Department of Natural Resources.)

In 1987 the South Carolina Water Resources Commission required every city and town in the state to adopt an ordinance to guide the Mayor and Council in times of extreme drought. The Commission prepared a recommended ordinance that cities and towns adopted and which is included in this code. It is technical and may need clarification by the Commission, should the occasion arise. **It is to be noted that the ordinance is effective only in times of extreme drought.**

Further, the act provided that any proposed ordinance must first be submitted to the department for review to determine consistency with the State Drought Response Plan. This was accomplished on February 3, 1997, by ordinance.

Section 49-23-100 of the 1976 South Carolina Code of Laws, provides for penalties for municipalities not conforming to the provisions of Act No. 63.

ARTICLE I. IN GENERAL

19.101. DECLARATION OF POLICY, PURPOSE AND INTENT.

a. Purpose: To (1) meet the mandate and requirements of the South Carolina Department of Natural Resources and to (2) achieve the greatest public benefit from domestic water use, sanitation, fire protection, and to provide water for other purposes in an equitable manner, The Town of Yemassee, South Carolina, hereby adopts the following regulations and restrictions on the delivery and consumption of water.

b. This chapter is hereby declared to be necessary for the preservation of public health, safety and welfare and shall take effect upon its adoption.

c. Whenever, in the judgment of the Mayor and Council it becomes necessary to conserve water in the service area, due to drought or other causes, the Mayor is authorized to issue a proclamation that existing drought conditions prevent fulfillment of the usual water use demands. The proclamation shall 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. Immediately upon the issuance of such a proclamation, regulations and restrictions set forth herein shall become effective and remain in effect until the water shortage is terminated and the proclamation is rescinded.

d. Water uses, regulated or prohibited hereunder, are considered to be non-essential; continuation of such uses during times of water shortage is deemed to constitute a waste of water, subjecting the offender(s) to penalties.

19.102. DEFINITIONS.

For the purposes of this article, the following definitions shall apply:

Aesthetic water use shall mean water used for ornamental or decorative purposes such as fountains, reflecting pools and waterfalls.

Commercial and industrial water use shall mean water use integral to the production of goods and/or services by any establishment having financial profit as their primary aim.

Conservation shall mean reduction in water use to prevent depletion or waste of the resource.

Customer shall mean any person, company or organization using water supplied by the town.

Domestic water use shall mean water used 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:

a. Moderate drought shall mean when the Palmer Index reaches the range -1.50 to -2.99 and moderate drought conditions have been verified by best available information and conditions indicate this situation is expected to persist.

b. Severe drought shall mean when the Palmer Index reaches the range -3.00 to -3.99 and severe drought conditions have been verified by best available information.

c. Extreme drought shall mean when the Palmer Index reaches or falls below -4.00 and extreme drought conditions are verified by best available information.

d. Palmer Index shall mean a measure of the severity of a drought or a wet spell in an area. Dry conditions shall be associated with negative values; wet conditions with positive values and normal conditions shall have a value of zero.

Drought Response Committee shall mean a committee composed of state and local representatives created for the purpose of coordinating responses to water shortages within drought management areas and making recommendations for action to the South Carolina Department of Natural Resources and/or the Governor.

Essential water use shall mean water used specifically for fire fighting, maintaining instream flow requirements and to satisfy federal, state or local public health and safety requirements.

Even numbered address shall mean street addresses, box numbers or rural route numbers ending in 0, 2, 4, 6, 8 or letters A-M and locations without addresses.

Odd numbered address shall mean addresses, box numbers or rural route numbers ending in 1, 3, 5, 7, 9 or letters N-Z.

Institutional water use shall mean water used by government, public and private educational institutions, public medians and rights of way, churches and their places of worship, water utilities and other lands, buildings and organizations within the public domain.

Landscape water use shall mean water used to maintain gardens, trees, lawns, shrubs, flowers, athletic fields, rights of way and medians.

Water shortage shall mean a 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.

19.103. NONESSENTIAL WATER USE.

Nonessential water use categories may be curtailed during severe or extreme drought. Examples of nonessential water uses shall be as follows:

1. Residential and Institutional:

(a) Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard surfaced areas.

(b) Washing 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 or other vehicle.

(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 and other flora on private or public property, except as otherwise provided under this chapter.

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 chapter.

(d) Obtaining water from hydrants for construction purposes, fire drills or for any purpose other than fire fighting.

(e) Serving customers who have been given a ten (10) day notice to repair 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.

19.104. RESPONSES TO MODERATE, SEVERE AND EXTREME DROUGHT ALERT PHASES.

Levels of drought, as set forth in the South Carolina Drought Response Act of 1985, are classified as moderate, severe and extreme.

Proclamations by the Mayor shall coordinate an appropriate response to the level of drought that exists.

Proclamations by the Mayor and Council setting forth responses to the various drought alert phases shall be based upon drought monitoring data, recommendations, declarations and/or notifications supplied by the regional Drought Response Committee or the South Carolina Department of Natural Resources.

1. Moderate Drought Alert Phase: When conditions indicate that a moderate drought condition is present, and is expected to persist, the South Carolina Department of Natural

Resources will activate the Drought Information Center. It will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media.

(a) Goal:

(1) A fifteen percent (15%) voluntary water use reduction for agricultural, commercial, industrial and institutional purposes.

(2) A thirty percent (30%) voluntary water use reduction for residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of nonessential water uses as provided herein.

(2) Institute an increased water supply system maintenance effort to identify and correct water leaks.

(3) Encourage water customers to comply with the listed voluntary water-use restrictions in all categories, while moderate drought conditions exist.

(c) Water-use restrictions:

(1) Agriculture, Irrigation and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(2) Commercial, Industrial, and Institutional:

(a) Reduce aesthetic, domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

(3) Residential:

(a) Reduce water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.

(b) Reduce domestic, landscaping and water-based recreational activities such as swimming pools, water slides and other related water activities.

2. Severe Drought Alert Phase: A drought of this severity usually requires an official declaration and implementation of mandatory water use restrictions by the South Carolina Department of Natural Resources. In such cases, the Commission will notify the Mayor and issue press releases concerning the drought conditions to the news media.

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial, industrial and institutional purposes.

(2) A thirty percent (30%) water use reduction for residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial, Industrial, and Institutional:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary for maintaining health and safety.

(c) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Residential:

(a) Restrict water use to seventy-five (75) gallons per person per day, and a maximum of three hundred (300) gallons per household per day.

(b) Limit water-based recreational activities to new facilities that require filling such as swimming pools, water slides and other related water activities.

(c) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(d) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

3. Extreme Drought Alert Phase: The South Carolina Department of Natural Resources will notify the Mayor by certified mail and issue press releases concerning the drought conditions to the news media. **Water use restrictions imposed during extreme drought conditions shall be mandatory.**

(a) Goal:

(1) A fifteen percent (15%) water use reduction for agricultural, commercial and industrial purposes.

(2) A thirty percent (30%) water use reduction for Institutional and residential customers.

(b) General Responses:

(1) Issue a public notice of drought conditions of water supply and demand in a local newspaper of general circulation which shall include a list of water use curtailment measures.

(2) Require water customers to comply with the listed water-use restrictions in all categories while severe drought conditions exist.

(c) Water-Use Restrictions:

(1) Agriculture, Irrigation, and Livestock:

(a) Implement conservation techniques, explore different water saving methods and use alternative sources.

(b) Restrict irrigation use from 7:00 p. m. to 7:00 a. m. and prohibit water run-off.

(2) Commercial and Industrial:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(3) Institutional:

(a) Prohibit aesthetic water use.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

(4) Residential:

(a) Restrict water use to fifty-five (55) gallons per person per day, and a maximum of two hundred twenty (220) gallons per household per day.

(b) Reduce domestic water use to minimum levels necessary to maintain health and safety.

(c) Prohibit water-based recreational activities that require filling such as swimming pools, water slides and other related water activities.

(d) Use low-volume hand-held applications only and prohibit sprinklers, other remote broadcast devices and water run-off in landscape design and maintenance.

(e) Restrict landscape watering to Wednesday and Saturday for odd numbered addresses and Thursday and Sunday for even numbered addresses.

19.105. NEW WATER SERVICE CONNECTIONS.

a. Correspondence regarding water availability, pipeline extension agreements and applications requesting service shall include conditions relating to water shortages.

b. 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 the provisions of this chapter.

19.106. WATER RATES AND FEES.

a. In the event of extreme drought related water shortage, the Mayor and Council is hereby authorized to monitor water use and limit households to sixty (60) gallons per household member per day. Domestic water use above this limit shall be subject to a per gallon fee.

b. Institutional, commercial, industrial and recreational water users shall be subject to a water use fee per one thousand (1000) gallons of water used, if the town deems adequate conservation measures have not been implemented.

c. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

19.107. RATIONING.

In the event a drought threatens the preservation of public health and safety, the rationing of water by the Mayor and Council is hereby authorized.

19.108. 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 curtailment/reduction and shall apply for a variance from curtailment.

b. Persons requesting exemption from the provisions of this chapter shall file a petition with the Mayor and Council for variance within ten (10) days after such curtailment becomes effective.

c. When the provisions of this chapter have been invoked, persons requesting an exemption shall file a petition for variance with the town within ten (10) days of the effective date of water use curtailment or reduction. The town shall respond to requests for variances within five (5) days of receipt of information or within twenty (20) days of declaration of the curtailment, whichever comes first.

d. Petitions shall contain the following information:

- (1) Name and address of the petitioner(s).
- (2) Purpose of water use.
- (3) Specific provision from which relief is requested.
- (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, as requested.

e. In order for a variance to be granted, petitioner shall show one or more of the following conditions:

(1) Compliance 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.

f. The Mayor and Council may, in writing, grant temporary variances for existing water uses otherwise prohibited 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 Mayor and Council shall ratify or revoke any such variance at its next scheduled meeting. Any such variance so ratified may be revoked by later action of the Mayor and Council.

g. No such variance shall be retroactive or otherwise justify any violation occurring prior to the issuance of the variance.

h. Variances granted by the Mayor and Council shall be subject to the following conditions, unless waived or modified thereby:

(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.

19.109. ENFORCEMENT.

a. Employees of the town shall, in addition to duties imposed by law, diligently enforce the provisions of this chapter.

b. They shall have the authority to issue written notices to appear when violations of this chapter occur during any declared moderate, severe or extreme drought or water shortage.

ARTICLE II. LEGALITY OF CHAPTER

19.201. CONTROL.

a. In the event that any portion of this chapter is held to be unconstitutional for any reason, the remaining portions hereof shall not be affected.

b. The provisions of this chapter shall prevail and control in the event of any inconsistency between this chapter and other rules and regulations of the town.

ARTICLE III. PENALTIES

19.301. FINES AND PENALTIES.

a. Except as otherwise stated herein, violators of any provision of this chapter shall be subject to the following penalties:

<u>Violation</u>	<u>Classification</u>	<u>Penalty</u>
First offense	Infraction	\$ 25.00
Second offense	Infraction	\$ 50.00
Third and subsequent offense within the same drought period	Misdemeanor	\$ 100.00

The aforementioned fines and penalties may be in lieu of, or in addition to, any other penalty provided by law.

b. After issuing one warning by certified mail, the water service of any person or customer may be disconnected whenever it is determined that such person has failed to comply with the provisions of this chapter.

(1) Services disconnected under such circumstances shall be restored only upon payment of a reconnection fee. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code, and any other costs incurred by the town in discontinuing service.

(2) In addition, suitable assurances shall be given to the town that the same action shall not be repeated during the drought or water shortage.

TOWN OF YEMASSEE, SOUTH CAROLINA

AN ORDINANCE REGULATING PUBLIC NUISANCES AND UNFIT DWELLINGS WITHIN THE TOWN OF YEMASSEE AND PROVIDING PROCEDURES FOR ENFORCEMENT AND PENALTIES FOR VIOLATION AND OTHER ASPECTS THEREOF.

WHEREAS:

BE IT ORDAINED BY THE TOWN COUNCIL OF YEMASSEE, SOUTH CAROLINA THAT: The Town of Yemassee Council has determined that public nuisances can substantially degrade residential and business areas within the Town and promote rural blight and deterioration and often violate HEALTH, SAFETY, SANITATION and/or the ECONOMIC VALUE PRESERVATION OF PROPERTIES.

1. That such nuisances warrant the enactment of regulations and procedures to adequately address such nuisances; and
2. That this ordinance will steadily improve the general safety, welfare, health, and properties of the citizens of the Town of Yemassee; and
3. The Town Council has the authority to enact such an ordinance pursuant to South Carolina Laws which include, but are not limited to the Code of Laws 1976, Sections 5-7-30 and 5-7-32, 5-7-40 in addition to other authority of the Council.

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF YEMASSEE COUNCIL DULY ASSEMBLED THAT:

1 **Public Nuisances** – General. Public nuisances can substantially degrade residential and business areas and promote rural blight and deterioration and often violate health, safety and sanitation requirements. This law has been adopted for the citizens of the Town of Yemassee to provide for steady and consistent improvement of the general HEALTH SAFETY. SANITATION and/or ECONOMIC VALUE PRESERVATION OF PROPERTIES in the unincorporated area of the Town of Yemassee.

2. **Definitions**

- A. **Abate/Abatement:** Action to terminate, stop, cease, repair, rehabilitate, replace, demolish, correct or otherwise remedy nuisance activity, condition, premises or conduct by such means and in such manner as to bring the activity, condition, premises or conduct into compliance with the laws or regulations of Yemassee and/or the State of South Carolina or in such manner as is necessary to promote the health, safety or general welfare of the public.
- B. **Dilapidated:** Falling to pieces, broken down, shabby and neglected.

- C. **Compliance Officer:** The individual designated by the Mayor with proper credentials who shall act in such capacity and on his behalf.
- D. **County:** Means the county in which the real property is located and while within the corporate limits of the Town.
- E. **Courts:** Town of Yemassee Municipal Court.
- F. **Inoperable:** inoperative not working not in effect.
- G. **Owner:** The owner or owners of any premises or real or personal property. The owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the County.
- H. **Premises or Real Property:** In context any location, building, structure, residence, garage room, shed, dwelling, lot, parcel, land or portion thereof, whether improved or unimproved.
- I. **Private Property:** includes but is not limited to yards, grounds, driveways, entranceways, passageways, parking areas, work areas, storage areas recreation areas and vacant or wooded lots and land owned by private individuals, firms, corporations, partnerships, institutions or organizations.
- J. **Public Nuisance.** Any condition, instrumentality or machine located in a building, or on premises, which constitutes a health hazard or/which is or may be unsafe or dangerous by reason of inability to appreciate the peril therein, and/or which may be reasonably expected to attract children to the premises and risk injury by playing with, in, or on it.
- K. **Public Street:** A right-of-way for vehicular travel which has been dedicated or accepted or declared public by the Town, county, or state. The term "street" also means highways, roads, avenues, boulevards, lanes, drives, parkways and other vehicular travel ways.
- L. **Responsible Party or Person:** Any individual business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct; and includes, but is not limited to the property owner (both real and personal), tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation a business owner or manager of a business. The owner, occupant, or the agent of any owner or occupant of lots, parcels or areas within the Town of Yemassee.
- M. **State:** Means the State of South Carolina.
- N. **Town:** Town of Yemassee, South Carolina.

3. **Unlawful property Nuisance:**

It is unlawful for any person owning, renting, leasing, occupying, managing, having charge, or possessing any real or personal property in this Town to maintain such premises or property in such a manner that violates **health, safety, sanitation requirements and/or economic value preservation of properties** such as:

- A. A building, structure, or portion thereof in a dilapidated or dangerous condition to be unsafe or unsuitable for human occupancy. Such conditions include, but are not limited to:
1. Inadequate or inoperable mechanical, electrical, plumbing, or sanitation;
 2. Lack of sound and effective exterior walls or roof covering to provide weather protection.
 3. Lack of structural integrity, including deteriorated or inadequate foundations, joints, vertical or horizontal support.
 4. Broken, missing or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers;
 5. Broken, deteriorated, or substantially defaced structures presenting a risk to public safety.
 6. Building conditions must comply with the International Building Code.
- B. An abandoned building, manufactured home, or structure **that violates health, safety sanitation, requirements and/or economic value preservation of properties** such as:
1. An unoccupied and unsecured building or structure;
 2. A partially constructed, partially reconstructed, or partially demolished building or structure where work is abandoned for a period of 180 consecutive days after the time the work is commenced;
 3. A damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction, or, if the removal or repair cannot reasonably be accomplished within 180 days, upon which removal or repair has not been commenced within such period and prosecuted diligently toward completion.
 4. A manufactured home that is damaged, extensively deteriorated does not

have approved utilities, water, and septic service, or is deteriorated and is being used as a storage unit.

- C. Property maintained in a condition so defective **substantially defaced**, or in a state of such deterioration, disrepair or neglect that is causes a health, safety, **sanitation, public nuisance and/or affects the economic value preservation of properties such as:**
1. The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, driveways, front yards, rear yards, outside vestibules, doorways of buildings, the adjoining sidewalk or alley no longer than 14 days.
 2. Excessive storage of personal property (other than items designated for outdoor use) in front, exterior, side, or rear yard areas visible to public view, including, but not limited to unregistered, inoperative or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machine, packing boxes, debris, rubbish, and broken or discarded furniture. No longer than 14 days.
- D. Abandoned and broken equipment or machinery, appliances, or parts thereof;
- E. The discharge of sewerage into any yard, open ditch, storm sewer line or any other open public or private property area;
- F. A motor vehicle that is inoperable, abandoned, or left upon any public street, road or thoroughfare, or private property.
1. The provisions of S.C. Code 1976, sections 56-5-510—S6-5-5950, as amended are incorporated by reference and applied as to the treatment and disposition of abandoned vehicles. A vehicle shall be considered abandoned if the vehicle is left on;
 - a) Property owned or operated by the Town for a period of more than 48 hours;
 - b) Any private property without the consent of the property owner, occupant or lessee thereof for a period of more than 24 hours; or
 - c) Any public street or highway for a period of more than 48 hours.

- G. Clothing, linen towels, laundry, rugs, mattresses, and other similar material hung, placed or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property (or an area open to the public) longer than 7 days.
- H. Waste matter or unsightly personal property placed on rooftops.
- I. Any building or structure, which is a public nuisance under common law.
- J. Any violation of the zoning ordinances or occupant or otherwise use of Property in violation of the provisions of any conditional use permit, planned development permit, variance of other land use entitlement or land use permit.
- K. Any condition or activity which is a "nuisance" or "public nuisance" as defined by the State of South Carolina.

4. **Public Nuisance Declared:** All property found to be maintained in violation of any one or more of the provisions of this Ordinance is hereby to be a public nuisance and shall be abated pursuant to the procedures set forth herein. The procedure for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the Town of Yemassee from enforcing other ordinances or abating public nuisances in any manner provided by law.

5. **Responsibility for Property Maintenance:** Every responsible party, owner occupant or agent of any owner, who owns or is in possession of premises within the Town is required to maintain such premises in a manner so as not to violate the provision of this Chapter.

6. **Right to Enter Property to Inspect or Abate:** The Compliance Officer r a designated agent of the Mayor or his designee with proper credential, are hereby authorized (with just cause) to enter into and upon any property located within the Town for the purpose of inspecting and enforcing the provisions of this Ordinance. If any reasonable party, owner, occupant or the agent of any owner or occupant of any property located with the Town refuses to allow the compliance officer inspect any such property, the Compliance Officer is authorized to seek a search warrant from any authorized judicial officer having jurisdiction over the subject property.

7. **Abatement Procedure/Compliance Order:** Whenever the Compliance Officer determines that any property is maintained in violation of one or more of the provisions of this Ordinance, he or she shall serve on one or more of the responsible parties a written warning Compliance Order citing.

- a. The date and location of the violation;
- b. The section of the code violated and a brief description of the violation;
- c. The actions required to correct the violation(s) or abate/the conditions(s).
- d. The time period after which the Town will enter the property to abate the conditions.
- e. The time period for abatement shall be at least fifteen (15) days unless it is determined by the Compliance Officer that the conditions constitute an imminent threat to the public health, safety or welfare. The Compliance Officer may grant an extension of time upon good cause provided the responsible party signs a written agreement to abate the nuisance within a certain time.
- f. Service under this section may be accomplished by delivery to and/or served upon such persons either personally or by certified mail (restricted delivery, return receipt requested), but if the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the Compliance Order may be made by publishing it once each week for two (2) weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to thirty (30) days and shall indicate the nature of the violation identification of the property affected, with date of posting and contact information.

8. **Abatement by Town:** Should any property owner, agent or occupant fail to comply with an order to abate violations of such property, the Town reserves the right in addition to other penalties to cause by proper means such property to be abated of violations. Cost of such abatement shall be billed to the owner, agent, or occupant to be paid in full within thirty (30) days. In addition an administrative fee of fifty dollars (\$50.00) or fifteen (15%) percent of the actual cost of abatement, whichever being the greater amount shall be applied to the cost. Whenever said bill has not been paid within the prescribed time period, the Town shall apply all costs as a lien on the property and/or shall be applied to the real property tax levied and shall be collected by the Town in addition to annual property tax or other means as may be available and provided by law.

9. **Penalties:**

- a. **Civil:** Any person who intentionally, accidentally, or negligently violates any provision of the Chapter may be civilly liable to the Town in the sum of not less than one hundred dollars (\$100.00) but

not to exceed two hundred fifty dollars (\$250.00) per day for each day in which such violation occurs or continues. The civil penalty provided in this section excludes inspection costs and cleanup or abatement costs is cumulative and not exclusive; and shall be in addition to all other remedies available to the Town under State law and/or local ordinances.

- b. **Criminal:** Any person who is found to be in violation of any provision of this ordinance shall be guilty of a misdemeanor and may be punished by a fine of up to two hundred dollars or shall serve a sentence of up to thirty (30) days in jail for violation of this article. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

10. **Exemptions:**

- a. The motor vehicle provisions of this ordinance shall not apply to authorized auto salvage yards and other related businesses duly operated, regulated and in compliance with all other town ordinances if the motor vehicles stored, kept or otherwise remaining on the premises are not visible from any public highway or all adjacent properties,. In order to be exempt from the provisions this ordinance the operator of any such auto salvage yard shall obtain the approval of the Mayor or his designee as to the size, type, location and color of all fences and landscaping materials.
- b. The provisions of this ordinance shall not apply to vehicles, which bear a current "Antique" vehicle license as issued by the South Carolina Department of Highways and Public Transportation.
- c. Motor vehicles which are in relatively good condition and capable of being moved under their own power, yet do not present current license plates due to owner's illness or other reasonable verifiable causes as determined by the Compliance Officer, or his designated agent.
- d. Motor vehicles properly stored within an enclosed building as not to be visible as determined by the Compliance Officer, or his designated agent.
- e. Where authorization has been attained from the Compliance Officer for vehicles for sale, when vehicle inoperable yet does not bear a current license plate and not to exceed (120) one hundred twenty days.
- f. Authentic and verifiable stock race cars, dirt track race cars, drag race cars or other relevant race cars, which are being used on a regular basis and able to move under their own power at determined by the Compliance Officer.

11. **Right to Appeal:** Anyone charged with a civil violation of this Ordinance has the right to appeal to the Board of Adjustments and Appeals and in the absence of such a body or until such time as such a body is constituted by the Town Council and appointed, the appeal shall be to the Yemassee Town Planning Commission.

12. **Procedure:** Provisions in other Town ordinances, resolutions, policies or by-laws in conflict with this Ordinance are hereby replaced.

13. **Provisions:** Provisions of this ordinance shall not apply to structures of historical interest of significance in the Town.

14. **Severability:** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable,

15. **Limitation of Liability:** It is the purpose of this ordinance to protect the health, safety, **sanitation and/or economic preservation of properties** and general welfare of the people of the Town of Yemassee. It is not the intent or purpose of this article to protect any specific individuals or groups of individuals or class of persons within or without the Town. To this end, neither the Town, its officers, officials, agents, or employees shall be liable in any way, whatsoever to any one as a result of any acts, errors or omissions that may occur because of the enforcement or failure to enforce any of the terms of this article.

This Ordinance shall take effect 90 days after passage. A public awareness program will educate the public during these three (3) months.

Attest By: Joe Roberts
Clerk of Council

J. L. Goodwin
MAYOR

1st reading NOV. 14 2006
2nd reading FEB 23 2007
Public Hearing Feb 23 2007
Final Reading Feb 23 2007

J. L. Goodwin
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Approved as to Form and Content
Roberts Vaux, Town Attorney

APPENDIX A

FREEDOM OF INFORMATION ACT

Editor's Note. Act No. 118, of the 1987 South Carolina Legislature repealed Chapter 3 of Title 30 of the 1976 South Carolina Code of Laws, (commonly called the "Freedom of Information Act"). A new Chapter 4 was added, effective May 26, 1987, which incorporated numerous changes in the Act.

Recent changes include Act No. 269 (1992), Act No. 458 (1996) and Act No. 356 (1998) and are reproduced herein for ease of reference.

- §30-4-10. Short Title.
- §30-4-15. Findings and Purpose.
- §30-4-20. Definitions.
- §30-4-30. Right to inspect or copy records; fees; notification as to public availability of records.
- §30-4-40. Disclosures.
- §30-4-50. Certain matters declared public information.
- §30-4-60. Meetings of public bodies shall be open.
- §30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.
- §30-4-80. Notice of meetings of public bodies.
- §30-4-90. Minutes of meetings of public bodies.
- §30-4-100. Injunctive relief; costs and attorney's fees.
- §30-4-110. Penalties.

§30-4-10. Short Title.

This Chapter shall be known and cited as the "Freedom of Information Act."

§30-4-15. Findings and Purpose.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

§30-4-20. Definitions.

(a) "Public body" means any department of the State, and state board, commission, agency, and authority; any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this Chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation are not public bodies for the purpose of this Chapter.

(b) "Person" includes any individual, corporation, partnership, firm, organization or association.

(c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used in the possession of, or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records, records related to registration, and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, or records which reveal the identity of the library patron checking out or requesting an item from the library or using other library services, except nonidentifying administrative and statistical reports of registration and circulation, and other records which by law are required to be closed to the public are not considered to be made open to the public under the provisions of this act. Nothing herein authorizes or requires the disclosure of those records where the public body, prior to January 20, 1987, by a favorable vote of three-fourths of the membership, taken after receipt of a written request, concluded that the public interest was best served by not disclosing them. Nothing herein authorizes or requires the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of the institutions required to be made by law.

(d) "Meeting" means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

(e) "Quorum" unless otherwise defined by applicable law means a simple majority of the constituent membership of a public body.

§30-4-30. Right to inspect or copy public records; fees; notification as to public availability of records.

(a) Any person has a right to inspect or copy any public record of a public body, except as otherwise provided by §30-4-40, in accordance with reasonable rules concerning time and place of access.

(b) The public body may establish and collect fees not to exceed the actual cost of searching for or making copies of records. Fees charged by a public body must be uniform for copies of the same record or document. However, members of the General Assembly may receive copies of records or documents at no charge from public bodies when their request relates to their legislative duties. Such records shall be furnished at the lowest possible cost to the person requesting the records. Records shall be provided in a form that is both convenient and practical for use by the person requesting copies of the records concerned, if it is equally convenient for such public body to provide the records in such form. Documents may be furnished when appropriate without charge or at a reduced charge where the agency determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Fees shall not be charged for examination and review to determine if such documents are subject to disclosure. Nothing in this chapter shall prevent the custodian of the public records from charging a reasonable hourly rate for making records available to the public nor requiring a reasonable deposit of such costs prior to searching for or making copies of the records.

(c) Each public body, upon written request for records made under this chapter, shall within fifteen days (excepting Saturdays, Sundays, and legal public holidays) of the receipt of any such request notify the person making such request of its determination and the reasons therefor. Such a determination shall constitute the final opinion of the public body as to the public availability of the requested public record and, if the request is granted, the record must be furnished or made available for inspection or copying. If written notification of the determination of the public body as to the availability of the requested public record is neither mailed nor personally delivered to the person requesting the document within the fifteen days allowed herein, the request must be considered approved.

(d) The following records of a public body must be available for public inspection and copying during the hours of operations of the public body without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person:

- (1) minutes of the meetings of the public body for the preceding six months;
- (2) all reports identified in Section 30-4-50(A)(8) for at least the fourteen-day period before the current day; and
- (3) documents identifying persons confined in any jail, detention center, or prison for the preceding three months.

§30-4-40. Disclosures.

(a) A public body may but is not required to disclose the following information.

(1) Trade secrets, which are defined as unpatented, secret, commercially valuable plans, appliances, formulas, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential; and work products, in whole or in part collected or produced for sale or resale, and paid subscriber information. Trade secrets also include, for those public bodies who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information, or evaluation.

(*) All materials, regardless of form, gathered by a public body during a search to fill an employment position, except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying. In addition to making available for public inspection and copying the materials described in this item, the public body must disclose, upon request, the number of applicants considered for a position. For the purpose of this item 'materials relating to not fewer than the final three applicants' do not include an applicants income tax returns, medical records, social security number, or information otherwise exempt from disclosure by this section.

(*) (Editor's Note. At the time of this publication, no number had been assigned.)

(A) Data, records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher education in the conduct of or as a result of study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where the data, records, or information has not been publicly released, published, copyrighted, or patented.

(B) Any data, records, or information developed collected, or received by or on behalf of faculty, staff, employees, or students of a state institution of higher education or any public or private entity supporting or participating in the activities of a state institution of higher education in the conduct of or as a result of study or research on medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity until the information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. This item, applies to, but is not limited to, information provided by participants in research, research notes and data, discoveries, research projects, proposals, methodologies, protocols, and creative works.

(C) The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation or potential violation of law or regulation, to a state regulatory agency.

(D) The exemptions in this item do not extend to the institution's financial or administrative records.

(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy. Information of a personal nature shall include, but not be limited to, information as to gross receipts contained in applications for business licenses and information relating to public records which include the name, address, and telephone number or other such information of an individual or individuals who are handicapped or disabled when the information is requested for person-to person commercial solicitation of handicapped persons solely by virtue of their handicap. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

(3) Records of law enforcement and public safety agencies not otherwise available by law that were compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

- (A) Disclosing identity of informants not otherwise known;
- (B) The premature release of information to be used in a prospective law enforcement action;
- (C) Disclosing investigatory techniques not otherwise known outside the government;
- (D) By endangering the life, health, or property of any person.

(4) Matters specifically exempted from disclosure by statute or law.

(5) Documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property; however:

(A) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased except as otherwise provided in this section;

(B) a contract for the sale or purchase of real estate shall remain exempt from disclosure until the deed is executed, but this exemption applies only to those contracts of sale or purchase where the execution of the deed occurs within twelve months from the date of sale or purchase;

(C) confidential proprietary information provided to a public body for economic development or contract negotiations purposes is not required to be disclosed.

(6) All compensation paid by public bodies except as follows:

- (A) For those persons receiving compensation of fifty thousand dollars or more annually, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances or the like, and for employees at the level of agency or department head, the exact compensation of each person or employee;
- (B) For classified and unclassified employees, including contract instructional employees, not subject to item (A) above who receive compensation between, but not including, thirty thousand dollars and fifty thousand dollars annually, the compensation level within a range of four thousand dollars, such ranges to commence at thirty thousand dollars and increase in increments of four thousand dollars;
- (C) For classified employees not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the salary schedule showing the compensation range for that classification including longevity steps, where applicable;
- (D) For unclassified employees, including contract instructional employees; not subject to item (A) above who receive compensation of thirty thousand dollars or less annually, the compensation level within a range of four thousand dollars, such ranges to commence at two thousand dollars and increase in increments of four thousand dollars.
- (E) For purposes of this subsection (6), "agency head" or "department head" means any person who has authority and responsibility for any department, of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

(7) Correspondence or work product of legal counsel for a public body and any other material that would violate attorney-client relationships.

(8) Memoranda, correspondence, and working papers in the possession of individual members of the General Assembly or their immediate staffs; however, nothing herein may be construed as limiting or restricting public access to source documents or records, factual data or summaries of factual data, papers, minutes, or reports otherwise considered to be public information under the provisions of this Chapter and not specifically exempted by any other provisions of this Chapter.

(9) Memoranda, correspondence, documents, and working papers relative to ~~efforts or activities of a public body to attract business or industry to invest within South~~ Carolina.

(10) Any standards used or to be used by the South Carolina Revenue and Taxation for the selection of returns for examination, or data used or to be used for determining such standards, if the Commission determines that such disclosure would seriously impair assessment, collection, or enforcement under the tax laws of this State.

(11) Information relative to the identity of the maker of a gift to a public body if the maker specifies that his making of the gift must be anonymous and that his identity must not be revealed as a condition of making the gift. For the purposes of this item, "gift to a public body" includes, but is not limited to, gifts to any of the state-supported colleges or universities and museums. With respect to the gifts, only information which identifies the maker may be exempt from disclosure. If the maker of any gift or any member of his immediate family has any business transaction with the recipient of the gift within three years before or after the gift is made, the identity of the maker is not exempt from disclosure.

(b) If any public record contains material which is not exempt under subsection (a) of this section, the public body shall separate the exempt and nonexempt material available in accordance with the requirements of this Chapter.

§30-4-50. Certain matters declared public information.

a. Without limiting the meaning of other Sections of this Chapter, the following categories of information are specifically made public information subject to the restrictions and limitations of §30-4-20, §30-4-40 and §30-4-70 of this Chapter:

(1) The names, sex, race, title and dates of employment of all employees and officers of public bodies;

(2) Administrative staff manuals and instructions to staff that affect a member of the public;

(3) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(4) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the public body;

(5) Written planning policies and goals and final planning decisions;

(6) Information in or taken from any account, voucher or contract dealing with the receipt or expenditure of public or other funds by public bodies;

(7) The minutes of all proceedings of all public bodies and all votes at such proceedings, with the exception of all such minutes and votes taken at meetings closed to the public pursuant to 30-4-70;

(8) Reports which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where a report contains information exempt as otherwise provided by law, the law enforcement agency may delete that information from the report.

(9) Statistical and other empirical findings considered by the Legislative Audit Council in the development of an audit report.

b. No information contained in a police incident report or in an employee salary schedule revealed in response to a request pursuant to this chapter may be utilized for commercial solicitation. Also, the home addresses and home telephone numbers of employees and officers of public bodies revealed in response to a request pursuant to this chapter may not be utilized for commercial solicitation. However, this provision must not be interpreted to restrict access by the public and press to information contained in public records.

§30-4-60. Meetings of public bodies shall be open.

Every meeting of all public bodies shall be open to the public unless closed pursuant to §30-4-70 of this Chapter.

§30-4-70. Meetings which may be closed; procedure; circumvention of chapter; disruption of meeting; executive sessions of General Assembly.

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.

(2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice, where the legal advice related to a pending, threatened or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against said agency of a claim.

(3) Discussion regarding the development of security personnel or devices.

(4) Investigative proceedings regarding allegations of criminal misconduct.

(5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

(6) Before going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. As used in this subsection, "specific purpose" means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of this section. However, when the executive session is held pursuant to §30-4-70 (a)(1) or §30-4-70(a)(5); the identity of the individual or entity being discussed is not required to be disclosed to satisfy the requirement that the specific purpose of the executive session to be stated. No action may be taken in executive session except (a) to adjourn or (b) to return to public session. The members of a public body may not commit the public body to a course of action by a polling of members in executive session.

(b) No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

(c) This chapter does not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

(d) Sessions of the General Assembly may enter into executive sessions authorized by the Constitution of this State and rules adopted pursuant thereto.

§30-4-80. Notice of Meeting of Public Bodies.

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agendas, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

(b) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

(c) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (a), must make reasonable and timely efforts to give notice of their meetings.

(d) Written public notice must include but need not be limited to posting a copy of the notice at the principle office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(e) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

§30-4-90. Minutes of Meetings of Public Bodies.

(a) All public bodies shall keep written minutes of all of their public meetings. Such minutes shall include but need not be limited to:

- (1) The date, time, and place of the meeting.
- (2) The members of the public body recorded as either present or absent.
- (3) The substance of all matters proposed, discussed or decided and, at the request of any member, a record, by an individual member, of any votes taken.
- (4) Any other information that any member of the public body requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available within a reasonable time after the meeting except where such disclosures would be inconsistent with §30-4-70 of this chapter.

(c) All or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to §30-4-70 of this chapter, provided that in so recording there is no active interference with the conduct of the meeting. Provided, further, that the public body shall not be required to furnish recording facilities or equipment.

§30-4-100. Injunctive Relief; Costs and Attorney's Fees.

(a) Any citizen of the State may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of this chapter in appropriate cases as long as such application is made no later than one year following the date on which the alleged violation occurs or one year after a public vote in public session, whichever comes later. The court may order equitable relief as it considers appropriate, and a violation of this chapter must be considered to be an irreparable injury for which no adequate remedy at law exists.

(b) If a person or entity seeking such relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof.

§30-4-110. Penalties.

Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense, shall be fined not more than two hundred dollars or imprisoned for not more than sixty days for the second offense and shall be fined three hundred dollars or imprisoned for not more than ninety days for the third or subsequent offense.

(Editor's Note. This reproduction is from the Code of Laws of South Carolina published by the Lawyers Cooperative Publishing Company, Rochester, New York. It should be noted that annotations, case notes, history of sections, opinions of the Attorney General and research references have not been included above. The reader is referred to the parent volumes for that data.)

APPENDIX B

Editor's Note. The following is a sample ordinance to illustrate one way of amending this code. The amended section has been chosen arbitrarily, as an example only, and it is not to be considered as official action.

On the following pages, additional suggestions are listed for the guidance and convenience of municipal officials when ordinances are to be considered.

All ordinances are required, by this code, to be numbered. They should either be an amendment to this code, or a new section/chapter to be added.

=====

SAMPLE ORDINANCE FORM

SAMPLE ORDINANCE FORM

ORDINANCE NO. _____

AN ORDINANCE ENTITLED

CHANGE IN TIME OF REGULAR COUNCIL MEETINGS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA:

SECTION 1. Section 2.201 of the Town Code is hereby amended by rescinding the time authorized for regular Council meetings (5:30 p.m.) and inserting in lieu thereof "1:30 p.m.," so that when amended the time for regularly scheduled meetings of Council shall be 1:30 p.m.

(THIS IS SAMPLE WORDING ONLY)

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

(THIS PARAGRAPH CANCELS ANY CONFLICTING ORDINANCES.)

SECTION 3. Any chapter, article, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

(THIS PARAGRAPH LIMITS ANY RULING BY THE COURTS TO THE SPECIFIC SECTION TO WHICH THE RULING APPLIED.)



SECTION 4. This ordinance shall become effective upon its final adoption.

(ALL ORDINANCES MUST HAVE AN EFFECTIVE DATE.)

First Reading

J. L. Goodwin, Mayor

Second Reading

Jerry Cook, Council Member

ATTEST:

Simon Jinks, Council Member

Town Clerk

Colin Moore, Council Member

Peggy Bing-O'Banner, Council Member

(ALL ORDINANCES MUST HAVE TWO READINGS, AT LEAST SIX DAYS APART, AND MUST BE SIGNED BY THE MAYOR AND SIGNED AND ATTESTED BY THE MUNICIPAL CLERK.)

ADDITIONAL NOTES TO BE USED AS GUIDANCE FOR AMENDMENTS TO THIS CODE:

1. Some municipalities prefer to repeal the entire amended section and have it retyped in its entirety to avoid future confusion or misunderstanding as to the intent of Council. Others prefer the "short version," as above. This is especially true if the amended section is lengthy. Either way is local choice.
2. If a date other than that of second reading is to be the effective date, it should be inserted accordingly as a part of Section 3 (of the sample ordinance) or the appropriate section number in the amending ordinance. Example: "effective on December 1, 2001."
3. More space than that shown in the sample ordinance can be utilized between sections, the date of readings and the signatures of the Mayor and Administrator-Clerk to space it more aesthetically on the page.
4. Upon adoption of the ordinance, the original copy, with signatures, should be placed in the "*Book of Ordinances*" (as discussed in §2.111 of this code).
5. Also upon adoption, the official copy of the code should be amended accordingly and copies reproduced and distributed to the holders of the code and inserted in any extra copies that have not been distributed, to keep all copies current. The Clerk/Treasurer should retain a list of all persons to whom a code has been distributed so that they may receive copies of future amendments. Such amendments are called "Supplements."
6. When the code is amended, each change should be noted by Supplement number and date at the bottom of the amended page, left hand corner, to denote the change. Example: Supplement #1. 10-5-2001, Supplement #2. 12-1-2001, etc.
7. Such changes should be noted also in the general Table of Contents, Chapter Table of Contents and the Index, as appropriate. Maintaining a chronological list of all supplements in the "*Book of Ordinances*" by date of supplement will prove helpful for future reference.
8. For EMERGENCY ORDINANCES, see §2.119 of this code.
9. Amending or repealing ordinances should be noted on the original copy of the ordinance repealed or amended, as required by law and as codified in §2.112 of this code.
10. As to updating this code, some municipalities prefer to do so as amendments are made; others prefer doing so on a quarterly, semiannual or annual basis. This code requires, at a minimum, an annual update. If a different updating schedule is preferred, the requirement should be amended accordingly. (See §2.115 of this code.)

EXCERPT

1976 CODE OF LAWS OF SOUTH CAROLINA

CHAPTER 9

MAYOR-COUNCIL FORM OF GOVERNMENT

§5-9-10 Applicability of Chapter 7.

§5-9-20 Structure of mayor-council form of government; election of council members.

§5-9-30 Responsibilities and powers of mayor.

§5-9-40 Establishment of municipal departments, offices and agencies by council; employment of administrator to assist mayor; offices and agencies under direction of mayor administered by officer appointed by mayor.

§5-9-10. APPLICABILITY OF CHAPTER 7.

Except as specifically provided for in this chapter, the structure, organization, powers, duties, functions and responsibilities of municipal government under the mayor-council form shall be as prescribed in Chapter 7.

§5-9-20. STRUCTURE OF MAYOR-COUNCIL FORM OF GOVERNMENT; ELECTION OF COUNCIL MEMBERS.

a. Under the mayor-council form of government there shall be a municipal council composed of a mayor and not less than four council members.

b. The members of council shall be elected in accordance with Chapter 15.

§5-9-30. RESPONSIBILITIES AND POWERS OF MAYOR.

The mayor shall be the chief administrative officer of the municipality. He shall be responsible to the council for the administration of all city affairs placed in his charge by or under Chapters 1 through 17. He shall have the following powers and duties:

(1) to appoint and, when he deems it necessary for the good of the municipality, suspend or remove all municipal employees and appointive administrative officers provided for by or under Chapters 1 through 17, except as otherwise provided by law, or personnel rules adopted pursuant to Chapters 1 through 17. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) to direct and supervise the administration of all departments, offices and agencies of the municipality except as otherwise provided by Chapters 1 through 17;

(3) to preside at meetings of the council and vote as other councilmen;

(4) to act to insure that all laws, provisions of Chapters 1 through 17 and ordinances of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;

(5) to prepare and submit the annual budget and capital program to the council;

(6) to submit to the council and make available to the public a complete report on the finances and administrative activities of the municipality as of the end of each fiscal year; and

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

§5-9-40. ESTABLISHMENT OF MUNICIPAL DEPARTMENTS, OFFICES AND AGENCIES BY COUNCIL; EMPLOYMENT OF ADMINISTRATOR TO ASSIST MAYOR; OFFICES AND AGENCIES UNDER DIRECTION OF MAYOR ADMINISTERED BY OFFICER APPOINTED BY MAYOR.

The council may establish municipal departments, offices and agencies in addition to those created by Chapters 1 through 17 and may prescribe the functions of all departments, offices and agencies, except that no function assigned by law to a particular department, office or agency may be discontinued or assigned to any other agency. The mayor and council may employ an administrator to assist the mayor in his office.

All departments, offices and agencies under the direction and supervision of the mayor shall be administered by an officer appointed by and subject to the direction and supervision of the mayor.

APPENDIX D

ORDINANCES NOT REPEALED BY THIS CODE

Editor's Note. As pointed out in the enacting ordinance of this code, certain ordinances have not been codified due to the nature of the ordinance. These have been listed below. The original of each ordinance listed below is maintained, where appropriate, by the Clerk/Treasurer.

Those ordinances, which pertain to the following, are not included:

1. Annexation
2. Assessments
3. Bonded indebtedness
4. Budgets
5. Buildings
6. Business Licenses
7. Contracts
8. Fair Housing
9. Franchises
10. Grant agreements
11. Impact Fees
12. Leases
13. Loans
14. Options
15. Planning
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CODE OF ORDINANCES
FOR THE TOWN OF
YEMASSEE, SOUTH CAROLINA

Published in 2023 by Order of the Town Council

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P.O. Box 2235 Tallahassee, FL 32316

OFFICIALS
of the
TOWN OF
YEMASSEE, SOUTH CAROLINA
AT THE TIME OF THIS RECODIFICATION

Colin Moore
Mayor

Peggy Bing-O'Banner
David Paul Murray
Stacy Pinckney
Alfred Washington
Town Council

Matthew Garnes
Town Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Yemassee, South Carolina.

Source materials used in the preparation of the Code were the 2001 Code and ordinances subsequently adopted by the town council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2001 Code and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been provided catchlines to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately

to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CDI:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CODE INDEX	CDi:1

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Daniel Walker, Code Attorney, and Ashlea Hernandez, Editor, of Municode, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Matthew Garnes, Town Clerk, for his cooperation and assistance during the progress of the work on this publication. It is hoped that his efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

Copyright

All editorial enhancements of this Code are copyrighted by Municode and the Town of Yemassee, South Carolina. Editorial enhancements include, but are not limited to: organization; table of contents; section catchlines; prechapter section analyses; editor's notes; cross references; state law references; numbering system; code comparative table; state law reference table; and index. Such material may not be used or reproduced for commercial purposes without the express written consent of Municode and the Town of Yemassee, South Carolina.

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CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- Sec. 1-1. How Code designated and cited.
- Sec. 1-2. Provisions considered as continuation of existing ordinances.
- Sec. 1-3. Severability of parts of Code.
- Sec. 1-4. Catchlines or catchwords of sections.
- Sec. 1-5. Definitions.
- Sec. 1-6. Rules of construction.
- Sec. 1-7. General penalty; continuing violations.
- Sec. 1-8. Liability of corporations, etc., and agents for violations.
- Sec. 1-9. Offenses beyond town limits.
- Sec. 1-10. Effect of repeal or expiration of ordinance.
- Sec. 1-11. Amendments to Code.
- Sec. 1-12. Altering Code.
- Sec. 1-13. Prosecution where different penalties exist for same offense.
- Sec. 1-14. Corporate limits established.
- Sec. 1-15. Municipal seal.
- Sec. 1-16. Certain ordinances not affected by Code adoption.

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

The ordinances embraced in this and the following chapters and sections shall constitute and are designated as "The Code of Ordinances for the Town of Yemassee, South Carolina," and may be so cited. Such Code may also be cited as the "Yemassee Town Code."
(Code 2001, § 1.201)

Sec. 1-2. Provisions considered as continuation of existing ordinances.

The provisions appearing in this Code, as far as they are the same as those ordinances existing at the time of the adoption hereof, shall be considered as a continuation thereof and not as new enactments.
(Code 2001, § 1.202)

Sec. 1-3. Severability of parts of Code.

It is hereby declared to be the intention of the mayor and council that if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code since the same would have been enacted without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.
(Code 2001, § 1.203)

Sec. 1-4. Catchlines or catchwords of sections.

The catchlines of the several sections of this Code printed in capital letters, a different type or underlined are intended as mere catchwords to indicate or emphasize the contents of such sections, not as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.
(Code 2001, § 1.204)

Sec. 1-5. Definitions.

In the construction of this Code and all other ordinances, the following definitions shall be observed, unless the context clearly requires otherwise:

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

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

Business district. The term "business district" means the territory contiguous to and including a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Clerk/treasurer. The term "clerk/treasurer" means the municipal clerk as provided by state law and may be used interchangeably with "clerk," "municipal clerk" or "town clerk."

Code. The term "Code" means the "Code of Ordinances," and the term "Code" shall be construed to mean "The Code of Ordinances for the Town of Yemassee, South Carolina."

Code of Laws. The term "Code of Laws" means the 1976 South Carolina Code of Laws. When the 1976 South Carolina Code of Laws is used as a reference, (i.e., S.C. Code 1976, § 14-25-45), it shall include all amendments.

Computation of time. The term "computation of time" means the time within which an act is to be done and be computed by excluding the first day and including the last, and if the last day be Sunday or a legal holiday, that shall be excluded.

Corporate limits. The term "corporate limits" means the legal boundary of the Town of Yemassee.

Council or town council. The term "council" or "town council" means the mayor and council of the Town of Yemassee.

County. The term "county" means the counties of Beaufort/Hampton, as appropriate.

Day. The term "day" means a period of 24 hours.

Delegation of authority. The term "delegation of authority" means that whenever a provision or section of this Code appears requiring the clerk or head of a department of the town to do some act or make certain inspections, it shall be construed to authorize them to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section expressly designate otherwise.

DHEC. The term "DHEC" means the South Carolina Department of Health and Environmental Control.

Domestic animal. The term "domestic animal" means any of various animals (such as horse or sheep) domesticated so as to live and breed in a tame condition.

Emergency vehicle. The term "emergency vehicle" means vehicles of the fire and police departments, ambulances and/or emergency vehicles or public service corporations as are designated or authorized by SCDOT or by the town council.

Gender. See section 1-6.

Interpretation. The term "interpretation" means in the interpretation and application of any provision of this Code; it shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Junk. The term "junk" means old iron, glass, paper or other waste that may be used in some form again, second hand, or worn or discarded articles, clutter, something of poor quality or of little meaning, worth or significance.

Junkyard. The term "junkyard" means a yard or area used to store sometimes resalable junk.

Keeper or proprietor. The term "keeper" or "proprietor" means and includes persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Livestock. The term "livestock" means animals kept or raised for use or pleasure, especially farm animals kept for use and profit.

May. The term "may" shall be permissive.

Minor. The term "minor," for the purposes of this Code, means persons under the age of 18 years, except in laws relating to the sale of alcoholic beverages.

Month. The term "month" means a calendar month, unless defined otherwise.

Municipal clerk. The term "municipal clerk" means clerk/treasurer, clerk or town clerk.

Municipality. The term "municipality" may be used interchangeably with the term "town" and means the entire area within the corporate limits of the Town of Yemassee.

Must. The term "must" shall be mandatory.

Name of mayor and council, town council, clerk/treasurer or other officer. The "name of mayor and council, town council, clerk/treasurer or other officer" shall be construed as though the words "of the Town of Yemassee" were added.

Nontechnical and technical words. The terms "nontechnical and technical words" shall apply to the usage of such words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

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

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

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

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

Preceding, following. The term "preceding" or "following" means the next before and the next after, respectively.

Premises. The term "premises" means a place.

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

Public place. The term "public place" means all properties owned or controlled by public entities.

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

Residence. The term "residence" means the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be deemed as his residence.

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

S.C. Code. The term "S.C. Code" means the 1976 South Carolina Code of Laws, as amended.

SCDHEC. The term "SCDHEC" means the South Carolina Department of Health and Environmental Control.

SCDOT. The term "SCDOT" mean the South Carolina Department of Transportation.

Seal. The term "seal" means the corporate seal of the Town of Yemassee.

Shall. The term "shall" shall be mandatory.

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

State. The term "state" means the State of South Carolina, unless otherwise provided.

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

Tax collector. The term "tax collector" means the county treasurer in Beaufort or Hampton Counties.

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

Time. The term "time" means words used in the past or present tense and includes the future as well as the past and present.

Town. The term "town" means all the area embraced within the corporate limits of the Town of Yemassee, South Carolina.

Week. The term "week" shall be construed to mean seven days, Sunday through Saturday, unless it is clearly indicated to mean otherwise.

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

Year. The term "year" means a calendar year, unless it is clearly indicated that the fiscal year is intended.

(Code 2001, § 1.205)

Sec. 1-6. Rules of construction.

As used in this Code and all ordinances, in all cases in which the spirit and intent may require it, the following shall apply:

- (1) *Number.* Any word importing the singular number shall be held to include the plural and all words in the plural shall apply also to the singular.
 - (2) *Gender.* All words importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males.
 - (3) *Tense.* All words importing the present tense also shall apply to the future.
- (Code 2001, § 1.206)

Sec. 1-7. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance, resolution, rule, regulation or order promulgated by any agency or officer thereof under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, where no specific penalty is provided for the violation thereof, the violation of any such provisions of this Code, ordinance, resolution, rule, regulation or order shall be punished by a fine not exceeding \$500.00 or by imprisonment for a period not exceeding 30 days, or both; provided, however, that no penalty shall exceed the penalty provided by state law for similar offenses.

(b) Each day a violation of this Code or any ordinance, rule or regulation shall continue, it shall constitute a separate offense.

(Code 2001, § 1.207)

Sec. 1-8. Liability of corporations, etc., and agents for violations.

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

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

(Code 2001, § 1.208)

Sec. 1-9. Offenses beyond town limits.

Any person committing any offense in, at or upon lands owned by the town or leased to the town outside the limits of the town shall be deemed and considered as committing an offense against the provisions of this Code and other ordinances of the town and shall be triable for the same in like manner and to the same extent as other offenders.

(Code 2001, § 1.209)

Sec. 1-10. Effect of repeal or expiration of ordinance.

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

(Code 2001, § 1.210)

Sec. 1-11. Amendments to Code.

(a) All ordinances adopted subsequent to the adoption of this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections, or any part thereof by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following, or similar language: "that section ____ of The Code of Ordinances for The Town of Yemassee, South Carolina, is hereby amended as follows:" The new provisions may then be set out in full as enacted, utilizing the text and numbering system consistent with this Code.

(c) In the event a new section not heretofore existing in the Code is to be added, the following or similar language may be used: "that The Code of Ordinances for The Town of Yemassee, South Carolina, is hereby amended by adding a new section, to be numbered, and which shall read as follows:" The new section shall then be numbered and set out in full. The sections of this ordinance may be renumbered to accomplish consistency.

(d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number, as the case may be.

(Code 2001, § 1.211)

Sec. 1-12. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever, which may cause the laws of this municipality to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-7.

(Code 2001, § 1.212)

Sec. 1-13. Prosecution where different penalties exist for same offense.

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

(Code 2001, § 1.213)

Sec. 1-14. Corporate limits established.

A map of the town, when prepared, shall indicate the territorial limits and, when approved by the town council and attested by the town clerk, is hereby designated as the official map of the town. The corporate limits as shown thereon are declared to be true and correct.

(Code 2001, § 1.214)

Sec. 1-15. Municipal seal.

The municipality shall have a seal which shall be affixed to all deeds of real estate executed on behalf of the municipality and to all notes, bonds and other evidences of indebtedness executed in behalf of the municipality or when deemed necessary by the town council.

(Code 2001, § 1.215)

Sec. 1-16. Certain ordinances not affected by Code adoption.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following in effect at the time of adoption of this Code:

- (1) Any ordinance promising or guaranteeing the payment of money of the town, or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness.
- (2) Any ordinance providing for public improvements and assessments therefor.
- (3) Any appropriation ordinance or ordinance providing for an annual budget or for the transfer of funds and any ordinance levying or imposing taxes.
- (4) Any ordinance annexing territory to the town or discontinuing territory as a part of the town.
- (5) Any ordinance granting any franchise, permit or other right.
- (6) Any ordinance approving, authorizing or otherwise relating to any contract or agreement.
- (7) Any ordinance setting charges, rates or fees.
- (8) Any ordinance setting salaries for town officials or employees.
- (9) Any personnel ordinance.
- (10) Any ordinance regarding sediment control and drainage, zoning, and subdivisions.

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, as later revised or until future repeal.

Chapter 2

ADMINISTRATION*

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- Sec. 2-60. Motions; to be in writing.
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***State law references**—General structure, organization, powers, duties, functions and responsibilities of all municipalities, S.C. Code 1976, § 5-7-10 et seq.; Freedom of Information Act, S.C. Code 1976, § 30-4-1 et seq.; municipal employees and officials subject to Ethics Reform Act, S.C. Code 1976, § 8-13-100.

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ARTICLE I. IN GENERAL**Sec. 2-1. Form of government.**

The form of government for the town shall be the mayor-council form.
(Code 2001, § 2.101)

Sec. 2-2. Town council—Composition.

The town council shall be composed of a mayor and of four councilmembers.
(Code 2001, § 2.102)

Sec. 2-3. Town council—Terms.

- (a) The term of office for mayor shall be four years.
- (b) The term for the office for council shall be four-year staggered terms.
(Code 2001, § 2.103)

Sec. 2-4. Town council—Eligibility.

To be eligible for the office of mayor or as a member of the council, a candidate shall be a qualified elector of the municipality.
(Code 2001, § 2.104)

Sec. 2-5. Compensation; increases; actual expenses.

- (a) The mayor and members of the council shall be paid such amounts as established from time to time, subject to state law.
- (b) Increases in compensation shall be approved by ordinance and shall not become effective until the commencement date of the next general election.
- (c) The mayor and members of the council may receive payment for actual expenses incurred in the performance of their mandatory official duties when supported by official expense vouchers, and for such optional amounts and duties as approved by council, specifically or categorically.
(Code 2001, § 2.105; Ord. No. 2.105, § 1, 5-9-2017)

Sec. 2-6. Mayor; duties.

- (a) The mayor shall preside at all regular and special meetings of the council, shall execute, on behalf of the council, all ordinances, resolutions, directives, deeds, bonds and other official instruments or documents directed by state law or council. The mayor may delegate those duties.
- (b) He shall have other such duties as set forth in S.C. Code 1976, § 5-9-10.
(Code 2001, § 2.106)

Editor's note—S.C. Code 1976, § 5-9-10 provides for the authority of the mayor.

Sec. 2-7. Mayor pro tempore; duties.

(a) In case of a vacancy in the office of mayor, the mayor pro tempore shall serve until a successor is elected; the highest vote-getter on council shall be the mayor pro tem.

(b) In the absence of both the mayor and mayor pro tempore, such member of the council shall perform the duties of the mayor as the council may designate.

(Code 2001, § 2.107)

Sec. 2-8. Oath of office; required.

The mayor, each member of the council and other officials, when required, before entering upon the duties of their respective offices, shall take the following oath:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed) and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

As mayor (councilman, judge, police officer, etc.) of the Town of Yemassee I will equally, fairly, and impartially, to the best of my ability and skill, exercise the trust reposed in me, and I will use my best endeavors to preserve the peace and carry into effect according to law the purposes for which I have been elected (or appointed). So help me, God."

(Code 2001, § 2.108)

Sec. 2-9. Ordinances—Passing of.

It shall be the duty of the council to pass, from time to time, such ordinances as in its judgment shall best promote the interests of the citizens and property owners of the municipality.

(Code 2001, § 2.109)

Sec. 2-10. Ordinances—Six days between readings; amendments.

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

(b) The introduction and reading of any ordinance may be by the reading of the title only, unless full reading is requested by a majority of the councilmembers present.

(c) An ordinance may be amended at the time of a second reading.

(Code 2001, § 2.110)

Sec. 2-11. Ordinances—Book of.

(a) The town clerk shall enter in a book the original copy of all ordinances passed by the council. The book shall be known as the Book of Ordinances.

(b) The book shall contain the dates of first and second readings of all ordinances, notation of repeals or amendments, whether or not the ordinance is to be codified and a brief summary of the contents.

(Code 2001, § 2.111)

Sec. 2-12. Ordinances—Notation of amendments or repeals; reference.

(a) The town clerk shall write on the first page of every ordinance, subsequent to entry in the Book of Ordinances, if the same shall be amended or repealed, as the case may be.

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

(Code 2001, § 2.112)

Sec. 2-13. Ordinances—Enacting clause.

The enacting clause of all ordinances shall be, in substance as follows: "Be it ordained by the town council of Yemassee, South Carolina, that"

(Code 2001, § 2.113)

Sec. 2-14. Ordinances—Required by state law.

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

- (1) Adopt or amend an administrative code or establish, alter or abolish any department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation in which a fine or other penalty is imposed for violations;
- (3) Appropriate funds and adopt a budget;
- (4) Grant, renew or extend franchises, licenses or rights in public streets or in public property and close abandoned streets;
- (5) Authorize the borrowing of money or the issuance of bonds;
- (6) Levy taxes, assess property for improvements or establish charges for services;
- (7) Annex areas;
- (8) Convey or lease or authorize the conveyance or lease of any lands; and
- (9) Amend or repeal any ordinance described in subsections (1) through (8) of this section.

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

(Code 2001, § 2.114)

Sec. 2-15. Ordinances—Annual codification.

All ordinances amending this Code shall be codified as often as desired, but at least annually, in loose-leaf form and available for public inspection during normal office hours.

(Code 2001, § 2.115)

Sec. 2-16. Ordinances—Form of; to be in writing and final form; to be signed.

Every proposed ordinance shall be numbered, in writing and in the form required for final adoption. All ordinances shall include:

- (1) A number;
- (2) A title briefly describing the contents;
- (3) Findings, reasons or basis for the ordinance, if desired and when appropriate;
- (4) An enacting clause;
- (5) A repealing provision, when appropriate;
- (6) The provisions of the ordinance, including section numbers, when appropriate;
- (7) The name of the person introducing the ordinance, when requested by him;
- (8) The effective date of the ordinance, dates of first and second readings and, when requested, approval of the town attorney as to form.
- (9) The mayor and council shall sign and the town clerk shall attest all ordinances, following adoption thereof; provided, however, all members may sign.

(Code 2001, § 2.116)

Sec. 2-17. Ordinances—Introduction; attorney approval; public inspection.

(a) Any member of the council may propose an ordinance.

(b) After an ordinance is introduced, the town clerk shall hold the ordinance for public inspection. An ordinance shall be deemed to be introduced when, at a public meeting of the council, its title is read.

(c) When appropriate, a proposed ordinance shall be referred to the municipal attorney for approval as to legality and form. He shall render assistance in the preparation of ordinances when requested to do so.

(Code 2001, § 2.117)

Sec. 2-18. Ordinances—Final form before adoption.

All ordinances shall be complete in the form in which it is finally adopted.

(Code 2001, § 2.118)

Sec. 2-19. Emergency ordinances—Expiration; reading; restrictions.

(a) Emergency ordinances shall expire automatically as of the 61st day following the date of enactment.

(b) Emergency ordinances may be adopted without regard for any reading, without notice or hearing, by affirmative vote of two-thirds of the members present.

(c) An emergency ordinance may not levy taxes.

(d) An emergency ordinance may not relate to a franchise or a service rate.
(Code 2001, § 2.119)

Sec. 2-20. Emergency ordinances—State of emergency; powers of the mayor; curfew.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crises, disaster, rioting, civil disturbances, catastrophe, or for any other reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, health, welfare or property.

(b) In the event of a state of emergency threatening or endangering the lives, safety, health and welfare of the citizenry or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency.

(c) In order more effectively to protect lives, safety and property, to define and impose a curfew applicable to all persons within the jurisdiction of the town council, the mayor is further authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the jurisdiction of the town council and to specific hours of the day or night and to exempt from the curfew law enforcement officers, fire fighters, doctors, nurses and such others as may be essential to the preservation of public order and immediately necessary to serve the needs of the people within the corporate limits.

(Code 2001, § 2.120)

Sec. 2-21. Resolutions—Introduction.

(a) A voice motion by a member of the council shall be considered to be the introduction of an oral resolution, which shall require no written record other than a notation by the town clerk in the council minutes.

(b) A resolution proposed in writing shall be introduced in the same manner as an ordinance and, when appropriate, in such form as may be recommended as applicable by the municipal attorney.

(Code 2001, § 2.121)

Sec. 2-22. Resolutions—Adoption.

Written or oral resolutions may be adopted on one reading.
(Code 2001, § 2.122)

Sec. 2-23. Fees; schedule of rates and fees.

(a) Fees, rates or charges necessary for the efficient and orderly maintenance of town services shall be included in the schedule of rates and fees.

(b) The exhibit is hereby made a part of this Code as if fully set forth herein, and filed in the office of the town clerk.

(c) All changes to the schedule of rates and fees shall be made by ordinance.
(Code 2001, § 2.123)

Secs. 2-24—2-49. Reserved.

ARTICLE II. MEETINGS OF TOWN COUNCIL*

Sec. 2-50. Meetings—Regular; place.

(a) The regular meetings of town council shall be held at the town hall on the second Tuesday of each month at 7:00 p.m., local time.

(b) In the event an official town holiday falls on the scheduled town council meeting date, the regular meeting will be held as determined by council.

(c) Public notice of the regular meetings shall be posted at the town hall at the beginning of each calendar year, as required by S.C. Code 1976, § 30-4-80.
(Code 2001, § 2.201)

Sec. 2-51. Meetings—Special; work sessions.

(a) Special meetings may be held:

- (1) Whenever called by the mayor in cases of emergency;
- (2) When, in the judgment of the mayor, the good of the municipality requires it; or
- (3) By a majority of the members of the council.

(b) Work sessions shall be treated as regular meetings and shall have an agenda.
(Code 2001, § 2.202)

Sec. 2-52. Meetings—Notice of change.

Notice of all changed meetings and special meetings shall be given to all available members and the news media, as required by the Freedom of Information Act.
(Code 2001, § 2.203)

Sec. 2-53. Meetings—Open to public.

All council meetings shall be open to the public and shall be governed by the Freedom of Information Act.
(Code 2001, § 2.204)

***State law references**—Council meetings generally, S.C. Code 1976, § 5-7-250; council to determine its own rules and order of business, S.C. Code 1976, § 5-7-250(b).

Sec. 2-54. Meetings—Mayor to preside.

The mayor shall preside at all council meetings.
(Code 2001, § 2.205)

Sec. 2-55. Agenda.

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

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

(c) Councilmembers may add items to the agenda at any time prior to the posting.

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

(e) The agenda shall be prepared by the mayor and town clerk.
(Code 2001, § 2.206)

Sec. 2-56. Appearance of citizens.

Any citizen of the town shall be entitled to be placed on the agenda of any regular meeting to discuss any municipal matter, with the exception of personnel and contractual matters.
(Code 2001, § 2.207)

Sec. 2-57. Minutes of town council meetings.

(a) The minutes of all public meetings of the council shall be a matter of permanent public record. At each regular council meeting, the minutes of the previous meeting shall be presented for approval. Minutes shall not be considered the official record of a meeting until approved by the council.

(b) Any member of the council desiring to express a position in the minutes on a matter voted upon by council may do so by presenting the position in writing to council not later than the next regular meeting.

(c) No person shall make any change in the minutes or remove same from town hall without prior approval of the mayor.
(Code 2001, § 2.208)

Sec. 2-58. Quorum; required.

(a) All actions of the council shall require a quorum.

(b) A majority of the total membership of the council shall constitute a quorum for the purpose of transacting council business.
(Code 2001, § 2.209)

Sec. 2-59. Rules of order; parliamentarian.

(a) Except as otherwise provided by state law or this Code, Robert's Rules of Order shall govern all proceedings of the council.

(b) The municipal attorney shall act as parliamentarian when present. In his absence, all questions of order shall be decided by the mayor or, in his absence, the presiding officer, who shall be selected by a majority vote of members.

(Code 2001, § 2.210)

Sec. 2-60. Motions; to be in writing.

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

(Code 2001, § 2.211)

Sec. 2-61. Unlawful to interrupt meetings.

It shall be unlawful for any person to interrupt the proceedings of the council, the court or any other official body while in session.

(Code 2001, § 2.212)

Sec. 2-62. Order of business.

The order of proceedings shall be conducted pursuant to state law.

(Code 2001, § 2.213)

Sec. 2-63. Voting.

(a) The town clerk shall record the result of each vote on every question in the minutes. The "yeas" and "nays" on any question shall be recorded, when requested by any member.

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

(c) A show of hands or a voice vote shall be sufficient to record votes.

(d) During the meeting, no member shall leave the council chamber without permission from the presiding officer.

(e) Any member abstaining from voting shall submit his reason in writing which shall be given to the council, for inclusion in the official minutes of the council meeting.

(f) Any member, at his request, shall have his reasons for voting for or against any measure recorded in the minutes.

(g) Neither the mayor nor any member of the council shall vote on any question, the vote for which would be violative of state law.

(Code 2001, § 2.214)

Sec. 2-64. Conduct of meetings; generally.

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

(b) The presiding officer shall ensure that all councilmembers have an opportunity to express their views on matters properly presented for discussion. The presiding officer may temporarily relinquish the chair in order to engage in active debate or discussion.

(c) The presiding officer shall have the same rights/responsibilities as other councilmembers with regard to making motions and voting.

(d) During a meeting, councilmembers shall request permission of the mayor or presiding officer before speaking.

(e) Councilmembers shall not engage in shouting, arguments or personally disrespectful behavior towards each other during meetings.

(f) No member of the council shall speak more than twice on the same question, except to explain his position, without concurrence of a majority of the council.

(g) In unusual cases and by a majority vote, the council may permit public discussion or input on a specific subject during a meeting. Otherwise, no person from the audience may interrupt the council meeting or address the council unless recognized by the mayor or presiding officer. Persons who are disorderly or who act in a threatening manner may be asked to leave the council chamber.

(h) If a number of citizens wish to speak at any meeting, the mayor or presiding officer may reasonably limit the length of time allotted to each citizen and total time to each subject and shall state the time limitations before the public comments begin.

(i) Rules of procedure may be temporarily suspended during a meeting by a favorable two-thirds vote of the council present at the meeting.

(Code 2001, § 2.215)

Sec. 2-65. Motions—Not debatable.

The following motions shall be without debate:

- (1) To adjourn;
- (2) To lay on the table;
- (3) To read any paper;
- (4) To take the "yeas" and "nays" for the previous question; and
- (5) To reconsider.

(Code 2001, § 2.216)

Sec. 2-66. Motions—Precedence during debate.

(a) When a question is under debate, no motion shall be received except a motion:

- (1) To adjourn;
- (2) To lay on the table;
- (3) For the previous question;
- (4) To postpone to a certain day; and
- (5) To commit, to amend or to postpone indefinitely.

(b) The above motions shall have precedence in the order in which they are set forth.

(Code 2001, § 2.217)

Sec. 2-67. Motions—To reconsider.

A motion to reconsider shall not be entertained unless it be made by a member of the council who voted with the majority, and such motion shall be made only at the same or next succeeding meeting.

(Code 2001, § 2.218)

Sec. 2-68. Committees—Appointment; public hearings.

(a) The council may appoint committees to serve at the pleasure of the council, including a committee to hold a public hearing upon any matter pending before it, unless otherwise prohibited by law.

(b) Minutes or reports of hearings held by such committees shall be filed with the town clerk as public records.

(Code 2001, § 2.219)

Sec. 2-69. Committees—Reports.

(a) Reports of committees shall be rendered as the presiding officer may determine, unless otherwise required by council.

(b) Standing committee reports shall be in writing and signed by a majority of the members. Reports involving the expenditure of money shall include the amount to be expended, or an approximation thereof, and the reasons therefor.

(Code 2001, § 2.220)

Sec. 2-70. Executive sessions.

(a) Council may hold executive sessions as permitted by the state Freedom of Information Act, at such times and places, as council may deem necessary and in the public interest.

(b) A majority vote of the councilmembers shall be necessary to call such sessions, and the reason shall be stated in the motion, as required by the Freedom of Information Act.

(c) No official action may be taken in an executive session.

(d) Any action which results from an executive session discussion shall be taken in open session prior to such action becoming effective, as required by the Freedom of Information Act.
(Code 2001, § 2.221)

Secs. 2-71—2-98. Reserved.

ARTICLE III. MUNICIPAL ELECTIONS*

Sec. 2-99. Election laws of the state to govern.

All municipal elections shall be conducted in accordance with the provisions of the election laws of this state.
(Code 2001, § 2.301)

Sec. 2-100. Municipal election commission established; terms.

(a) There is hereby established a municipal election commission composed of three electors who shall be residents of the municipality and who shall serve terms of six years.

(b) Members shall be appointed by the town council and shall conduct all municipal elections.

(c) The council shall appoint an interim commissioner to fulfill the duties of any disabled member for the duration of the election period.
(Code 2001, § 2.302)

Sec. 2-101. Date of elections.

All general elections for the council shall be held the first Tuesday after the first Monday in November in each odd numbered year and specified in the public notice of the election.
(Code 2001, § 2.303)

Sec. 2-102. Voting hours; place.

Polling places shall be open from 7:00 a.m. to 7:00 p.m. at the town hall or as otherwise determined by council and incorporated in the minutes of the council.
(Code 2001, § 2.304)

Sec. 2-103. Filing—Statement of candidacy; petitions.

Individuals seeking election to the office of the council or mayor shall declare their candidacy for the office of the council or mayor no later than 60 days prior to the election date. All candidates must pay a filing fee in accordance with state law to the municipal election commission or such other city official as the municipal election commission may designate, upon filing a statement of candidacy for any municipal election.
(Code 2001, § 2.305; Ord. of 3-5-2019, § 1)

***State law references**—Municipal elections, S.C. Code 1976, § 5-15-10 et seq.; precincts and voting places, S.C. Code 1976, § 7-7-10 et seq.

Sec. 2-104. Filing—Fees.

The filing fee for the office of mayor and council shall be as established from time to time.
(Code 2001, § 2.306; Ord. No. 2.306, § 1, 5-9-2017)

Sec. 2-105. Oath.

Each candidate shall sign an oath of candidacy, which shall be obtained from the election commission or its designated representative.
(Code 2001, § 2.307)

Sec. 2-106. Certification.

The town clerk shall certify the nominees to the municipal election commission at least 30 days prior to the election.
(Code 2001, § 2.308)

Sec. 2-107. Public notice required.

Public notice of all municipal elections shall be given at least 60 days prior to such elections, as required by law.
(Code 2001, § 2.309)

Sec. 2-108. Write-in votes.

Electors shall be permitted to cast write-in votes.
(Code 2001, § 2.310)

Sec. 2-109. Successors to be qualified.

The mayor and members of the council shall serve, until their successors have been duly elected and qualified.
(Code 2001, § 2.311)

Sec. 2-110. When qualified; assuming office.

(a) Newly elected members of the council shall not be qualified until at least 48 hours after the closing of the polls.

(b) Newly elected members of the council shall assume office at the first meeting in November after the election.
(Code 2001, § 2.312)

Sec. 2-111. At-large; elections; political parties.

(a) Elections for mayor and members of the council shall be at-large.

(b) No political party or affiliation shall be placed on the ballot for any candidate.
(Code 2001, § 2.313)

Sec. 2-112. Nonpartisan plurality elections; runoffs; tie votes; contested results.

(a) As prescribed in S.C. Code 1976, § 5-15-61, election results shall be determined by the nonpartisan plurality election and runoff election method.

(b) In the event of a tie vote for any office, a runoff election shall be conducted two weeks following that election.

(c) Should the results of an election be contested, the incumbent who fills that contested office shall hold over until the contest is finally determined.

(Code 2001, § 2.314)

Sec. 2-113. Vacancies.

A town council vacancy with 181 days or more of an unexpired term shall require a special election, and public notice thereof shall be given at least 60 days prior thereto.

(Code 2001, § 2.315)

Sec. 2-114. Qualifications for voting.

Every citizen of the town shall be entitled to vote in all municipal elections, provided that they:

- (1) Have reached the age of 18 years.
- (2) Are not laboring under disabilities named in the constitution of this state.
- (3) Have resided in the corporate limits for 30 days previous to municipal elections.
- (4) Have been registered for national, state and county elections.

(Code 2001, § 2.316)

Secs. 2-115—2-141. Reserved.**ARTICLE IV. PERSONNEL****Sec. 2-142. Authority to establish.**

The council may create and establish such town offices, departments and sections as it may deem proper for orderly and efficient government.

(Code 2001, § 2.401)

Sec. 2-143. Chief administrative officer.

The mayor and council may hire and designate a person who shall be the chief administrative officer of the town.

(Code 2001, § 2.402)

Sec. 2-144. Appointment—Suspension.

Except as otherwise provided by this Code, employees of the town shall be appointed by the mayor and council shall be subject to suspension by them, but such authority may be delegated. The council and mayor appoint department heads, who in turn have authority to hire and fire employees within their respective departments.

(Code 2001, § 2.403)

Sec. 2-145. Appointment—Compensation.

The compensation, as appropriate, of all appointed officers and employees of the town shall be fixed by the council and incorporated in the annual budget.

(Code 2001, § 2.404)

Sec. 2-146. Resisting or interfering with officials or employees.

It shall be unlawful for any person to resist or interfere with any municipal officer or employee in the discharge of his official duties.

(Code 2001, § 2.405)

Sec. 2-147. Duty to replace damaged property.

Members or employees of the various departments of the town, losing or damaging any of the property and/or equipment furnished by the town, may be required to replace the same at their own expense.

(Code 2001, § 2.406)

Sec. 2-148. Duty to return property upon termination of employment.

Employees of the town shall be required to return to the town any and all property which is owned by the town, which may be in their possession at the time of dismissal, suspension or resignation from employment with the town.

(Code 2001, § 2.407)

Sec. 2-149. Holidays.

The town may determine, from time to time, the designation of holidays and terms of conditions of employment associated therewith.

(Code 2001, § 2.408)

Sec. 2-150. Military.

Military leave shall comply in all respects with S.C. Code 1976, § 8-7-90.

(Code 2001, § 2.409)

Sec. 2-151. Jury duty.

(a) Any employee serving as a juror in a court of competent jurisdiction shall be entitled to his normal rate of pay from the town for a period not exceeding 30 workdays per year. Payment for additional days of jury duty shall be subject to approval of the mayor and council.

(b) The town shall pay the difference between jury pay and normal pay only.

(c) Employees not seated as a juror shall return to work upon dismissal by the court.
(Code 2001, § 2.410)

Secs. 2-152—2-170. Reserved.**ARTICLE V. CLERK/TREASURER*****Sec. 2-171. Appointment.**

(a) The council shall appoint an officer who shall have the title of town clerk. The town clerk also may be designated as the town manager.

(b) The clerk also may have the title of town clerk or town manager.

(c) The clerk shall hold office at the pleasure of the council.
(Code 2001, § 2.501)

Sec. 2-172. Bond; surety company; fee.

(a) Before entering upon the duties of his office, the town clerk shall give bond to the town in such an amount as prescribed by council. It shall be conditioned upon the faithful performance of the duties of his office and the faithful accounting for all funds of the town in his custody.

(b) A surety company authorized by law to engage in business in the state shall write the bond required.

(c) The town shall pay the fee therefor.
(Code 2001, § 2.502)

Sec. 2-173. Duties.

The town clerk shall give notice of the council meetings to its members and the public; attend all council meetings, unless excused by the mayor; keep the minutes of the council proceedings and perform such other duties as are assigned by the council.

(Code 2001, § 2.503)

Sec. 2-174. Compensation.

The compensation of the town clerk shall be incorporated in the annual budget.
(Code 2001, § 2.504)

***Editor's note**—This article derives from S.C. Code 1976, § 5-7-220.

Secs. 2-175—2-201. Reserved.

ARTICLE VI. MUNICIPAL ATTORNEY

Sec. 2-202. Appointment; term of office; residence.

(a) The council may appoint a municipal attorney who shall be a lawyer of good and reputable standing, a member of the state bar association and admitted to practice law in this state.

(b) He shall serve at the pleasure of the council.

(c) He need not be a resident of the municipality.

(Code 2001, § 2.601)

Editor's note—S.C. Code 1976, § 5-7-230 requires the appointment of the attorney to be made by the council.

Sec. 2-203. Duties.

(a) It shall be the duty of the municipal attorney, whenever called upon by council, or the necessity arises, to give advice and direction to the council or any member thereof, or the town clerk or such other officer or employees as authorized by council. This shall include, but not be limited to, any and all legal questions that may arise in the course of the administration of the municipal government or in the discharge of the duties of their respective offices.

(b) Whenever required to do so by the council, he shall give his legal opinion in writing.

(c) When appropriate, he shall draft or supervise the drafting of and approve all ordinances and other written instruments relative to the business of the municipality.

(d) He shall attend the meetings of the council, when requested, and shall perform such other duties as assigned by the council.

(Code 2001, § 2.602)

Sec. 2-204. Compensation.

The municipal attorney shall be compensated as determined by council and included in the annual budget.

(Code 2001, § 2.603)

Secs. 2-205—2-231. Reserved.

ARTICLE VII. BOARDS, COMMISSIONS, AND COMMITTEES

DIVISION 1. GENERALLY

Secs. 2-232—2-255. Reserved.

DIVISION 2. SHRIMP FESTIVAL COMMITTEE

Secs. 2-256—2-273. Reserved.

ARTICLE VIII. PLANNING, LAND USE, ZONING*

Sec. 2-274. Commission—Established.

There is hereby established a planning commission to consist of five members, who are appointed by the mayor and town council for terms of three years.

(Code 2001, § 5.701; Ord. No. 21-13, exh. A(5.701), 5-11-2021)

Sec. 2-275. Commission—Authority.

The planning commission shall exercise such authority as provided by state laws.

(Code 2001, § 5.702; Ord. No. 21-13, exh. A(5.702), 5-11-2021)

Sec. 2-276. Commission—Similar ordinances.

In addition to the above-referenced sections, all other ordinances pertaining to planning, land use, zoning, etc., are not rescinded by this Code. The same shall remain in effect as adopted as if fully set forth herein verbatim.

(Code 2001, § 5.703)

Secs. 2-277—2-318. Reserved.

ARTICLE IX. BEAUTIFICATION COMMISSION

Sec. 2-319. Commission created.

There is hereby created a beautification commission.

(Code 2001, § 4.101)

Sec. 2-320. Membership terms; compensation.

(a) The beautification commission shall consist of five members who shall be appointed by the town council who submit to the town clerk a volunteer application. The clerk shall assemble and maintain a roster of applicants for town council appointment.

(b) Members shall either reside within the town limits or own a business within the town limits.

(c) Members shall serve such staggered terms as may be determined by council. A member shall continue to serve until their successor is appointed and qualifies.

***State law references**—Zoning ordinances and purposes, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780; land development regulation, S.C. Code 1976, § 6-20-1110; local planning commission, S.C. Code 1976, § 6-29-310 et seq.

(d) Any member who resigns shall be replaced by the mayor for the unexpired term of the member.

(e) Commission members shall serve without compensation.

(Code 2001, § 4.102)

Sec. 2-321. Function and authority.

(a) The function of the beautification commission shall be to promote compliance with all environmental projects of the town; to determine and promote ways for making its highway approaches thereto and the surrounding areas more attractive and aesthetically pleasing to the eye; and to encourage specifically the preservation, protection and replacement of trees, flowers and shrubs within the town and prevent their unnecessary destruction pursuant to the general police powers of the town.

(b) The commission shall not enter into any contracts involving financial liability or incur any indebtedness except upon written authority from council; provided, however, that the commission may enter into agreements for the purpose of effecting its objectives, when no liability of the town is involved.

(Code 2001, § 4.103)

Sec. 2-322. Meetings.

(a) The beautification commission shall elect from its group a chairperson, vice-chairperson, secretary and chairperson of publicity. The commission shall meet on call by the chairperson. In his absence, the vice-chairperson may call such meetings.

(b) The chairperson may appoint such temporary committees from within or outside the membership of the commission, as may be deemed necessary to affect the functions of the commission.

(c) Minutes of meetings shall be kept in written form as a permanent record, and copies shall be forwarded to council.

(d) Robert's Rules of Order shall be followed as a procedure guide for all meetings. A quorum shall consist of a majority of the members of the commission, and a quorum shall be present to conduct business.

(Code 2001, § 4.104)

Sec. 2-323. Reports.

The beautification commission shall report at least annually to council as to the activities, programs and needs of the commission and shall make such other reports as may be requested.

(Code 2001, § 4.105)

Sec. 2-324. Interference with commission.

It shall be unlawful for any person to interfere with the commission, or any of its agents, while engaging in planting, cultivating, mulching, pruning, spraying, or removing of trees on public grounds.

(Code 2001, § 4.106)

Sec. 2-325. Utility exemption.

Public and private utility companies shall be exempt from the provisions of this chapter, provided that they file with the town clerk, after notice thereby, the policies and procedures followed in their flower, shrub and tree trimming and removal practices and provided a mutually acceptable standard is agreed upon by the utility and town council.

(Code 2001, § 4.107)

Sec. 2-326. Flowers; shrubs; trees.

No person shall drive any animal or vehicle along, on or across any grass plot in any public place or trample, pluck, mutilate or injure the grass, shrubs or flowers planted or growing in such place.

(Code 2001, § 4.108)

Secs. 2-327—2-355. Reserved.**ARTICLE X. BUDGET AND FINANCE****Sec. 2-356. Fiscal year.**

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

(Code 2001, § 8.101)

Sec. 2-357. Budget and accounting year.

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

(Code 2001, § 8.102)

Sec. 2-358. Annual budget—Capital projects; tax rate; summary; clerk to notify county.

(a) Before the beginning of the budget year, the mayor and clerk/treasurer shall prepare a budget for the ensuing year. When adopted, the mayor may transfer funds within and between departments as necessary to achieve the goals of the budget. He shall inform the council of this action not later than the council's next meeting.

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

(c) The budget shall contain a summary of estimates of all capital projects pending which council believes should be undertaken within the budget year and within the next five succeeding years.

(d) The budget shall be in sufficient detail and summarized as to proposed income and expenditures in such a manner as to present to council and to the taxpayers a simple and clear summary of the budget.

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

(f) It shall be the duty of the clerk/treasurer to notify the appropriate officials of Beaufort/Hampton Counties of any changes in the tax millage rates, when approved by council.
(Code 2001, § 8.103)

Sec. 2-359. Annual budget—Contingent expenses.

Separate provisions shall be included in the budget for contingent expenses for the administration, operation and maintenance of the town.
(Code 2001, § 8.104)

Sec. 2-360. Annual budget—Public hearing; public notice.

(a) Pursuant to S.C. Code 1976, § 6-1-80, as amended, the town council shall determine a place and time for a public hearing on the budget.

(b) Public notice shall be given by advertising the public hearing before the adoption of the budget in at least one newspaper of local general circulation.

(c) The notice shall be given not less than 15 days in advance of the public hearing and must be a minimum of two columns wide with a bold headline.

(d) The public notice shall consist of the requirements of S.C. Code 1976, § 6-1-80.
(Code 2001, § 8.105)

Sec. 2-361. Annual budget—Public inspection.

The budget shall be a public record in the office of the clerk/treasurer, for public inspection during regular office hours.
(Code 2001, § 8.106)

Sec. 2-362. Annual budget—Failure to adopt.

Should council, by ordinance, fail to adopt a budget for the next fiscal year, on or before its beginning, the budget as initially proposed by the mayor shall be effective until a budget is finally adopted.
(Code 2001, § 8.107)

Sec. 2-363. Annual budget—Appropriations shall lapse.

All appropriations shall lapse at the end of the budget year, to the extent that they shall not have been expended or lawfully encumbered.
(Code 2001, § 8.108)

Sec. 2-364. Annual budget—Financial requirements.

The budget shall identify various sources of anticipated revenue to meet the financial requirements of the budget.
(Code 2001, § 8.109)

Sec. 2-365. Disbursements to be by check; signatures.

All disbursements shall be by check and signed by the mayor and clerk/treasurer.
(Code 2001, § 8.110)

Sec. 2-366. Returned checks; fee.

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

(b) Such fee shall be as set forth in the schedule of rates and fees in such amounts as established from time to time.

(Code 2001, § 8.111)

Sec. 2-367. Audit.

(a) Prior to the end of each fiscal year, the council shall designate a qualified certified public accountant who, at the end of the fiscal year, shall make an independent audit of the accounts and other evidence of financial transactions of the municipality and shall submit a report to the council.

(b) Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the municipality or of any of its officers.

(c) He shall, within specifications approved by council, post-audit the books and documents kept by any office, department, board or agency of the municipality.

(Code 2001, § 8.112)

Sec. 2-368. Borrowing revenues; by ordinance.

(a) The council may, during each fiscal year, borrow money for its current expenses and pledge for the payment thereof any revenues collected.

(b) The borrowing of money shall be by ordinance.

(Code 2001, § 8.113)

Sec. 2-369. Emergency appropriations.

In the absence of unappropriated available revenues to meet emergency appropriations, the council may authorize by ordinance the issuance of notes, which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made.

Secs. 2-370—2-396. Reserved.

ARTICLE XI. PURCHASING

Sec. 2-397. Purchasing agent—Designated.

- (a) The town clerk shall serve as the purchasing agent for the town and shall:
 - (1) Approve all purchase orders prior to a purchase transaction;
 - (2) Notify department heads of availability of funds; and
 - (3) Keep appropriate records for auditing purposes.
- (b) Procedures shall be that:
 - (1) A purchase order will be required for each purchase greater than \$100.00.
 - (2) Purchase orders shall be approved prior to purchase.
 - (3) The requestor shall refer to the purchase order number, when making a purchase or order. The purchase order number should be referenced on the invoice.
 - (4) The requestor shall indicate on the purchase order to which department the order should be charged.
 - (5) Receipts shall be turned over to the town clerk at the end of each month for reconciliation of the monthly statement.
 - (6) Any item to be purchased at a cost exceeding \$1,500.00 shall require town council approval.
 - (7) Any item to be purchased up to the pre-determined \$1,500.00 limit shall be authorized by the town clerk and the mayor.
- (c) Special purchases. Emergency purchases shall be handled on a case by case basis.
- (d) Role of department heads. Department heads shall assist the purchasing agent, by ensuring prices of items and bids are competitive.
(Code 2001, § 8.401; Ord. of 2019, § 1)

Sec. 2-398. Purchasing agent—Duties.

The purchasing agent is further authorized and shall be responsible for:

- (1) The purchase of supplies, materials and equipment and contractual services required by any office, department or agency of the town government;
- (2) The storage and distribution of all supplies, materials and equipment required by any office, department or agency of the town government;
- (3) Establishing written specifications, whenever practicable, for supplies, materials and equipment required by any office, department or agency of the town government. Such specifications shall be definite and certain and shall permit competition;
- (4) Maintaining, whenever practicable, a perpetual inventory record of all materials, supplies or equipment stored in storerooms or warehouses;

- (5) Soliciting and maintaining, when practical, an up-to-date list of qualified suppliers who have requested their names to be added to a bidders list. The purchasing agent shall have authority to remove temporarily the names of vendors who have defaulted on their quotations, attempted to defraud the town or who have failed to meet established specifications or delivery dates.

(Code 2001, § 8.402)

Sec. 2-399. Financial interest of town officials and employees prohibited.

(a) Any municipal officer or employee who has a financial interest in any business which contracts with the municipality for sale or lease of land, materials, supplies, equipment or services or who personally engages in such matters shall make known that interest and refrain from voting upon or otherwise participating in his capacity as a town officer or employee in matters related thereto.

(b) Any officer or employee of the town who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall constitute malfeasance in office and, upon conviction, shall forfeit his office or position.

(c) Violation of this section with the express or implied knowledge of the person or corporation contracting with or making a sale to the town shall render the contract or sale voidable by the town council.

(Code 2001, § 8.403)

Sec. 2-400. Equipment, supplies; recovered property; public auction.

The purchasing agent shall have authority to sell all vehicles, equipment, supplies, etc., including any unclaimed recovered property, which have become unsuitable for public use or to exchange the same for, or trade-in the same on, new supplies. Such sales shall be made to the highest bidder. All moneys received from such sales shall be paid into the appropriate fund of the town.

(Code 2001, § 8.404)

Sec. 2-401. Gifts and rebates.

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

(Code 2001, § 8.405)

Sec. 2-402. Cooperative purchasing.

The purchasing agent shall have authority to join with other units of government in cooperative purchasing plans when the best interest of the town would be served thereby.

(Code 2001, § 8.406)

Sec. 2-403. State purchasing.

The purchasing agent shall have 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 2001, § 8.407)

Chapter 3

RESERVED

Chapter 4

ANIMALS*

Article I. In General

Secs. 4-1—4-20. Reserved.

Article II. Animal Control

- Sec. 4-21. Authority for and enactment of chapter.
- Sec. 4-22. Definitions.
- Sec. 4-23. County pet license; rabies vaccination tags.
- Sec. 4-24. Lifetime/annual pet license issuance, fees, and exemptions.
- Sec. 4-25. Declaration of restricted dog, appeal of breed determination.
- Sec. 4-26. Pet breeder license, inspection and fees.
- Sec. 4-27. Dangerous animals.
- Sec. 4-28. Running at large.
- Sec. 4-29. Nuisance pets or livestock.
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- Sec. 4-33. Impoundment.
- Sec. 4-34. Redemption.
- Sec. 4-35. Adoption.
- Sec. 4-36. Trapping.
- Sec. 4-37. Management of feral cat colonies.
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- Sec. 4-39. Importation of exotic animals prohibited.
- Sec. 4-40. Rabies Control Act (S.C. Code 1976, § 47-5-10).
- Sec. 4-41. Interference with a BCAS officer.
- Sec. 4-42. Enforcement and penalties.
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Article III. Specific to the Town of Yemassee

- Sec. 4-64. Driving and racing.
- Sec. 4-65. Swine, livestock prohibited from town, exceptions.
- Sec. 4-66. Nuisances; failure to abate.
- Sec. 4-67. Wild bird sanctuary established.

***Editor's note**—This chapter derives S.C. Code, title 51, chapter 15, § 20 et seq.; Ordinance No. 11-14 entitled "Recreation Ordinance", adopted September 12, 2000, and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference).

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

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- Sec. 4-68. Farm lands; swamps excluded.
- Sec. 4-69. Slaughterhouses.

ARTICLE I. IN GENERAL

Secs. 4-1—4-20. Reserved.

ARTICLE II. ANIMAL CONTROL**Sec. 4-21. Authority for and enactment of chapter.**

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.
(Ord. No. 22-13, § 1(3.201), 9-13-2022)

Sec. 4-22. Definitions.

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

Abandonment means to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal means a live vertebrate creature except a human being.

Animal services director means any person so appointed by the Beaufort County Administrator.

Animal services facility means any facility so designated by the Beaufort County Council.

BCAS means Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

BCAS officer means any person employed by the county as an enforcement officer of the provisions of this chapter.

Breeder means any person owning unaltered pets with the intent of selling pets offspring.

Domestic means any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

Dub means to trim or remove.

Feral means any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Infraction means a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

Kennel means a small shelter for a dog, cat or other animal.

Livestock means all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Muzzle means a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

Non-domestic means any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

Nuisance means a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner means any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet means any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pit bull means any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Provocation means an intentional action or statement made to incite anger, aggression, annoyance, or a violent response.

Serious injury means death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

Shelter means a structure made of durable material with four walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering means a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.

Unaltered means a pet which has not been spayed or neutered.

Under restraint means when an animal is prevented from freedom of movement or action; and is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(Ord. No. 22-13, § 1(3.202), 9-13-2022)

Sec. 4-23. County pet license; rabies vaccination tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

(Ord. No. 22-13, § 1(3.203), 9-13-2022)

Sec. 4-24. Lifetime/annual pet license issuance, fees, and exemptions.

(a) *Eligibility.* The owner of a pet, which is four months of age or older and has been spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for the county.

(b) *Permanent identification requirement.* A person applying for an annual license, or a lifetime license shall choose either a tattoo, a BCAS-approved tag or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form, and when applicable, a new registration with the microchipping company. For permanent identification of restricted breeds, see section 4-30 (14-35 Beaufort County Code).

(c) *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:

- (1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
- (2) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
- (3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) *County license and fees.* The director of BCAS shall establish a fee schedule subject to the approval of county council. All pet owners of dogs and cats in the county shall obtain either a lifetime or annual pet license.

- (1) *Lifetime pet license.* To be eligible for a lifetime pet license a pet shall:
 - a. Be spayed or neutered;
 - b. Microchipped;

- c. Pay the appropriate one-time fee per the published fee schedule.
- (2) *Annual pet license.* All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:
 - a. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.
 - b. Any owner of a dog currently being used for hunting purposes. Owner must provide a copy of a valid state hunting license by the proper state agency and proof that the dog is properly registered with the state department of natural resources.

Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

(Ord. No. 22-13, § 1(3.204), 9-13-2022)

Sec. 4-25. Declaration of restricted dog, appeal of breed determination.

- (a) For the purposes of this section, a restricted dog shall be defined as a pit bull.
- (b) No person may own, keep, or harbor a restricted dog in violation of this section.
- (c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:
 - (1) The restricted dog is less than four months of age.
 - (2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.
 - (3) The determination of the dog's breed is under appeal pursuant to section 4-30 (14-35 Beaufort County Code).
 - (4) The owner or custodian has owned or had custody of the dog less than 30 days.
- (d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.
- (e) Determination of breed.
 - (1) *Determination.* The director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 4-27 (14-32 Beaufort County Code) for pit bulls shall not be construed to indicate the dog is not a pit bulldog under this section.

- (2) *Notice.* Upon determination of the breed, the BCAS officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed and state the dog shall be spayed or neutered within ten days of receipt of said notice.
- (3) *Compliance.* The owner or custodian of an unaltered restricted dog shall comply with this article within ten days after receipt of notice of restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.
- (4) *Non-compliance.* If the owner or custodian of a dog determined to be a restricted breed under this section fails to comply with the requirements of this section, then a citation shall be issued by a BCAS officer and a hearing shall be held in the magistrate court for a final breed determination. If following a final breed determination by the magistrate court, the court finds the dog to be a restricted breed, the court shall require the dog to be spayed or neutered within ten days and require the owner or custodian to provide written verification to BCAS confirming compliance within the same time period.

If after a final breed determination, the owner or custodian fails to comply with the restricted breed requirements, BCAS shall petition the magistrate court for an animal pickup order or a search warrant for the temporary seizure of the dog for the purposes of enforcing the requirements of this section. The owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this section.

(Ord. No. 22-13, § 1(3.205), 9-13-2022)

Sec. 4-26. Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (1) Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.
- (2) Applicants must have a valid county annual pet license and microchip for all pets before applying for the pet breeder license.
- (3) BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (4) To qualify for a pet breeder license the applicant must demonstrate the following:
 - a. The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - b. All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.

- c. Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - d. The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.
 - (6) The pet breeder license fee published in the fee schedule approved by county council. The license shall expire 365 days after the date it is issued.
 - (7) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the animal services.
- (Ord. No. 22-13, § 1(3.206), 9-13-2022)

Sec. 4-27. Dangerous animals.

(a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

- (1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
- (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;
- (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;
- (5) An animal which is used as a weapon in the commission of a crime.

(b) Notwithstanding subsection (a) of this section, a magistrate judge may (or may not) deem an animal a dangerous animal, after considering the totality of circumstances, regardless of location of an attack or provocation, when such an attack results in serious injury to a human.

(c) Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

- (1) Declaration. An BCAS officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

- (2) When, in the discretion of an BCAS officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a magistrate judge. When a BCAS officer or law enforcement officer takes temporary possession of an animal pursuant to this section, the requirements of subsection (3) of this section shall be held in abeyance during the pendency of a hearing.
- (3) Confinement requirements. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:
- a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
 - b. No person shall permit a dangerous animal to go outside its confined space unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.

An exception to such animal being muzzled may be made if a muzzle would cause harm to the health of the animal. In order for this exception to apply, the owner shall provide BCAS with a written statement from a licensed veterinarian stating the name and description of the animal, that a muzzle will cause harm to the said animal, and the type of harm which would be caused to the said animal. If this exception is applicable, then the animal shall be required to wear a harness while on a leash.

- (4) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the magistrate court within 30 days or as soon as practicable. After a final determination and declaration of a dangerous animal by the magistrate court, the owner shall adhere to the following requirements:
- a. Insurance requirement. Owner must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00. If proof of liability is provided, it must adhere to the following requirements:
 1. Animal must be specifically referred to by name and description;
 2. May not contain exceptions related to liability towards third parties and/or restricted to owner's real property; and
 3. May not contain exceptions related to animal bites or injuries to third parties.
 - b. Notice of dangerous animal. No person owning or harboring or having the care or custody of a dangerous animal may permit the animal to go unconfined on his/her premises. A dangerous animal is unconfined as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.

c. Registration and license. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on BCAS fee schedule subject to county council approval. (Ord. No. 22-13, § 1(3.207), 9-13-2022)

Sec. 4-28. Running at large.

(a) *Unlawful.* It shall be unlawful for any owner or custodian of any dog to permit the same to run at large except on property owned or rented by the owner or custodian. All dogs must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device. For the purposes of this section:

- (1) The term "permit" shall be defined as an act, regardless of the intent of the owner or custodian of the dog, which allows or provides opportunity for an action to occur.
- (2) The term "run at large" is defined as a dog off the premises of the owner or custodian and not under the physical control of the owner or custodian by means of a leash or other similar restraining device.
- (3) The term "under restraint" is defined as when a dog is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(b) *Exempt dogs.* Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered at large. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

(Ord. No. 22-13, § 1(3.208), 9-13-2022)

Sec. 4-29. Nuisance pets or livestock.

(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property. Determination of a nuisance pet is a lesser-included offense of a dangerous animal determination, as defined in section 4-27 (14-32 Beaufort County Code). Final determination of a nuisance pet by the magistrate court requires that the owner shall:

- (1) If the pet is outdoor and not under restraint, the pet shall be confined to a fenced in area, whereby the height of the fence shall be sufficient to keep the pet contained at all times.
- (2) Regardless of the location, the pet shall not be allowed outside of a fenced in area without being kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

(b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 4-28 (14-33 Beaufort County Code).

- (2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
- (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 4-27 (14-32 Beaufort County Code).
- (4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.
- (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
- (6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
- (7) Maintaining a pet or livestock that is diseased and dangerous to the public health.
- (8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
- (9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

(c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in this chapter.

(Ord. No. 22-13, § 1(3.209), 9-13-2022)

Sec. 4-30. Animal cruelty and neglect.

(a) *Animal care generally.* It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment. It shall be determined a failure to provide sufficient good and wholesome food, or proper shelter and protection from weather when an animal has gone without for a period of 12 consecutive hours.

(b) *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) *Physical alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

(d) *Abandonment during named storm.* It shall be unlawful for any owner to abandon an animal as defined in section 4-22 (14-27 Beaufort County Code). It shall be unlawful for an individual to abandon an animal and allow an animal to remain in a home, building, fence, cage, coop, crate, or any other structure when any named tropical storm or named hurricane is expected to impact the county. For the purposes of this section, a tropical storm or named hurricane is expected to impact the county when a tropical storm watch, warning, or evacuation; or when a hurricane watch, warning, or evacuation is in effect for the county. This section is applicable to those properties specifically located in special flood hazard areas as described in the county ordinances.

(e) *Unlawful tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighths of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old. No animal shall be tethered during any named tropical storm or named hurricane expected to impact the county or whenever flooding could occur. For the purpose of this section, a tropical storm or named hurricane is expected to impact the county when a tropical storm watch, warning or evacuation or a hurricane watch, warning or evacuation is in effect for the county.

- (1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. Inside a pen or secure enclosure;
 - b. A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.
- (2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(f) *Animal neglect.* It shall be unlawful for an individual or owner who fails to provide sufficient food or water for any period of time, provide inadequate shelter, or in general not adequately care for an animal. The violation of this subsection shall be at the discretion of the BCAS director or BCAS officer and shall result in the issuance of an administrative citation as provided for in section 4-42 (14-47 Beaufort County Code).

(Ord. No. 22-13, § 1(3.210), 9-13-2022)

Sec. 4-31. Sale of animals, pets or livestock.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any animal or pet four weeks of age or younger, except as surrender to the animal services facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.

(e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

(Ord. No. 22-13, § 1(3.211), 9-13-2022)

Sec. 4-32. Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.

(a) *Seizure and right of entry.* If the owner does not give permission to the BCAS officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the BCAS officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

(b) *Citation.* The BCAS officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the BCAS officers shall post a copy of the notice at the property where the animal was seized.

(c) *Custody.* The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 4-34.

(d) *Euthanasia*. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes, as determined appropriate by BCAS.
(Ord. No. 22-13, § 1(3.212), 9-13-2022)

Sec. 4-33. Impoundment.

(a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

(c) The owner of a dog that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 14 consecutive days from the date of mailing to contact BCAS for pick-up. If the owner does not pick up the said dog within 14 consecutive days of notification from BCAS, the dog may be euthanized. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within 14 consecutive days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For dogs impounded at BCAS, the director of animal services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the dog humanely euthanized, pursuant to S.C. Code 1976, § 47-3-540 (Supp. 1999).

(d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the director of animal services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.

(e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the animal shelter and/or affiliated organizations as soon as possible for the mandatory holding period.

(Ord. No. 22-13, § 1(3.213), 9-13-2022)

Sec. 4-34. Redemption.

(a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:

- (1) For a pet or livestock that has not been properly inoculated, licensed, microchipped, and spayed or neutered, the BCAS director of animal services or his/her designee may issue a warning or

administrative citation for the first offense at their discretion after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to county council approval.

- (2) In addition to the administrative penalty for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.
- (3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in section 4-24(e)(1)—(e)(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections 4-27, 4-28, 4-29 and 4-30 (14-32, 14-33, 14-34, or 14-35 Beaufort County Code).

(b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

(c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

(Ord. No. 22-13, § 1(3.214), 9-13-2022)

Sec. 4-35. Adoption.

(a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) The animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

(Ord. No. 22-13, § 1(3.215), 9-13-2022)

Sec. 4-36. Trapping.

(a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within the county without prior approval from the animal services department. Any pets, livestock or domestic animals trapped with prior approval from the animal services department will be reported or delivered to the animal services department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the animal services department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the animal services department. If a trapped animal is in need of immediate attention, the animal services department or 911 will be notified immediately of the animal in distress.

(b) Exemption. Trapping is permitted for hogs.
(Ord. No. 22-13, § 1(3.216), 9-13-2022)

Sec. 4-37. Management of feral cat colonies.

(a) *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:

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

(b) *Feral cat colony management.* Feral cat colonies shall be permitted (no fee) by the animal services department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by animal services department.
(Ord. No. 22-13, § 1(3.217), 9-13-2022)

Sec. 4-38. Livestock.

(a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(c) Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the animal services department.

(d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other sections within this chapter reference livestock this section shall be controlling.

(Ord. No. 22-13, § 1(3.218), 9-13-2022)

Sec. 4-39. Importation of exotic animals prohibited.

(a) *Definition.* An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in the state as ordinary household pets, animals of a species customarily used in the state as domestic farm animals, fish contained in an aquarium, birds or insects.

(b) *Unlawful act.* It shall be unlawful for any person, firm, or corporation to import into the county, any venomous reptile or any other exotic animal.

(c) *Exceptions.* This article shall not apply to following entities:

- (1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 USC § 2131 et seq.).
- (2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

- (3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 USC § 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.
 - (4) A team mascot for a university or educational facility.
- (Ord. No. 22-13, § 1(3.219), 9-13-2022)

Sec. 4-40. Rabies Control Act (S.C. Code 1976, § 47-5-10).

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with the animal services department and any state, county or municipal law enforcement agencies.

- (1) *Vaccinations.* It shall be unlawful for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the county from a location outside the county shall comply with this section within 30 days after having moved into the county by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.
 - (2) *Proof of vaccination.* It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog.
 - (3) *Harboring unvaccinated dogs and cats.* It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
 - (4) *Non-transferability.* Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.
 - (5) *Exceptions.* No person charged with violating this section rabies control shall be convicted if he produces in court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.
- (Ord. No. 22-13, § 1(3.220), 9-13-2022)

Sec. 4-41. Interference with a BCAS officer.

It shall be unlawful for any person to interfere with, hinder, or molest a BCAS officer in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

(Ord. No. 22-13, § 1(3.221), 9-13-2022)

Sec. 4-42. Enforcement and penalties.

(a) The BCAS officer shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control, and custody of pets or livestock covered by this article. All violations of this article shall be heard by the magistrate court.

(b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county administration has acted favorably on such request and has so notified such municipality of its approval of such request.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the magistrate courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in subsection (e) of this section, are intended to be non-criminal, civil penalties and not subject to jail time.

- (1) a. *Liability to person bitten.* In addition to the above, if a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place including the property of the dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this state, the ordinances of the county, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.
- b. *Exemptions for liability.* This section does not apply if, at the time a person is bitten or otherwise attacked:
1. The person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
 2. The dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a final dangerous dog determination of the court, a magistrate may order possession and custody of the animal to be surrendered permanently to BCAS at a BCAS facility.

(e) Habitual violators. In addition to any legal remedy available under the provisions of this chapter, it shall be the duty of the BCAS to summon the owner of any animal which is found guilty by the magistrate court of any three violations contained in this chapter in any 12-month period to abate any or all animals from owner's premise. If, after fully hearing the matter and any statement the owner may make any testimony he/she may offer in his/her behalf concerning the matter, should the magistrate court find such owner is unable or unwilling to adhere to the provisions of this chapter, the magistrate court shall issue a written order to the owner, directing and requiring him/her with a certain specified time to relocate the animal to a home with a person unrelated to the owner or surrender the animal to BCAS.

(f) Infractions resulting in administrative citations and penalties. In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code 1976, § 47-3-20, an administrative citation may be issued for certain infractions of the animal control ordinances. Infractions of this chapter subject to administrative citation and penalty are in the discretion of the BCAS officer and include, but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and/or warnings for a noisy public nuisance animal, or any violation of section 4-29 (14-13 Beaufort County Code). Dangerous dog determinations are not violations subject to administrative citations. The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection, and administrative review of administrative citations and penalties:

- (1) *Notice of infraction.* If an animal is owned, kept, maintained, or found to be in violation of an animal control ordinance, an administrative citation may be issued by the BCAS officer.
- (2) *Content of citation.* The administrative citation shall be issued on a form approved by BCAS director and shall contain the following information:
 - a. Date, location and approximate time of the infraction;
 - b. The ordinance violated and a brief description of the infraction;
 - c. The amount of the administrative penalty imposed for the infraction;
 - d. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
 - e. Instructions on how to appeal the citation;
 - f. The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

- (3) *Service of administrative citation.*
 - a. If the person who has violated the animal control ordinance is present at the scene of the infraction, the BCAS officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.

- b. If the owner, occupant or other person who has an infraction of an animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
- c. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional addresses for the owner in department records.

(4) *Administrative penalties.*

- a. The penalties assessed for each infraction of an animal control ordinance shall not exceed the following amounts:
 - 1. \$100.00 for a first infraction;
 - 2. \$200.00 for a second infraction of the same administrative abatement order within one year;
 - 3. \$500.00 for each additional infraction of the administrative abatement order within one year.
- b. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.
- c. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.
- d. The penalties assessed shall be payable to the treasurer animal control services.
- e. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.
- f. Failure to pay an administrative penalty may result in prosecution or petition for the original violation in the magistrate court.

(5) *Administrative appeal of administrative citation.*

- a. *Notice of appeal.* The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the department. The written notice of appeal must be filed within 20 days of the service of the administrative citation set forth in subsection (4)c of this section. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:
 - 1. A brief statement setting forth the appellant's interest in the proceedings;

2. A brief statement of the material facts which the appellant claims support his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
 3. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
 4. The notice of appeal must be signed by the appellant;
 5. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the administrative appeal will be scheduled;
 6. Indigence must be proved to have the deposit waived.
- b. *Administrative hearing of appeal.* Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
1. *Notice of hearing.* Notice of the administrative hearing regarding the administrative citation shall be given at least ten days before the hearing to the person requesting the hearing.
 2. The administrative hearing regarding the administrative citation shall be held before the public safety director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
 3. *Conduct of the hearing.* The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
 4. *Hearing officer's decision.* The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.
- (6) *Appeal to circuit court.* Any person who receives an unfavorable decision from the decision of an administrative appeal may file an appeal with the circuit court in the county. The appeal to circuit court must be filed within 30 days of the notice of the administrative officer's decision being mailed to the recipient of an administrative citation.

(Ord. No. 22-13, § 1(3.222), 9-13-2022)

Secs. 4-43—4-63. Reserved.

ARTICLE III. SPECIFIC TO THE TOWN OF YEMASSEE**Sec. 4-64. Driving and racing.**

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

(Ord. No. 22-13, § 1(3.301), 9-13-2022)

Sec. 4-65. Swine, livestock prohibited from town, exceptions.

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the town council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

(Ord. No. 22-13, § 1(3.302), 9-13-2022)

Sec. 4-66. Nuisances; failure to abate.

All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the county health officer.

(Ord. No. 22-13, § 1(3.303), 9-13-2022)

Sec. 4-67. Wild bird sanctuary established.

(a) The entire area within the corporate limits of the town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Bindon Plantation, Cotton Hall Plantation and Tomotley Plantation.

(b) Unless otherwise authorized under state hunting laws, it shall be unlawful within the town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by town council.

(Ord. No. 22-13, § 1(3.304), 9-13-2022)

Sec. 4-68. Farm lands; swamps excluded.

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

(Ord. No. 22-13, § 1(3.305), 9-13-2022)

Sec. 4-69. Slaughterhouses.

No person shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse or abattoir within the corporate limits.

(Ord. No. 22-13, § 1(3.306), 9-13-2022)

Chapter 5

RESERVED

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 6-1—6-18. Reserved.

Article II. Administration

- Sec. 6-19. Authority of inspectors.
- Sec. 6-20. Ordinary repairs, maintenance authorized.
- Sec. 6-21. Homeowner's provisions.
- Sec. 6-22. Liability not assumed by town.
- Sec. 6-23. Unsafe buildings—Repairs; failure to repair.
- Sec. 6-24. Unsafe buildings—Notice to remove/correct; summons ordinance.
- Sec. 6-25. Unfit dwellings.
- Sec. 6-26. Utility connections.
- Sec. 6-27. Smoke-free municipal building.
- Sec. 6-28. Appeals.
- Sec. 6-29. Public projects; application required.
- Sec. 6-30. Permits; application required.
- Secs. 6-31—6-48. Reserved.

Article III. Codes

- Sec. 6-49. Authority and enforcement.
- Secs. 6-50—6-71. Reserved.

Article IV. Building and Property Numbers

- Sec. 6-72. Numbers required for buildings and property—General.
- Sec. 6-73. Numbers required for buildings and property—Assigned.
- Secs. 6-74—6-104. Reserved.

Article V. Mobile Homes

- Sec. 6-105. Purpose and intent of this article.

***Editor's note**—The town has heretofore entered into an agreement with Hampton County for the county to provide inspection functions applicable to buildings, electrical, plumbing, etc.

State law references—Building codes and fire prevention, S.C. Code 1976, § 5-25-10 et seq.; building, housing, electrical, plumbing and gas codes, S.C. Code 1976, § 6-9-10 et seq.; mandamus and injunctive relief for violation of code or regulation, S.C. Code 1976, § 6-9-80; codes applicable to building inspections, S.C. Code 1976, § 6-9-130; building codes modification procedure, S.C. Code Reg. 8-240; qualifications for building codes amendments, S.C. Code Reg. 8-245; local adoption of building codes, S.C. Code Reg. 8-265; dwellings unfit for human habitation, S.C. Code 1976, § 31-15-10 et seq.; municipality may not enforce national building code provisions regulating farm structures, S.C. Code 1976, § 6-9-65(B); municipal responsibility to enforce barrier-free building design standards, S.C. Code Reg. 19-400.3(B).

YEMASSEE TOWN CODE

- Sec. 6-106. Definitions.
- Sec. 6-107. Requests.
- Sec. 6-108. Mobile home courts prohibited; exception.
- Sec. 6-109. General provisions.
- Sec. 6-110. Mobile home requirements.
- Secs. 6-111—6-133. Reserved.

Article VI. Fair Housing

- Sec. 6-134. Month designated.
- Sec. 6-135. Program; minimum elements.

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 6-19. Authority of inspectors.

The town council hereby vests the necessary authority for the enforcement of building codes and related provisions in the town building inspector. The building inspector shall be appointed by the town council.

(Code 2001, § 5.101; Ord. No. 21-13, exh. A(5.101), 5-11-2021)

Sec. 6-20. Ordinary repairs, maintenance authorized.

Ordinary minor repairs and general maintenance may be made, provided that such repairs do not violate any of the provisions of this Code, county ordinances or state statutes. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, minor carpentry, etc.

(Code 2001, § 5.102)

Sec. 6-21. Homeowner's provisions.

(a) Nothing in this chapter shall prevent any homeowner from constructing or maintaining buildings or installing electrical wiring, gas piping or appliances or plumbing within his own property boundaries, provided that such work is done by himself and is used exclusively by him or his family.

(b) Such privilege does not convey the right to violate any of the provisions of this chapter, neither is it to be construed as exempting any such property owner from having work inspected, if required.

(Code 2001, § 5.103; Ord. No. 21-13, exh. A(5.103), 5-11-2021)

Sec. 6-22. Liability not assumed by town.

This chapter shall not be construed to relieve from or lessen the responsibility of any party owning, operating, controlling or installing any building, electrical, gas or plumbing equipment from damages to anyone injured thereby, nor shall the town be held as assuming any such liability by reason of inspection authorized herein, or certificate issued.

(Code 2001, § 5.104)

Sec. 6-23. Unsafe buildings—Repairs; failure to repair.

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

(b) Failure to do so in 60 days, unless extended by the mayor and town council by resolution, shall constitute a misdemeanor.

(Code 2001, § 5.105; Ord. No. 21-13, exh. A(5.105), 5-11-2021)

Sec. 6-24. Unsafe buildings—Notice to remove/correct; summons ordinance.

The building inspector shall report his findings to the town clerk, mayor and town council, which after consideration, may cause an ordinance summons to be issued as set forth in chapter 20, article II for the immediate correction, removal or discontinuance of the hazard.

(Code 2001, § 5.106; Ord. No. 21-13, exh. A(5.106), 5-11-2021)

Sec. 6-25. Unfit dwellings.

The town council may authorize the repairing, closing or demolition of unfit dwellings.

(Code 2001, § 5.107)

Sec. 6-26. Utility connections.

No supplier of water, wastewater, gas or electric service shall initiate or reinstate service to any building, unless the building inspector has executed the appropriate release form and transmitted the release form to the appropriate utility provider. A copy of the executed release form will be placed into the case file for the permit.

(Code 2001, § 5.108; Ord. No. 21-13, exh. A(5.108), 5-11-2021)

Sec. 6-27. Smoke-free municipal building.

(a) The town hall, also known as the Yemassee Municipal Complex, is hereby declared to be a smoke-free environment.

(b) Violation hereof shall constitute a misdemeanor.

(Code 2001, § 5.109; Ord. No. 21-13, exh. A(5.109), 5-11-2021)

Sec. 6-28. Appeals.

Appeals from decisions of authorized officials shall be made in writing to the town clerk, who will schedule an appeal hearing at an upcoming council meeting.

(Code 2001, § 5.110; Ord. No. 21-13, exh. A(5.110), 5-11-2021)

Sec. 6-29. Public projects; application required.

The intent of this section is to provide procedures and standards for the review of public project applications. The review of public project applications will help ensure the project is consistent with the spirit and intent of the town while ensuring the town council, residents and business owners have ample

opportunity for feedback regarding the proposed project and have questions regarding the project answered. Any fee for the application submittal shall be noted on the schedule of rates and fees in such amounts as established from time to time.

- (1) *Applicability.* This chapter applies to any utility expansion or modification (including, but not limited to, water and wastewater utilities, telecommunication companies, including telecommunication towers, electric and natural gas providers), new town facilities, or any other infrastructure project of significance on public rights-of-way in and abutting the town limits.
- (2) *Application review criteria.* The town shall consider the following criteria in assessing an application for a public project:
 - a. The application form will be made available on the town website as well as at the Yemassee Municipal Complex. The town clerk will create the form and make any updates to the form as needed;
 - b. The application must be completed in its entirety, signed by both the applicant and property owner (where applicable);
 - c. The application should list a separate contact person for any necessary communication during the project;
 - d. The application must be in conformance with the applicable location and character of the town;
 - e. Public project applications will be publicized utilizing the following methods: certified mail to adjacent property owners, posted notice on town social media platforms and/or the town website, and posted signage; and
 - f. Once a public project application is received by town staff, the submittal items will be reviewed for clarity, content, and completeness before scheduling a town council hearing. Town staff may ask for further documentation to ensure the town council has ample information to make an informed decision on approval, approval with modifications or denial of the project.
- (3) *Effect and expiration of approvals.*
 - a. Approval of the public project shall authorize the applicant to:
 1. Commence all improvements to the land and the construction of all support facilities as specified by the approval; and
 2. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by approval.
 - b. Expiration. Approval of a public project shall expire two years from the date of its issue unless an appreciable amount of construction and development commences and proceeds to completion in a timely and customary manner in accordance with the approval.
- (4) *Extensions of approvals.* Upon request by the applicant and in conformance with the requirements of this article, the town shall grant not more than five extensions for a period of one year each.

- (5) *Amendments to approved public projects.* Modifications or amendments to the plan may be approved by the town where the proposed revision does not substantially alter the basic design approved by the town. Should the town determine that the requested amendment alters the approved plan, a new, separate public project application shall be submitted.

(Ord. No. 21-13, exh. A(5.111), 5-11-2021)

Sec. 6-30. Permits; application required.

The following building activities require a permit from the town, and any fees if applicable, shall be maintained in the schedule of rates and fees in such amounts as established by ordinance from time to time. Permits shall be valid for six months from the date of issue. A permit may be renewed once, following a written request to the town is supplied and town staff have submitted a response.

- (1) New residential construction.
- (2) Residential addition.
- (3) New commercial construction.
- (4) Commercial addition.
- (5) Mobile home placement.
- (6) Gas permit.
- (7) Electrical permit.
- (8) HVAC permit.

(Ord. No. 21-13, exh. A(5.112), 5-11-2021)

Secs. 6-31—6-48. Reserved.

ARTICLE III. CODES

Sec. 6-49. Authority and enforcement.

The authority to enforce technical code provisions thereof for the town, including building and related provisions such as electrical, plumbing, etc., is hereby delegated to the building inspector.

(Code 2001, § 5.201; Ord. No. 21-13, exh. A(5.201), 5-11-2021)

Secs. 6-50—6-71. Reserved.

ARTICLE IV. BUILDING AND PROPERTY NUMBERS

Sec. 6-72. Numbers required for buildings and property—General.

- (a) All buildings and properties located within the corporate limits shall display a number.

(b) The owner, occupant or agent of each building and property shall place or cause to be placed upon each building and property owned or occupied by him the number assigned, as follows:

- (1) Numbers shall be durable and clearly visible.
- (2) Numbers shall be placed conspicuously immediately above or to the side of the door facing the street so that the number can be plainly seen from the street. If the building is more than 50 feet from the street, the number shall be placed near the walk, post, tree or other appropriate place so that the number can be plainly seen from the street.
- (3) If the building has a street-side mailbox, the number may be painted upon or affixed to the mailbox. It shall, as closely as possible, approximate the height of three inches, as space permits, provided it can be plainly seen from the street.
- (4) It shall be the responsibility of the owner, occupant or agent of each existing or newly acquired or constructed building and property who does not know the number assigned to his building or property to obtain the number.

(Code 2001, § 5.301)

Sec. 6-73. Numbers required for buildings and property—Assigned.

(a) Properties located within the Beaufort County portion of the town shall procure their address from the Beaufort County sheriff's office E911 addressing office.

(b) Properties located within Hampton County portion of the town shall procure their address from the Hampton County building department.

(Code 2001, § 5.302; Ord. No. 21-13, exh. A(5.302), 5-11-2021)

Secs. 6-74—6-104. Reserved.

ARTICLE V. MOBILE HOMES

Sec. 6-105. Purpose and intent of this article.

The purpose and intent of this article shall be to:

- (1) Provide a sound and healthy residential environment to meet the unique needs of inhabitants living in mobile homes.
- (2) Provide certain standards, provisions and requirements for safe and sanitary needs and methods for present and future inhabitants of mobile homes within the town.

(Code 2001, § 5.401)

Sec. 6-106. 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:

Mobile home means any vehicle or similar portable structure having no foundation other than wheels, jacks or skirting, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile home park means any mobile home park where two or more units are used for dwelling or sleeping purposes.

Mobile home unit means any plot of ground within a mobile home park designed for the accommodation of a mobile home, camper, etc.

(Code 2001, § 5.402)

Sec. 6-107. Requests.

(a) A request shall be submitted to the town clerk, for tax purposes, before a mobile home can be moved into the town.

(b) The applicant shall complete a town manufactured/mobile home permit and submit it to the town for review to ensure compliance with zoning, setbacks and any zoning overlays. The application shall be submitted with a bill of sale and a certificate of title for the mobile home, thereby establishing ownership and registration at the time of application.

(c) The applicant shall complete a water and sewer availability form with Lowcountry Regional Water System to verify if there is water and sewer available in front of the property.

(d) Once a permit is issued, it must be prominently displayed on the property.

(e) This section shall not apply to singlewide mobile homes located in the town on or before the effective date of adoption of the ordinance from which this section is derived.

(Code 2001, § 5.403; Ord. No. 21-13, exh. A(5.403), 5-11-2021)

Sec. 6-108. Mobile home courts prohibited; exception.

No mobile home court shall be authorized to operate in the town, except those in operation prior to the adoption of this article, unless approved by resolution of the mayor and town council.

(Code 2001, § 5.404; Ord. No. 21-13, exh. A(5.404), 5-11-2021)

Sec. 6-109. General provisions.

(a) Mobile homes located within the town shall be entitled to all town services, health and sanitation measures afforded to single-family residences.

(b) Mobile homes shall be subject to all tax ordinances applicable to any residence.

(c) Any plumbing used in a mobile home shall hereby be subject to the provisions of chapter 32.

(d) To ensure that no provision of this article has been violated, officials of the town are hereby authorized to enter upon any mobile home lot at reasonable hours for the purpose of inspecting same.

(e) It shall be unlawful to park or store any mobile home on any tract of ground, street, alley, highway, sidewalk or other public place in the town, except as provided for in this article.

(Code 2001, § 5.405; Ord. No. 21-13, exh. A(5.405), 5-11-2021)

Sec. 6-110. Mobile home requirements.

(a) Mobile homes shall be on a permanent brick, permanent block or other concrete reinforced foundation that extends the perimeter of the mobile home on a concrete footing.

(b) Except for electrical and telephone connections, mobile homes shall have permanent utility hookups, water metered at the property line, and water utility connections concealed from view.

(c) Each mobile home shall have separate connections to the water and sewer mains operated by Lowcountry Regional Water System.

(Code 2001, § 5.406; Ord. No. 21-13, exh. A(5.406), 5-11-2021)

Secs. 6-111—6-133. Reserved.

ARTICLE VI. FAIR HOUSING

Sec. 6-134. Month designated.

(a) The month of April is hereby designated as fair housing month in the town.

(b) It is the intent of the town council that all citizens of the town be afforded to the opportunity to obtain a decent, safe and sound living environment, regardless of race, religion, color, creed, sexual orientation, homelessness; that every citizen be afforded the opportunity to select a home of their choice.

(c) Annually, the town shall publish its fair housing proclamation and its policy on non-discrimination in the newspaper of general circulation, The Beaufort Gazette, each April.

(Code 2001, § 5.501; Ord. No. 21-13, exh. A(5.501), 5-11-2021)

Sec. 6-135. Program; minimum elements.

(a) The town shall publicize this section to encourage owners of real estate, developers and builders to become aware of their respective responsibilities and rights under the federal and state fair housing laws and amendments and any applicable state or local laws or ordinances.

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

(Code 2001, § 5.502)

Chapter 7

RESERVED

Chapter 8

BUSINESSES AND BUSINESS REGULATIONS

Article I. In General

- Sec. 8-1. Administration; enforcement.
- Sec. 8-2. Yard sales; no fee required.
- Secs. 8-3—8-18. Reserved.

Article II. Business Licensing

- Sec. 8-19. License required.
- Sec. 8-20. Definitions.
- Sec. 8-21. Purpose and duration.
- Sec. 8-22. Business license tax, refund.
- Sec. 8-23. Registration required.
- Sec. 8-24. Deductions, exemptions, and charitable organizations.
- Sec. 8-25. False application unlawful.
- Sec. 8-26. Display and transfer.
- Sec. 8-27. Administration of article.
- Sec. 8-28. Inspection and audits.
- Sec. 8-29. Assessments, payment under protest, appeal.
- Sec. 8-30. Delinquent license taxes, partial payment.
- Sec. 8-31. Notices.
- Sec. 8-32. Denial of license.
- Sec. 8-33. Suspension or revocation of license.
- Sec. 8-34. Appeals to council or its designee.
- Sec. 8-35. Consent, franchise, or license required for use of streets.
- Sec. 8-36. Confidentiality.
- Sec. 8-37. Violations.
- Sec. 8-38. Classification and rates.

ARTICLE I. IN GENERAL**Sec. 8-1. Administration; enforcement.**

The responsibility for administering the article is hereby vested in the clerk/treasurer.
(Code 2001, § 8.502)

Sec. 8-2. Yard sales; no fee required.

(a) Yard sales shall be permitted, but notice thereof shall be given to the town clerk.

(b) No fee shall be charged to hold a yard sale.

(c) A business license shall be required if over two sales per year are held.
(Code 2001, § 8.503)

Secs. 8-3—8-18. Reserved.**ARTICLE II. BUSINESS LICENSING****Sec. 8-19. License required.**

Every person engaged or intending to engage in any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, in whole or in part within the limits of the town, is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

(Ord. No. 21-20, § 1, 12-20-2021)

Sec. 8-20. Definitions.

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

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

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

Charitable purpose means a benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

Classification means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the council.

Council means the town council of the Town of Yemassee.

Domicile means a principal place from which the trade or business of a licensee is conducted, directed, or managed. For purposes of this article, a licensee may be deemed to have more than one domicile.

Gross income means the gross receipts or gross revenue of a business, received or accrued, for one calendar or fiscal year collected or to be collected from business done within the municipality. If the licensee has a domicile within the municipality, business done within the municipality shall include all gross receipts or revenue received or accrued by such licensee. If the licensee does not have a domicile within the municipality, business done within the municipality shall include only gross receipts or revenue received or accrued within the municipality. In all cases, if the licensee pays a business license tax to another county or municipality, then the licensee's gross income for the purpose of computing the tax within the municipality must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the municipality. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agencies. In calculating gross income for certain businesses, the following rules shall apply:

- (1) Gross income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered gross income.
- (2) Except as specifically required by S.C. Code 1976, § 38-7-20, gross income for insurance companies shall be calculated on gross premiums written.
- (3) Gross income for manufacturers of goods or materials with a location in the municipality shall be calculated on the lesser of:
 - a. Gross revenues or receipts received or accrued from business done at the location;
 - b. The amount of income allocated and apportioned to that location by the business for purposes of the business's state income tax return; or
 - c. The amount of expenses attributable to the location as a cost center of the business.

Licensees reporting gross income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal business activity code on their federal income tax returns.

License official means a person designated to administer this article. Notwithstanding the designation of a primary license official, the municipality may designate one or more alternate license officials to administer particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under article 20, chapter 9, title 58, and chapters 7 and 45, title 38, of the South Carolina Code.

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

NAICS means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

Person means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

(Ord. No. 21-20, § 2, 12-20-2021)

Sec. 8-21. Purpose and duration.

The business license required by this article is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. The license year ending on April 30, 2022, shall commence on January 1, 2021 and shall run for a 16-month period. Thereafter, the license periods shall be established as follows. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for the 12-month period of May 1 to April 30. A business license issued for a construction contract may, at the request of the licensee, be stated to expire at the completion of the construction project; provided, any such business license may require that the licensee file, by each April 30 during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount. The provisions of this article and the rates herein shall remain in effect from year to year as amended by the council.

(Ord. No. 21-20, § 3, 12-20-2021)

Sec. 8-22. Business license tax, refund.

(a) The required business license tax shall be paid for each business subject hereto according to the applicable rate classification on or before the due date of April 30th in each year, except for those businesses in Rate Class 8 for which a different due date is specified. Late payments shall be subject to penalties as set forth in section 8-30 hereof, except that admitted insurance companies may pay before June 1 without penalty.

(b) A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the business license tax shall be computed on the combined gross income for the classification requiring the highest rate. The business license tax must be computed based on the licensee's gross income for the calendar year preceding the due date, for the licensee's 12-month fiscal year preceding the due date, or on a 12-month projected income based on the monthly average for a business in operation for less than one year. The business license tax for a new business must be computed on the estimated probable gross income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a business that is discontinued.

(c) A licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the municipality before June 1 immediately following April 30 on which the payment was due and must be supported by adequate documentation supporting the refund request. The municipality shall approve or deny the refund request, and if approved shall issue the refund to the business, within 30 days after receipt of the request.

(Ord. No. 21-20, § 4, 12-20-2021)

Sec. 8-23. Registration required.

(a) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; provided, a new business shall be required to have a business license prior to operation within the municipality, and an annexed business shall be required to have a business license within 30 days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the business.

(b) Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this article by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.

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

(d) The municipality shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or licensee from existing business license or business license tax obligations.

(Ord. No. 21-20, § 5, 12-20-2021)

Sec. 8-24. Deductions, exemptions, and charitable organizations.

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

(b) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the municipality, unless exempted by state or federal law. The license official shall determine the appropriate classification for each business in accordance with the latest issue

of NAICS. No person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no person shall be relieved of liability for payment of any other tax or fee by reason of application of this article.

(c) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the municipality. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.

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

(e) A charitable organization shall be deemed a business subject to a business license tax on its total gross income if:

- (1) Any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a charitable organization as defined in this article; or
- (2) Any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a charitable purpose as defined in this article. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization shall not be deemed a necessary expense of operation.

(Ord. No. 21-20, § 6, 12-20-2021)

Sec. 8-25. False application unlawful.

It shall be unlawful for any person subject to the provisions of this article to make a false application for a business license or to give or file, or direct the giving or filing of, any false information with respect to the license or tax required by this article.

(Ord. No. 21-20, § 7, 12-20-2021)

Sec. 8-26. Display and transfer.

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

(b) A change of address must be reported to the license official within ten days after removal of the business to a new location and the license will be valid at the new address upon written notification by the license official and compliance with zoning and building codes. Failure to obtain the approval of the license official for a change of address shall invalidate the license and subject the licensee to prosecution

for doing business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license, based on old business income.

(Ord. No. 21-20, § 8, 12-20-2021)

Sec. 8-27. Administration of article.

The license official shall administer the provisions of this article, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, undertake reasonable procedures relating to the administration of this article, and perform such other duties as may be duly assigned.

(Ord. No. 21-20, § 9, 12-20-2021)

Sec. 8-28. Inspection and audits.

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

(b) The license official shall have the authority to make inspections and conduct audits of businesses to ensure compliance with this article. Financial information obtained by inspections and audits shall not be deemed public records, and the license official shall not release the amount of business license taxes paid or the reported gross income of any person by name without written permission of the licensee, except as authorized by this article, state or federal law, or proper judicial order. Statistics compiled by classifications are public records.

(Ord. No. 21-20, § 10, 12-20-2021)

Sec. 8-29. Assessments, payment under protest, appeal.

(a) Assessments, payments under protest, and appeals of assessment shall be allowed and conducted by the municipality pursuant to the provisions of S.C. Code 1976, § 6-1-410, as amended. In preparing an assessment, the license official may examine such records of the business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the license official may deem appropriate to assess a business license tax and penalties as provided herein.

(b) The license official shall establish a uniform local procedure consistent with S.C. Code 1976, § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to businesses subject to business license taxes under article 20, chapter 9, title 58,

and chapters 7 and 45, title 38, of the South Carolina Code, the municipality, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

(Ord. No. 21-20, § 11, 12-20-2021)

Sec. 8-30. Delinquent license taxes, partial payment.

(a) For non-payment of all or any part of the correct business license tax, the license official shall impose and collect a late penalty of five percent of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax remains unpaid for 60 days after its due date, the license official shall report it to the municipal attorney for appropriate legal action.

(b) Partial payment may be accepted by the license official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

(Ord. No. 21-20, § 12, 12-20-2021)

Sec. 8-31. Notices.

The license official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the municipality three times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

(Ord. No. 21-20, § 13, 12-20-2021)

Sec. 8-32. Denial of license.

- (a) The license official may deny a license to an applicant when the license official determines:
- (1) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact;
 - (2) The activity for which a license is sought is unlawful or constitutes a public nuisance per se or per accidens;
 - (3) The applicant, licensee, prior licensee, or the person in control of the business has been convicted within the previous ten years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a business or a subject of a business, or an unlawful sale of merchandise or prohibited goods;
 - (4) The applicant, licensee, prior licensee, or the person in control of the business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the municipality or in another jurisdiction;
 - (5) The applicant, licensee, prior licensee, or the person in control of the business is delinquent in the payment to the municipality of any tax or fee;

- (6) A licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any person or employee of the licensee has committed a crime of moral turpitude on the business premises, or has permitted any person or employee of the licensee to engage in the unlawful sale of merchandise or prohibited goods on the business premises and has not taken remedial measures necessary to correct such activity; or
- (7) The license for the business or for a similar business of the licensee in the municipality or another jurisdiction has been denied, suspended, or revoked in the previous license year.

(b) A decision of the license official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

(Ord. No. 21-20, § 14, 12-20-2021)

Sec. 8-33. Suspension or revocation of license.

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

the license official may give written notice to the licensee or the person in control of the business within the municipality by personal service or mail that the license is suspended pending a single hearing before council or its designee for the purpose of determining whether the suspension should be upheld and the license should be revoked.

(b) The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held, and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article.

(Ord. No. 21-20, § 15, 12-20-2021)

Sec. 8-34. Appeals to council or its designee.

(a) Except with respect to appeals of assessments under section 8-29 hereof, which are governed by S.C. Code 1976, § 6-1-410, any person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the license official may appeal the decision to the council or its designee by written request stating the reasons for appeal, filed with the license official within ten days after service by mail or personal service of the notice of determination, denial, or suspension and proposed revocation.

(b) A hearing on an appeal from a license denial or other determination of the license official and a hearing on a suspension and proposed revocation shall be held by the council or its designee within ten business days after receipt of a request for appeal or service of a notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the council, or, if by designee of the council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by council or its designee shall govern the hearing. Following the hearing, the council by majority vote of its members present, or the designee of council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the municipality.

(c) Timely appeal of a decision of council or its designee does not effectuate a stay of that decision. The decision of the council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.

(d) For business licenses issued to businesses subject to business license taxes under article 20, chapter 9, title 58, and chapters 7 and 45, title 38, of the South Carolina Code, the municipality may establish a different procedure by ordinance.

(Ord. No. 21-20, § 16, 12-20-2021)

Sec. 8-35. Consent, franchise, or license required for use of streets.

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

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

(Ord. No. 21-20, § 17, 12-20-2021)

Sec. 8-36. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the municipality may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the

identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of this article.

(Ord. No. 21-20, § 18, 12-20-2021)

Sec. 8-37. Violations.

Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for in this article.

(Ord. No. 21-20, § 19, 12-20-2021)

Sec. 8-38. Classification and rates.

(a) The business license tax for each class of businesses subject to this article shall be computed in accordance with the current business license rate schedule, designated as appendix A to the ordinance from which this section is derived, which may be amended from time to time by the council.

(b) The current business license class schedule is attached hereto as appendix B to the ordinance from which this section is derived. Hereafter, no later than December 31 of each odd year, the municipality shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption by the municipality, the revised business license class schedule shall then be appended to this article as a replacement appendix B to the ordinance from which this section is derived.

(c) The classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (appendix B to the ordinance from which this section is derived) is a tool for classification and not a limitation on businesses subject to a business license tax. The classification in the most recent version of the business license class schedule adopted by the council that most specifically identifies the subject business shall be applied to the business. The license official shall have the authority to make the determination of the classification most specifically applicable to a subject business.

(d) A copy of the class schedule and rate schedule shall be filed in the office of the municipal clerk.
(Ord. No. 21-20, § 21, 12-20-2021)

Chapter 9

RESERVED

Chapter 10

COURT*

Article I. In General

- Sec. 10-1. Municipal court.
- Sec. 10-2. Jurisdiction; contempt.
- Sec. 10-3. Civil matters.
- Sec. 10-4. Judge—Appointment; term; oath.
- Sec. 10-5. Judge—Compensation.
- Sec. 10-6. Judge—Residency.
- Sec. 10-7. Acting judge—General.
- Sec. 10-8. Acting judge—Qualifications.
- Sec. 10-9. Restriction of judge to practice in his court.
- Sec. 10-10. Sessions of the court.
- Sec. 10-11. Suspended sentences; public service.
- Sec. 10-12. Rules of procedure.
- Sec. 10-13. Fines to be deposited in general fund.
- Sec. 10-14. Clerk of court; records.
- Secs. 10-15—10-33. Reserved.

Article II. Juries

- Sec. 10-34. Jury commissioners; town council may act.
- Sec. 10-35. Jury box; compartments.
- Sec. 10-36. Jury list; computer generated.
- Sec. 10-37. Juries; single trials; trial terms; etc.
- Sec. 10-38. Refusal to appear as juror.
- Sec. 10-39. Refusal to appear as defendant.
- Sec. 10-40. Juror compensation.

***Editor's note**—The municipal court may (1) under S.C. Code 1976, § 56-5-6150, try to determine certain criminal cases involving violations of S.C. Code 1976, title 56, ch. 5, occurring within the respective limits of this municipality, when the penalty prescribed by S.C. Code 1976, title 56, ch. 5 for such violations does not exceed 30 days' imprisonment nor a \$100.00 fine, and may have trial jurisdiction over such criminal cases the same as magistrates; and, (2) under S.C. Code 1976, § 61-6-4500, try and determine all cases involving a violation of S.C. Code 1976, title 61, ch. 6, art. 13, except § 61-6-4720, per § 61-6-4500. This is not an exhaustive list of statutory provisions for municipal court jurisdiction.

State law references—Municipal courts generally, S.C. Code 1976, § 14-25-5 et seq.; powers, duties and jurisdiction of municipal court, S.C. Code 1976, § 14-25-45; trial jurisdiction of municipal courts for violations of uniform act regulating traffic, S.C. Code 1976, § 56-5-6150; trial of persons charged with violations of ordinances or state law, S.C. Code 1976, § 5-7-90; municipal judges generally, S.C. Code 1976, § 14-25-15; appointment and duties of clerk of court, S.C. Code 1976, § 14-25-35; appeals to Court of Common Pleases, S.C. Code 1976, § 14-25-94; appointment, duties and powers of ministerial recorder, S.C. Code 1976, § 14-25-115; maximum penalties imposed by municipal court, S.C. Code 1976, § 14-25-65; judge may suspend sentences, S.C. Code 1976, § 14-25-75; municipal judge to make return, S.C. Code 1976, § 14-25-105; demand for jury trial; composition of jury, S.C. Code 1976, § 14-25-125; jury commissioners, S.C. Code 1976, § 14-25-135; drawing and composing juries, S.C. Code 1976, § 14-25-165; failure of juror to appear, S.C. Code 1976, § 14-25-185.

ARTICLE I. IN GENERAL**Sec. 10-1. Municipal court.**

A municipal court is hereby established which shall become a part of the Unified Judicial System of the state, as provided by law.

(Code 2001, § 7.101)

Sec. 10-2. Jurisdiction; contempt.

(a) The municipal court shall have jurisdiction to try and determine all cases arising under the ordinances of the town and all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates.

(b) The municipal court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts.

(Code 2001, § 7.102)

Sec. 10-3. Civil matters.

The municipal court shall have no jurisdiction in civil matters.

(Code 2001, § 7.103)

Sec. 10-4. Judge—Appointment; term; oath.

(a) The municipal court shall be presided over by a municipal judge, appointed by the town council for a term not less than two years, and not to exceed four years and until his successor is appointed and qualified.

(b) Before entering upon his duties, the municipal judge shall take the oath of office as prescribed by S.C. Const. art. VI, § 5.

(c) All councilmen and the mayor are ineligible to serve as municipal judge.

(Code 2001, § 7.104)

Sec. 10-5. Judge—Compensation.

The compensation for the municipal judge shall be included in the annual budget.

(Code 2001, § 7.105)

Sec. 10-6. Judge—Residency.

The municipal judge shall not be required to be a resident of the town.

(Code 2001, § 7.106)

Sec. 10-7. Acting judge—General.

(a) The council may appoint an acting judge, during the absence, sickness, incapacity or other disqualification of the municipal judge.

(b) The acting judge shall possess the qualifications of the municipal judge.

(c) The council may contract with the county to employ a magistrate to preside over its court, in the absence of the municipal judge.

(Code 2001, § 7.107)

Sec. 10-8. Acting judge—Qualifications.

The qualifications required of magistrates are hereby imposed upon the municipal judge.

(Code 2001, § 7.108)

Sec. 10-9. Restriction of judge to practice in his court.

The municipal judge shall not practice law in the municipal court for which he is appointed.

(Code 2001, § 7.109)

Sec. 10-10. Sessions of the court.

The municipal judge shall establish a regular place and time for the court to hold its sessions.

(Code 2001, § 7.110)

Sec. 10-11. Suspended sentences; public service.

The municipal judge may suspend sentences imposed by the judge upon such terms and conditions, as deemed proper, including, without limitation, restitution or public service employment.

(Code 2001, § 7.111)

Sec. 10-12. Rules of procedure.

The municipal judge shall establish and prescribe all necessary and proper rules of procedure for the municipal court; provided, however, that the same shall not conflict in any manner with existing state, county or municipal laws.

(Code 2001, § 7.112)

Sec. 10-13. Fines to be deposited in general fund.

All fines and penalties collected by the municipal court shall be forthwith turned over to the clerk/treasurer who shall provide monthly accounting therefor to the town council.

(Code 2001, § 7.113)

Sec. 10-14. Clerk of court; records.

(a) The town clerk as clerk of court.

(b) He shall keep such records and make such reports as may be required by the municipal judge or the state court administrator.

(Code 2001, § 7.114)

Secs. 10-15—10-33. Reserved.

ARTICLE II. JURIES**Sec. 10-34. Jury commissioners; town council may act.**

(a) The council shall appoint not less than three nor more than five persons to serve as jury commissioners.

(b) The council may act as jury commissioners, in lieu of appointing such commissioners.
(Code 2001, § 7.201)

Sec. 10-35. Jury box; compartments.

(a) The jury commissioners shall, within the first 30 days of each year, prepare a box to be known as the jury box.

(b) Such box shall contain two compartments, designated as "A" and "B," respectively.

(c) Compartment A shall contain a separate ballot or number for each name on the jury list.

(d) Compartment B shall contain the names of jurors, following selection.

(e) When all names or numbers in compartment A have been exhausted, the names or numbers shall be returned from compartment B to compartment A. Thereafter jurors shall continue to be drawn therefrom in the manner provided herein.

(Code 2001, § 7.202)

Sec. 10-36. Jury list; computer generated.

(a) A jury list shall be composed of all names on the official list of qualified electors of the town furnished to the town by the state election commission each year or copied from the official voter registration list of the municipality.

(b) Computer generated lists may be used in lieu of the jury box in the manner the Supreme Court by order directs.

(Code 2001, § 7.203)

Sec. 10-37. Juries; single trials; trial terms; etc.

The method of drawing and selecting juries, conducting trials and the use of peremptory challenges shall conform in all respects to S.C. Code 1976, § 14-25-165 et seq.

(Code 2001, § 7.204)

Sec. 10-38. Refusal to appear as juror.

It shall be unlawful for any person to fail, refuse or neglect to appear before the municipal court after having been duly summoned to serve as a juror therein, when lawfully required to do so.

(Code 2001, § 7.205)

Sec. 10-39. Refusal to appear as defendant.

In the event any person charged with any offense against the ordinances of the town shall be summoned to appear, if he has not already been arrested and given bail and answered to said charges, at a day therein fixed, not later than five days after the date of said summons, and such person so summoned neglects, refuses or fails to appear at the time specified, the municipal court shall proceed with the trial of said case, as though the defendant were present.

(Code 2001, § 7.206)

Sec. 10-40. Juror compensation.

Jurors shall serve without compensation.

(Code 2001, § 7.207)

Chapter 11

RESERVED

Chapter 12

ENVIRONMENT AND HEALTH

Article I. In General

- Sec. 12-1. Odors; unwholesome; offensive; unlawful.
- Sec. 12-2. Debris removal.
- Sec. 12-3. Putrescible matter not to be as used as fill.
- Sec. 12-4. Removal of accumulations of deleterious matter.
- Secs. 12-5—12-26. Reserved.

Article II. Vacant Lots, Premises, Land

- Sec. 12-27. Accumulations—Prohibited.
- Sec. 12-28. Accumulations—Summons for failure to maintain lots.
- Sec. 12-29. Accumulations—How summons given.
- Sec. 12-30. Accumulations—Failure to clean declared a misdemeanor; penalty.
- Secs. 12-31—12-48. Reserved.

Article III. Toilet Facilities

- Sec. 12-49. Pit privy defined; declared unlawful.
- Sec. 12-50. Disposal of human excrement.
- Sec. 12-51. Building contracts to provide for waste disposal.
- Secs. 12-52—12-75. Reserved.

Article IV. Public Nuisances

- Sec. 12-76. Public nuisances; general.
- Sec. 12-77. Definitions.
- Sec. 12-78. Unlawful property nuisance.
- Sec. 12-79. Public nuisance declared.
- Sec. 12-80. Responsibility for property maintenance.
- Sec. 12-81. Right to enter property to inspect or abate.
- Sec. 12-82. Abatement procedure/compliance order.
- Sec. 12-83. Abatement by town.
- Sec. 12-84. Exemptions.
- Sec. 12-85. Right to appeal.
- Sec. 12-86. Procedure.
- Sec. 12-87. Provisions.
- Sec. 12-88. Limitation of liability.

ARTICLE I. IN GENERAL**Sec. 12-1. Odors; unwholesome; offensive; unlawful.**

(a) No person shall erect or maintain any place of business dangerous to life or detrimental to health or where unwholesome, offensive or deleterious gas, smoke, deposits or exhalations are generated, without approval from the South Carolina Department of Health and Environmental Control.

(b) All such establishments shall be kept clean and wholesome so as not to be offensive or prejudicial to public health.

(c) No offensive or deleterious waste substance, water-gas tar, sludge, refuse or injurious matter shall be allowed to accumulate upon the premises thereof or be thrown or allowed to run into any public water, stream, watercourse or onto any street or public place.

(Code 2001, § 10.103)

Sec. 12-2. Debris removal.

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

(b) Anyone providing services to residents or businesses in the town, such as roofers, building contractors, pulpwood dealers, etc., upon completing such services, shall remove any debris created thereby.

(Code 2001, § 10.104)

Sec. 12-3. Putrescible matter not to be as used as fill.

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

(Code 2001, § 10.105)

Sec. 12-4. Removal of accumulations of deleterious matter.

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

(Code 2001, § 10.106)

Secs. 12-5—12-26. Reserved.**ARTICLE II. VACANT LOTS, PREMISES, LAND****Sec. 12-27. Accumulations—Prohibited.**

It shall be unlawful for any person, firm or corporation to maintain or to permit to be maintained any vacant lots, improved or unimproved premises, or land, upon which grass, weeds, undergrowth, trash, garbage, offal, stagnant water, building materials, glass, wood, junk or other matter deleterious to good

health and public sanitation which is permitted or caused to accumulate in any manner which is or may become a nuisance causing injury to the health or welfare of the residents or the public in the vicinity or causing injury to neighboring property.

(Code 2001, § 10.201)

Sec. 12-28. Accumulations—Summons for failure to maintain lots.

The mayor is hereby authorized to summon the owner of such premises. If, after fully hearing the matter and any statement the owner may make and any testimony he may offer on his behalf concerning such matter, the mayor should find such premises or lot in a condition tending to injure the public health, he shall issue a written order or notice directed to the owner, directing and requiring him within a reasonable and specified time to clear such premises or lot in order to abate such nuisance.

(Code 2001, § 10.202)

Sec. 12-29. Accumulations—How summons given.

The notice shall be served on the owner to whom it is directed or by certified mail, return receipt requested, addressed to such owner at his last-known post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two times within 15 consecutive days in a local newspaper of general circulation.

(Code 2001, § 10.203)

Sec. 12-30. Accumulations—Failure to clean declared a misdemeanor; penalty.

(a) Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an ordinance summons to appear before the municipal judge, as provided in section 20-19.

(b) Upon conviction, any person, firm or corporation shall be guilty of a misdemeanor and subject to such fine as may be imposed by the municipal judge.

(Code 2001, § 10.204)

Secs. 12-31—12-48. Reserved.

ARTICLE III. TOILET FACILITIES

Sec. 12-49. Pit privy defined; declared unlawful.

(a) The term "pit privy," as used in this article, means a building used for affording privacy while in the act of urination or defecation.

(b) Pursuant to the S.C. Code 1976, § 44-55-210, it shall be unlawful for any property owner to construct, erect, install, maintain or permit to remain any pit privy on any property within the corporate limits.

(Code 2001, § 10.401)

Sec. 12-50. Disposal of human excrement.

It shall be unlawful for any person, firm or corporation to deposit or throw upon the ground or bury any human excrement, solid or liquid, or to otherwise dispose of such substances in any manner other than into a sanitary septic tank constructed in accordance with DHEC requirements.

(Code 2001, § 10.402)

Sec. 12-51. Building contracts to provide for waste disposal.

(a) All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal.

(b) The contract shall provide for such facilities; the plans shall state the proposed method of disposal and the town clerk shall be notified.

(Code 2001, § 10.403)

Secs. 12-52—12-75. Reserved.**ARTICLE IV. PUBLIC NUISANCES****Sec. 12-76. Public nuisances; general.**

Public nuisances can substantially degrade residential and business areas and promote rural blight and deterioration and often violate health, safety and sanitation requirements. This law has been adopted for the citizens of the town to provide for steady and consistent improvement of the general health safety, sanitation and/or economic value preservation of properties in the unincorporated area of the town.

(Ord. of 2-23-2007, § 1)

Sec. 12-77. 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:

Abate or *abatement* means action to terminate, stop, cease, repair, rehabilitate, replace, demolish, correct or otherwise remedy nuisance activity, condition, premises or conduct by such means and in such manner as to bring the activity, condition, premises or conduct into compliance with the laws or regulations of the town and/or the state or in such manner as is necessary to promote the health, safety or general welfare of the public.

Compliance officer means the individual designated by the council with proper credentials who shall act in such capacity and on his behalf.

County means the county in which the real property is located and while within the corporate limits of the town.

Courts mean the town municipal court.

Dilapidated means falling to pieces, broken down, shabby and neglected.

Inoperable means inoperative, not working, or not in effect.

Owner means the owner of any premises or real or personal property or the owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the county.

Premises or real property means, in context, any location, building, structure, residence, garage room, shed, dwelling, lot, parcel, land or portion thereof, whether improved or unimproved.

Private property includes, but is not limited to, yards, grounds, driveways, entranceways, passageways, parking areas, work areas, storage areas, recreation areas and vacant or wooded lots and land owned by private individuals, firms, corporations, partnerships, institutions or organizations.

Public nuisance means any condition, instrumentality or machine located in a building, or on premises, which constitutes a health hazard or which is or may be unsafe or dangerous by reason of inability to appreciate the peril therein, and/or which may be reasonably expected to attract children to the premises and risk injury by playing with, in, or on it.

Public street means a right-of-way for vehicular travel which has been dedicated or accepted or declared public by the town, county, or state. The term "public street" also means highways, roads, avenues, boulevards, lanes, drives, parkways and other vehicular travel ways.

Responsible party or person means any individual business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct; and includes, but is not limited to, the property owner (both real and personal), tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation a business owner or manager of a business. The owner, occupant, or the agent of any owner to occupant of lots, parcels or areas within the town. (Ord. of 2-23-2007, § 2)

Sec. 12-78. Unlawful property nuisance.

It is unlawful for any person owning, renting, leasing, occupying, managing, having charge, or possessing any real or personal property in this town to maintain such premises or property in such a manner that violates health, safety, sanitation requirements and/or economic value preservation of properties such as:

- (1) A building, structure, or portion thereof in a dilapidated or dangerous condition to be unsafe or unsuitable for human occupancy. Such conditions include, but are not limited to:
 - a. Inadequate or inoperable mechanical, electrical, plumbing, or sanitation.
 - b. Lack of sound and effective exterior walls or roof covering to provide weather protection.
 - c. Lack of structural integrity, including deteriorated or inadequate foundations, joints, vertical or horizontal support.
 - d. Broken, missing or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers.
 - e. Broken, deteriorated, or substantially defaced structures presenting a risk to public safety.
 - f. Building conditions must comply with the International Building Code.

- (2) An abandoned building, manufactured home, or structure that violates health, safety sanitation, requirements and/or economic value preservation of properties such as:
 - a. An unoccupied and unsecured building or structure;
 - b. A partially constructed, partially reconstructed, or partially demolished building or structure where work is abandoned for a period of 180 consecutive days after the time the work is commenced;
 - c. A damaged or partially destroyed building or structure not removed or repaired within 180 days after the damage or destruction, or, if the removal or repair cannot reasonably be accomplished within 180 days, upon which removal or repair has not been commenced within such period and prosecuted diligently toward completion;
 - d. A manufactured home that is damaged, extensively deteriorated does not have approved utilities, water, and septic service, or is deteriorated and is being used as a storage unit.
- (3) Property maintained in a condition so defective substantially defaced, or in a state of such deterioration, disrepair or neglect that is causes a health, safety, sanitation, public nuisance and/or affects the economic value preservation of properties such as:
 - a. The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, drive-ways, front yards, rear yards, outside vestibules, doorways of buildings, the adjoining sidewalk or alley no longer than 14 days.
 - b. Excessive storage of personal property (other than items designated for outdoor use) in front, exterior, side, or rear yard areas visible to public view, including, but not limited to, unregistered, inoperative or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliances, household furnishings or equipment, tools, machine, packing boxes, debris, rubbish, and broken or discarded furniture. No longer than 14 days.
- (4) Abandoned and broken equipment or machinery, appliances, or parts thereof;
- (5) The discharge of sewerage into any yard, open ditch, storm sewer line or any other open public or private property area;
- (6) A motor vehicle that is inoperable, abandoned, or left upon any public street, road or thoroughfare, or private property. The provisions of S.C. Code 1976, §§ 56-5-510—56-5-5950, as amended, are incorporated by reference and applied as to the treatment and disposition of abandoned vehicles. A vehicle shall be considered abandoned if the vehicle is left on:
 - a. Property owned or operated by the town for a period of more than 48 hours;
 - b. Any private property without the consent of the property owner, occupant or lessee thereof for a period of more than 24 hours; or
 - c. Any public street or highway for a period of more than 48 hours.
- (7) Clothing, linen towels, laundry, rugs, mattresses, and other similar material hung, placed or attached to power lines, trees, bushes, fences, buildings, railings, or walls and visible from public property (or an area open to the public) longer than seven days.

- (8) Waste matter or unsightly personal property placed on rooftops.
- (9) Any building or structure, which is a public nuisance under common law.
- (10) Any violation of the zoning ordinances or occupant or otherwise use of property in violation of the provisions of any conditional use permit, planned development permit, variance of other land use entitlement or land use permit.
- (11) Any condition or activity which is a "nuisance" or "public nuisance" as defined by the state.
(Ord. of 2-23-2007, § 3)

Sec. 12-79. Public nuisance declared.

All property found to be maintained in violation of any one or more of the provisions of this article is hereby to be a public nuisance and shall be abated pursuant to the procedures set forth herein. The procedure for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the town from enforcing other ordinances or abating public nuisances in any manner provided by law.

(Ord. of 2-23-2007, § 4)

Sec. 12-80. Responsibility for property maintenance.

Every responsible party, owner occupant or agent of any owner, who owns or is in possession of premises within the town is required to maintain such premises in a manner so as not to violate the provision of this article.

(Ord. of 2-23-2007, § 5)

Sec. 12-81. Right to enter property to inspect or abate.

The compliance officer or a designated agent of the council or their designee with proper credential, are hereby authorized (with just cause) to enter into and upon any property located within the town for the purpose of inspecting and enforcing the provisions of this article. If any reasonable party, owner, occupant or the agent of any owner or occupant of any property located with the town refuses to allow the compliance officer to inspect any such property, the compliance officer is authorized to seek a search warrant from any authorized judicial officer having jurisdiction over the subject property.

(Ord. of 2-23-2007, § 6)

Sec. 12-82. Abatement procedure/compliance order.

Whenever the compliance officer determines that any property is maintained in violation of one or more of the provisions of this article, he or she shall serve on one or more of the responsible parties a written warning compliance order citing:

- (1) The date and location of the violation.
- (2) The section of the code violated and a brief description of the violation.
- (3) The actions required to correct the violation or abate/the conditions.
- (4) The time period after which the town will enter the property to abate the conditions.

- (5) The time period for abatement shall be at least 15 days unless it is determined by the compliance officer that the conditions constitute an imminent threat to the public health, safety or welfare. The compliance officer may grant an extension of time upon good cause provided the responsible party signs a written agreement to abate the nuisance within a certain time.
- (6) Service under this section may be accomplished by delivery to and/or served upon such persons either personally or by certified mail (restricted delivery, return receipt requested), but if the whereabouts of the responsible persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the serving of the compliance order may be made by publishing it once each week for two weeks in a newspaper of general circulation in the county and notice shall be posted on the property and allowed to remain for up to 30 days and shall indicate the nature of the violation identification of the property affected, with date of posting and contact information.

(Ord. of 2-23-2007, § 7)

Sec. 12-83. Abatement by town.

Should any property owner, agent or occupant fail to comply with an order to abate violations of such property, the town reserves the right in addition to other penalties to cause by proper means such property to be abated of violations. Cost of such abatement shall be billed to the owner, agent, or occupant to be paid in full within 30 days. In addition, an administrative fee of \$50.00 or 15 percent of the actual cost of abatement, whichever being the greater amount, shall be applied to the cost. Whenever said bill has not been paid within the prescribed time period, the town shall apply all costs as a lien on the property and/or shall be applied to the real property tax levied and shall be collected by the town in addition to annual property tax or other means as may be available and provided by law.

(Ord. of 2-23-2007, § 8)

Sec. 12-84. Exemptions.

(a) The motor vehicle provisions of this article shall not apply to authorized auto salvage yards and other related businesses duly operated, regulated and in compliance with all other town ordinances if the motor vehicles stored, kept or otherwise remaining on the premises are not visible from any public highway or all adjacent properties. In order to be exempt from the provisions this article the operator of any such auto salvage yard shall obtain the approval of the mayor or his designee as to the size, type, location and color of all fences and landscaping materials.

(b) The provisions of this article shall not apply to vehicles, which bear a current antique vehicle license as issued by state department of highways and public transportation.

(c) The provisions of this article shall not apply to motor vehicles which are in relatively good condition and capable of being moved under their own power, yet do not present current license plates due to owner's illness or other reasonable verifiable causes as determined by the compliance officer, or his designated agent.

(d) The provisions of this article shall not apply to motor vehicles properly stored within an enclosed building as not to be visible as determined by the compliance officer, or his designated agent.

(e) The provisions of this article shall not apply to motor vehicles where authorization has been attained from the compliance officer for vehicles for sale, when vehicle inoperable yet does not bear a current license plate and not to exceed 120 days.

(f) The provisions of this article shall not apply to authentic and verifiable stock race cars, dirt track race cars, drag race cars or other relevant race cars, which are being used on a regular basis and able to move under their own power at determined by the compliance officer.

(Ord. of 2-23-2007, § 10)

Sec. 12-85. Right to appeal.

Anyone charged with a civil violation of this article has the right to appeal to the board of adjustments and appeals and in the absence of such a body or until such time as such a body is constituted by the town council and appointed, the appeal shall be to the town planning commission.

(Ord. of 2-23-2007, § 11)

Sec. 12-86. Procedure.

Provisions in other town ordinances, resolutions, policies or bylaws in conflict with this article are hereby replaced.

(Ord. of 2-23-2007, § 12)

Sec. 12-87. Provisions.

Provisions of this article shall not apply to structures of historical interest of significance in the town.

(Ord. of 2-23-2007, § 13)

Sec. 12-88. Limitation of liability.

It is the purpose of this article to protect the health, safety, sanitation and/or economic preservation of properties and general welfare of the people of the town. It is not the intent or purpose of this article to protect any specific individuals or groups of individuals or class of persons within or without the town. To this end, neither the town, its officers, officials, agents, nor employees shall be liable in any way, whatsoever to any one as a result of any acts, errors or omissions that may occur because of the enforcement or failure to enforce any of the terms of this article.

(Ord. of 2-23-2007, § 15)

Chapter 13

RESERVED

Chapter 14

FIRE PREVENTION*

Article I. In General

Secs. 14-1—14-18. Reserved.

Article II. Administration

Sec. 14-19. Fire district provisions designated.
Sec. 14-20. Possession and control of buildings on fire.
Sec. 14-21. Right of entry during emergencies.
Sec. 14-22. Responding to alarms; right-of-way.
Sec. 14-23. Police officers to enforce provisions.
Secs. 14-24—14-51. Reserved.

Article III. Prohibited Acts

Sec. 14-52. False alarms.
Sec. 14-53. Parking at hydrants; obstructing fire equipment or members.
Sec. 14-54. Following or parking near fire equipment; bystanders.
Sec. 14-55. Failure to obey lawful orders.
Sec. 14-56. Driving over fire hose.
Sec. 14-57. Opening fire hydrants.
Sec. 14-58. Burning trash.
Sec. 14-59. Fire hazard upon lots, buildings, premises; accumulation, growth, etc.
Sec. 14-60. Fires near buildings.
Secs. 14-61—14-101. Reserved.

Article III. Fireworks

Sec. 14-102. Fireworks displays; permits; requirements.
Sec. 14-103. Toy caps and similar devices excepted.
Sec. 14-104. Other exceptions.
Sec. 14-105. Permissible fireworks.
Sec. 14-106. Permissible sale of fireworks.
Sec. 14-107. Sale to minors.
Sec. 14-108. Restrictions.
Sec. 14-109. Identification and marking.
Sec. 14-110. Retail handling; storage.
Secs. 14-111—14-133. Reserved.

***Editor's note**—At the time of this recodification, the town had entered into agreements with Beaufort County and Sheldon Fire District for fire protection services.

State law references—Municipal authority to equip and control fire department, S.C. Code 1976, § 5-25-20; local permits for fireworks displays, S.C. Code 1976, § 23-35-60; local government may regulate explosive materials as or more strictly than the state, S.C. Code 1976, § 23-36-150.

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Article IV. Open Burning

- Sec. 14-134. Compliance with article.
- Sec. 14-135. Regulation of open burning.
- Sec. 14-136. Open burning on premises of undeveloped properties for purposes of land clearing.
- Sec. 14-137. Attendance and fire extinguishing equipment required for open burning, adherence to state law.
- Sec. 14-138. Fires shall be prohibited as follows.
- Sec. 14-139. Criteria for determining when open burning deemed hazardous.
- Sec. 14-140. Prohibition on open burning in town-maintained drainage ditches and on town-maintained roads and rights-of-way.
- Sec. 14-141. Exceptions to restrictions.
- Sec. 14-142. Hazardous or toxic materials.
- Sec. 14-143. Penalties.

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. ADMINISTRATION**Sec. 14-19. Fire district provisions designated.**

The town is served by two fire districts through contractual arrangements and Intergovernmental Agreements. The Sheldon Township Fire District is responsible for emergency and non-emergency calls for service within the Beaufort County portion of the town and the Hampton County Fire Rescue is responsible for emergency and non-emergency calls for service within the Hampton County portion of the town. Each district shall delegate an individual from their agency to serve as a fire inspector/investigator and fire marshal.

(Code 2001, § 9.101)

Sec. 14-20. Possession and control of buildings on fire.

Immediately upon his arrival on the premises, the fire chief or his designee shall have sole and absolute possession and control of any and all buildings on fire within the town and shall so remain in possession and control until the fire shall be extinguished and the premises abandoned at his direction.

(Code 2001, § 9.106)

Sec. 14-21. Right of entry during emergencies.

In a fire or life-threatening emergency, while endeavoring to control or extinguish fires or rescue injured victims, the chief, or his designated representatives, may pass through and enter any adjacent building or property.

(Code 2001, § 9.107)

Sec. 14-22. Responding to alarms; right-of-way.

All motor equipment of the fire department, police department and the vehicles of volunteers shall have the right-of-way over all other vehicles, when responding to an alarm.

(Code 2001, § 9.108)

Sec. 14-23. Police officers to enforce provisions.

Police officers shall enforce the provisions of this chapter. Immediately upon their arrival at the scene of a fire or other incident, where the fire department is operating and subject to availability of personnel, a police officer may be stationed at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within said block to be moved immediately and block the street from other vehicles.

(Code 2001, § 9.109)

Secs. 14-24—14-51. Reserved.

ARTICLE III. PROHIBITED ACTS

Sec. 14-52. False alarms.

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any manner, communicating falsely to the fire department that an emergency exists.

(Code 2001, § 9.201)

Sec. 14-53. Parking at hydrants; obstructing fire equipment or members.

(a) No person shall park any vehicle within 15 feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at an emergency incident.

(b) It shall be unlawful to interfere with or obstruct the activities of any member of the fire department who is acting in his official capacity or when proceeding to an emergency incident.

(Code 2001, § 9.202)

Sec. 14-54. Following or parking near fire equipment; bystanders.

(a) No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to an emergency incident closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to an emergency incident.

(b) Bystanders shall stay a safe distance away as determined by the officer in charge.

(Code 2001, § 9.203)

Sec. 14-55. Failure to obey lawful orders.

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

(Code 2001, § 9.204)

Sec. 14-56. Driving over fire hose.

It shall be unlawful for any person, without permission of the fire chief or his designee, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the fire department.

(Code 2001, § 9.205)

Sec. 14-57. Opening fire hydrants.

It shall be unlawful for any unauthorized person to interfere with or open for any purpose whatever any fire hydrants of the town, except in the case of fire, without first having obtained a proper permit to do so from the local water authority.

(Code 2001, § 9.206)

Sec. 14-58. Burning trash.

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first obtaining permission from the property owner and a permit from the state forestry commission or DHEC.

(Code 2001, § 9.207)

Sec. 14-59. Fire hazard upon lots, buildings, premises; accumulation, growth, etc.

(a) It shall be unlawful for any owner, tenant, occupant, person possessing, or any other person, to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

(b) Any person who shall fail, within seven calendar days of a notice, to eliminate a fire hazard, upon conviction, shall be guilty of a misdemeanor.

(Code 2001, § 9.208)

Sec. 14-60. Fires near buildings.

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

(Code 2001, § 9.209)

Secs. 14-61—14-101. Reserved.**ARTICLE III. FIREWORKS****Sec. 14-102. Fireworks displays; permits; requirements.**

(a) Any person who desires to hold a fireworks display shall first obtain a permit from the mayor and council, in triplicate, in addition to any requirements of state law. The manufacturer or wholesaler supplying the fireworks display material shall retain one copy of the permit, and the person putting on the display shall retain one copy. One copy shall be forwarded to the state fire marshal's office.

(b) All fireworks display materials shall be purchased through a manufacturer or wholesaler licensed in the state who will supply insurance protection for any accidents that might take place during the display, except as otherwise provided for in this article.

(c) Any display requiring shells to be fired from mortars or set pieces more than 16 feet high shall be classified as Type A, and, when such display is used, an experienced fireworks operator shall be in charge for the protection of spectators. Any display commonly called a local or family display, which includes no uncased shells and no shell larger than regular 100 aerial or set pieces larger than ten feet, may be fired by persons putting on the display who shall assume responsibility for insurance.

(d) No commercial fireworks item such as cherry bombs, TNT, M-80s or other domestic items of commercial fireworks or a similar type shall be considered as display fireworks.

(Code 2001, § 9.401)

Sec. 14-103. Toy caps and similar devices excepted.

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

(Code 2001, § 9.402)

Sec. 14-104. Other exceptions.

Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the state or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

(Code 2001, § 9.403)

Sec. 14-105. Permissible fireworks.

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as Class B Fireworks and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

(Code 2001, § 9.404)

Sec. 14-106. Permissible sale of fireworks.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in S.C. Code 1976, § 23-35-10.

(Code 2001, § 9.405)

Sec. 14-107. Sale to minors.

It shall be unlawful to offer for sale or to sell permissible fireworks to children under the age of 14 years unless accompanied by a parent or guardian.

(Code 2001, § 9.406)

Sec. 14-108. Restrictions.

It shall be unlawful:

- (1) To explode or ignite fireworks within 600 feet of any church, hospital, asylum or public school; provided, however, that this provision shall not apply to the Shrimp Festival;
- (2) To explode or ignite fireworks within 75 feet of where fireworks are stored, sold or offered for sale;

- (3) To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and
- (4) To place or throw any ignited fireworks into or at any motor vehicle.
(Code 2001, § 9.407)

Sec. 14-109. Identification and marking.

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless certified as "common fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.
(Code 2001, § 9.408)

Sec. 14-110. Retail handling; storage.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.
(Code 2001, § 9.409)

Secs. 14-111—14-133. Reserved.

ARTICLE IV. OPEN BURNING

Sec. 14-134. Compliance with article.

No person shall kindle or maintain any open burning or authorize any open burning to be kindled or maintained within the town, excepted as stated in this article. The term "open burning" means the outdoor burning of leaves, tree branches, yard trimmings, clippings and other natural vegetation.
(Ord. No. 20130814, § 1, 8-14-2013)

Sec. 14-135. Regulation of open burning.

The open burning of leaves, tree branches, yard trimmings, and other vegetative matter originating on the premises of residential properties located within the town shall be permitted. Adequate provisions shall be made to prevent the fire from spreading. The open burning as provided for under this section must be started only between the hours of 9:00 a.m. and 3:00 p.m. No combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. the following day. Any open burning as provided for under this section shall be fully extinguished and shall not allow any smoke to be produced beyond the time of official sunset as determined by the United States Naval Observatory. Notify the town hall prior to any burning at 843-589-2565.
(Ord. No. 20130814, § 2, 8-14-2013)

Sec. 14-136. Open burning on premises of undeveloped properties for purposes of land clearing.

Open burning for purposes of land clearing on the premises of undeveloped properties upon which no residential structure is situated, shall be permitted, provided that such burning is conducted in accordance with the state department of health and environmental control (DHEC) Air Quality Regulation 61-62.2 and S.C. Code 1976, § 48-35-10, and provided that authorization for the open burning is obtained from the state forestry commission prior to ignition of the fire.

(Ord. No. 20130814, § 3, 8-14-2013)

Sec. 14-137. Attendance and fire extinguishing equipment required for open burning, adherence to state law.

The open burning permitted under section 14-135 shall at all times be attended by a competent person from the time that such fire is kindled, until such time as all embers of said fire have been extinguished. Such responsible person shall have a garden hose readily available for use, in permitted areas. The open burning must be conducted in accordance with related state laws and regulations, including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-64.4 and S.C. Code 1976, § 48-35-10.

(Ord. No. 20130814, § 4, 8-14-2013)

Sec. 14-138. Fires shall be prohibited as follows.

(a) The town fire chief or his representative, in coordination with the fire chiefs of the individual fire districts of Hampton County, may prohibit open burning during such times as may be necessary depending upon atmospheric conditions, local weather patterns, or other such circumstances as would exist to make open burning hazardous.

(b) The only materials that may be lawfully burned as permitted in section 14-135, are those vegetative materials which shall have originated on the site in which they are proposed to be included in any open burning. All other materials or items are prohibited from being burned on properties located within the town, which materials shall include, but not be limited to, asphalt and asphaltic materials, paint, plastics, metals, and treated wood, paper, petroleum products, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

(Ord. No. 20130814, § 5, 8-14-2013)

Sec. 14-139. Criteria for determining when open burning deemed hazardous.

When a red flag alert has been declared in Hampton or Beaufort Counties by the state forestry commission, it shall automatically constitute a hazardous condition. Thereafter, no open burning of any material, vegetative or otherwise, will be permitted within the town so long as the alert may remain active.

(Ord. No. 20130814, § 6, 8-14-2013)

Sec. 14-140. Prohibition on open burning in town-maintained drainage ditches and on town-maintained roads and rights-of-way.

Open burning of any material, vegetative or otherwise, shall be prohibited on all town-maintained roads and rights-of-way and within town-maintained drainage ditches. At no time shall the ash or remnants of open burning be allowed to enter into town-maintained drainage ditches or upon town-maintained roads and rights-of-way.

(Ord. No. 20130814, § 7, 8-14-2013)

Sec. 14-141. Exceptions to restrictions.

(a) Nothing in this article shall be meant to restrict open burning in connection with the preparation of food for consumption, campfires or other like fires intended solely for recreational purposes, or those fires necessary for religious or ceremonial occasions, or for providing human warmth, so long as said fires are maintained in a safe manner.

(b) Nothing in this article shall apply to open burning of storm debris that shall result from major storms such as severe thunderstorms, tornadoes, or hurricanes. Any fire that is contemplated under the exemption contained in this section shall require the review and approval of the town designated fire code official and the fire chiefs of the individual fire districts in which the fire is intended to occur.

(c) Nothing in this article shall apply to limit the training of the firefighting personnel so long as the kindling of any such fire has been authorized by an appropriate governmental entity, has been done in consultation with the state department of health and environmental control, is solely for the purposes of firefighter training, and is immediately extinguished upon completion of all training activities.

(Ord. No. 20130814, § 8, 8-14-2013)

Sec. 14-142. Hazardous or toxic materials.

At no time shall hazardous or toxic materials be burned within the town.

(Ord. No. 20130814, § 9, 8-14-2013)

Sec. 14-143. Penalties.

Enforcement of this article shall fall under the jurisdiction of both the town police department and town codes enforcement, punishable by a fine of up to \$110.00 or up to 30 days imprisonment.

(Ord. No. 20130814, § 10, 8-14-2013)

Chapter 15

RESERVED

Chapter 16

FLOOD DAMAGE PREVENTION

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Flood Damage Control

Division 1. Generally

- Sec. 16-19. Findings of fact.
- Sec. 16-20. Statement of purpose and objectives.
- Sec. 16-21. Lands to which this article applies.
- Sec. 16-22. Establishment of development permit.
- Sec. 16-23. Compliance.
- Sec. 16-24. Interpretation.
- Sec. 16-25. Warning and disclaimer of liability.
- Sec. 16-26. Penalties for violation.
- Secs. 16-27—16-55. Reserved.

Division 2. Definitions

- Sec. 16-56. Definitions.
- Secs. 16-57—16-85. Reserved.

Division 3. Administration

- Sec. 16-86. Designation of local floodplain administrator.
- Sec. 16-87. Adoption of letter of map revisions (LOMR).
- Sec. 16-88. Development permit and certification requirements.
- Sec. 16-89. Duties and responsibilities of the local floodplain administrator.
- Sec. 16-90. Administrative procedures.
- Secs. 16-91—16-108. Reserved.

Division 4. Provisions for Flood Hazard Reduction

- Sec. 16-109. General standards.
- Sec. 16-110. Specific standards.
- Sec. 16-111. Standards for streams without established base flood elevations and floodways.
- Sec. 16-112. Standards for streams with established base flood elevations but without floodways.
- Sec. 16-113. Standards for areas of shallow flooding (AO zones).
- Sec. 16-114. Coastal high hazard areas (V-zones).
- Secs. 16-115—16-141. Reserved.

Division 5. Variance Procedures

- Sec. 16-142. Establishment of appeal board.
- Sec. 16-143. Right to appeal.
- Sec. 16-144. Historic structures.

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- Sec. 16-145. Functionally dependent uses.
- Sec. 16-146. Agricultural structures.
- Sec. 16-147. Considerations.
- Sec. 16-148. Findings.
- Sec. 16-149. Floodways.
- Sec. 16-150. Conditions.
- Secs. 16-151—16-168. Reserved.

Division 6. Legal Status Provisions

- Sec. 16-169. Effect on rights and liabilities under the existing flood damage prevention ordinance.
- Sec. 16-170. Effect upon outstanding building permits.

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

ARTICLE II. FLOOD DAMAGE CONTROL**DIVISION 1. GENERALLY****Sec. 16-19. Findings of fact.**

(a) The special flood hazard areas of the town 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 of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) Furthermore, 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 lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Ord. of 2-15-2021, § 5.602)

Sec. 16-20. Statement of purpose and objectives.

(a) It is the purpose of this article to protect human life and health, minimize property damage and to encourage appropriate construction practices to minimize public and private losses due to flood conditions by requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Uses of the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, and control filling, grading, dredging and other development which may increase flood damage or erosion. Additionally, the article prevents or regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(b) The objectives of this article are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood blight areas, and to ensure that potential home buyers are notified that property is in a flood area. The provisions of the article are intended to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in the floodplain, and prolonged business interruptions. Also, an important floodplain management objective of this article is to minimize expenditure of public money for costly flood control projects and rescue and relief efforts associated with flooding.

(c) Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

(Ord. of 2-15-2021, § 5.603)

Sec. 16-21. Lands to which this article applies.

(a) This article shall apply to all areas of special flood hazard within the jurisdiction of the town as identified by the Federal Emergency Management Agency (FEMA) in its flood insurance rate map dated September 1, 1986, and its flood insurance studies, dated March 23, 2021, (Beaufort County) and September 29, 2010, (Hampton County), with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this article.

(b) Upon annexation, any special flood hazard areas identified by the FEMA in its flood insurance study for the unincorporated areas of Beaufort County or Hampton County, with accompanying map and other data are adopted by reference and declared part of this article.

(Ord. of 2-15-2021, § 5.604)

Sec. 16-22. Establishment of development permit.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. of 2-15-2021, § 5.605)

Sec. 16-23. Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(Ord. of 2-15-2021, § 5.606)

Sec. 16-24. Interpretation.

In the interpretation and application of this article, 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 law. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 2-15-2021, § 5.607)

Sec. 16-25. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article 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 article shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. of 2-15-2021, § 5.609)

Sec. 16-26. Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 2-15-2021, § 5.610)

Secs. 16-27—16-55. Reserved.

DIVISION 2. DEFINITIONS

Sec. 16-56. 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:

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. The term "accessory structures" should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction regardless as to whether the addition is a substantial improvement or not. Where a firewall or loadbearing wall is provided between the addition and the existing building, the addition shall be considered a separate building and must comply with the standards for new construction.

Agricultural structure means a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural structures are not exempt from the provisions of this article.

Appeal means a request for a review of the local floodplain administrator's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or VO zone on a community's flood insurance rate map (FIRM) with base flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded 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 any enclosed area of a building that is below grade on all sides.

Building. See *Structure*.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources.

Critical development means development that is critical to the community's public health and safety, is essential to the orderly functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

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, or storage of equipment or materials.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

Executive Order 11988 (Floodplain Management) means the order issued by President Carter in 1977; this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing construction means, for the purposes of determining rates, structures for which the start of construction commenced before October 31, 1975.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 1, 2001.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency which contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Flood-resistant material means any building material capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please, refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated August 2008, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

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.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but the term "functionally dependent use" does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 - a. By an approved state program as determined by the Secretary of Interior; or
 - b. Directly by the Secretary of Interior in states without approved programs.

Some structures or districts listed on the state or local inventories may not be historic as cited above but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the historic structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the state department of archives and history has individually determined that the structure or district meets DOI historic structure criteria.

Increased cost of compliance (ICC) means applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under section 1361 of the National Flood Insurance Act of 1968. It provides coverage for the payment of a claim to help pay for the cost to comply with state or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged.

Limited storage means an area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the base flood elevation in an A, AE or A1-A30 zone it must meet the requirements of section 16-109. If the area is located below the base flood elevation in a V, VE or V1-V30 zone, it must meet the requirements of division 4 of this article.

Lowest adjacent grade (LAG) means is an elevation of the lowest ground surface that touches any deck support, exterior walls of a building or proposed building walls.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for the purpose of this article, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the base flood elevations shown on a community's flood insurance rate map (FIRM) is shown.

National Geodetic Vertical Datum (NGVD) of 1929 means, as corrected in 1929, the elevation reference points set by National Geodetic Survey based on mean sea level.

New construction means structure for which the start of construction commenced on or after September 1, 2001. The term "new construction" also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 1, 2001.

North American Vertical Datum (NAVD) of 1988 means the vertical control, as corrected in 1988, used as the reference datum on flood insurance rate maps.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period, ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

Section 1316 of the National Flood Insurance Act of 1968 means the act provides that no new flood insurance shall be provided for any property found by the Federal Emergency Management Agency to have been declared by a state or local authority to be in violation of state or local ordinances.

Stable natural vegetation means the first place on the oceanfront where plants such as sea oats hold sand in place.

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 that the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start of construction 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 the installation of streets and/or walkways; nor does it include excavation for 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, including a gas or liquid storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Such repairs may be undertaken successively, and their costs counted cumulatively. Please, refer to the definition of *Substantial improvement*.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- (1) Any project of improvement to a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Permits shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "substantial improvement" will occur.

Substantially improved existing manufactured home park or subdivision means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Variance means a grant of relief from a term or terms of this article.

Violation means the failure of a structure or other development to be fully compliant with these regulations.

(Ord. of 2-15-2021, § 5.611)

Secs. 16-57—16-85. Reserved.

DIVISION 3. ADMINISTRATION

Sec. 16-86. Designation of local floodplain administrator.

The town clerk or their designee is hereby appointed to administer and implement the provisions of this article.

(Ord. of 2-15-2021, § 5.612)

Sec. 16-87. Adoption of letter of map revisions (LOMR).

All LOMRs that are issued in the areas identified in section 16-21 are hereby adopted.

(Ord. of 2-15-2021, § 5.613)

Sec. 16-88. Development permit and certification requirements.

(a) *Development permit.* Application for a development permit shall be made to the local floodplain administrator on forms furnished by him or her prior to any development activities. The development permit may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either the duties and responsibilities of the local floodplain administrator of this division or the standards for subdivision proposals of division 4 of this article and the standards for streams without estimated base flood elevations and floodways of division 4 of this article. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management

Agency or the floodway identified pursuant to either the duties or responsibilities of the local floodplain administrator of this division or the standards for subdivision proposals of division 4 of this article and the standards for streams without estimated base flood elevations and floodways of division 4 of this article.

- (2) Where base flood elevation data is provided as set forth in division 1 of this article or the duties and responsibilities of the local floodplain administrator of this division the application for a development permit within the flood hazard area shall show:
 - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures; and
 - b. If the structure will be floodproofed in accordance with the nonresidential construction requirements of division 3 of this article and the elevation (in relation to mean sea level) to which the structure will be floodproofed.
- (3) Where base flood elevation data is not provided as set forth in division 1 of this article or the duties and responsibilities of the local floodplain administrator of this division, then the provisions in the standards for streams without estimated base flood elevations and floodways of division 4 of this article must be met.
- (4) Alteration of watercourse. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include a description of the extent of watercourse alteration or relocation, an engineering study to demonstrate that the flood-carrying capacity of the altered or relocated watercourse is maintained and a map showing the location of the proposed watercourse alteration or relocation.

(b) *Certifications.*

- (1) *Floodproofing certification.* When a structure is floodproofed, the applicant shall provide certification from a registered, professional engineer or architect that the nonresidential, floodproofed structure meets the floodproofing criteria in the nonresidential construction requirements of division 4 of this article.
- (2) *Certification during construction.* A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

- (3) *V-Zone certification.* When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in division 4 of this article.
 - (4) *As-built certification.* Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with state law, shall certify according to the requirements of this division that the development is built in accordance with the submitted plans and previous pre-development certifications.
- (Ord. of 2-15-2021, § 5.614)

Sec. 16-89. Duties and responsibilities of the local floodplain administrator.

Duties and responsibilities of the local floodplain administrator shall include, but not be limited to:

- (1) *Permit review.* Review all development permits to assure that the requirements of this article have been satisfied.
- (2) *Requirement of federal and/or state permits.* Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC § 1334.
- (3) *Watercourse alterations.*
 - a. Notify adjacent communities and the state department of natural resources, land, water, and conservation division, the state coordinator for the national flood insurance program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. In addition to the notifications required watercourse alterations per division 3 of this article, written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections and routine channel clearing and dredging, or other related functions. The assurance shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
 - c. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of construction.
 - d. Within 60 days of completion of an alteration of a watercourse, referenced in the certification requirements of section 16-88(b)(4), the applicant shall submit an as-built certification, by a registered professional engineer, to the Federal Emergency Management Agency.

- (4) *Floodway encroachments.* Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 16-110 are met.
- (5) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (6) *Notifying adjacent communities.* Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in areas of special flood hazard and/or flood-related erosion hazards.
- (7) *Certification requirements.*
 - a. Obtain and review actual elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, in accordance with administrative procedures outlined in this division or the coastal high hazard area requirements outlined in division 4 of this article.
 - b. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with the floodproofing certification outlined in this division.
 - c. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the nonresidential construction requirements outlined in division 4 of this article.
 - d. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in the coastal high hazard area requirements outlined in article 4 of this article.
- (8) *Map interpretation.* Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) *Prevailing authority.* Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations for flood protection elevations (as found on an elevation profile, floodway data table, etc.) shall prevail. The correct information should be submitted to FEMA as per the map maintenance activity requirements outlined in division 4 of this article.
- (10) *Use of best available data.* When base flood elevation data and floodway data has not been provided in accordance with division 1 of this article, obtain, review, and reasonably utilize best available base flood elevation data and floodway data available from a federal, state, or other source, including data developed pursuant to the standards for subdivision proposals outlined in division 4 of this article in order to administer the provisions of this article. Data from preliminary, draft, and final flood insurance studies constitutes best available data from a

federal, state, or other source. Data must be developed using hydraulic models meeting the minimum requirement of NFIP approved model. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.

- (11) *Special flood hazard areal topographic boundaries conflict.* When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site; the site information takes precedence when the lowest adjacent grade is at or above the BFE, the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. The local floodplain administrator in the permit file will maintain a copy of the letter of map amendment issued from FEMA.
- (12) *On-site inspections.* Make on-site inspections of projects in accordance with the administrative procedures outlined in this division.
- (13) *Administrative notices.* Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with the administrative procedures in this division.
- (14) *Records maintenance.* Maintain all records pertaining to the administration of this article and make these records available for public inspection.
- (15) *Annexations and detachments.* Notify the state department of natural resources land, water and conservation division, the state coordinator for the national flood insurance program within six months of any annexations or detachments that include special flood hazard areas.
- (16) *Federally funded development.* The President-issued Executive Order 11988, Floodplain Management May 1977, E.O. 11988, directs federal agencies to assert a leadership role in reducing flood losses and losses to environmental values served by floodplains. Proposed developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- (17) *Substantial damage determination.* Perform an assessment of damage from any origin to the structure using FEMA's Residential Substantial Damage Estimator (RSDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.
- (18) *Substantial improvement determinations.*
 - a. Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction. Cost of work counted for determining if and when substantial improvement to a structure occurs shall be cumulative for a period of five years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial improvement will occur.
 - b. The market values shall be determined by one of the following methods:
 1. The current assessed building value as determined by the county's assessor's office, or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six months.

2. One or more certified appraisals from a registered professional licensed appraiser in accordance with the state laws. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.
3. Real estate purchase contract within six months prior to the date of the application for a permit.

(Ord. of 2-15-2021, § 5.615)

Sec. 16-90. Administrative procedures.

(a) *Inspections of work-in-progress.* As the work pursuant to a permit progresses, the local floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(b) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(c) *Revocation of permits.* The local floodplain administrator may revoke and require the return of the development permit by notifying the permit holder in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(d) *Periodic inspections.* The local floodplain administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(e) *Violations to be corrected.* When the local floodplain administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law on the property he owns.

(f) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give him written notice, by certified or registered mail to his last-known address or by personal service, that:

- (1) The building or property is in violation of this article;

- (2) A hearing will be held before the local floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- (3) Following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(g) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of this article, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the floodplain administrator may prescribe, provided that where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(h) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(i) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(j) *Denial of flood insurance under the NFIP.* If a structure is declared in violation of this article and after all other penalties are exhausted to achieve compliance with this article then the local floodplain administrator shall notify FEMA to initiate a section 1316 of the National Flood Insurance Act of 1968 action against the structure upon the finding that the violator refuses to bring the violation into compliance with the article. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the section 1316 be rescinded.

(k) *Incorporated documents.* The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this article as found on FEMA's website at www.fema.gov:

- (1) FEMA 55 Coastal Construction Manual.
 - (2) All FEMA Technical Bulletins.
 - (3) All FEMA Floodplain Management Bulletins.
 - (4) FEMA 348 Protecting Building Utilities from Flood Damage.
 - (5) FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.
- (Ord. of 2-15-2021, § 5.616)

Secs. 16-91—16-108. Reserved.

DIVISION 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 16-109. General standards.

Development may not occur in the special flood hazard area (SFHA) where alternative locations exist due to the inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new structures cannot be located out of the SFHA and that encroachments onto the SFHA are minimized. In all areas of special flood hazard, the following provisions are required:

- (1) *Reasonably safe from flooding.* Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (2) *Anchoring.* All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.
- (3) *Flood resistant materials and equipment.* All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated August 2008, and available from the Federal Emergency Management Agency.
- (4) *Minimize flood damage.* All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (5) *Critical development.* Critical development shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.
- (6) *Utilities.* Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), 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 the base flood plus one foot.
- (7) *Water supply systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) *Sanitary sewage systems.* 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.
- (9) *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) *Gas or liquid storage tanks.* All gas or liquid storage tanks, either located above ground or buried, shall be anchored to prevent flotation and lateral movement resulting from hydrodynamic and hydrostatic loads.

- (11) *Alteration, repair, reconstruction, or improvements.* Any alteration, repair, reconstruction, or improvement to a structure that is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article. This includes post-FIRM development and structures.
 - (12) *Nonconforming buildings or uses.* Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this article; provided, however, nothing in this article shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, provided that the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.
 - (13) *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction outlined in section 16-110, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving these requirements. Also, the cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- (Ord. of 2-15-2021, § 5.617)

Sec. 16-110. Specific standards.

In all areas of special flood hazard (Zones A, AE, AH, AO, A1-30, V, and VE) where base flood elevation data has been provided, as set forth in section 16-20 or outlined in the duties and responsibilities of the local floodplain administrator in section 16-89, the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in this division.
- (2) *Nonresidential construction.*
 - a. New construction and substantial improvement of any commercial, industrial, or nonresidential structure (including manufactured homes) shall have the lowest floor elevated no lower than one foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces shall be provided in accordance with the elevated buildings requirements in this division. No basements are permitted. Structures located in A zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
 - b. A registered, professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in

the floodproofing certification requirements in division 3 of this article. A variance may be considered for wet-floodproofing agricultural structures in accordance with the criteria outlined in division 5 of this article. Agricultural structures not meeting the criteria of division 5 of this article must meet the nonresidential construction standards and all other applicable provisions of this article. Structures that are floodproofed are required to have an approved maintenance plan with an annual exercise. The local floodplain administrator must approve the maintenance plan and notification of the annual exercise shall be provided to it.

(3) *Manufactured homes.*

- a. Manufactured homes that are placed or substantially improved on sites outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions for residential construction in this division must be elevated so that the lowest floor of the manufactured home is elevated no lower than one foot than above the base flood elevation and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- c. Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, and lateral movement in accordance with section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended. Additionally, when the elevation requirement would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within floodprone areas. This plan shall be filed with and approved by the local floodplain administrator and the local emergency preparedness coordinator.

(4) *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or limited storage in an area other than a basement and which are

subject to flooding shall be designed to preclude finished space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed all of the following minimum criteria:
 1. Provide a minimum of two openings on different walls 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 each opening must be no more than one foot above the higher of the interior or exterior grade immediately under the opening.
 3. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 5. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- b. *Hazardous velocities.* Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five feet per second), foundation systems other than solid foundations walls should be considered so that obstructions to damaging flood flows are minimized.
- c. *Enclosures below lowest floor.*
 1. 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).
 2. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
 3. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in the specific standards outlined in this division.
 4. All construction materials below the required lowest floor elevation specified in the specific standards outlined in this division should be of flood resistant materials.

- (5) *Floodways.* Located within areas of special flood hazard established in division 1 of this article are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- a. No encroachments, including fill, new construction, substantial improvements, additions, and other developments shall be permitted unless:
 1. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local floodplain administrator.
 2. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision must be obtained upon completion of the proposed development.
 - b. If this division is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.
 - c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of this division and the encroachment standards of this division are met.
 - d. Permissible uses within floodways may include general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. Also, lawns, gardens, play areas, picnic grounds, and hiking and horseback riding trails are acceptable uses, provided that they do not employ structures or fill. Substantial development of a permissible use may require a no-impact certification. The uses listed in this subsection are permissible only if and to the extent that they do not cause any increase in base flood elevations or changes to the floodway configuration.
- (6) *Recreational vehicles.*
- a. A recreational vehicle is ready for highway use if it is:
 1. On wheels or jacking system;
 2. Attached to the site only by quick-disconnect type utilities and security devices; and
 3. Has no permanently attached additions.
 - b. Recreational vehicles placed on sites shall either be:
 1. On site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use; or
 3. Meet the development permit and certification requirements of division 3 of this article, general standards outlined in this division, and manufactured homes standards in this division.

- (7) *Map maintenance activities.* The National Flood Insurance Program (NFIP) requires flood data to be reviewed and approved by FEMA. This ensures that flood maps, studies and other data identified in division 1 of this article. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data. The following map maintenance activities are identified:
- a. *Requirement to submit new technical data.*
 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical or scientific data reflecting such changes be submitted to FEMA as soon as practicable, but no later than six months of the date such information becomes available. These development proposals include; but are not limited to:
 - (i) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - (ii) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - (iii) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - (iv) Subdivision or large-scale development proposals requiring the establishment of base flood elevations in accordance with this division.
 2. It is the responsibility of the applicant to have technical data, required in accordance with this division prepared in a format required for a conditional letter of map revision or letter of map revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall also be the responsibility of the applicant.
 3. The local floodplain administrator shall require a conditional letter of map revision prior to the issuance of a floodplain development permit for:
 - (i) Proposed floodway encroachments that increase the base flood elevation; and
 - (ii) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 4. Floodplain development permits issued by the local floodplain administrator shall be conditioned upon the applicant obtaining a letter of map revision from FEMA for any development proposal subject to this division.
 - b. *Right to submit new technical data.* The floodplain administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the local jurisdiction and may be submitted at any time.
- (8) *Accessory structures.*
- a. A detached accessory structure or garage, the cost of which is greater than \$3,000.00, must comply with the requirements as outlined in FEMA's Technical Bulletin 7-93, Wet Floodproofing Requirements, or be elevated in accordance with section 16-109(1) and (4) or dry floodproofed in accordance with subsection (2) of this section.

- b. If accessory structures of \$3,000.00 or less are to be placed in the floodplain, the following criteria shall be met:
 1. Accessory structures shall not be used for any uses other than the parking of vehicles and storage;
 2. Accessory structures shall be designed to have low flood damage potential;
 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 4. Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement of the structure;
 5. Service facilities such as electrical and heating equipment shall be installed in accordance with this division;
 6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with this division;
 7. Accessory structures shall be built with flood resistance materials in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated August 2008, and available from the Federal Emergency Management Agency. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- (9) *Swimming pool utility equipment rooms.* If the building cannot be built at or above the BFE because of functionality of the equipment, then a structure to house the utilities for the pool may be built below the BFE with the following provisions:
- a. Meet the requirements for accessory structures in this division.
 - b. The utilities must be anchored to prevent flotation and shall be designed to prevent water from entering or accumulating within the components during conditions of the base flood.
- (10) *Elevators.*
- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a flood per FEMA's Technical Bulletin 4-93, Elevator Installation for Buildings Located in Special Flood Hazard Areas.
 - b. All equipment that may have to be installed below the BFE such as counterweight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using flood-resistant materials where possible per FEMA's Technical Bulletin 4-93, Elevator Installation for Buildings Located in Special Flood Hazard Areas.
- (11) *Fill.* An applicant shall demonstrate that fill is the only alternative to raising the building to meet the residential and nonresidential construction requirements of this division, and that the

amount of fill used will not affect the flood storage capacity or adversely affect adjacent properties. The following provisions shall apply to all fill placed in the special flood hazard area:

- a. Fill may not be placed in the floodway unless it is in accordance with the requirements in this division.
- b. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits.
- c. Fill must consist of soil and rock materials only. A registered professional geotechnical engineer may use dredged material as fill only upon certification of suitability. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.
- d. Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a registered, professional engineer.
- e. Fill slopes shall be no greater than two horizontal to one vertical. Flatter slopes may be required where velocities may result in erosion.
- f. The use of fill shall not increase flooding or cause drainage problems on neighboring properties.
- g. Fill may not be used for structural support in the coastal high hazard areas.
- h. Will meet the requirements of FEMA Technical Bulletin 10-01, Ensuring That Structures Built on Fill in or Near Special Flood Hazard Areas Are Reasonable Safe from Flooding.

(12) *Standards for subdivision proposals and other development.*

- a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
- b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage.
- d. The applicant shall meet the requirement to submit technical data to FEMA in this division when a hydrologic and hydraulic analysis is completed that generates base flood elevations.

(Ord. of 2-15-2021, § 5.618)

Sec. 16-111. Standards for streams without established base flood elevations and floodways.

Located within the areas of special flood hazard (Zones A and V) established in division 1 of this article are small streams where no base flood data has been provided and where no floodways have been identified. The following provisions apply within such areas:

- (1) In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or five acres, whichever is less.

- (2) No encroachments, including fill, new construction, substantial improvements and new development, shall be permitted within 100 feet of the stream bank unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) If this division is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of this division and shall be elevated or floodproofed in accordance with elevations established in accordance with division 3 of this article.
- (4) Data from preliminary, draft, and final flood insurance studies constitutes best available data. Refer to FEMA Floodplain Management Technical Bulletin 1-98, Use of Flood Insurance Study (FIS) Data as Available Data. If an appeal is pending on the study in accordance with 44 CFR ch. 1, parts 67.5 and 67.6, the data does not have to be used.
- (5) When base flood elevation (BFE) data is not available from a federal, state, or other source one of the following methods may be used to determine a BFE For further information regarding the methods for determining BFEs listed below, refer to FEMA's manual managing floodplain development in approximate Zone A areas:
 - a. *Contour interpolation.*
 1. Superimpose approximate Zone A boundaries onto a topographic map and estimate a BFE.
 2. Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b. *Data extrapolation.* A BFE can be determined if a site within 500 feet upstream of a reach of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to the downstream reaches. No hydraulic structures shall be present.
 - c. *Hydrologic and hydraulic calculations.* Perform hydrologic and hydraulic calculations to determine BFEs using FEMA approved methods and software.

(Ord. of 2-15-2021, § 5.619)

Sec. 16-112. Standards for streams with established base flood elevations but without floodways.

Along rivers and streams where base flood elevation (BFE) data is provided but no floodway is identified for a special flood hazard area on the FIRM or in the FIS. No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. of 2-15-2021, § 5.620)

Sec. 16-113. Standards for areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in division 1 of this article are areas designated as shallow flooding. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor elevated to at least as high as the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor shall be elevated at least three feet above the highest adjacent grade; or
 - b. Be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level 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. Certification is required as stated in division 3 of this article.
- (3) All structures on slopes must have drainage paths around them to guide water away from the structures.

(Ord. of 2-15-2021, § 5.621)

Sec. 16-114. Coastal high hazard areas (V-zones).

(a) Located within the areas of special flood hazard established in division 1 of this article or division 3 of this article are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements shall be located landward of the reach of mean high tide, first line of stable natural vegetation and comply with all applicable department of health and environmental control (DHEC) and ocean and coastal resource management (OCRM) setback requirements.
- (2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) of the lowest floor is located no lower than one foot above the base flood elevation.
- (3) All buildings or structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- (4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.

- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in this division.
- (6) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes, provided that the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach compatible sand may be used. The local floodplain administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist that demonstrates that the following factors have been fully considered:
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.
- (7) There shall be no alteration of sand dunes that would increase potential flood damage.

(b) All new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Only flood resistant materials shall be used below the required flood elevation specified in this division. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation specified in this division.

- (1) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood.
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable IBC International Building Code.
 - c. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation, finished or partitioned into multiple rooms, or temperature controlled.

- (2) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this division.
- (3) Recreational vehicles shall be permitted in coastal high hazard areas, provided that they meet the recreational vehicle criteria of this division and the temporary structure provisions of this division.
- (4) Accessory structures, below the required lowest floor elevation specified in this chapter are prohibited except for the following:
 - a. *Swimming pools.*
 1. They are installed at-grade or elevated so long as the pool will not act as an obstruction.
 2. They must be structurally independent of the building and its foundation.
 3. They may be placed beneath a coastal building only if the top of the pool and any accompanying decking or walkway are flush with the existing grade and only if the lower area remains unenclosed.
 4. As part of the certification process for V zone buildings the design professional must consider the effects that any of these elements will have on the building in question and any nearby buildings.
 - b. *Access stairs attached to or beneath an elevated building.*
 1. Must be constructed of flood-resistant materials.
 2. Must be constructed as open staircases so they do not block flow under the structure in accordance with this division.
 - c. *Decks.*
 1. If the deck is structurally attached to a building, then the bottom of the lowest horizontal member must be at or above the elevation of the buildings lowest horizontal member.
 2. If the deck is to be built below the BFE, then it must be structurally independent of the main building and must not cause an obstruction.
 3. If an at-grade, structurally independent deck is proposed, then a design professional must evaluate the design to determine if it will adversely affect the building and nearby buildings.
- (5) Parking areas should be located on a stable grade under or landward of a structure. Any parking surface shall consist of gravel or aggregate.
- (6) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork) 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 base flood event plus one foot. This requirement does not exclude the installation of outdoor faucets for shower heads, sinks,

hoses, etc., as long as cut off devices and back flow prevention devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

(7) No utilities or components shall be attached to breakaway walls.
(Ord. of 2-15-2021, § 5.622)

Secs. 16-115—16-141. Reserved.

DIVISION 5. VARIANCE PROCEDURES

Sec. 16-142. Establishment of appeal board.

The town council shall hear and decide requests for variances from the requirements of this article.
(Ord. of 2-15-2021, § 5.623)

Sec. 16-143. Right to appeal.

Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the court.
(Ord. of 2-15-2021, § 5.624)

Sec. 16-144. Historic structures.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
(Ord. of 2-15-2021, § 5.625)

Sec. 16-145. Functionally dependent uses.

Variances may be issued for development necessary for the conduct of a functionally dependent use, provided that the criteria of this division are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.
(Ord. of 2-15-2021, § 5.626)

Sec. 16-146. Agricultural structures.

Variances may be issued to wet floodproof an agricultural structure, provided that it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of this division, this section, and the following standards:

- (1) Use of the structure must be limited to agricultural purposes as listed below:
 - a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;

- b. Steel grain bins and steel frame corncribs;
 - c. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - d. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of section 16-110(2).
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 - (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces, including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed five feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
 - (4) The agricultural structure must meet the venting requirement of division 4 of this article.
 - (5) Any mechanical, electrical, or other utility equipment must be located above BFE, plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with section 16-109(5).
 - (6) The agricultural structure must comply with the floodway encroachment provisions of division 4 of this article.
 - (7) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.
- (Ord. of 2-15-2021, § 5.627)

Sec. 16-147. Considerations.

In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity to the facility of a waterfront location, where applicable;

- (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) Compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (8) 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;
 - (9) 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; and
 - (10) Agricultural structures must be located in wide, expansive floodplain areas, where no other alternative location for the agricultural structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the structure is to be located, must be in the special flood hazard area and no other alternative locations for the structure are available.
- (Ord. of 2-15-2021, § 5.628)

Sec. 16-148. Findings.

Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance. Additionally, comments from the department of natural resources, land, water and conservation division, the state coordinator's office, must be taken into account and included in the permit file.

(Ord. of 2-15-2021, § 5.628)

Sec. 16-149. Floodways.

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result unless a CLOMR is obtained prior to issuance of the variance. In order to ensure the project is built in compliance with the CLOMR for which the variance is granted, the applicant must provide a bond for 100 percent of the cost to perform the development.

(Ord. of 2-15-2021, § 5.629)

Sec. 16-150. Conditions.

Upon consideration of the factors listed above and the purposes of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article. The following conditions shall apply to all variances:

- (1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (3) Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship; and 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.
 - (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between BFE and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.
 - (5) The local floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.
 - (6) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this article. Violations must be corrected in accordance with section 16-113.
- (Ord. of 2-15-2021, § 5.631)

Secs. 16-151—16-168. Reserved.

DIVISION 6. LEGAL STATUS PROVISIONS

Sec. 16-169. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This article in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 1, 2001, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of the ordinance from which this article is derived shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the town enacted on September 1, 2001, as amended, which are not reenacted herein, are repealed.

(Ord. of 2-15-2021, § 5.632)

Sec. 16-170. Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the chief building inspector or his authorized agents before the time of passage of the ordinance from which this article is derived; provided, however, that when start of construction has not occurred under such outstanding permit within a period of 60 days subsequent to passage of the ordinance from which this article is derived, construction or use shall be in conformity with the provisions of this article.

(Ord. of 2-15-2021, § 5.633)

Chapter 17

RESERVED

Chapter 18

LAW ENFORCEMENT*

Article I. In General

- Sec. 18-1. Composition; appointment.
- Sec. 18-2. Chief of police; authority.
- Sec. 18-3. Surety bond; premiums.
- Sec. 18-4. Powers; generally.
- Sec. 18-5. Bonds and fines; trial date.
- Sec. 18-6. Compensation.
- Sec. 18-7. Emergencies; other political subdivisions; assistance.
- Sec. 18-8. Personal property; recovered.
- Sec. 18-9. Additional duties.
- Sec. 18-10. Oath of office.
- Sec. 18-11. Suspensions; chief of police.
- Secs. 18-12—18-44. Reserved.

Article II. Interference

- Sec. 18-45. Obedience to officers.
- Sec. 18-46. Obstructing officer; warrants.
- Sec. 18-47. Resisting officer making arrest.
- Sec. 18-48. Assaulting officer.
- Sec. 18-49. Failure to stop on command of officer.
- Sec. 18-50. Counseling, advising, etc., unlawful.
- Sec. 18-51. Prisoners—Communication with.
- Sec. 18-52. Prisoners—Escape from custody unlawful.
- Sec. 18-53. Imitating signal or call for police officer prohibited.

***State law references**—Municipal power to provide law enforcement, S.C. Code 1976, § 5-7-30; appointment of police offices, S.C. Code 1976, § 5-7-110; appointment of reserve police officers, S.C. Code 1976, § 23-28-20.

ARTICLE I. IN GENERAL**Sec. 18-1. Composition; appointment.**

(a) A police department is hereby established which shall consist of such officers and employees as may be authorized by this chapter.

(b) The police chief shall be appointed by the council.
(Code 2001, § 13.101)

Sec. 18-2. Chief of police; authority.

(a) The chief of police shall supervise the police department, including hiring and firing or other disciplinary matters subject to grievance procedures and shall be responsible for security of business establishments and for any other matters of public safety and law enforcement.

(b) To that end, police officers are hereby authorized and empowered to make arrests of all offenders against municipal ordinances and statutes of the state committed within the corporate limits.
(Code 2001, § 13.102)

Sec. 18-3. Surety bond; premiums.

(a) The chief of police and other members of the department shall give bond in favor of the town, in the amounts and under the conditions as the council may, from time to time, determine.

(b) The town shall pay the premiums.
(Code 2001, § 13.103)

Sec. 18-4. Powers; generally.

(a) Each officer of the department shall be sworn and invested with all powers as authorized by law, and he shall have the power to perform all duties assigned to him by statutes, ordinances, resolutions, directives, rules or regulations.

(b) Any officer failing or refusing to exercise his lawful authority shall be subject to suspension or discharge.
(Code 2001, § 13.104)

Sec. 18-5. Bonds and fines; trial date.

Any person violating ordinances of the town shall be apprehended and the apprehending officer shall designate a trial date, subject to change by the court.
(Code 2001, § 13.107)

Sec. 18-6. Compensation.

Compensation shall be determined by the council and included in the annual budget.
(Code 2001, § 13.108)

Sec. 18-7. Emergencies; other political subdivisions; assistance.

In case of emergency, the chief with approval of the council, may, upon request of any other political subdivision of this state, send officers of the town to the requesting political subdivision.
(Code 2001, § 13.113)

Sec. 18-8. Personal property; recovered.

(a) This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry, and other items that may be recovered by or returned to the police department in connection with the performance of its duties. Such items are hereby referred to as personal property.

(b) All personal property that has been lost, stolen or abandoned and which is in the possession of the department, and which remains unclaimed by the owner may be disposed of by public sale to the highest bidder by the town clerk or posted on GovDeals. Provided, firearms shall be handled or disposed of pursuant to state law.

(c) Notice of same shall, at a minimum, be posted at the town hall and on the town website, at least 15 days prior to such sale.

(d) Said notice shall contain time, place and terms of the sale and a general description of the property to be sold.

(e) The proceeds from the sale of unclaimed personal property shall be paid into the general fund of the town on the day of the sale.
(Code 2001, § 13.114)

Sec. 18-9. Additional duties.

All members of the police department shall perform such other duties as may be directed and required by the chief of police.
(Code 2001, § 13.115)

Sec. 18-10. Oath of office.

Before entering upon the duties of his office, each police officer shall take an oath that he will support the constitution and laws of the state and the Constitution of the United States.
(Code 2001, § 13.116)

Sec. 18-11. Suspensions; chief of police.

Discharge of the chief of police shall be by the council.
(Code 2001, § 13.208)

Secs. 18-12—18-44. Reserved.

ARTICLE II. INTERFERENCE**Sec. 18-45. Obedience to officers.**

No person shall willfully fail or refuse to obey or comply with any lawful order or direction of any police officer or other officer of the law, while such officer is engaged in the performance of his official duties.

(Code 2001, § 13.301)

Sec. 18-46. Obstructing officer; warrants.

(a) It shall be unlawful for any person to obstruct, hinder and oppose a peace officer, or to attempt to do so, when such peace officer is engaged in the discharge of his duty, including the serving of a warrant. Speech alone that questions or expresses opposition to police or other enforcement action does not constitute obstruction.

(b) In the serving of a warrant, no occupied dwelling shall be searched between sundown and sunrise, except as permitted by state law.

(Code 2001, § 13.303)

Sec. 18-47. Resisting officer making arrest.

Any person who shall resist or aid any person in resisting an officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor. This section shall not limit or supersede state law.

(Code 2001, § 13.304)

Sec. 18-48. Assaulting officer.

It shall be unlawful for any person to make an assault upon any peace officer in any manner when such peace officer is engaged in the discharge of his duty. This section shall not limit or supersede state law.

(Code 2001, § 13.305)

Sec. 18-49. Failure to stop on command of officer.

It shall be unlawful for any person to willfully and knowingly fail or refuse to stop when signaled, hailed or commanded to stop by a police officer or other peace officer.

(Code 2001, § 13.307)

Sec. 18-50. Counseling, advising, etc., unlawful.

It shall be unlawful for any person to incite, or abet, any other person in the violation of any ordinance. Such person shall be held and deemed a principal.

(Code 2001, § 13.308)

Sec. 18-51. Prisoners—Communication with.

It shall be unlawful for any person, except authorized officials, to give anything to any person in custody.

(Code 2001, § 13.309)

Sec. 18-52. Prisoners—Escape from custody unlawful.

It shall be unlawful for any person to escape from custody of a police officer or to rescue or attempt to do so, hinder a police officer or offer to help, aid, assist, or abet, directly or indirectly, another person to escape from the custody of an officer making an arrest or an officer assisting therein.

(Code 2001, § 13.310)

Sec. 18-53. Imitating signal or call for police officer prohibited.

Anyone imitating the signal or call for a police officer, either through mischief or otherwise, upon conviction, shall be guilty of a misdemeanor.

(Code 2001, § 13.311)

Chapter 19

RESERVED

Chapter 20

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

- Sec. 20-1. Adoption of criminal laws of state.
Secs. 20-2—20-18. Reserved.

Article II. Ordinance Summons

- Sec. 20-19. Summons article; procedure for offenses other than breach of peace.
Secs. 20-20—20-41. Reserved.

Article III. Alcoholic Beverages

- Sec. 20-42. Intoxicating beverages; drinking in public.
Sec. 20-43. Unlawful to consume at certain places; public property.
Secs. 20-44—20-74. Reserved.

Article IV. Musical Devices, Entertainments

- Sec. 20-75. Musical devices; operated loudly.
Sec. 20-76. Carnivals and street shows prohibited without permit.
Secs. 20-77—20-95. Reserved.

Article V. Offenses Against Morality, Decency and Public Welfare

- Sec. 20-96. Loitering; unlawful; defined.
Sec. 20-97. Indecent exposure; language.
Sec. 20-98. Public drunkenness.
Secs. 20-99—20-125. Reserved.

Article VI. Offenses Against the Peace; Public Policy

- Sec. 20-126. Disorderly conduct; defined.
Sec. 20-127. Concealed weapons; carrying weapons; knives.
Sec. 20-128. Crime watch area; town designated.
Sec. 20-129. Noise; unreasonable prohibited.
Sec. 20-130. Curfew.
Secs. 20-131—20-158. Reserved.

Article VII. Offenses Against Property

- Sec. 20-159. Advertising matter; painting; printing on sidewalks, etc.

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

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- Sec. 20-160. Public events; gaining admission without payment.
- Sec. 20-161. Fences; removing, destroying or leaving down.
- Secs. 20-162—20-190. Reserved.

Article VIII. Offenses Against the Person

- Sec. 20-191. Assault and battery.
- Secs. 20-192—20-220. Reserved.

Article IX. Parades

- Sec. 20-221. Declaration of necessity.
- Sec. 20-222. Definitions; exceptions to provisions.
- Sec. 20-223. Permit required.
- Sec. 20-224. Application for permit; exempt for municipal parades, not just fire and police.
- Sec. 20-225. Regulations.
- Secs. 20-226—20-243. Reserved.

Article X. Demonstration, Picketing

- Sec. 20-244. Permission requirements for demonstrations or picketing.
- Sec. 20-245. Permit required; issuance.
- Sec. 20-246. Imposition of restrictions.
- Sec. 20-247. Appeals.
- Secs. 20-248—20-274. Reserved.

Article XI. Regulation of Smoking

- Sec. 20-275. Title.
- Sec. 20-276. Findings and intent.
- Sec. 20-277. Definitions.
- Sec. 20-278. Prohibition of smoking in enclosed workplaces.
- Sec. 20-279. Prohibition of smoking in outdoor places.
- Sec. 20-280. Where smoking not regulated.
- Sec. 20-281. Posting of signs and removal of ashtrays.
- Sec. 20-282. Enforcement.
- Sec. 20-283. Violations and penalties.
- Secs. 20-284—20-298. Reserved.

Article XII. Soliciting, Postings, Advertising

Division 1. Generally

- Secs. 20-299—20-314. Reserved.

Division 2. Soliciting

- Sec. 20-315. Types prohibited.
- Sec. 20-316. Use of streets for sales and distribution prohibited.
- Sec. 20-317. Appeals.

OFFENSES AND MISCELLANEOUS PROVISIONS

Secs. 20-318—20-337. Reserved.

Division 3. Postings, Signs, Banners, Etc.

Sec. 20-338. Public and private property; political signs.

Sec. 20-339. Municipal or state signs.

Secs. 20-340—20-368. Reserved.

Division 4. Advertising

Sec. 20-369. Posting of advertising matter.

Sec. 20-370. Signs, banners suspended across streets.

ARTICLE I. IN GENERAL**Sec. 20-1. Adoption of criminal laws of state.**

All acts and conduct that constitute violation of the common law and statutory law, as set forth in the 1976 South Carolina Code of Laws, and amendatory thereof, are hereby declared unlawful, when such acts, conduct or violations occur, insofar as such provisions and violations can have application and the punishment of which is within the jurisdiction of the town council.

(Code 2001, § 14.1202)

Secs. 20-2—20-18. Reserved.**ARTICLE II. ORDINANCE SUMMONS****Sec. 20-19. Summons article; procedure for offenses other than breach of peace.**

(a) In all actions for the violation of the provisions of the ordinances of the town, not amounting to a breach of the peace, the initial process may be a summons issued by the town officials or employees, who are authorized by subsection (e) of this section to issue summons commanding the person named therein as defendant to appear before the municipal judge at a time to be set in the summons.

(b) The summons shall cite only one violation per summons and must contain the following information:

- (1) Name and address of the person or entity charged;
- (2) The name and title of the issuing officer;
- (3) The time, date and location of the hearing;
- (4) A description of the ordinance violated;
- (5) The procedure to post bond; and
- (6) Any other notice or warning otherwise required by law.

(c) The term "breach of peace" shall be considered a generic term and shall include all violations of public peace or order and acts tending to be a disturbance thereof.

(d) Any person who fails to appear before the court as required by the summons, without first having posted such bond as may be required or without having been granted a continuance by the court; upon conviction, shall be guilty of a misdemeanor.

(e) The town council shall designate individuals who shall be authorized to issue municipal summons that shall be spread upon the minutes of the council.

(f) This section shall not apply to any ordinance that regulates the use of motor vehicles on the public roads.

(g) This section shall not be construed as a limitation upon the power of any person officer or employee to seek or pursue any other lawful process or legal remedy.

(h) The municipal judge shall prescribe the bond amount for violations. Bonds shall be posted in the manner prescribed by him. Town officers, when appointed, and other law enforcement officers shall be prohibited from accepting bonds, except as may be otherwise permitted by this Code.

(i) Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

(Code 2001, § 14.101)

Secs. 20-20—20-41. Reserved.

ARTICLE III. ALCOHOLIC BEVERAGES

Sec. 20-42. Intoxicating beverages; drinking in public.

It shall be unlawful for any person to drink any kind of intoxicating alcoholic beverages on the streets, alleyways, highways or other such public places, except for permitted activities.

(Code 2001, § 14.308)

Sec. 20-43. Unlawful to consume at certain places; public property.

(a) It shall be unlawful for any person to consume alcoholic beverages at places where athletic contests are being conducted and on the grounds of a school, church or business parking lot.

(b) It shall be unlawful for any person to consume or have in his possession beer, wine, or liquor in an open container on the sidewalks, street, alleyways, highways, roads or other public place within the corporate limits.

(c) Possession of such container shall constitute prima facia evidence of a violation of this section.

(d) This section shall not be construed to prohibit the possession of beer, wine or liquor in a closed container.

(Code 2001, § 14.315)

Secs. 20-44—20-74. Reserved.

ARTICLE IV. MUSICAL DEVICES, ENTERTAINMENTS

Sec. 20-75. Musical devices; operated loudly.

It shall be unlawful to operate at any time, any musical device of any nature, however operated, that is operated so loudly as to make a noise to disturb the repose of the community, provided that this section shall not prohibit the operation of a radio, television, electronic games or other instruments in the home which are so operated as not to disturb the peace.

(Code 2001, § 14.402)

Sec. 20-76. Carnivals and street shows prohibited without permit.

(a) All carnival or street shows or any business of the like are hereby forbidden to show, parade or otherwise engage in business without the written permission of the town clerk.

(b) Permits, when issued, shall specify the date, time, place, length of show, durations of appearance and all other details as may be required by the town clerk.

(Code 2001, § 14.405)

Secs. 20-77—20-95. Reserved.**ARTICLE V. OFFENSES AGAINST MORALITY, DECENCY AND PUBLIC WELFARE****Sec. 20-96. Loitering; unlawful; defined.**

(a) It shall be unlawful for any person to loiter in or upon any street, park, public place or in any public building or obstruct the access to any public building or any part thereof or to obstruct the passage of any person through any public street or public place.

(b) For the purpose of this section, the term "loiter" shall encompass, but shall not necessarily be limited to, one or more of the following acts:

- (1) Obstruction of the unhampered passage of pedestrians or vehicles;
- (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place; or
- (3) Refusing to move when requested to do so by an official authorized to do so, provided that the peace officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

(Code 2001, § 14.603)

Sec. 20-97. Indecent exposure; language.

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

(Code 2001, § 14.610)

Sec. 20-98. Public drunkenness.

It shall be unlawful for any person to create a nuisance or disturbance upon the public streets or in any public place in a drunken condition.

(Code 2001, § 14.612)

Secs. 20-99—20-125. Reserved.

ARTICLE VI. OFFENSES AGAINST THE PEACE; PUBLIC POLICY

Sec. 20-126. Disorderly conduct; defined.

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

- (1) Engaging in fighting, threatening, violent or tumultuous behavior, breach of the peace;
- (2) Making unreasonable noise or offensively coarse utterance or addresses of abusive language to any person present;
- (3) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the act; or
- (4) Existence of any disorderly, lewd or indecent conduct by obscene or indecent writing, picture, mark or figure on any wall, fence, house or structure.

(b) For the purpose of this section, the term "public" means affecting or likely to affect any person in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or entertainment, governmental buildings, any neighborhood, in automobiles, etc.

(Code 2001, § 14.701)

Sec. 20-127. Concealed weapons; carrying weapons; knives.

(a) It shall be unlawful for any person to carry about his person, whether concealed or not, any dirk, slingshot, metal knuckles, razor or other weapon usually used for the infliction of personal injury or injuries. This section shall not apply to peace officers while in the discharge of their duties.

(b) It shall be unlawful for any person within the town to conceal upon his person any knife, measuring seven inches or greater in length either when opened or unopened, or any switchblade knife.

- (1) For the purposes of this section, the term "switchblade knife" shall mean any knife having a blade which opens automatically, by hand-pressure applied to a button or other device in the handle of the knife, by operation or inertia, gravity or both.
- (2) This section does not apply to pocketknives, which when open, do not exceed 5½ inches in overall length.

(3) This section only applies to municipal property.

(Code 2001, § 14.704)

Sec. 20-128. Crime watch area; town designated.

The town council hereby declares the town to be a crime watch area and hereby authorizes the placing of signs upon highway rights-of-way upon highways entering the town designating the community as a crime watch area. Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the general assembly.

(Code 2001, § 14.707)

Sec. 20-129. Noise; unreasonable prohibited.

(a) The creation of any unreasonably loud, disturbing noises and noises of such character, intensity and duration as are reasonably calculated to be detrimental to the life or health of any ordinary, reasonable person are hereby prohibited.

(b) The following acts, among others, are declared to be loud, disturbing noises in violation of this section; provided, however, that such enumeration shall not be construed to be exclusive of other noises:

- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
- (2) The playing of any radio, phonograph or any musical instrument in such manner, or with such volume as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity.
- (3) The use of any automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.
- (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, and 12:00 noon to 7:00 p.m. Sunday, except in case of urgent necessity in the interest of public safety, and then only with a permit from the town clerk, which permit may be renewed for a period of three days or less while the emergency continues.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, institution or court street.
- (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

- (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof; provided, however, that this subsection shall not apply to houses of worship.
 - (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
 - (12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
 - (13) The use of loudspeakers or amplifiers on trucks or other vehicles, except where specific license is granted by town council.
 - (14) The operation of any garage, service station, auto repair business, taxi business, plant, store, factory or other place of business, between the hours of 8:00 p.m. and 7:00 a.m., in a manner as to create loud and disturbing noises, as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of disturbing noises as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.
 - (15) The starting of a motor vehicle engine of any kind using excessive acceleration or creating loud noises, or at any time to commence or continue the movement of any such vehicle with the spinning of tires or any other excessive noise.
 - (16) The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
 - (17) The erection (including excavation), demolition, alteration or repair of any building in a residential or business area other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, except in cases of urgent necessity in the interest of public safety and then only with the permission of town council.
 - (18) The creation of loud and excessive noises in connection with the loading or unloading of any vehicle, or railroad car, repairing, or opening and destroying bales, boxes, crates and containers.
 - (19) 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., in such a manner as to create loud and disturbing noises, of such frequency and volume as to annoy or disturb the quiet and comfort of any citizen, and particularly the creating of such disturbing noises of such volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling, hotel, boardinghouse or other type of residence.
- (Code 2001, § 14.709)

Sec. 20-130. Curfew.

(a) The council may impose, by ordinance from time to time, a juvenile curfew subject to the following provisions: It shall be unlawful for any minor under the age of 18 years to be present on foot or by vehicle on any public street, playground, park, public building, vacant lot, place of amusement or other public place between the hours of 11:00 p.m. and 6:00 a.m. of the following day; provided, however, this section shall not apply in the following instances:

- (1) When a minor is accompanied by his or her parent or guardian or other adult person having the lawful care and custody of such minor;

- (2) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;
- (3) When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;
- (4) When the minor is returning directly home within 30 minutes from an organized school or religious activity;
- (5) When the minor is in a motor vehicle with parental consent for normal travel, which travel through the town is excepted in all cases from the curfew.

(b) Each violation of this section shall constitute a separate offense.

(Code 2001, § 14.711)

Secs. 20-131—20-158. Reserved.

ARTICLE VII. OFFENSES AGAINST PROPERTY

Sec. 20-159. Advertising matter; painting; printing on sidewalks, etc.

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided, however, that nothing herein contained shall be construed to prohibit SCDOT or any department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for other town purposes.

(Code 2001, § 14.809)

Sec. 20-160. Public events; gaining admission without payment.

It shall be unlawful for any person, where an admission charge is made, to gain admittance to any athletic contest or other public event without paying the price of admission.

(Code 2001, § 14.810)

Sec. 20-161. Fences; removing, destroying or leaving down.

Any person other than the owner who shall remove, destroy or leave down any portion of any fence intended to enclose animals of any kind, crops or uncultivated lands or who shall leave open any gate or leave down any bars or other structure intended for a like purpose, upon conviction, shall be guilty of a misdemeanor.

(Code 2001, § 14.813)

Secs. 20-162—20-190. Reserved.

ARTICLE VIII. OFFENSES AGAINST THE PERSON

Sec. 20-191. Assault and battery.

- (a) It shall be unlawful for any person to commit an assault and battery upon any other person.

(b) This section shall not apply to any person using such force as shall be necessary in ejecting an invader from his premises in the protection of his property.
(Code 2001, § 14.901)

Secs. 20-192—20-220. Reserved.

ARTICLE IX. PARADES

Sec. 20-221. Declaration of necessity.

It is hereby declared necessary to the regulation of traffic and the preservation of health and safety of the town to provide certain rules and regulations governing parades on the streets of the town.
(Code 2001, § 14.1001)

Sec. 20-222. Definitions; exceptions to provisions.

(a) For the purpose of this article, the term "parade" means the gathering or procession of ten or more people, whether on foot or in an automobile, and shall include any procession of two or more automobiles, other than for emergency purposes.

(b) Municipal, wedding and funeral processions are specifically exempted.
(Code 2001, § 14.1002)

Sec. 20-223. Permit required.

(a) It shall be unlawful for any person to parade unless and until the council issues a written permit of approval.

(b) The permit shall contain the date, time, route, approximate number of persons and motor vehicles and assembly and dispersal points.
(Code 2001, § 14.1003)

Sec. 20-224. Application for permit; exempt for municipal parades, not just fire and police.

It shall be unlawful for any person to join in a parade or to aid, abet or instigate a parade on the streets of the town without first having filed a written request with the council. This request must be made more than 24 hours prior to the proposed parade or procession.
(Code 2001, § 14.1004)

Sec. 20-225. Regulations.

The following regulations are hereby prescribed governing the conduct of parades:

- (1) *Route.* The parade shall not be held over any other route than prescribed in the permit.
- (2) *Vehicle interval.* No motor vehicle participating in the parade shall follow another any closer 25 feet.

- (3) *Lights.* No motor vehicle shall display lights or illumination other than that required or permitted by the state motor vehicle law.
- (4) *Noise.* Unless specifically permitted by the permit, no vehicles participating in the parade shall sound horns, sirens, whistles or other noise-making devices.
- (5) *Vehicle passengers.* Except as authorized specifically by said permit, not more than four persons shall occupy any one vehicle.
- (6) *Assembly point.* The parade shall assemble at the point designated in the permit.
- (7) *Movement.* The parade shall move in an orderly fashion along the prescribed route as expeditiously as possible.
- (8) *Dispersal.* The parade shall disperse immediately upon reaching the prescribed terminal point.
(Code 2001, § 14.1005)

Secs. 20-226—20-243. Reserved.

ARTICLE X. DEMONSTRATION, PICKETING

Sec. 20-244. Permission requirements for demonstrations or picketing.

(a) It shall be unlawful to demonstrate, picket or march unless permission has been secured from the town. Those desiring the same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the town clerk not less than seven days prior to the time desired. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said demonstration, picketing or marching is to occur. The application shall include the names of the individual, group of individuals or organization directing and responsible therefor.

(b) When picketing or engaging in demonstrations, no person shall:

- (1) Use on the streets or public places any verbal abuse, including curses, insults or threats, or acts of violence, directed against any person.
- (2) March, parade, protest or picket in any manner other than as permitted by this article, except with the express written consent and approval of the town council.
- (3) Engage in riotous conduct which invades the privacy of homes or businesses.
- (4) Damage or destroy or injure the person or property of others.
- (5) Block, without a permit, in any manner, the streets and means of ingress and egress to places of business.
- (6) Interfere with, in any manner, or obstruct any official in the performance of his duties.
- (7) Interfere, in any matter, with the attendance, during school hours, of children in schools.
- (8) Picket other than in accordance with the following principles:
 - a. In a manner so as not to interfere with pedestrians or vehicular traffic.

- b. In a manner so as not to block entrances or exits to or from picketed establishments.
 - c. No picket trespassing upon the property of the business establishment being picketed.
 - d. Pickets patrolling on the sidewalk at a distance of not less than eight feet from every other picket.
 - e. No person, whether in sympathy with the pickets or not, shall assemble, loiter, congregate or engage in any kind of picketing of the establishment being picketed except those picketing in their official capacity.
- (9) Demonstrate, other than in accordance with the following principles:
- a. Walk not more than two abreast upon the public sidewalks or in groups of not more than 30 persons.
 - b. Observe all traffic control devices.
 - c. Walk close to the building line or curb so as not to interfere with or obstruct other pedestrian traffic on the sidewalk.
 - d. Assemble peacefully and speak peacefully for a period of time not exceeding 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 be conducted in such a manner as not to deprive the public of adequate police and fire protection.

(c) This section shall not apply to funeral processions, the United States Armed Forces or the military forces of this state.

(Code 2001, § 14.1101)

Sec. 20-245. Permit required; issuance.

Upon receipt of an application for a permit, the town clerk shall issue a permit therefor, subject to considerations of the public convenience and public welfare and approval by the council.

(Code 2001, § 14.1102)

Sec. 20-246. Imposition of restrictions.

(a) The town clerk shall have the authority, subject to approval of the council, to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as he shall deem fit or proper, consistent with this article.

(b) Masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in the town.

(Code 2001, § 14.1103)

Sec. 20-247. Appeals.

Appeals shall be made to the council.

(Code 2001, § 14.1104)

Secs. 20-248—20-274. Reserved.

ARTICLE XI. REGULATION OF SMOKING**Sec. 20-275. Title.**

This article shall be known as the "Yemassee Smoke Free Air Ordinance of 2013."
(Ord. No. 0708-2013, § 1, 7-9-2013)

Sec. 20-276. Findings and intent.

The town does hereby find that:

- (1) The 2006 U.S. Surgeon General's Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, has concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. For more information, please see www.surgeongeneral.gov.
- (2) Accordingly, the town finds and declares that the purposes of this article are:
 - a. To protect the public health and welfare by prohibiting smoking in workplaces; and
 - b. To guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

(Ord. No. 0708-2013, § 2, 7-9-2013)

Sec. 20-277. 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:

Enclosed area means all space between a floor and a ceiling that is bounded on all sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Smoking means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or pipe, or any other lighted tobacco or plant product intended for inhalation, in any manner or in any form. The term "smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.

Workplace means an enclosed area under the control of an employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a workplace unless it is used as a childcare, adult day care, or health care facility.

Sec. 20-278. Prohibition of smoking in enclosed workplaces.

Without exception, smoking shall be prohibited in all enclosed workplaces within the town.
(Ord. No. 0708-2013, § 4, 7-9-2013)

Sec. 20-279. Prohibition of smoking in outdoor places.

Smoking shall be prohibited in the following outdoor places:

- (1) Within a reasonable distance of ten feet outside the entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
- (2) In, and within ten feet of, outdoor seating or serving areas of restaurants and bars; all outdoor arenas, stadiums, and amphitheaters; all outdoor public transportation stations, platforms, and shelters under the authority of the town; and outdoor playgrounds.

(Ord. No. 0708-2013, § 5, 7-9-2013)

Sec. 20-280. Where smoking not regulated.

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of sections 20-278 and 20-279:

- (1) Private residences, unless used as a childcare, adult day care, or health care facility, and except as provided in section 20-278.
- (2) Outdoor areas of places of employment except those covered by the provisions of section 20-279.

(Ord. No. 0708-2013, § 6, 7-9-2013)

Sec. 20-281. Posting of signs and removal of ashtrays.

(a) The prohibition on smoking in any workplace shall be communicated by all employers to all existing employees by the effective date of the ordinance from which this article is derived, and to all prospective employees upon their application for employment.

(b) The person having control of the workplace shall place "No Smoking" signs in conspicuous areas at the workplace.

(c) All ashtrays shall be removed from the inside of the building, and smoking receptacles may be provided outside the building.

(Ord. No. 0708-2013, § 7, 7-9-2013)

Sec. 20-282. Enforcement.

(a) This article shall be enforced by the town police department or an authorized designee.

(b) Notice of the provisions of this article shall be given to all applicants for a business license in the town.

(c) Any citizen who desires to register a complaint under this article may initiate enforcement with the town police department.

(d) The designated enforcement authority shall inspect randomly for compliance with this article.

(e) An owner, manager, operator, or employee of an establishment shall inform persons violating this article of the appropriate provisions thereof.

(Ord. No. 0708-2013, § 8, 7-9-2013)

Sec. 20-283. Violations and penalties.

(a) A person who smokes in an area where smoking is prohibited, by the provisions of this article, shall be guilty of an infraction, punishable by a fine of \$25.00.

(b) A person who owns, manages, operates, or otherwise controls a workplace and who fails to comply with the provisions of this article shall be guilty of an infraction, punishable by a fine of up to \$25.00. In addition, violation of this article by a person who owns, manages, operates, or otherwise controls a workplace may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(c) Each violation of this article shall be considered a separate and distinct violation.
(Ord. No. 0708-2013, § 9, 7-9-2013)

Secs. 20-284—20-298. Reserved.

ARTICLE XII. SOLICITING, POSTINGS, ADVERTISING

DIVISION 1. GENERALLY

Secs. 20-299—20-314. Reserved.

DIVISION 2. SOLICITING

Sec. 20-315. Types prohibited.

Unless approved by the town, it shall be unlawful:

- (1) For the operator, owner or manager of any roominghouse, boarding house or lodginghouse, restaurant, cafe, tearoom, lunchroom or storage garage, hereafter called "establishment," to employ or use any person to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever; and
- (2) For any person acting as agent of any said establishment to accost pedestrians or occupants of motor vehicles upon the streets, either verbally, by means of signs or any other device whatsoever, to solicit such persons to become occupants or patrons thereof.

(Code 2001, § 15.101)

Sec. 20-316. Use of streets for sales and distribution prohibited.

Unless approved by the town clerk, it shall be unlawful for any person or group of persons to sell, solicit sales or offer for distribution any merchandise, publication, handbill or pamphlet while such person is standing in the street, areas reserved for parking spaces, or the areas reserved for loading and unloading or to enter any of said areas for the purpose of sale and/or delivery of any said items.
(Code 2001, § 15.102)

Sec. 20-317. Appeals.

Appeals shall be made to the council.
(Code 2001, § 15.103)

Secs. 20-318—20-337. Reserved.

DIVISION 3. POSTINGS, SIGNS, BANNERS, ETC.

Sec. 20-338. Public and private property; political signs.

(a) It shall be unlawful to place any advertisement, notice or sign of any nature on public property within the corporate limits, without prior approval of the town clerk, or on any private property without prior approval of the owner thereof. Political campaign signs are not to be posted more than 60 days before election and must be removed within 15 days after an election.

(b) The above shall include a banner, canvas, placard, picture, paper, circular, printed matter or any other similar means or device whatsoever.

(c) It shall be unlawful to post political signs of any nature on public property, without prior approval of the town clerk, including, but not limited to, power poles, telephone poles, street signs, etc.
(Code 2001, § 15.201)

Sec. 20-339. Municipal or state signs.

It shall be unlawful for any person, firm or corporation to remove, tear down, deface or destroy any sign erected by municipal or state authorities.
(Code 2001, § 15.203)

Secs. 20-340—20-368. Reserved.

DIVISION 4. ADVERTISING

Sec. 20-369. Posting of advertising matter.

It shall be unlawful to post any notice or advertisement matter either by nailing, gluing, hanging or painting upon any public or private property, without permission of the legal owner of said property.
(Code 2001, § 15.303)

Sec. 20-370. Signs, banners suspended across streets.

It shall be unlawful for any person to extend or suspend any sign or banner across any public street, park or other public way without a permit from the town clerk.

(Code 2001, § 15.304)

Chapter 21

RESERVED

Chapter 22

PARKS AND RECREATION

Article I. In General

- Sec. 22-1. Public park defined.
- Sec. 22-2. Applicability.
- Sec. 22-3. Hours of operation.
- Sec. 22-4. Injury to shrubbery, flowers, etc.
- Sec. 22-5. Injury to structures or personality.
- Sec. 22-6. Sanitation.
- Sec. 22-7. Bills, posters and advertising.
- Sec. 22-8. Selling in public parks.
- Sec. 22-9. Intoxicating liquors; disorderly conduct, etc.; drugs.
- Sec. 22-10. Motor vehicle traffic in parks.
- Sec. 22-11. Picnic regulations.
- Sec. 22-12. Camping; fires.
- Sec. 22-13. Fireworks in parks, prohibited.
- Sec. 22-14. Firearms; dangerous weapons.
- Sec. 22-15. Entering closed areas.
- Sec. 22-16. Special event permits for exclusive use.
- Sec. 22-17. Commercial utilization of spaces and facilities.
- Sec. 22-18. Park restrictions.
- Sec. 22-19. Enforcement.
- Sec. 22-20. Tournaments.
- Sec. 22-21. Unsafe conduct in park waterways.
- Sec. 22-22. Protection of natural resources.
- Secs. 22-23—22-47. Reserved.

Article II. Recreation Committee

- Sec. 22-48. Established.
- Sec. 22-49. Membership.
- Sec. 22-50. Compensation.
- Sec. 22-51. Council liaison to the town.
- Sec. 22-52. Finance.
- Sec. 22-53. Meetings.
- Secs. 22-54—22-68. Reserved.

Article III. Penalties

- Sec. 22-69. Penalty.

ARTICLE I. IN GENERAL**Sec. 22-1. Public park defined.**

(a) The term "public park" shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits. Public parks and property owned or operated by the town include:

- (1) Harold Peeples Athletic Park (Pocotaligo Road).
- (2) Marine Corps Tribute Park (Wall Street).
- (3) Moore's Park (Salkehatchie Road).
- (4) Town Hall Municipal Complex Ballfield (Town Circle).
- (5) Willis Street Athletic Courts (Willis Street S).
- (6) Yemassee Community Center (Mixon Street).
- (7) Yemassee Veterans Memorial Park (Salkehatchie Road).

(b) The town council shall have the authority to declare any property owned or operated by the town, as a public park.

(Code 2001, § 12.101; Ord. No. 21-14, § 12.101, 6-8-2021)

Sec. 22-2. Applicability.

This chapter shall apply to all town parks and/or recreation facilities now or hereafter within the town. The chapter also applies to public pathways and waterways with the town. Nothing in this chapter shall supersede state or federal laws. Where posted, rules pertaining to a particular public property shall be enforced as part of this chapter.

(Code 2001, § 12.102; Ord. No. 21-14, § 12.102, 6-8-2021)

Sec. 22-3. Hours of operation.

All parks and/or recreation facilities owned by the town and within the town limits shall be opened at 8:00 a.m. The closing hour for all parks and/or recreation facilities owned by the town and within the town limits shall be 10:00 p.m., unless a permit has been approved following an application to the town clerk.

(Code 2001, § 12.103; Ord. No. 21-14, § 12.103, 6-8-2021)

Sec. 22-4. Injury to shrubbery, flowers, etc.

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flowers, or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "keep off" sign has been posted.

(Code 2001, § 12.104; Ord. No. 21-14, § 12.104, 6-8-2021)

Sec. 22-5. Injury to structures or personality.

It shall be unlawful for any person to write on, carve, cut, deface, injure, or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

(Code 2001, § 12.105; Ord. No. 21-14, § 12.105, 6-8-2021)

Sec. 22-6. Sanitation.

No person in or on a public property shall:

- (1) *Depositing refuse.* Leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially, for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park. Any refuse generated from activity in within the public park shall be disposed of at either an on-site receptacle or properly disposed of off property.
- (2) *Pollution of waters.* Throw, discharge or otherwise place or caused to be placed in the waters of any fountain, pond, lake, stream, river or other body of water in or adjacent to any such area, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may result in the pollution of such waters.

(Code 2001, § 12.106; Ord. No. 21-14, § 12.106, 6-8-2021)

Sec. 22-7. Bills, posters and advertising.

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park. This section does not apply to the paid advertising areas in the outfield of the Harold Peeples Athletic Park.

(Code 2001, § 12.107; Ord. No. 21-14, § 12.107, 6-8-2021)

Sec. 22-8. Selling in public parks.

It shall be unlawful for any person, except as may have a permit or concession from the town clerk, to sell or offer for sale within any public park any cold drinks, food or any other merchandise. The town recreation department staff shall operate the concession stand at the Harold Peeples Athletic Park during all municipal intramural sporting programs and during private event rentals. All revenue generated from concession sales shall be reinvested into the recreational offerings of the town.

(Code 2001, § 12.108; Ord. No. 21-14, § 12.108, 6-8-2021)

Sec. 22-9. Intoxicating liquors; disorderly conduct, etc.; drugs.

(a) It shall be unlawful for any person to carry into any public park any intoxicating liquors, to drink the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar or indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious or disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.

(b) It shall be unlawful to disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.

(c) It shall be unlawful to possess, consume or distribute non-prescriptive drugs or illegal substances on the premises of any public park.

(Code 2001, § 12.109; Ord. No. 21-14, § 12.109, 6-8-2021)

Sec. 22-10. Motor vehicle traffic in parks.

No person in or on a public property shall:

- (1) *Compliance with motor vehicle laws.* Fail to comply with all applicable provisions of the state or local motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such governmental regulations as are contained in this chapter and other ordinances.
- (2) *Obedience to police officers.* Fail to obey all police officers and town employees, such persons being hereby authorized and instructed to direct traffic whenever needed in such areas and in accordance with the provisions of this chapter and such regulations as may be issued by the town.
- (3) *Speed of vehicles; operation off roadways.* Ride or drive a motorized vehicle within any public property, when authorized, at a rate of speed exceeding five miles an hour or operate such vehicle off any paved or clearly maintained portion of a roadway in any public park or other publicly owned property, except when authorized by the town. All motorized vehicles are expressly prohibited on designated bike trails.
- (4) *Operation of motorcycles.* Operate a golf cart, motorcycle, motorbike or similar motorized vehicle within the limits of any public property except upon those paved portions of a roadway and parking areas designed for such vehicles.
- (5) *Double parking.* Double park any vehicle in any such area unless directed by a town official.

(Code 2001, § 12.110; Ord. No. 21-14, § 12.110, 6-8-2021)

Sec. 22-11. Picnic regulations.

(a) It shall be unlawful to picnic or lunch in a place other than those areas designated for that purpose. Town staff have the authority to regulate the activities in such areas when necessary, to prevent congestion and to secure the maximum use for comfort and convenience of the public.

(b) It shall be unlawful to violate the regulation that the use of the picnic tables and benches follows the general rule of "first come, first served."

(c) It shall be unlawful to leave the area before all trash, in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such receptacles are available, then the refuse and trash shall be carried away from the park and disposed of elsewhere.

(Code 2001, § 12.111; Ord. No. 21-14, § 12.111, 6-8-2021)

Sec. 22-12. Camping; fires.

(a) No person in or on a public property maintained by the town shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the town.

(b) It shall be unlawful to camp in any area without written permission from the town clerk. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purposes, such as campers, trailers or the like.

(Code 2001, § 12.112; Ord. No. 21-14, § 12.112, 6-8-2021)

Sec. 22-13. Fireworks in parks, prohibited.

It shall be unlawful to bring or have in their possession or set off or otherwise cause to be exploded or discharged or burn any firecracker, sparkler, or other fireworks or explosive or to discharge or throw them into any such land or highway adjacent thereto without written permission from the town council or town clerk.

(Code 2001, § 12.113; Ord. No. 21-14, § 12.113, 6-8-2021)

Sec. 22-14. Firearms; dangerous weapons.

It shall be unlawful to carry, use or possess firearms or other dangerous weapons of any nature within any park or other recreation facility; however, this section shall not apply to law enforcement officers while engaged in the course of their duties.

(Code 2001, § 12.114; Ord. No. 21-14, § 12.114, 6-8-2021)

Sec. 22-15. Entering closed areas.

It shall be unlawful to:

- (1) Enter an area of public property posted as closed to the public.
- (2) Breach any door, gate, chain, or other device used to restrict access to a park, building within a park or a specific area of the park.

(Ord. No. 21-14, § 12.115, 6-8-2021)

Sec. 22-16. Special event permits for exclusive use.

(a) Upon receipt of an application, the town may issue a special event permit authorizing the exclusive use of park space or park facilities for a limited time in accordance with its regulations and fees established for that purpose. No person having been issued such permit in or on a town playground or park shall fail to produce and exhibit the permit upon request of any authorized town representative who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

(b) No person shall disturb or unreasonably interfere with any person who has obtained a special event permit under subsection (a) of this section while the permittee is in possession and use of the permitted space or facilities. Any person refusing to stop such disturbance or interference when requested to do so, may be cited for a violation of this Code or ordered to leave the park, or both, by any town officer or employee authorized to enforce this chapter.

(c) Any fees that may be required for a specific facility rental shall be included on the current schedule of rates and fees. The town clerk has the authority to waive any or all fees associated with a rental if they deem it in the best interests of the town.

(d) Any person entering into a lease or rental agreement with any recreation facility or public park agrees to hold harmless the town, its staff, its agents of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

(Ord. No. 21-14, § 12.116, 6-8-2021)

Sec. 22-17. Commercial utilization of spaces and facilities.

(a) The town may allow the commercial utilization of public property on an exclusive use basis in accordance with such contracts and permitting procedures as the town clerk may approve. However, the commercial utilizations must be for limited periods of time in clearly defined space and with limited frequencies. The services rendered during such utilizations must be the types that promote the general purposes of the park in its availability to the public at large. The town must receive reasonable compensation for the use. The methods for allocating such utilization among interested applicants must be fair and open to all interested providers of the service. The commercial user must make the rendered service available to members of the public without discrimination based on race, religion, national origin, gender, or ethnic identity. The commercial user must have a town business license.

(b) Walking tours and other business operations which utilize public property do not require special permits, provided they do not impede the right of the public to use public property for its intended purposes and provided they do not have the effect of gaining exclusive use of specific space or facilities for any meaningful period of time or with undue frequency.

(Ord. No. 21-14, § 12.117, 6-8-2021)

Sec. 22-18. Park restrictions.

Any section or part of any park or recreation area or facility may be declared closed the public by the town clerk at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and to certain users.

(Code 2001, § 12.115; Ord. No. 21-14, § 12.118, 6-8-2021)

Sec. 22-19. Enforcement.

(a) The town clerk or the recreation director, if such position shall exist, has the authority and responsibility to enforce any rules and regulations governing the use of parks and recreation facilities as adopted by the town.

(b) The town clerk or the recreation director or any authorized municipal employee shall have the authority to eject from any recreation facility any person acting in violation of this chapter or in violation of the rules and regulations enacted pursuant to this chapter or any other ordinance adopted by the town council.

(c) The town police department may draw warrants, issue citations, or take such other legal measures as may be allowed to enforce the terms and provisions of this chapter.

(Code 2001, § 12.116; Ord. No. 21-14, § 12.119, 6-8-2021)

Sec. 22-20. Tournaments.

A permit shall be required to conduct athletic tournaments such as baseball, basketball, softball, etc. (Code 2001, § 12.118; Ord. No. 21-14, § 12.120, 6-8-2021)

Sec. 22-21. Unsafe conduct in park waterways.

(a) *Prohibited.* No person shall engage in unsafe conduct in or near any stream or river on public property. Unsafe conduct is any activity which threatens harm to the bed or banks of the waterway, or which threatens serious bodily injury to the person engaging in the activity or to others. Unsafe conduct includes, but is not limited to, climbing, or sliding on rocks in or next to a waterway; climbing over the sides of any bridge which crosses over a waterway; or destroying, disrupting, or agitating the condition of banks of a waterway. Nor shall any person actively induce or engage other people in unsafe conduct in a park waterway.

(b) *Lawful order.* Any law enforcement officer shall assist in enforcement of this section may direct activity having the appearance of unsafe conduct in subsection (a) of this section be stopped. The failure to obey such lawful order is also a violation of this section. (Ord. No. 21-14, § 12.121, 6-8-2021)

Sec. 22-22. Protection of natural resources.

No person in or on a public property, without consent of the town, shall dig or remove any soil, sand, rock, stones, shrubs or plants, down timber, or other wood materials, or make any excavation by tool, equipment, blasting or other means or agency. (Ord. No. 21-14, § 12.122, 6-8-2021)

Secs. 22-23—22-47. Reserved.

ARTICLE II. RECREATION COMMITTEE

Sec. 22-48. Established.

The town hereby establishes a recreation committee that is designated to promote the recreational offerings provided by the town and to provide opportunities for all citizens to participate in activities. (Ord. No. 23-08, § 1(12.201), 3-14-2023)

Sec. 22-49. Membership.

The committee is hereby established with three members, appointed by the town council, who will serve terms of four years. Upon completion of their term, the member may apply for consideration of reappointment. Members for the recreation committee are not required to maintain residency or be a current or former freeholder within town limits. (Ord. No. 23-08, § 1(12.202), 3-14-2023)

Sec. 22-50. Compensation.

Members of the recreation committee shall serve without compensation.
(Ord. No. 23-08, § 1(12.203), 3-14-2023)

Sec. 22-51. Council liaison to the town.

The town council shall designate a council member to serve as a committee liaison from the committee to town staff and the council. The council liaison shall advise staff on required purchases and any requests for events, programs, sporting events or other activities as deemed necessary by the committee shall be formally requested to the council liaison.
(Ord. No. 23-08, § 1(12.204), 3-14-2023)

Sec. 22-52. Finance.

The town administrator will maintain financial records and an accounting of funds including revenue and expenditures for the activities of the committee in accordance with the provisions of chapter 8. Financial reports shall be made available to the committee members monthly.
(Ord. No. 23-08, § 1(12.205), 3-14-2023)

Sec. 22-53. Meetings.

(a) The committee shall conduct regular meetings at least once per month unless there is no business before it. Special meetings may be held at the call of the chairman and at such other times as the recreation committee may determine.

(b) Public notice of all meetings shall be in accordance with the S.C. Code 1976, § 30-4-70 and have agendas available no later than 24 hours prior to the meeting.

(c) The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, and shall keep records of its examinations and other official actions, all of which must be immediately filed with the town administrator upon approval by the committee.

(Ord. No. 23-08, § 1(12.206), 3-14-2023)

Secs. 22-54—22-68. Reserved.**ARTICLE III. PENALTIES****Sec. 22-69. Penalty.**

(a) Any person found upon the premises of any town parks and/or recreation facilities within the town limits after the official closing hour of 10:00 p.m., without the express written consent of the town clerk or their authorized representative or the written permission of the mayor and town council shall be deemed a trespasser and in violation of this chapter.

(b) This chapter shall not apply to members and employees of the town and the town recreation committee engaged upon their official duties in connection with said parks and recreation facilities.

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

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

(Code 2001, § 12.201; Ord. No. 21-14, § 12.201, 6-8-2021)

Chapter 23

RESERVED

Chapter 24

SOLID WASTE

Sec. 24-1. Garbage collection fees.

Sec. 24-1. Garbage collection fees.

- (a) A fee shall be charged each residence and business for the collection of solid waste.
- (b) The said fee may be collected with the water bill.
- (c) Anyone not paying a water bill shall pay the garbage collection fee to receive garbage collection service.
- (d) Such fees shall be as set forth in the schedule of rates and fees or as otherwise established from time to time.

(Code 2001, § 10.107)

Chapter 25

RESERVED

Chapter 26

STREETS AND SIDEWALKS*

Article I. In General

- Sec. 26-1. Town map; information; streets; public places.
- Sec. 26-2. Jurisdiction; naming.
- Sec. 26-3. Maintenance and construction; exceptions.
- Sec. 26-4. Sidewalks—Adjacent property owners to keep clear.
- Sec. 26-5. Sidewalks—Parking prohibited; exceptions.
- Sec. 26-6. Survey markers required for new streets.
- Secs. 26-7—26-30. Reserved.

Article II. Unlawful Acts

- Sec. 26-31. Obstructions—Interference; vehicles; exceptions.
- Sec. 26-32. Obstructions—Protection by barricades; lights.
- Sec. 26-33. Damaging public property.
- Sec. 26-34. Depositing on streets; sidewalks and drains prohibited.
- Sec. 26-35. Burning on streets prohibited.
- Sec. 26-36. Dangerous substances prohibited.
- Sec. 26-37. Obstructions to vision at street intersections.
- Sec. 26-38. Obstructions—Removal.
- Sec. 26-39. Obstructions—Failure to clean declared a misdemeanor.
- Sec. 26-40. Draining water, other liquids onto streets or sidewalks prohibited.
- Sec. 26-41. Curbs; breaking, destroying prohibited; permission required, entrance to property.
- Sec. 26-42. Speaking, exhibiting, entertaining on streets; games.
- Sec. 26-43. Gates and doors opening onto sidewalks.
- Sec. 26-44. Obstruction of drains, ditches, watercourses, etc.
- Sec. 26-45. Streetlights breaking; removing.
- Sec. 26-46. Tree waste; removal.
- Sec. 26-47. Fences; repairs.
- Sec. 26-48. Trees and shrubs on streets.
- Sec. 26-49. Camping on public property; unlawful.
- Sec. 26-50. Cleated wheels or treads prohibited.
- Sec. 26-51. Disc harrows prohibited.
- Sec. 26-52. Appeals.
- Secs. 26-53—26-77. Reserved.

Article III. Excavations

- Sec. 26-78. Permission required; bond required.
- Sec. 26-79. Danger signals required; lights required.
- Sec. 26-80. Removal of danger signals.
- Sec. 26-81. Cuts; excavations to be restored.

***State law references**—Municipal authority to regulate streets, S.C. Code 1976, § 5-7-30; putting foreign substances on highways, S.C. Code 1976, § 57-7-20; obstructions in highways, S.C. Code 1976, § 57-7-210.

YEMASSEE TOWN CODE

Sec. 26-82. Failure.
Secs. 26-83—26-107. Reserved.

Article IV. Littering

Sec. 26-108. Prohibited.
Sec. 26-109. Duty of business owners; occupants.
Sec. 26-110. Duty of customer.

ARTICLE I. IN GENERAL**Sec. 26-1. Town map; information; streets; public places.**

(a) The official map of the town, when prepared, shall be retained in the office of the town clerk.

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

(Code 2001, § 16.101)

Sec. 26-2. Jurisdiction; naming.

(a) All streets now in existence and any new proposed streets now within the town limits or any other streets that are now connected with any streets within the town shall be within the control and jurisdiction of the council.

(b) No person shall have authority to name any street, without written approval of the council.

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

(Code 2001, § 16.102)

Sec. 26-3. Maintenance and construction; exceptions.

(a) The council shall approve the construction and maintenance of streets and roads in the town.

(b) This article shall not apply to streets under the supervision and control of SCDOT or Beaufort/Hampton County.

(Code 2001, § 16.103)

Sec. 26-4. Sidewalks—Adjacent property owners to keep clear.

It shall be the duty of all owners of real estate within the corporate limits to keep the sidewalks adjoining their real estate clear and free from grass, weeds, trash, and garbage.

(Code 2001, § 16.104)

Sec. 26-5. Sidewalks—Parking prohibited; exceptions.

(a) It shall be unlawful to park a vehicle on any sidewalk.

(b) Exceptions may be made when it is necessary to avoid traffic or when directed by a law enforcement officer or a traffic control device.

(Code 2001, § 16.105)

Sec. 26-6. Survey markers required for new streets.

(a) In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town, where development or activity may affect a right-of-way, easement, or setback, shall be required to conduct a survey of said properties by a registered land surveyor.

(b) A permanent survey marker shall be erected on each corner of said property at the point where it intersects with any other property.
(Code 2001, § 16.106)

Secs. 26-7—26-30. Reserved.

ARTICLE II. UNLAWFUL ACTS

Sec. 26-31. Obstructions—Interference; vehicles; exceptions.

(a) It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the town by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.

(b) It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.

(c) It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever, provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding 20 feet.

(d) Any person building a house or other structure within the town may obtain from the town clerk permission for a partial and temporary use of the streets for said building purposes.

(e) No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.

(f) Any obstruction placed on any street, sidewalk or highway in violation of this section shall constitute a misdemeanor.

(g) This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction of a street, sidewalk, public way or utilities.

(h) It shall be unlawful for any person to leave any vehicle or other article dangerous to the public safety upon the public streets of the town at night, or to make or cause to be made any unreasonable or dangerous obstruction upon the public streets thereof; provided, however, that any person building houses or other structures within the town may obtain from the mayor written permission for a partial and temporary use of the public streets for building purposes.
(Code 2001, § 16.201)

Sec. 26-32. Obstructions—Protection by barricades; lights.

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

(Code 2001, § 16.202)

Sec. 26-33. Damaging public property.

(a) It shall be unlawful for any person to damage, mutilate or deface any street or other public property within the corporate limits.

(b) This section shall prohibit the erection of anything in a street right-of-way or on public property, without the written consent of the town clerk.

(Code 2001, § 16.203)

Sec. 26-34. Depositing on streets; sidewalks and drains prohibited.

(a) It shall be unlawful for any person to deposit, discard, dump, sweep or place any oil, trash, garbage, slop or refuse matter of any kind onto streets or sidewalks.

(b) This section shall apply to obstruction of any gutter, storm drain, ditch, etc.

(Code 2001, § 16.204)

Sec. 26-35. Burning on streets prohibited.

It shall be unlawful for any person to burn any trash, garbage, and leaves or refuse matter on the streets and sidewalks.

(Code 2001, § 16.205)

Sec. 26-36. Dangerous substances prohibited.

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon.

(Code 2001, § 16.206)

Sec. 26-37. Obstructions to vision at street intersections.

On corner lots there shall be no obstruction to vision between a height of two feet and a height of ten feet measured above the average elevation of the existing surfaces of the intersecting streets at their centerlines, within the area formed by joining points on the property lines, measured as follows:

- (1) On property lines abutting streets 50 feet or less in right-of-way width, the points on the property lines shall be not less than 25 feet from the lot corner.
- (2) On property lines abutting streets more than 50 feet in right-of-way width, the points on the property lines shall be 50 feet from the lot corner.

(3) This restriction shall not apply to buildings in business districts.
(Code 2001, § 16.208)

Sec. 26-38. Obstructions—Removal.

Whenever there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten days after official written notice, remove such obstruction.

(Code 2001, § 16.209)

Sec. 26-39. Obstructions—Failure to clean declared a misdemeanor.

Any person, firm or corporation who shall fail to comply with an order to remove said property shall be served an ordinance summons to appear before the municipal judge, as provided in section 20-19.

(Code 2001, § 16.210)

Sec. 26-40. Draining water, other liquids onto streets or sidewalks prohibited.

(a) It shall be unlawful for any person to place or cause to be deposited any materials or decayed matter of any kind, so that it falls or flows upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.

(b) It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rainwater may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street.

(Code 2001, § 16.212)

Sec. 26-41. Curbs; breaking, destroying prohibited; permission required, entrance to property.

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefor from SCDOT.

(Code 2001, § 16.214)

Sec. 26-42. Speaking, exhibiting, entertaining on streets; games.

It shall be unlawful for any person to play football, baseball, basketball or any other games in and upon any street, or any public place that may pose a danger to motorists or pedestrians.

(Code 2001, § 16.215)

Sec. 26-43. Gates and doors opening onto sidewalks.

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street.

(Code 2001, § 16.216)

Sec. 26-44. Obstruction of drains, ditches, watercourses, etc.

(a) In the public interest, it shall be unlawful for any person to obstruct, or cause to be obstructed, any drains, ditches or watercourses within the corporate limits.

(b) Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs shall keep the bed of same free from obstructions. (Code 2001, § 16.217)

Sec. 26-45. Streetlights breaking; removing.

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with streetlights. (Code 2001, § 16.218)

Sec. 26-46. Tree waste; removal.

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste. (Code 2001, § 16.219)

Sec. 26-47. Fences; repairs.

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town. (Code 2001, § 16.220)

Sec. 26-48. Trees and shrubs on streets.

No person shall cut, scar, mutilate, dig up or otherwise injure or destroy any trees or shrubs within the public right-of-way. (Code 2001, § 16.221)

Sec. 26-49. Camping on public property; unlawful.

It shall be unlawful to camp on any public property, including streets, without permission from the mayor and town clerk. (Code 2001, § 16.222)

Sec. 26-50. Cleated wheels or treads prohibited.

It shall be unlawful to drive or cause to be driven upon or across any paved street, alley or public place in the town any motor truck, tractor or traction engine, or other vehicle of every kind or description which has wheels cleated transversely or diagonally on their outer surfaces with strips of iron, wood or other similar substances. (Code 2001, § 16.223)

Sec. 26-51. Disc harrows prohibited.

It shall be unlawful to pull or drag on the streets, public roads or pavements of the town any disc harrow. This section does not apply to any disc harrow being transported in such a manner whereas the metal blades do not touch the road surface in any way.

(Code 2001, § 16.224)

Sec. 26-52. Appeals.

Appeals from this chapter shall be made to the town council.

(Code 2001, § 16.225)

Secs. 26-53—26-77. Reserved.

ARTICLE III. EXCAVATIONS

Sec. 26-78. Permission required; bond required.

(a) It shall be unlawful to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the town and SCDOT, except in a bona fide emergency situation.

(b) Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town a cash bond in a sum as may be estimated by the clerk/treasurer to ensure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

(Code 2001, § 16.301)

Sec. 26-79. Danger signals required; lights required.

(a) It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.

(b) Adequate lights shall be displayed at night.

(Code 2001, § 16.302)

Sec. 26-80. Removal of danger signals.

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

(Code 2001, § 16.303)

Sec. 26-81. Cuts; excavations to be restored.

Any such cut or excavation shall be restored according to the standards of SCDOT within a period of 24 hours. Upon request, the town or SCDOT may grant special consideration due to extreme weather conditions.

(Code 2001, § 16.304)

Sec. 26-82. Failure.

In the event that said repair should sink or give away within one year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within a reasonable time of being notified by the town and/or SCDOT.

(Code 2001, § 16.305)

Secs. 26-83—26-107. Reserved.**ARTICLE IV. LITTERING****Sec. 26-108. Prohibited.**

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

(Code 2001, § 16.401)

Sec. 26-109. Duty of business owners; occupants.

(a) The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

(b) Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the referred above to articles of waste may be disposed of.

(c) Each and every business establishment shall place upon its premises in a conspicuous place in close proximity to the receptacles referred to above, a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(Code 2001, § 16.402)

Sec. 26-110. Duty of customer.

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

(Code 2001, § 16.403)

Chapter 27

RESERVED

Chapter 28

TAXATION

Article I. In General

Secs. 28-1—28-18. Reserved.

Article II. Annual Taxes; Delinquent

Sec. 28-19. Basis of value of property for taxation.

Sec. 28-20. Enforcement.

Sec. 28-21. Municipal tax lien.

Secs. 28-22—28-49. Reserved.

Article III. Local Hospitality Tax

Sec. 28-50. Authority.

Sec. 28-51. Declaration of purpose and intent.

Sec. 28-52. Definitions.

Sec. 28-53. Local hospitality tax.

Sec. 28-54. Payment and collection of local hospitality tax.

Sec. 28-55. Collection and remittance of local hospitality tax.

Sec. 28-56. Local hospitality tax account/tourism support and development account.

Sec. 28-57. Permitted uses of funds.

Sec. 28-58. Inspections and audits.

Sec. 28-59. Violations and penalty.

Sec. 28-60. Sunset.

Secs. 28-61—28-78. Reserved.

Article IV. Local Accommodations Tax

Sec. 28-79. Tax imposed; liability.

Sec. 28-80. Tax collection.

Sec. 28-81. Remittance.

Sec. 28-82. Failure to remit.

Sec. 28-83. Special account establishment.

ARTICLE I. IN GENERAL

Secs. 28-1—28-18. Reserved.

ARTICLE II. ANNUAL TAXES; DELINQUENT*

Sec. 28-19. Basis of value of property for taxation.

The basis of value for taxation of real estate, personal property or other taxable property shall be such assessment as levied by the Beaufort/Hampton County Auditors.

(Code 2001, § 8.201)

Sec. 28-20. Enforcement.

The enforcement of taxes shall be done by the counties.

Sec. 28-21. Municipal tax lien.

Until paid in full, all taxes levied upon real or personal property shall constitute a lien upon said property upon which the tax is levied, together with any penalties thereon, and shall be paramount to all other liens, except those for federal, state and county taxes.

(Code 2001, § 8.202)

Secs. 28-22—28-49. Reserved.

ARTICLE III. LOCAL HOSPITALITY TAX

Sec. 28-50. Authority.

This article is enacted pursuant to the authority of S.C. Code 1976, § 6-1-700 et seq.
(Ord. No. 111406, art. I, 11-14-2006)

Sec. 28-51. Declaration of purpose and intent.

The article is enacted to preserve the general health, safety and welfare of the general public within the town, by creating a dedicated funding source, to pay, in whole or in part, for the current and future construction, enhancement, preservation and maintenance of tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums; cultural, recreational, or historic facilities;

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

river/beach access and renourishment; highways, roach, streets, and bridges providing access to tourist destinations, advertisements and promotions related to tourism development; and water and sewer infrastructure to serve tourism-related demand.

(Ord. No. 111406, art. II, 11-14-2006)

Sec. 28-52. 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:

Beverages includes all beverages, including, but not limited to, alcoholic beverages, beer, wine, and any non-alcoholic beverage.

Establishments means any individual, partnership, corporation or business entity, regardless of form, which, as a part of its business offers prepared meals for sale to the general public, whether for consumption on the premises or off.

Establishments licensed for on premises consumption of alcoholic beverages, beer or wine means any individual, partnership, corporation or business entity, regardless of form, which is licensed by the state alcoholic beverage commission to offer alcoholic beverages, beer or wine for sale or consumption on its premises.

Gross sales price means the total charge for any prepared meal or beverage, exclusive of any other taxes, fees or gratuity.

Prepared meals means any prepared food item prepared or offered for sale by any establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine whether consumed on the premises or off.

(Ord. No. 111406, art. III, 11-14-2006)

Sec. 28-53. Local hospitality tax.

A uniform tax equal to the maximum amount allowed by law is hereby imposed on the gross sales price of prepared meals and beverages sold in establishments and also on the gross sales price of sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer or wine. Said tax shall be imposed throughout the municipal limits of the town.

(Ord. No. 111406, art. IV, 11-14-2006)

Sec. 28-54. Payment and collection of local hospitality tax.

Payment of the local hospitality tax shall be the liability of the consumer of prepared meals and beverages as described herein. The local hospitality tax shall be paid at the time of the purchase of the prepared meals and beverages and shall be collected by the establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine selling the prepared meals and beverages.

(Ord. No. 111406, art. V, 11-14-2006)

Sec. 28-55. Collection and remittance of local hospitality tax.

(a) The local hospitality tax collected by establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine shall be remitted to the town as follows:

- (1) Payment of local hospitality taxes collected in the first quarter of any calendar year shall be due on April 20 of the calendar year;
- (2) Payment of local hospitality taxes collected in the second quarter of any calendar year shall be due on July 20 of the calendar year;
- (3) Payment of local hospitality taxes collected in the third quarter of any calendar year shall be due on October 20 of the calendar year;
- (4) Payment of local hospitality taxes collected in the fourth quarter of any calendar year shall be due on January 20 of the calendar year immediately following.

(b) The town shall promulgate a form of remittance which shall be utilized by any establishments or establishments licensed for on premises consumption of alcoholic beverages, beer or wine, collecting local hospitality taxes to calculate the amount of local hospitality taxes due for each calendar year quarter. Said form shall contain a sworn declaration as to the correctness thereof by the remitter and shall accompany each payment made to the town pursuant hereto.

(Ord. No. 111406, art. VI, 11-14-2006)

Sec. 28-56. Local hospitality tax account/tourism support and development account.

(a) An interest-bearing, restricted account to be known as the town's hospitality tax account or the tourism support and development account is hereby established, and all revenues received from the local hospitality tax imposed hereby shall be deposited into this account. The town's local hospitality tax account shall be controlled by the mayor and/or his or her designee for the town. The principal and any accrued interest from this account shall only be used for the purposes set forth herein and shall be disbursed only as allowed by this article.

(b) Deposits into this account may also include appropriations from the general fund by the town council and voluntary contributions of money and other liquid assets to the town's hospitality tax account or the tourism support and development account from any source. Once funds are deposited into the town hospitality tax account or the tourism support and development account, the funds become dedicated funds and may only be used for the purposes set forth herein; and, disbursed only as allowed by this article.

(Ord. No. 111406, art. VII, 11-14-2006)

Sec. 28-57. Permitted uses of funds.

(a) The town council is hereby authorized to utilize the funds collected from the imposition of the local hospitality tax and any other funds deposited into the town's hospitality tax account or the tourism support and development account for the following purposes, and no other:

- (1) To pay, in whole or in part for the current and future construction, enhancement, preservation and maintenance of:
 - a. Tourism-related buildings, including, but not limited to, civic centers, coliseums, and aquariums;

- b. Tourism-related cultural, recreational, or historic facilities;
 - c. Beach access and renourishment;
 - d. Highways, roads, streets, and bridges providing access to tourist destinations;
 - e. Advertisements and promotions related to tourism development; and
 - f. Water and sewer infrastructure to serve tourism-related demand.
- (2) To pay, in whole or in part, for the operation and maintenance of those items provided for above, including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(b) Authorization to utilize any funds from the town's hospitality tax account/tourism support and development account as provided herein shall be by the annual budget ordinance duly adopted by the town council and as the same may be amended from time to time.

(Ord. No. 111406, art. VIII, 11-14-2006)

Sec. 28-58. Inspections and audits.

For the purpose of enforcing the provisions of this article, the mayor and/or his or her designee or his/her designee of the town is empowered to enter upon the premises of any establishments or establishments licensed for on-premises consumption of alcoholic beverages, beer or wine subject to the provisions of this article and to make inspections, and to examine and audit books and records of such establishments and establishments licensed for on premises consumption of alcoholic beverages, beer or wine. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon 24 hours' written notice. In the event that an audit reveals that false information has been provided by the remitter, the cost of the audit shall be added to the correct amount of local hospitality taxes determined to be due. This shall be in addition to any other fines or penalties provided for below. The mayor and/or his or her designee or his/her designee may make systematic inspections of all establishments and establishments licensed for on premises consumption of alcoholic beverages, beer or wine within the town to ensure compliance with this article. Records of any such inspections shall not be deemed public records.

(Ord. No. 111406, art. IX, 11-14-2006)

Sec. 28-59. Violations and penalty.

- (a) It shall be a violation of this article to:
 - (1) Fail to collect the local hospitality tax in connection with the sale of any prepared meals and beverages as set forth above;
 - (2) Fail to remit to the town any local hospitality taxes collected pursuant to this article within five days of the due date thereof, as set forth above;
 - (3) Knowingly provide false information on any return submitted to the town as set forth above; or
 - (4) Fail or refuse to provide books and records to the mayor and/or his or her designee or his/her designee of the town upon 24 hours' written notice, as provided above.

(b) Upon conviction for a violation hereof the violator shall be guilty of a misdemeanor punishable by a fine of up to \$500.00 or 30 days in jail or both for each offense.

(c) In the event local hospitality taxes are not remitted to the town, as set forth herein, the person failing to remit shall also pay a penalty of five percent of the unpaid amount for each month or portion thereof until said local hospitality taxes are paid in full.

(Ord. No. 111406, art. X, 11-14-2006)

Sec. 28-60. Sunset.

This article shall be effective from the effective date of the ordinance from which this article is derived for a period of six years, at which time this article and all its provisions shall automatically expire and terminate without further action of the town council.

(Ord. No. 111406, art. XI, 11-14-2006)

Secs. 28-61—28-78. Reserved.

ARTICLE IV. LOCAL ACCOMMODATIONS TAX

Sec. 28-79. Tax imposed; liability.

There is hereby imposed a local accommodations tax of three percent on the gross proceeds of the lease or rental of sleeping accommodations to transients within the town (hereinafter "vendor"). Payment of the accommodations tax established hereby shall be the liability of the customer.

(Ord. No. 2015-05, § 1, 12-21-2015)

Sec. 28-80. Tax collection.

The tax imposed by this article shall be collected from the customer when payment for rental or sleeping accommodations is tendered and shall be held in trust for the benefit of the town until remitted as provided in section 28-81.

(Ord. No. 2015-05, § 2, 12-21-2015)

Sec. 28-81. Remittance.

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

(Ord. No. 2015-05, § 3, 12-21-2015)

Sec. 28-82. Failure to remit.

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

(Ord. No. 2015-05, § 4, 12-21-2015)

Sec. 28-83. Special account establishment.

There is hereby established a special account to be known as the local accommodations tax account into which the taxes remitted shall be deposited by the town and used solely for the purposes provided by law.

(Ord. No. 2015-05, § 5, 12-21-2015)

Chapter 29

RESERVED

Chapter 30

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 30-1. Short title.
- Sec. 30-2. Uniform act; definitions.
- Secs. 30-3—30-22. Reserved.

Article II. Moving Traffic

- Sec. 30-23. Careless operation of a motor vehicle; points.
- Sec. 30-24. Driving across private property to make turns.
- Sec. 30-25. Riding in/on municipal vehicles unlawful.
- Secs. 30-26—30-53. Reserved.

Article III. Parking, Standing, Stopping

- Secs. 30-54—30-79. Reserved.

Article IV. Inoperable Vehicles

- Sec. 30-80. Inoperable vehicles.
- Sec. 30-81. Unlicensed; salvage; repair on private property.
- Sec. 30-82. Impoundment; disposition; expenses; forfeiture.

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

ARTICLE I. IN GENERAL**Sec. 30-1. Short title.**

This chapter may be cited as the "Traffic Ordinance."
(Code 2001, § 18.101)

Sec. 30-2. Uniform act; definitions.

For the purpose of this chapter, and local enforcement, applicable provisions of ("Motor Vehicles") of the S.C. Code 1976, title 56, as amended, is hereby adopted and made a part of this Code, including definitions set forth therein.
(Code 2001, § 18.102)

Secs. 30-3—30-22. Reserved.**ARTICLE II. MOVING TRAFFIC*****Sec. 30-23. Careless operation of a motor vehicle; points.**

(a) It shall be unlawful for any person to operate a motor vehicle within the town limits, without care, prudence, caution and without full regard for the safety of persons or property.

(b) Any person failing to do so shall be guilty of the offense of careless operation of a motor vehicle.

(c) Careless driving shall be unlawful and may be considered a lesser offense than reckless driving.

(d) The operation of a motor vehicle, when the same or any of its components is not in proper or safe condition, shall be prima facie evidence of a violation of this section.

(e) The provisions of this article may be used in lieu of tickets requiring points.

(f) Any person violating the provisions of this section shall be punished by a fine not \$200.00 or by imprisonment not exceeding 30 days.

(Code 2001, § 18.202)

Sec. 30-24. Driving across private property to make turns.

(a) It shall be unlawful for any person driving a vehicle to use a sidewalk area or any driveway, parking lot or business entrance at any intersection to cut a corner purposely.

(b) It is the intention of this section to prohibit corner cutting by driving a vehicle from one street onto another across any sidewalk and/or driveway.

(Code 2001, § 18.204)

*State law reference—Uniform Act Regulating Traffic on Highways, S.C. Code 1976, § 56-5-10 et seq.

Sec. 30-25. Riding in/on municipal vehicles unlawful.

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

(Code 2001, § 18.223)

Secs. 30-26—30-53. Reserved.

ARTICLE III. PARKING, STANDING, STOPPING

Secs. 30-54—30-79. Reserved.

ARTICLE IV. INOPERABLE VEHICLES

Sec. 30-80. Inoperable vehicles.

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:

Abandoned vehicle means any vehicle parked for 48 hours in excess of the time allowed for such parking by provisions of this article.

Junk automobile means any automobile with such present value that it would not be economical to repair or store it.

Unoperational automobile means an automobile incapable of moving under its own power without repair.

(Code 2001, § 18.501)

Sec. 30-81. Unlicensed; salvage; repair on private property.

(a) It shall be unlawful for the owner of any property in the town to permit a vehicle not having a current motor vehicle license and upon which property taxes have not been paid to be brought upon or remain upon his property unless it is in a completely enclosed building.

(b) This provision shall not apply to a licensed car dealer, new or used, upon property operated for his business.

(c) No person shall salvage or otherwise maintain upon his property any unoperational vehicle for the purpose of taking parts therefrom, or for the purpose of storage or repair, unless said vehicle has a current vehicle license and unless said vehicle is covered or sheltered in such a fashion so as to adequately prevent moisture from accumulating therein and to prevent the infestation of such vehicle by mosquitoes, other insects, rats or other vermin.

(Code 2001, § 18.502)

Sec. 30-82. Impoundment; disposition; expenses; forfeiture.

(a) If any such vehicle is found parked in violation of this Code or abandoned on the streets of the town, it shall be removed at the owner's expense. The owner, or person in whose name such vehicle is registered, shall be given immediate personal notice, if he is a resident of the town. If he is a nonresident, he shall be given notice by certified mail, return receipt requested, if his address can be ascertained.

(b) If the address of such owner cannot be ascertained, the town clerk shall advertise that such vehicle has been abandoned and impounded, giving an accurate description thereof. He shall include the name of the person licensed to operate it, the circumstances under which the same was found and removed and calling upon the owner to reclaim the same within 30 days. Such notice shall be published once a week for two consecutive weeks in a newspaper of local circulation. If such vehicle is not reclaimed after such advertisement, the same shall be sold for cash at public auction to the highest bidder in front of the town hall or such other place as may be designated by council.

(c) The expenses of removing, keeping, advertising and selling the vehicle shall be paid from the proceeds of such sale and the balance, if any, deposited with the town clerk, subject to the claim of the owner which shall be filed and proved within 12 months thereafter.

(d) If no such claim is filed and proven within that time, such proceeds shall be forfeited to the town.
(Code 2001, § 18.503)

Chapter 31

RESERVED

Chapter 32

UTILITIES*

Article I. In General

Secs. 32-1—32-18. Reserved.

Article II. Water and Sewer

Sec. 32-19. Utility defined; not absolute.
Sec. 32-20. Connections required; septic tanks; exceptions.
Secs. 32-21—32-43. Reserved.

Article III. Prohibited Acts

Sec. 32-44. Pollution of water supply.
Sec. 32-45. Illegal connection; tampering with utility systems; wells.
Sec. 32-46. Water meters; tampering with; changes; defrauding.
Sec. 32-47. Destruction, defacement, etc.; unlawful.
Sec. 32-48. Septic tanks; when permitted.
Secs. 32-49—32-69. Reserved.

Article IV. Public Utility Construction

Sec. 32-70. Permit required; hearing.

***State law references**—Authority to purchase, construct system, S.C. Code 1976, § 6-21-50; authority to improve existing system, S.C. Code 1976, § 6-21-80; the term "system" defined, S.C. Code 1976, § 6-21-40; authority to establish municipal sewerage system, S.C. Code 1976, § 5-31-810; authority to enact relevant ordinances concerning sewerage system, S.C. Code 1976, § 5-31-900; enumerated municipal powers regarding schedule of sewer service and connection fees, S.C. Code 1976, § 5-31-2030; development of subdivision water supply, sewage treatment and disposal systems, S.C. Code Reg. 61-57; onsite wastewater systems, S.C. Code Reg. 61-56.

ARTICLE I. IN GENERAL

Secs. 32-1—32-18. Reserved.

ARTICLE II. WATER AND SEWER**Sec. 32-19. Utility defined; not absolute.**

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:

Utility, when used in this chapter, means the water and sewerage utilities operated in the town and any other public utility such as telephone, electric power, gas, cable television or any similar service provider. This definition shall not be construed as absolute.
(Code 2001, § 17.101)

Sec. 32-20. Connections required; septic tanks; exceptions.

(a) When available, every newly constructed building or subdivision which is located such that the property line thereof is within 300 feet of an existing water line or sewerage system shall be connected thereto. Said connection shall be made prior to occupancy of any new building.

(b) Owners may continue to use existing septic tanks of the type and kind approved by the state department of health and environment control SCDHEC. Owners shall not be required to connect to a public sewer as long as the septic tank is maintained properly; provided, however, that when such tank malfunctions, connection to the sewer shall be required.

(c) Should it be impractical to connect with a sewer, any such real estate within a distance of 300 feet from such sewer, by reason of insufficient fall and lack of proper drainage or for other good and sufficient cause duly shown unto the town, the property owner shall not be required to connect therewith.

(d) All connections with the public sewer and septic tanks referred to hereinabove shall be maintained in such condition and repair so that the same will not allow any overflow, seepage or other condition which may be or may become injurious or obnoxious to any member of the public.

(e) Upon failure of any work to comply herewith, the town may require any faulty or insufficient work or material to be removed and replaced with such materials, workmanship and labor as required.
(Code 2001, § 17.108)

Secs. 32-21—32-43. Reserved.

ARTICLE III. PROHIBITED ACTS

Sec. 32-44. Pollution of water supply.

It shall be unlawful to defile or pollute the public water system or to make connection therewith or maintain any connection whereby water from any other source may be pumped or allowed to flow into the public distribution system which may result in a cross-connection.

(Code 2001, § 17.201)

Sec. 32-45. Illegal connection; tampering with utility systems; wells.

(a) It shall be unlawful for any person, firm or corporation to:

- (1) Connect with, use or tap any public water or sewer main without specific authorization of the Lowcountry Regional Water System council, in writing first obtained;
- (2) Discharge any substance from any source that may be harmful or liable to damage the public sewerage system or to obstruct the flow of sewage therein;
- (3) Connect or permit to remain connected any open gutter or rain water conductor or cesspool with any sanitary sewer line;
- (4) Fail to cease and desist, after notice, to violate the provisions of this article; and
- (5) Tamper with any manhole cover, filter, bed or other appurtenance of the system, without written authority or direct supervision of the proper municipal employee.

(b) This section shall apply to private wells.

(Code 2001, § 17.203)

Sec. 32-46. Water meters; tampering with; changes; defrauding.

It shall be unlawful for any person to alter, change, deface, remove or otherwise tamper with or change any water meter or to make any connection to the town's utility systems, without written permission from the Lowcountry Regional Water System.

(Code 2001, § 17.206)

Sec. 32-47. Destruction, defacement, etc.; unlawful.

(a) It shall be unlawful for any person to willfully destroy, break, injure, climb upon or deface or in any other manner, interfere with any public water mains, water tanks, sewers, fire hydrants, meter boxes, stop cocks, pumps or other fixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances.

(b) It shall also be unlawful for any person to willfully destroy, break, injure, deface or in any other manner interfere with any house, fence, wells, street mains, sluice pipes, gate valves, or to place advertisements or placards on any property belonging to the waterworks or sewerage system.

(Code 2001, § 17.207)

Sec. 32-48. Septic tanks; when permitted.

Septic tanks may be used where approved by SCDHEC, where sewer lines are not accessible; provided, however, that no new or additional septic tanks be approved where sewer lines are provided.

(Code 2001, § 17.214)

Secs. 32-49—32-69. Reserved.**ARTICLE IV. PUBLIC UTILITY CONSTRUCTION****Sec. 32-70. Permit required; hearing.**

(a) It shall be unlawful for any person, firm or corporation to use streets to construct, install, maintain or operate in, on, above or under any street or public place under control of the municipality any line, pipe, cable, pole, structure facility for utilities, communications, cable television or other purposes without a consent agreement or franchise agreement issued by the council by ordinance which prescribes the term, fees and conditions for use and a permit obtained therefor.

(b) The mayor and council, after written notice of not less than ten days to the person seeking the permit, shall grant a hearing at which the parties in interest shall be heard.

(c) The decision of the mayor and council shall be final and binding on all parties.

(Code 2001, § 17.401)

CODE COMPARATIVE TABLE

2001 CODE

This table gives the location within this Code of those sections of the 2001 Code which are included herein. Sections of the 2001 Code 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.

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STATE LAW REFERENCE TABLE

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Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District, 5.3 Residential 1/3 Acre, by removing the zoning designation. [Ordinance 23-16]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: [Ordinance 23-16]

Recommended Action: Request first reading.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

TOWN OF YEMASSEE
Ordinance No. 23-16

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE’S ZONING ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION 5.3, titled “SINGLE-FAMILY RESIDENTIAL 1/3 ACRE [SF]”, TO REMOVE THE ZONING DESIGNATION AND RESERVE SECTION 5.3 FOR FUTURE USE.

WHEREAS, THE Town of Yemassee desires to periodically improve its Zoning Ordinance and to identify areas for potential modifications; and

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Yemassee Town Code and the Town of Yemassee Zoning Ordinance provides a framework for development within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

WHEREAS, the Town of Yemassee Town Council adopted its zoning ordinance, known as the Town of Yemassee Zoning Ordinance, on March 9, 2007; and,

WHEREAS, the Zoning Ordinance establishes zoning districts that serves as a regulatory tool identifying specific areas for land use; and,

WHEREAS, the Zoning Ordinance establishes a Single-Family Residential 1/3 Acre [SF] to accommodate residential properties with a smaller footprint within the Town limits; and

WHEREAS, revisions are desired to update the Zoning Ordinance with the goal of a cohesive and functional zoning ordinance that takes into account the special considerations of the Yemassee landscape; and

WHEREAS, the Planning Commission will conduct a review of the proposed text amendment at their May 9, 2023, Planning Commission Meeting and recommend forwarding the proposed amendment to the Town Council for consideration; and

WHEREAS, a Public Hearing shall be conducted by the Town Council prior to second reading; and

WHEREAS, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1 Amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends

the Zoning Ordinance of the Town of Yemassee, Article V, Section 5.3 Single-Family Residential 1/3 Acre [SF] by removing the zoning designation and updating the title.

Section 1. AMENDMENTS. The Town of Yemassee hereby amends the Zoning Ordinance of the Town of Yemassee, South Carolina by adopting and incorporating amendments to the Town of Yemassee Zoning Ordinance, Article V, Section 5.3, Single-Family Residential 1/3 Acre [SF] as follows:

Section 5.3 Single-Family Residential 1/3 Acre [SF] is deleted and hereby renamed Section 5.3 as “Reserved”.

Section 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O'Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

(seal)



Staff Report Administration



Meeting Date:	May 9, 2023
Project:	Proposed Amendments to the Town of Yemassee Zoning Ordinance, Chapter 5, Section 5.3 titled “Single-Family Residential 1/3 Acre [SF]”, to remove the zoning district.
Project Manager:	Matthew E. Garnes Town Administrator

Request: The Town Administrator requests that the Town Council review and consider the deletion of the below zoning classification within the Zoning Ordinance:

Chapter 5 – Section 5.3 – “Single-Family Residential 1/3 Acre [SF]”

Background: The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. An inventory of the existing real property within Town and their current zoning designations revealed that there are no parcels within the Town zoned Single-Family Residential 1/3 Acre [SF]. This section is redundant to other zoning classifications and Staff believe that by removing this unused zoning classification the zoning ordinance will be more streamlined and easier for the reader to understand the zoning designations available and furthermore ones that are actively in use.

Introduction: As set forth in Section 8.3 (Procedures for Amendments”, the Planning Commission shall review and prepare a report, including its recommendation for transmittal to the Town Council. Before enacting an amendment to this Ordinance, the Town Council shall hold a public hearing; notice of the time and place of which shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing.

Existing Language: Section 5.3 creates a residential zoning district titled “Single-Family Residential 1/3 Acre and abbreviated “SF”. The intent of the district, as with every other primarily residential zoning district in the Ordinance is “to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use”.



Staff Report Administration



The standards for the district include:

Maximum Density: Three (3) dwelling units per acre. (Same density allowed in General Residential and Residential ¼ Acre)

Minimum Lot Size: 14,520sqft per dwelling unit

Maximum Building height: 35' feet or 3 stories, whichever is less

Setbacks:

Front: Fifteen (15) feet from the street right-of-way line

Side: Ten (10) feet from the side lot lines

Rear: Ten (10) feet from the rear property line

The permitted uses include single-family dwellings, church and civic uses and home occupations with stipulations.

Proposed Change:

Remove Section 5.3 Single-Family Residential 1/3 Acre in its entirety and update Section 5.3 to be "Reserved" for future use.

Staff Recommendation: Administration Staff recommend approval of the text amendment as presented.

Next Steps:

Step	Date	Complete
Step 1. Planning Commission Recommendation	May 9, 2023	
Step 2. Town Council 1st Reading	May 9, 2023	
Step 3. Town Council Public Hearing	June 13, 2023	
Step 4. Town Council 2nd Reading	June 13, 2023	




Staff Report Administration



Attachments:

- Existing Chapter 5, Section 5.3 Text
- Proposed Modification to Chapter 5, Section 5.3

This document is for reference only. Please contact the Town of Yemassee Planning & Zoning Department for specific ordinance language

	<p style="text-align: center;">Residential 1/3 Acre (R3A) Zoning District</p> <p>The Residential 1/3 Acre District is designed to provide for homogeneous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.</p> <p style="text-align: center;">Section 5.3, Town of Yemassee Zoning Ordinance</p>
	<p>Standards for the R3A District 5.3.1</p>
<ul style="list-style-type: none">• Maximum Density: Three (3) Dwelling units per acre• Minimum Lot Size: 14,520 square feet per dwelling unit• Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, or flagpoles• Minimum front yard setback: Fifteen (15) feet from lot line• Minimum side yard setback: Ten (10) feet from lot lines• Minimum rear yard setback: Ten (10) feet from the lot lines.	
<p>Permitted Uses for the R3A District 5.3.2</p>	
<ul style="list-style-type: none">• Single-Family dwelling (Stick built home)• Church, Civic, or Institutional use• Home Occupations are permitted if there is no exterior evidence of the home occupation.	
<p>Prohibited Uses for the R3A District</p>	
<ul style="list-style-type: none">• Adult Entertainment Establishments• Any business, person, entity, or service offering Adult Entertainment	

**Comparative Table of Primarily Residential Zoning Districts
in the Town of Yemassee**

	Single-Family Residential 1 Acre	Single-Family Residential ½ Acre	Single-Family Residential 1/3 Acre	Single-Family Residential ¼ Acre	General Residential
Maximum Density (Per acre)	One (1)	Two (2)	Three (3)	Three (3)	Three (3)
Minimum Lot Size (Per Dwelling Unit)	43,560sqft (1.00 acre)	21,780sqft (0.50 acre)	14,520sqft (0.33 acre)	10,890sqft (0.25 acre)	14,520sqft (0.33 acre)
Maximum Building Height	Thirty-Five (35) ft or Three (3) stories	Thirty-Five (35') ft or Three (3) stories	Thirty-Five (35') ft or Three (3) stories	Thirty-Five (35') ft or Three (3) stories	Thirty-Five (35') ft or Three (3) stories
Minimum Front Yard Setback	Fifty (50) ft from street right-of-way	Thirty (30) ft from street right-of-way	Fifteen (15) ft from street right-of-way	Fifteen (15) ft from street right-of-way	Five (5) ft from street right-of-way
Minimum Side Yard Setback	Twenty-Five (25) ft from lot lines	Twenty-Five (25) ft from lot lines	Ten (10) ft from lot lines	Ten (10) ft from lot lines	Five (5) ft from street right-of-way
Minimum Rear Yard Setback	Fifty (50) ft from rear property line	Thirty (30) ft from rear property line	Ten (10) ft from rear property line	Ten (10) ft from lot lines	Five (5) ft from street right-of-way
Permitted Uses	Single-Family Detached Dwelling Civic Use Home Occupation	Single Family Dwelling Civic Use Home Occupation	Single-Family Detached Dwelling Civic Use Home Occupation	Single-Family Detached Dwelling Civic Use Home Occupation	Single-Family Detached Dwelling Civic Use Home Occupation Family Day Care Home Two (2) family dwelling Mobile Home

- a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
- 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.

Section 5.3 Single-Family Residential 1/3 Acre [SF]

The Single-Family Residential District 1/3 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.3.1 Standards for the SF District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 14,520 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Ten (10) feet from lot lines.
- F. Minimum rear yard set back: Ten (10) feet from rear property line.

5.3.2 Permitted Uses for the 1/3 SF District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;

- b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
- 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.

Section 5.4 Single-Family Residential 1/4 Acre [SF]

The Single-Family Residential District 1/4 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 Standards for the SF District

- A. Maximum density: Three (4) dwelling units per acre.
- B. Minimum lot size: 10,890 square feet per dwelling unit.

- a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.3 ~~Single-Family Residential 1/3 Acre [SF]~~

~~The Single Family Residential District 1/3 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.~~

~~5.3.1 Standards for the SF District~~

- ~~A. Maximum density: Three (3) dwelling units per acre.~~
- ~~B. Minimum lot size: 14,520 square feet per dwelling unit.~~
- ~~C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.~~
- ~~D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.~~
- ~~E. Minimum side yard setbacks: Ten (10) feet from lot lines.~~
- ~~F. Minimum rear yard set back: Ten (10) feet from rear property line.~~

~~5.3.2 Permitted Uses for the 1/3 SF District~~

- ~~A. Single family detached dwelling.~~
- ~~B. Civic provided that:
 - ~~1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;~~
 - ~~2. The use provides for adequate access and off street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and~~
 - ~~3. The use meets the following site, building, and setback requirements:
 - ~~a. Development of the site shall not exceed the surface coverage ratio of sixty five (65) percent impervious to thirty five (35) percent pervious. No more than sixty five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;~~~~~~

b. ~~Maximum building height: Thirty five (35) feet; and~~

e. ~~Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.~~

C. ~~Home occupation, provided:~~

1. ~~There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;~~

2. ~~This parking space is sufficient to handle any home occupation related parking needs;~~

3. ~~There are no full-time associates or employees who are not members of the household;~~

4. ~~No signs associated with the home occupation are displayed; and~~

5. ~~The home occupation does not constitute a nuisance.~~

Section 5.4 Single-Family Residential 1/4 Acre [SF]

The Single-Family Residential District 1/4 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 Standards for the SF District

- A. Maximum density: Three (4) dwelling units per acre.
- B. Minimum lot size: 10,890 square feet per dwelling unit.

Recommended Motion

(Removal of Section 5.3 – Single-Family Residential 1/3 Acre)

“I move to approve first reading of the Ordinance 23-16, a Zoning Text Amendment, to remove Section 5.3, titled “Single-Family Residential 1/3 Acre, and to schedule a public hearing for the next Town Council meeting”.

Mayor
 Peggy Bing-O'Banner
Mayor Pro Tempore
 Matthew Garnes
 Town Administrator



Council Members
 Alfred Washington
 Stacy Pinckney
David Paul Murray

Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District Section(s) 5.1 titled "Single-Family Residential 1 Acre [SF], 5.2 titled "Single-Family Residential ½ Acre [SF] and 5.4 titled Single-Family Residential ¼ Acre [SF]. [Ordinance 23-17]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents		Motion		

Summary: See attached

Recommended Action: Request first reading.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

TOWN OF YEMASSEE

Ordinance No. 23-17

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE'S ZONING ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION(S) 5.1, titled "SINGLE-FAMILY RESIDENTIAL 1 ACRE [SF], 5.2, titled "SINGLE-FAMILY RESIDENTIAL ½ ACRE [SF] AND 5.4, titled "SINGLE-FAMILY RESIDENTIAL ¼ ACRE [SF]", AMENDING THE TITLES OF THE RESPECTIVE ZONING DESIGNATIONS AND FORMAL ABBREVIATION FOR THE UPDATED ZONING DISTRICTS, REPLACING ANY REFERENCE TO THE PREVIOUS ZONING DISTRICT NAME WITHIN THE RESPECTIVE SECTIONS, CORRECTING A TYPOGRAPHICAL ERROR AND AMENDING THE INTENT OF SECTION 5.4.

WHEREAS, THE Town of Yemassee desires to periodically improve its Zoning Ordinance and to identify areas for potential modifications; and

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Yemassee Town Code and the Town of Yemassee Zoning Ordinance provides a framework for development within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

WHEREAS, the Town of Yemassee Town Council adopted its zoning ordinance, known as the Town of Yemassee Zoning Ordinance, on March 9, 2007; and,

WHEREAS, the Zoning Ordinance establishes zoning districts that serves as a regulatory tool identifying specific areas for land use; and,

WHEREAS, the Zoning Ordinance establishes a Single-Family Residential 1 Acre [SF], Single-Family Residential ¼ Acre [SF] and Single-Family Residential ½ Acre [SF] to accommodate residential properties of various kinds within the Town limits; and

WHEREAS, revisions are desired to update the Zoning Ordinance with the goal of a cohesive and functional zoning ordinance that considers the special considerations of the Yemassee landscape; and

WHEREAS, Staff desire to update the names of three residential zoning districts and their corresponding abbreviations to terminology widely used in Town now and references to their current names within each section affected and updating the description of Single-Family Residential ¼ Acre to describe the intent of the district more accurately; and,

WHEREAS, the Planning Commission will conduct a review of the proposed text amendment at their May 9, 2023, Planning Commission Meeting and recommend forwarding the proposed amendment to the Town Council for consideration; and

WHEREAS, a Public Hearing shall be conducted by the Town Council prior to second reading; and

WHEREAS, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1 Amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Zoning Ordinance of the Town of Yemassee, Article V, Section(s) 5.1, 5.2 & 5.4 as follows in Section 1.

Section 1. AMENDMENTS. The Town of Yemassee hereby amends the Zoning Ordinance of the Town of Yemassee, South Carolina by adopting and incorporating amendments to the Town of Yemassee Zoning Ordinance, Article V as follows:

Section 5.1 is hereby renamed “Residential 1 Acre (R1A)”

Section 5.1.1 is hereby renamed “Standards for the R1A District.”

Section 5.2.1 is hereby renamed “Permitted Uses for the R1A District.”

Section 5.2 is hereby renamed "Residential ½ Acre (R2A)”

Section 5.2.1 is hereby renamed "Standards for the R2A District.”

Section 5.2.1 is hereby renamed "Permitted Uses for the R2A District.”

Section 5.4 is hereby renamed "Residential ¼ Acre (R4A)”

Section 5.4.1 is hereby renamed "Standards for the R4A District.”

Section 5.4.1 (A), corrects a typographical error is hereby amended “A. Maximum density: Three (3) dwelling units per acre.”

Section 5.4.2 is hereby renamed "Permitted Uses for the R4A District.”

The description of Section 5.4 is hereby updated to “The Residential ¼ Acre District is designed to provide for homogenous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings on smaller lot footprints and discourage any encroachment by uses which may be incompatible with such residential use.”

Section 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember



Staff Report Administration



Meeting Date:	May 9, 2023
Project:	A request by the Town Administrator for a Zoning Text Amendment to Amend the Town of Yemassee Zoning Ordinance, Article V titled “Establishment of Zoning Districts”, Section(s) 5.1 titled “Single-Family Residential 1 Acre [SF], 5.2 titled “Single-Family Residential ½ Acre [SF] and 5.4 titled Single-Family Residential ¼ Acre [SF].
Project Manager:	Matthew E. Garnes Town Administrator

Request: The Town Administrator requests that the Town Council review and consider the updates of the three zoning classifications within Article V of the Zoning Ordinance.

Chapter 5 – Section 5.1 – “Single-Family Residential 1 Acre [SF] renamed to:

“Chapter 5 – Section 5.1 – “Residential 1 Acre [R1A]”

Chapter 5 – Section 5.2 – “Single-Family Residential 1/2 Acre [SF] renamed to:

“Chapter 5 – Section 5.2 – “Residential ½ Acre [R2A]”

Chapter 5 – Section 5.4 – “Single-Family Residential ¼ Acre [SF] renamed to:

“Chapter 5 – Section 5.4 – “Residential ¼ Acre [R4A]”

Background: The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. The Zoning Ordinance contains several inconsistencies with abbreviations and typographical errors. Staff have proposed updates to address common terminology and to address errors as found. The titles of 5.1, 5.2 and 5.4 are recommended to be updated along with the references to those district titles within the respective sections and within 5.4, an update to address a typographical error regarding the maximum density permitted is addressed.

Existing Text and Proposed Changes:

Within Section 5.1 – “Residential 1 Acre [R1A] the following amendments are proposed:



Staff Report Administration



Current: The Single-Family Residential District is designed to provide for homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

Proposed: The Residential 1 Acre District is designed to primarily provide for single-family detached dwellings on larger lot footprints while limiting density and to discourage encroachment by uses which may be incompatible with such residential use."

5.1.1 "Standards for the SF District" is proposed to be updated to "Standards for the R1A District."

5.1.2 "Permitted Uses for the SF District" is proposed to be updated to "Standards for the R1A District."

Within Section 5.2, the following changes are proposed:

Title of Section 5.2 to be renamed from "Single-Family Residential ½ Acre [SF] to "Residential ½ Acre (R2A)".

The description of this district is proposed to be modified as such:

Current: The Single-Family Residential District ½ acre is designed to provide for, homogeneous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

Proposed: The Residential ½ Acre District is designed to provide primarily for single-family residential purposes, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.2.1 to be updated from "Standards for the SF District" to "Standards for the R2A District."

5.2.2 to be updated from "Permitted uses for the SF District" to "Permitted uses for the R2A District."

Within Section 5.4, the following modifications are proposed:

Title of Section 5.4 to be renamed from "Single-Family Residential 1/4 Acre [SF] to "Residential 1/4 Acre (R4A)"

The description of this district is proposed to be modified as such:



Staff Report Administration



Current: The Single-Family Residential District 1/4 Acre is designed to provide for homogeneous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

Proposed: The Residential 1/4 Acre District is designed to provide for homogenous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings on smaller lot footprints and discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 to be updated from "Standards for the SF District" to "Standards for the R4A District."

5.4.1 (A), proposed to correct a typist's error from "A. Maximum density: Three (4) dwelling units per acre." To "A. Maximum density: Three (3) dwelling units per acre."

5.4.2 to be updated from "Permitted uses for the 1/4 SF District" to "Permitted uses for the R4A District."

Staff Recommendation: Administration Staff recommend approval of the text amendment as presented and recommend forwarding it to Town Council for consideration.

Next Steps:

Step	Date	Complete
Step 1. Planning Commission Recommendation	May 9, 2023	
Step 2. Town Council 1st Reading	May 9, 2023	
Step 3. Town Council Public Hearing	June 13, 2023	
Step 4. Town Council 2nd Reading	June 13, 2023	

Attachments:

- Existing Chapter 5, Section 5.1 Text
- Proposed Modification to Chapter 5, Section 5.1
- Existing Chapter 5, Section 5.2 Text
- Proposed Modification to Chapter 5, Section 5.2
- Existing Chapter 5, Section 5.2 Text
- Proposed Modification to Chapter 5, Section 5.4

ARTICLE V REQUIREMENTS BY DISTRICT

Section 5.1 Single-Family Residential 1 Acre [SF]

The Single-Family Residential District is designed to provide for homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.1.1 Standards for the SF District

- A. Maximum density: One (1) dwelling units per acre.
- B. Minimum lot size: 43,560 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifty (50) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Twenty Five (25) feet from lot lines.
- F. Minimum rear yard set back: Fifty (50) feet from rear property line.

5.1.2 Permitted Uses for the SF District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and

3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

- C. Home occupation, provided:
 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.2 Single-Family Residential 1/2 Acre [SF]

The Single-Family Residential District ½ acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.2.1 Standards for the SF District

Maximum density: Two (2) dwelling units per acre.

- A. Minimum lot size: 21,780 square feet per dwelling unit.
- B. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- C. Minimum front yard setback: Thirty (30) feet from the street right-of-way line.
- D. Minimum side yard setbacks: Twenty Five (25) feet from lot lines.
- E. Minimum rear yard set back: Thirty (30) feet from rear property line.

5.2.2 Permitted Uses for the SF District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:

- a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.3 Single-Family Residential 1/3 Acre [SF]

The Single-Family Residential District 1/3 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.3.1 Standards for the SF District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 14,520 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Ten (10) feet from lot lines.
- F. Minimum rear yard set back: Ten (10) feet from rear property line.

5.3.2 Permitted Uses for the 1/3 SF District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;

- b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
- 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.

Section 5.4 Single-Family Residential 1/4 Acre [SF]

The Single-Family Residential District 1/4 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single-family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 Standards for the SF District

- A. Maximum density: Three (4) dwelling units per acre.
- B. Minimum lot size: 10,890 square feet per dwelling unit.

- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Ten (10) feet from lot lines.
- F. Minimum rear yard set back: Ten (10) feet from rear property line.

5.4.2 Permitted Uses for the 1/4 SF District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:
 - d. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - e. Maximum building height: Thirty-five (35) feet; and
 - f. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential

District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

- A. Home occupation, provided:
1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.5. General Residential [GR]

The General Residential District is designed to provide for a variety of residential uses, including single-family, two (2) family and mobile home dwellings. The intent of the District is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.5.1 Standards for the GR District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 14,520 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.

ARTICLE V
REQUIREMENTS BY DISTRICT

Section 5.1 Residential 1 Acre [R1A]

The Residential 1 Acre District is designed to primarily provide for single-family detached dwellings on larger lot footprints while limiting density and to discourage encroachment by uses which may be incompatible with such residential use.

5.1.1 Standards for the R1A District

- A. Maximum density: One (1) dwelling units per acre.
- B. Minimum lot size: 43,560 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifty (50) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Twenty Five (25) feet from lot lines.
- F. Minimum rear yard set back: Fifty (50) feet from rear property line.

5.1.2 Permitted Uses for the R1A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and

3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

C. Home occupation, provided:

1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
2. This parking space is sufficient to handle any home occupation-related parking needs;
3. There are no full-time associates or employees who are not members of the household;
4. No signs associated with the home occupation are displayed; and
5. The home occupation does not constitute a nuisance.

Section 5.2 Residential 1/2 Acre [R2A]

The Residential 1/2 Acre District is designed to provide primarily for single-family residential purposes, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.2.1 Standards for the R2A District

Maximum density: Two (2) dwelling units per acre.

- A. Minimum lot size: 21,780 square feet per dwelling unit.
- B. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- C. Minimum front yard setback: Thirty (30) feet from the street right-of-way line.
- D. Minimum side yard setbacks: Twenty Five (25) feet from lot lines.
- E. Minimum rear yard set back: Thirty (30) feet from rear property line.

5.2.2 Permitted Uses for the R2A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 - 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 - 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 - 3. The use meets the following site, building, and setback requirements:

- a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.
- C. Home occupation, provided:
- 1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 - 2. This parking space is sufficient to handle any home occupation-related parking needs;
 - 3. There are no full-time associates or employees who are not members of the household;
 - 4. No signs associated with the home occupation are displayed; and
 - 5. The home occupation does not constitute a nuisance.

Section 5.3 ~~Single Family Residential 1/3 Acre [SF]~~

~~The Single Family Residential District 1/3 Acre is designed to provide for, homogeneous residential purposes. The intent of the District is to provide areas primarily for single family detached dwellings, and to discourage any encroachment by uses which may be incompatible with such residential use.~~

~~5.3.1 Standards for the SF District~~

- ~~A. Maximum density: Three (3) dwelling units per acre.~~
- ~~B. Minimum lot size: 14,520 square feet per dwelling unit.~~
- ~~C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.~~
- ~~D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.~~
- ~~E. Minimum side yard setbacks: Ten (10) feet from lot lines.~~
- ~~F. Minimum rear yard set back: Ten (10) feet from rear property line.~~

~~5.3.2 Permitted Uses for the 1/3 SF District~~

- ~~A. Single family detached dwelling.~~
- ~~B. Civic provided that:
 - ~~1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;~~
 - ~~2. The use provides for adequate access and off street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and~~
 - ~~3. The use meets the following site, building, and setback requirements:
 - ~~a. Development of the site shall not exceed the surface coverage ratio of sixty five (65) percent impervious to thirty five (35) percent pervious. No more than sixty five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;~~~~~~

b. Maximum building height: Thirty five (35) feet; and

e. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

C. Home occupation, provided:

1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;

2. This parking space is sufficient to handle any home occupation related parking needs;

3. There are no full-time associates or employees who are not members of the household;

4. No signs associated with the home occupation are displayed; and

5. The home occupation does not constitute a nuisance.

Section 5.4 Residential 1/4 Acre [R1A]

The Residential 1/4 Acre District is designed to provide for homogenous residential purposes. The intent of the district is to provide areas primarily for single-family detached dwellings on smaller lot footprints and discourage any encroachment by uses which may be incompatible with such residential use.

5.4.1 Standards for the R4A District

A. Maximum density: Three (3) dwelling units per acre.

B. Minimum lot size: 10,890 square feet per dwelling unit.

- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.
- D. Minimum front yard setback: Fifteen (15) feet from the street right-of-way line.
- E. Minimum side yard setbacks: Ten (10) feet from lot lines.
- F. Minimum rear yard set back: Ten (10) feet from rear property line.

5.4.2 Permitted Uses for the R4A District

- A. Single-family detached dwelling.
- B. Civic provided that:
 1. The proposed use would not appreciably increase or detrimentally alter traffic patterns in the area;
 2. The use provides for adequate access and off-street parking arrangements in accordance with the *Development Standards Ordinance* and any other regulations relating to parking; and
 3. The use meets the following site, building, and setback requirements:
 - a. Development of the site shall not exceed the surface coverage ratio of sixty-five (65) percent impervious to thirty-five (35) percent pervious. No more than sixty-five (65) percent of the lot area may be used for structures, parking, or otherwise be paved; minimum of thirty-five (35) percent of the lot area must be landscaped or otherwise maintained in landscaped natural vegetation;
 - b. Maximum building height: Thirty-five (35) feet; and
 - c. Minimum rear and side yard setbacks: Fifty (50) feet from lot line, except where the use abuts a residential

District or residential use not separated by a right-of-way, a landscaped buffer at least ten (10) feet in width and including a visually solid screening device at least six (6) feet in height which extends across the length of the property is required.

- A. Home occupation, provided:
1. There is no exterior evidence of the home occupation, with the exception of the provision of up to one (1) parking space for clients;
 2. This parking space is sufficient to handle any home occupation-related parking needs;
 3. There are no full-time associates or employees who are not members of the household;
 4. No signs associated with the home occupation are displayed; and
 5. The home occupation does not constitute a nuisance.

Section 5.5. General Residential [GR]

The General Residential District is designed to provide for a variety of residential uses, including single-family, two (2) family and mobile home dwellings. The intent of the District is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.

5.5.1 Standards for the GR District

- A. Maximum density: Three (3) dwelling units per acre.
- B. Minimum lot size: 14,520 square feet per dwelling unit.
- C. Maximum building height: Thirty Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, flag poles.

Recommended Motion

(Updates to 5.1, 5.2 & 5.4)

“I move to approve first reading of the Zoning Ordinance Text Amendments, updating the titles of Section 5.1, 5.2 & 5.4, updating the titles of Section 5.1.1, 5.2.1, 5.2.1, 5.2.2, 5.4.1, 5.4.2 and correcting a typographical error at 5.4.1 (a), and to schedule a Public Hearing at the next Town Council meeting”.

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Authorizing Placement of a Public Art Project from the Hampton County Arts Council at the Veterans Memorial Park

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: Staff were contacted in March 2023 by Mr. Clay Bishop, on behalf of the Hampton County Arts Council regarding the potential placement of a public art project at the Veterans Memorial Park on Salkehatchie Road. It's been determined that the proposed mural would fit on the existing perimeter fence and could be mounted without issue.

Recommended Action: Consider authorizing the placement of the Public Art Project at the Veteran's Memorial Park.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



NOTES

1. THIS PARCEL APPEARS TO LIE IN FLOOD ZONE X, FIRM PANEL 0450-C COMMUNITY 45049C.
2. BUILDING SETBACKS MUST BE VERIFIED WITH THE PROPER AUTHORITIES PRIOR TO CONSTRUCTION.

REFERENCES

1. A PLAT FOR CSX TRANSPORTATION BY C. LAWTON MANER, DATED: 7/26/2010
2. CAB A: 62 PAGE: 9

ATLAS SURVEYING, INC.

49 BROWN'S COVE ROAD, SUITE #5
 RIDGELAND, SC 29936
 PHONE: (843) 645-9277
 WEBSITE: WWW.ATLASSURVEYING.COM

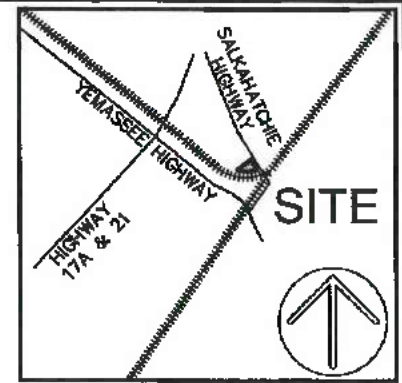


LINE TABLE		
LABEL	BEARING	DISTANCE
L1	N24°59'12"W	98.22'
L2	N24°59'27"W	81.73'
L3	S24°42'40"E	101.61'
L4	S45°31'02"W	21.29'

CURVE TABLE					
LABEL	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	470.23'	207.75'	206.07'	S87°36'27"W	25°18'50"

LEGEND

- RRIF ● RAILROAD IRON FOUND
- RBF ● IRON REBAR FOUND
- IPF ● IRON PIPE FOUND
- CMFD ■ CONC. MONUMENT FOUND DISTURBED
- SW SIGN
- POWER POLE
- OHP — OVERHEAD POWER LINE
- LIGHT POLE
- RAILROAD SIGNAL ARMS
- W WATER METER
- IRRIGATION CONTROL VALVE
- CONCRETE
- EDGE OF PAVEMENT
- BRICK
- RAILROAD TRACK



PREPARED FOR:
TOWN OF YEMASSEE
 AN AS-BUILT SURVEY OF
VETERANS MEMORIAL PARK
 PARCEL No.
 R204-03-04-014
 THE TOWN OF YEMASSEE
 HAMPTON COUNTY, SOUTH CAROLINA

FIELD WORK: JLG
 FIELD CHECK: JWR
 DRAWN BY: M.J.F.
 DATE: 08-24-2021
 SCALE: 1"=30'
 PROJECT No.: BFT-19189
 FILE: BFT-19189-VETERANS.DWG

N/F
BRET OBERHOLTZER
 TMS 204-03-04-007
 CAB A: 62 PAGE: 9

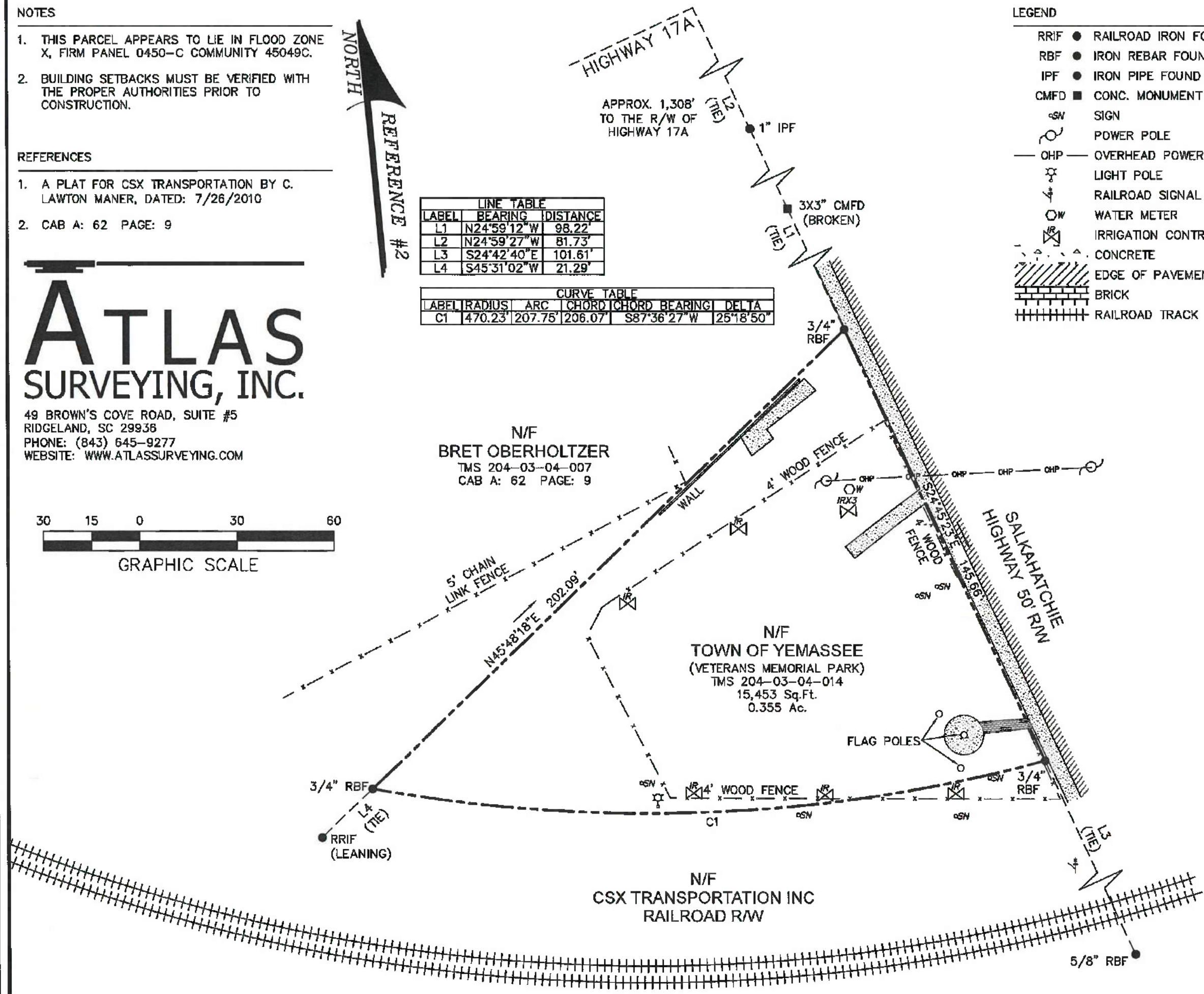
N/F
TOWN OF YEMASSEE
 (VETERANS MEMORIAL PARK)
 TMS 204-03-04-014
 15,453 Sq.Ft.
 0.355 Ac.

N/F
CSX TRANSPORTATION INC
 RAILROAD RW



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

Jeremy W. Reeder
JEREMY W. REEDER
 S.C.P.L.S. No. 28139
 NOT VALID UNLESS CRIMPED WITH SEAL



RESOLUTION 23-07

A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, AUTHORIZING THE INSTALLATION AND PLACEMENT OF A PUBLIC ART PROJECT FROM THE HAMPTON COUNTY ARTS COUNCIL AT THE VETERANS MEMORIAL PARK

WHEREAS, the Town of Yemassee operates various active and passive Parks within the Town and endeavor to continuously improve the parks and their aesthetics; and,

WHEREAS, the Town of Yemassee has been requested to be the home to a public art project “mural” that is offered from the Hampton County Arts Council; and,

WHEREAS, the Town of Yemassee and the Hampton County Arts Council have cooperated on two successful murals over the past several years which have enriched the Old Towne area; and,

WHEREAS, the Town of Yemassee is committed to improving the quality of life for all residents throughout the Town of Yemassee and recognize that Arts & Cultural components are an investment in the Community for generations to come.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:

1. The Town Council of the Town of Yemassee hereby authorizes the placement and installation of three (4’x8’) mural panels on the perimeter fence of the Veterans Memorial Park.
2. The Town Council authorizes the purchase of materials, not to exceed \$500.00 to construct the framing.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 9th DAY OF MAY 2023.

Colin J Moore

Mayor

ATTEST: Matthew E. Garnes

Town Administrator

(seal)

Recommended Motion

(Resolution 23-07)

“Authorizing the placement and installation of a mural on the perimeter fence at the Veterans Memorial Park and to authorize the purchase of mounting materials for the exterior frame not to exceed \$500.00”

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Authorizing the Town Administrator to Execute documents pertaining to an easement acquisition between the Town of Yemassee and the Beaufort-Jasper Water & Sewer Authority for the Marine Corps Tribute Park parking lot. [Resolution 23-08]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: The future Marine Corps Tribute Park on Wall Street is in its site design phase with a landscape architect retained by Beaufort County, the Project Manager. To accommodate handicapped individuals, it is preferential that an off-street parking area be established. Town & County staff have identified the area just south of the park- the former railroad bed as the logical location for parking. The former railroad bed and associated right-of-way from Yemassee to Port Royal is owned by the Beaufort-Jasper Water & Sewer Authority (BJWSA). BJWSA is amicable to allowing a surface easement to for a parking area with language currently being reviewed by BJWSA's legal counsel. This resolution will authorize the Town Administrator to execute the easement paperwork upon its receipt.

Recommended Action: Staff request Council adopt Resolution.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

RESOLUTION 23-08

A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO ACQUIRE AN EASEMENT FROM THE BEAUFORT-JASPER WATER & SEWER AUTHORITY FOR THE PARKING AREA AT THE MARINE CORPS TRIBUTE PARK

WHEREAS, the Town of Yemassee operates various active and passive Parks within the Town and endeavor to continuously improve the parks and their aesthetics; and,

WHEREAS, the Town of Yemassee received a PARD Grant to develop the Marine Corps Tribute Park at 14 Wall St, Beaufort County; and,

WHEREAS, the Town of Yemassee through an existing Special Projects Intergovernmental Agreement with Beaufort County, have retained Beaufort County to serve as Project Manager for the development of the park; and,

WHEREAS, the Town & County staff have concluded that a off-street parking area for handicapped individuals is important to maintain accessibility and an area outside of the travel lanes and have identified an area just south of the park, known as the former Port Royal railroad bed which is now owned by the Beaufort-Jasper Water & Sewer Authority (BJWSA); and,

WHEREAS, Town & County staff have discussed the details of the proposed parking area to which BJWSA has no objection to a parking area on their right-of-way; and

WHEREAS, the language of the easement is currently being drafted by BJWSA and it is anticipated that in the coming weeks staff will have an easement document ready to be executed; and,

WHEREAS, staff wish to maintain the project schedule for an on-time and request that authorization be granted to the Town Administrator to execute the easement paperwork once it's received.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:

1. The Town Council of the Town of Yemassee hereby authorizes the Town Administrator to execute the necessary paperwork for acquiring an easement for the parking area at the Marine Corps Tribute Park from the Beaufort Jasper Water & Sewer Authority upon its receipt.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 9th DAY OF MAY 2023.

Colin J Moore

Mayor

ATTEST: Matthew E. Garnes

Town Administrator

NOTES

1. THIS PARCEL APPEARS TO LIE IN FLOOD ZONE X, COMMUNITY-PANEL 450103 D, 9-1-1986.
2. BUILDING SETBACKS MUST BE VERIFIED WITH THE PROPER AUTHORITIES PRIOR TO CONSTRUCTION.

REFERENCES

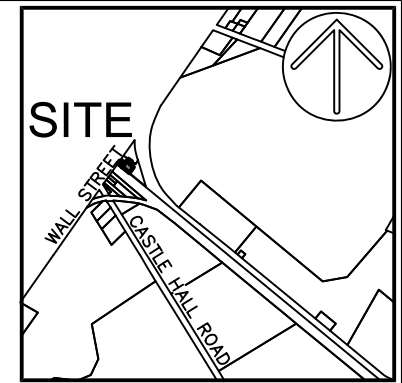
1. PLAT BOOK: 24 PAGE: 179
2. DEED BOOK: 1208 PAGE: 1377
3. DEED BOOK: 1338 PAGE: 1145

LEGEND

- △ CALC POINT - CORNER NOT SET
- AIF ■ ANGLE IRON FOUND
- CMF ■ CONC. MONUMENT FOUND
- OTP ● OPEN TOP PIPE
- RBF ● IRON REBAR FOUND
- RBFD ● IRON REBAR FOUND DISTURBED
- POWER POLE
- x GUY WIRE
- OHP — OVERHEAD POWER LINE
- ⊕ LIGHT POLE

LEGEND

- w WATER METER
- ⊕ FIRE HYDRANT
- ⊗ IRRIGATION CONTROL VALVE
- ⊙ SANITARY SEWER MANHOLE
- ⊕ SIGN
- MAIL BOX
- BC BUILDING CORNER
- x — FENCE LINE
- ▨ CONCRETE
- ▨ EDGE OF PAVEMENT



VICINITY MAP NOT TO SCALE

N/F
**CHURCH OF THE LORD
 JESUS CHRIST DELIVERANCE**
 TMS R710 001 000 0004 0000
 PB: 151 PG: 144
 DB: 3760 PG: 1566

N/F
BEN YISRAEL SHEMUEL NAHUM
 TMS R710 001 000 0003 0000
 DB: 2414 PG: 1870

N/F
THE TOWN OF YEMASSEE
 TMS R710 001 000 0002 0000
 1,268 Sq.Ft.
 0.029 Ac.

N/F
THE TOWN OF YEMASSEE
 TMS R710 001 000 0011 0000
 & R710 001 000 0001 0000
 10,985 Sq.Ft.
 0.252 Ac.

N/F
AMERICAN CANCER SOCIETY INC
 TMS R710 001 000 004A 0000
 PB: 133 PG: 148
 DB: 3104 PG: 930

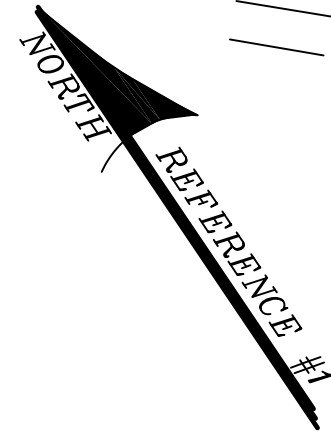
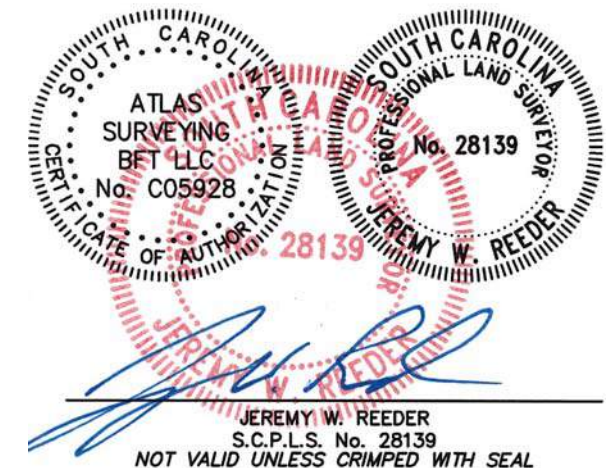
PREPARED FOR:
TOWN OF YEMASSEE

AN AS-BUILT SURVEY OF
 TAX PARCEL Nos.
 R710 001 000 0011 0000
 R710 001 000 0001 0000
 R710 001 000 0002 0000

THE TOWN OF YEMASSEE
 BEAUFORT COUNTY, SOUTH CAROLINA

FIELD WORK: ZKS
 FIELD CHECK: JWR
 DRAWN BY: MJF
 DATE: 09-08-2020
 SCALE: 1"=20'
 PROJECT No.: BFT-19189
 FILE: BFT-19189 AB4.DWG

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



CSX RAILROAD R/W

WALL STREET R/W VARIES

BACK OF CURB

CASTLE HALL ROAD

C. & W. C. RAILROAD 100' R/W
 (TRACKS RETIRED)

APPROX. 270'
 TO THE R/W OF
 CASTLE HALL
 ROAD

LINE TABLE		
LABEL	BEARING	DISTANCE
L1	S61°07'00"E	3.43'
L2	S30°15'05"W	96.80'



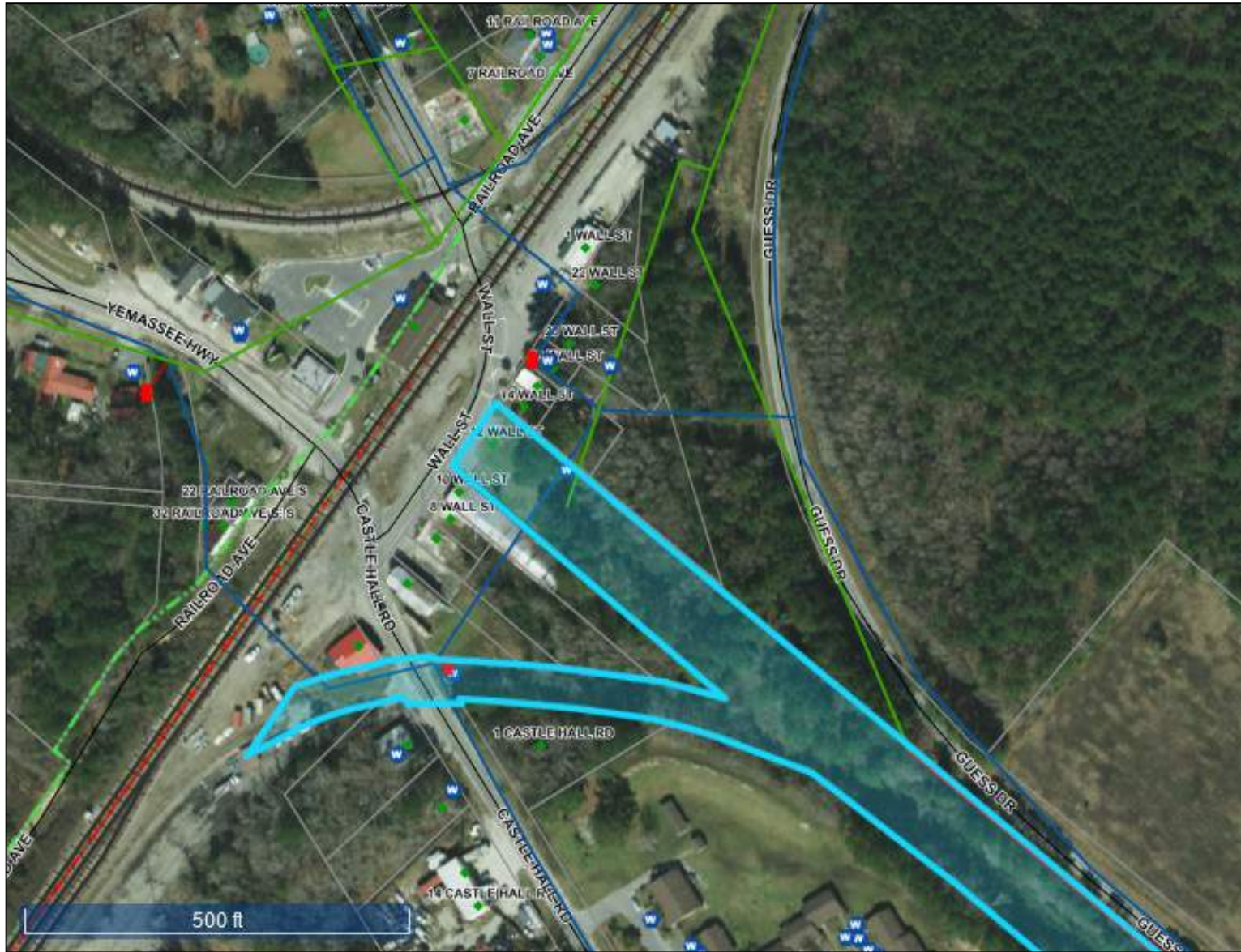
GRAPHIC SCALE

**ATLAS
 SURVEYING, INC.**

49 BROWN'S COVE ROAD, SUITE #5
 RIDGELAND, SC 29936
 PHONE: (843) 645-9277
 WEBSITE: WWW.ATLASSURVEYING.COM



Town of Yemassee | 14 Wall St



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Sewer Lift Stations
- Sewer Lines**
- Service
- Main
- Force main
- Fire Hydrants
- ⊕ Water Meters
- Water Lines**
- Water Main Line
- Water Service Line
- Water Fire Line
- Road Names**
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✕ Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

2 Dec, 2022

Note:
Vicinity map of BJWSA right-of-way

This map is a user generated static output from rightspot.spateng.com website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Town of Yemassee | 14 Wall St



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Sewer Lift Stations
- Sewer Lines**
 - Service
 - Main
 - Force main
- Fire Hydrants
- ⊕ Water Meters
- Water Lines**
 - Water Main Line
 - Water Service Line
 - Water Fire Line
- Road Names**
- Roads**
 - Roads
 - Major Roads
 - Interstate
- Road Names Jasper**
- Roads Jasper**
 - Roads
 - Major Roads
 - Interstate
- ✕ Railroads
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary

Note:

Aerial map of 14 Wall St with water and wastewater infrastructure

This map is a user generated static output from rightspot.spateng.com website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

2 Dec, 2022

Exhib
11/13

47038

1377

STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
COUNTY OF BEAUFORT)

KNOW ALL MEN BY THESE PRESENTS, THAT DELTA-BEAUFORT PARTNERSHIP, in the State aforesaid, for and in consideration of the sum of NO DOLLARS (\$0.00), to it in hand paid at and before the sealing of these presents by THE TOWN OF YEMASSEE, Post Office Box 577, Yemassee, South Carolina 29945, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Grantee, THE TOWN OF YEMASSEE, its Successors and Assigns, the following described real property, to-wit:

SEE ATTACHED SCHEDULE A

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said Premises before mentioned unto the said Grantee, THE TOWN OF YEMASSEE, its Successors and Assigns.

AND, Grantor does hereby bind itself and its Successors, Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Grantee, THE TOWN OF YEMASSEE, its Successors and Assigns, against Grantor, its Successors and Assigns.

R 710-1-1-0
11-0 E

1378

WITNESS Grantor's Hand and Seal this 30 day of June, 1999.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:

THE DELTA-BEAUFORT PARTNERSHIP

Barbara H. Shepherd
Julian S. Levin

BY: Christine M. Demosthenes
CHRISTINE M. DEMOSTHENES
Managing Partner

A. Kelly *exp. 6-16-2003*
Stephen C. Creed

BY: Mary Ellen D. Blanding
MARY ELLEN D. BLANDING
Managing Partner

STATE OF SOUTH CAROLINA

)

PROBATE

COUNTY OF BEAUFORT

)

PERSONALLY appeared before me the undersigned witness who made oath that s/he saw the within named THE DELTA-BEAUFORT PARTNERSHIP by CHRISTINE M. DEMOSTHENES, Managing Partner, sign, seal and as her act and deed, deliver the within written Deed, and that s/he with the other witness above named witnessed the execution thereof.

SWORN TO BEFORE ME, this 20th day of July, 1999.

Julian S. Levin
Notary Public for South Carolina
My Commission Expires: 1/10/2001

Barbara H. Shepherd

STATE OF SOUTH CAROLINA

)
)
)

PROBATE

COUNTY OF SUMTER

PERSONALLY appeared before me the undersigned witness who made oath that s/he saw the within named THE DELTA-BEAUFORT PARTNERSHIP by MARY ELLEN D. BLANDING, Managing Partner, sign, seal and as her act and deed, deliver the within written Deed, and that s/he with the other witness above named witnessed the execution thereof.

SWORN TO BEFORE ME, this 30th day of June, 1999.

A. Roddey
Notary Public for South Carolina
My Commission Expires:
6-16-2003

Stephan Creek

SCHEDULE A

ALL that certain piece, parcel or lot of land, situate, lying and being in the Town of Yemassee, Beaufort County, South Carolina, and being bounded on the Northeast sixty-five (65') feet, more or less, by land now or formerly of the Estate of John Gregory; on the Southeast eighty-two (82') feet, more or less, by lands now or formerly of the Estate of John Gregory; on the Southwest eight (8') feet, more or less, by the Right-of-Way of the C & WC Railroad (this line runs N49-30W); on the Northwest seventy-five (75') feet, more or less, (the line running S36-10W) by property of the lot now or formerly of R. E. Baker Estate, which was conveyed by E. P. Ellis, Probate Judge for Hampton County, SC and further on the Northwest three (3') feet, more or less, (the line running S36-10W) by the said lot now or formerly of R. E. Baker Estate.

AND ALSO, ALL that certain lot of land, situate, lying and being in Beaufort County, South Carolina, at the intersection of the Right-of-Way of the Port Royal and Augusta Railway and the Charleston and Savannah Railroad, measuring fifty (50') feet on the Right-of-Way of the said Augusta and Port Royal Railway and sixty-six (66') feet on the Right-of-Way of the Charleston and Savannah Railway and measuring from said Right-of-Way sixty-six (66') feet on line directly from lot now or formerly of Richard Smith to the line of property now or formerly of the Estate of Levi Robinson, thence on the line of Levi Robinson sixty-six (66') feet to the corner on the Right-of-Way of the Augusta and Port Royal Railway.

SAVE AND EXCEPT all of that certain lot of land situate, lying and being in the Town of Yemassee, County of Beaufort, State of South Carolina, said lot being twenty-five (25') feet by fifty (50') feet and measuring and bounding as follows: On the North by lot now or formerly of R. C. Smith fifty (50') feet; on the East by lands now or formerly of the Estate of Levi Robinson twenty-five (25') feet; on the South by lot formerly of William N. Pinckney fifty (50') feet; and West twenty-five (25') feet on the Right-of-Way of the Atlantic Coast Line Railway, which said last mentioned lot was cut off by William N. Pinckney from the first lot and sold by William N. Pinckney to the Bank of Yemassee, S.C., on December 6, 1912, same being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Book 31 at Page 716, on December 10, 1912. This being the lot conveyed from B. M. Mixon on July 17, 1922, to Ben Josselson and J. W. Hill, conveyed to John Demosthenes on September 14, 1927, by deed recorded in Book 45 of Deeds, Page 768, Office of the Register of Deeds for Beaufort County, South Carolina.

SAVE AND EXCEPT all that certain piece, parcel or lot of land, situate, lying and being in the Town of Yemassee, County of Beaufort, State of South Carolina, and bounded and described as follows: North by property now or formerly of The Community Bank of South Carolina and measuring thereon fifty (50') feet; East by property now or formerly of Christine M. Demosthenes, Patricia A. Demosthenes, John M. Demosthenes, Harry Paul Demosthenes AND Mary Ellen D. Blanding, and measuring thereon two (2') feet; South by property now or formerly of Christine M. Demosthenes, Patricia A. Demosthenes, John M. Demosthenes, Harry Paul Demosthenes and Mary Ellen D. Blanding, and measuring thereon fifty (50') feet; and West by the Right-of-Way of the Successor to the ACL Railroad, and measuring thereon two (2') feet. Said property lies South of

and adjoins the property now or formerly of the Community Bank of South Carolina, and is more fully shown on a plat prepared for First Carolina Bank, filed of record in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 24, at Page 179.

An undivided one-half (1/2) interest in the property intended to be conveyed herein was devised to Christine M. Demosthenes under the Last Will and Testament of Stratton A. Demosthenes, dated April 9, 1987, as evidenced by Deed of Distribution recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 783 at Page 1354. The other undivided one-half (1/2) interest in said property was devised to Patricia A. Demosthenes, John M. Demosthenes, Harry Paul Demosthenes and Mary Ellen D. Blanding under the Last Will and Testament of Anna J. Demosthenes, as evidenced by Deed of Distribution dated April 8, 1993, and recorded in the Office of the Register of Deeds for Beaufort County in Record Book 622, at Page 2132. Thereafter, on June 27, 1996, Christine M. Demosthenes, Patricia A. Demosthenes, John M. Demosthenes, Harry Paul Demosthenes and Mary Ellen D. Blanding conveyed the above described property to The Delta Beaufort Partnership by deed recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 877 at Page 593.

This deed was prepared by the law firm of Levin & Gilley, 811 Craven Street, Beaufort, South Carolina 29902, without benefit of title examination.

BEAUFORT COUNTY TAX MAP REFERENCE: R710-001-000-0001-0000
R710-001-000-0011-0000

Levin 1880

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
OCT 27 AM 9:50
EX 1208 PG 1377
FOLDER #

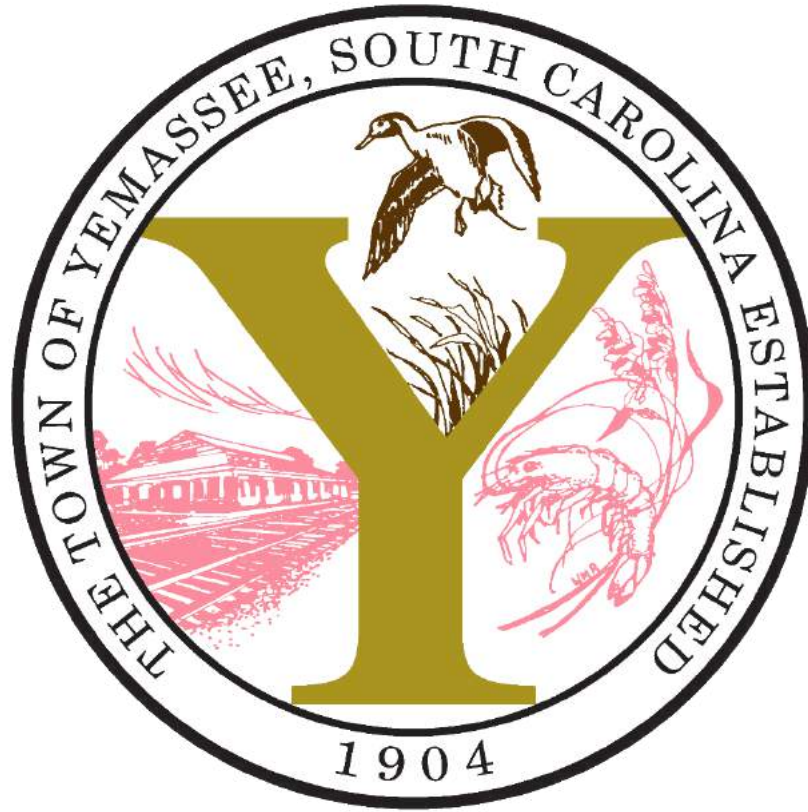
RECORDED
1999 OCT -6 PM 1:49
EX 1208 PG 1377
2

1382

Recommended Motion

(Resolution 23-08 | Parking Area easement)

“I move to adopt Resolution 23-08, Authorizing the Town Administrator to execute the necessary documents upon receipt, for a surface easement to construct a parking area at the Marine Corps Tribute Park from the Beaufort-Jasper Water & Sewer Authority”.



**Administration Department
Monthly Report**

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Applications Processed YTD by Category
Last updated May 5, 2023

Category	Total
Addressing Application	1
Annexation - 100% Petition	12
Annexation - 75% Petition	0
Annexation - 25% Petition	0
Commercial - Addition	1
Commercial - New	5
Commercial - Remodel	0
Commercial - Electrical	1
Commercial - HVAC	0
Commercial - Plumbing	0
Construction Trailer Permit	1
Development Plan - Preliminary	1
Development Plan - Final	1
Development Surety Bond Application	0
Exempt Plat Application	5
Mobile Home Placement Permit	1
Pre-Application Meeting Application	3
PUD Concept Plan Application	1
PUD Master Plan Application	1
Residential - Accessory Dwelling	0
Residential - Addition	1
Residential - Electrical	1
Residential - HVAC	0
Residential - Pool/Spa Permit	0
Residential - Plumbing	0
Residential Re-Roofing	3
Residential - Remodel	4

Residential - New Construction	0
Special Exception Application	0
Variance Request Application	0
Zoning Map Amendment Application	1
TOTAL:	44

Colin J Moore
Mayor

Peggy Bing-O'Banner
Mayor Pro Tempore

Matthew Garnes
Town Administrator



Council Members
 Alfred Washington
 Stacy Pinckney
 David Paul Murray

PERMIT DISPOSITIONS
 5 May 2023

APPLICATIONS & PERMITS CLOSED OUT BETWEEN (9 APRIL - 5 MAY 2023)

<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>E-911 Addressing Application</i>	39 JINKS ST	HAMPTON	D
<i>Exempt Plat Application</i>	33 STONEY CREEK CEMETERY RD	BEAUFORT	C
<i>Exempt Plat Application</i>	200 COTTON HALL RD	BEAUFORT	C
<i>Exempt Plat Application</i>	42 SALKEHATCHIE RD	HAMPTON	D
<i>Residential Addition</i>	374 BING ST	HAMPTON	A

PERMITS WITH STATUS: STOP WORK ACTIVE (AS OF 5 MAY 2023)

<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>Commercial Electrical</i>	25 FLOWERS ST	HAMPTON	C
<i>New Commercial Const</i>	95 CASTLE HALL RD	BEAUFORT	C
<i>New Commercial Const</i>	95 CASTLE HALL RD	BEAUFORT	C
<i>Residential Remodel</i>	31 CHURCH ST N	HAMPTON	D
<i>Residential Remodel</i>	84 SALKEHATCHIE RD	HAMPTON	D

PERMITS WITH STATUS: ACTIVE (AS OF 5 MAY 2023)

<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>Residential Addition</i>	14 HUNT ST	HAMPTON	D
<i>Residential Electrical</i>	511 COCHRAN ST	HAMPTON	A
<i>Residential Addition</i>	297 SALKEHATCHIE RD	HAMPTON	B
<i>Commercial Addition</i>	302 MCPHERSONVILLE RD	BEAUFORT	C
<i>Residential Remodel</i>	235 SALKEHATCHIE RD	HAMPTON	B
<i>New Commercial Const</i>	14 TRASK PKWY	BEAUFORT	C
<i>Residential Re-Roofing</i>	19 CENTER POINT DR	HAMPTON	D
<i>Residential Re-Roofing</i>	211 SALKEHATCHIE RD	HAMPTON	B
<i>Residential Re-Roofing</i>	219 SALKEHATCHIE RD	HAMPTON	B
<i>Construction Trailer Permit</i>	311 U.S. HIGHWAY 17A	HAMPTON	D

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

TOWN OF YEMASSEE PLANNING & ZONING DEPARTMENT
INSPECTIONS SCHEDULED FOR 14 APRIL 2023 - 0800HRS - 1700HRS
INSPECTIONS ASSIGNED TO: CCI

Inspection #	Permit #	Type	Inspection Type	Address	Order
INSP-2023-01393	RMOD-01-23-1002	Permit	R-Slab	374 BING ST HAMPTON COUNTY	#1
INSP-2023-01394	RMOD-01-23-1002	Permit	R-Final CofC	374 BING ST HAMPTON COUNTY	#2

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

TOWN OF YEMASSEE PLANNING & ZONING DEPARTMENT
INSPECTION RESULTS FOR 14 APRIL 2023 - 0800HRS - 1700HRS
INSPECTIONS ASSIGNED TO: WILLIAMS, TONY

Inspection #	Permit #	Type	Inspection Type	Address	Result
INSP-2023-01393	RMOD-01-23-1002	Permit	R-Deck Final	374 BING ST HAMPTON COUNTY	Passed
INSP-2023-01394	RMOD-01-23-1002	Permit	R-Final CofC	374 BING ST HAMPTON COUNTY	Passed

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

TOWN OF YEMASSEE PLANNING & ZONING DEPARTMENT
INSPECTIONS SCHEDULED FOR 21 APRIL 2023 - 0800HRS - 1700HRS
INSPECTIONS ASSIGNED TO: CCI

Inspection #	Permit #	Type	Inspection Type	Address	Order
INSP-2023-01395	ROOF-02-23-1013	Permit	R-Re-Roofing Final	19 CENTER POINT DR HAMPTON COUNTY	#1
INSP-2023-01396	ROOF-02-23-1013	Permit	R-Final CofC	19 CENTER POINT DR HAMPTON COUNTY	#2
INSP-2023-01397	RADD-04-22-1032	Permit	R-Insulation	14 HUNT ST HAMPTON COUNTY	#3
INSP-2023-01398	RADD-04-22-1032	Permit	R-Final C.O.	14 HUNT ST HAMPTON COUNTY	#4
INSP-2023-01399	RADD-04-22-1032	Permit	R-Final CofC	14 HUNT ST HAMPTON COUNTY	#5

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
BUILDING INSPECTIONS RESULTS FOR **21 APRIL 2023**
INSPECTIONS ASSIGNED TO: WILLIAMS, TONY

Inspection #	Permit #	Inspection Type	Address	Result
INSP-2023-01395	ROOF-02-23-1013	R-Re-Roofing Final	19 CENTER POINT DR; CENTER POINT S/D YEMASSEE, SC 29940-2329 198-08-02-008	Failed
INSP-2023-01396	ROOF-02-23-1013	R-Final CofC	19 CENTER POINT DR; CENTER POINT S/D YEMASSEE, SC 29945-2329 198-08-02-008	Failed
INSP-2023-01397	RADD-04-22-1032	R-Insulation	14 HUNT ST; FAIRDALE S/D YEMASSEE, SC 29945-5068 204-02-05-001	Passed
INSP-2023-01398	RADD-04-22-1032	R-Building Final	14 HUNT ST; FAIRDALE S/D YEMASSEE, SC 29945-5068 204-02-05-001	Failed
INSP-2023-01399	RADD-04-22-1032	R-Final CofC	14 HUNT ST; FAIRDALE S/D YEMASSEE, SC 29945-5068 204-02-05-001	Failed
N/A	N/A	R-Condemnation	79 CHURCH ST S YEMASSEE, SC 29945-0000 198-10-01-001	Complete

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Mayor Pro Tempore



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TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
BUILDING INSPECTIONS SCHEDULED FOR **25 APRIL 2023**
INSPECTIONS ASSIGNED TO: CCI

Inspection #	Permit #	Inspection Type	Address	County
INSP-2023-01400	CNEW-03-23-1029	C-Footings	44 STONEY CREEK CEMETERY RD; STONEY CREEK AT BINDON SEABROOK, SC 29940-0000 R710 012 000 001A 0000	Beaufort

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore



Council Members

Alfred Washington

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David Paul Murray

TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
BUILDING INSPECTIONS RESULTS FOR **25 APRIL 2023**
INSPECTIONS ASSIGNED TO: WILLIAMS, TONY

Inspection #	Permit #	Inspection Type	Address	Result
INSP-2023-01400	CNEW-03-23-1029	C-Footings	44 STONEY CREEK CEMETERY RD; STONEY CREEK AT BINDON SEABROOK, SC 29940-0000 R710 012 000 001A 0000	Passed

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Demolition Project Update May 9, 2023

Housley Demolition Co, the contractor awarded the demolition and site clearing bid has demolished 6 abandoned/dilapidated properties thus far. Three properties remain, which require special attention due to the presence of asbestos. Those properties will begin demolition with the required interventions this month.

Buildings Demolished

- 75 Wesley Drive (Zone A)
- 48 Jasmine Street (Zone A)
- 381 Willis St S (Zone A)
- 331 Willis St S (Zone C)
- 00 Green St (Zone C)
- 7 O'Bannard St (Zone C)
- 184 Yemassee Hwy (Zone C)
- 180 John Street (Zone A)

Remaining Properties

- 61 Oliver Drive (Zone A)
- 6 Ellis Street (Zone C)
- 79 Church Street South (Zone C)



**Police Department
Monthly Report**