



## TOWN OF YEMASSEE TOWN COUNCIL MEETING

Tuesday, June 13, 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, June 13, 2023, Town Council Meeting
    - b. Approval of the May 9, 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 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. (Second Amendment) [Ordinance 23-14]
    - b. 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]
    - c. **Public Hearing -** 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]
    - d. **Public Hearing -** 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]
  - VI. **New Business**
    - a. Legislative Update – Heather Rath
    - b. Juneteenth Proclamation

"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."

- c. National Gun Violence Awareness Day Proclamation
- d. Consideration of a Resolution Appointing Individuals to Vacancies on Town Council Boards, Commissions & Committees. [Resolution 23-12]
- e. Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement between the Town of Yemassee and the Town of Ridgeland for Law Enforcement Services [Resolution 23-13]
- f. Consideration of a Resolution Authorizing the Town Administrator to Disburse Certain Funds to Satisfy an Outstanding Invoice from Sparrow & Kennedy for repairs to the Public Works John Deere Tractor [Resolution 23-14]
- g. Consideration of a Resolution Adopting the Initial Rules of Procedure for the Town of Yemassee Planning Commission [Resolution 23-15]
- h. Consideration of a Resolution Authorizing the Town Administrator to Study Options for the Towns' Solid Waste Curbside pickup service within the Town of Yemassee and to draft a cost analysis on the Town operating the Curbside trash collection. [Resolution 23-16]
- i. Consideration of a Resolution to Authorize the Execution of an Intergovernmental Agreement (IGA) between the Town of Yemassee and the Town of Estill Establishing a Joint Review of Projects of Regional Significance. [Resolution 23-17]
- j. Consideration of a Resolution to Endorsing the Need for Healthcare Services within the Town of Yemassee and greater area. [Resolution 23-18]
- k. 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) and 5.12 Regional Commercial District, by updating the Campgrounds and Recreational Vehicle Park Regulations. [Ordinance 23-18]
- l. Consideration of an Ordinance Approving Annexation of Two Parcels of Land of Approximately 316.71 Acres of land and identified by Beaufort County TMS: R700 012 000 0004 0000 and R700 012 000 0005 0000. [Ordinance 23-19]
- m. Consideration of an Ordinance Repealing the existing Development Standards Ordinance (DSO) as a Standalone Manual and to Adopt and Incorporate the DSO into the new Code of Ordinances of the Town of Yemassee, South Carolina at Chapter 11 and Matters Related Thereto. [Ordinance 23-20]

## **VII. Department Reports**

- a. Police Department
- b. Administration
- c. Public Works

**“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. Municipal Court
- e. Recreation

**VIII. Executive Session**

- a. 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 (Pursuant to SC Freedom of Information Act 30-4-70[a][1])
  - i. Matters Regarding Vacancies on Town Council Appointed Boards, Commissions and Committees
    - I. Municipal Election Commission
    - II. Section 504 Committee
    - III. Steering Committee
  - ii. Personnel Matters
    - I. Municipal Court
    - II. Public Works
- b. 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 Pertaining to the Acquisition of Donated Property
- c. Discussion regarding the development of security personnel or devices. (Pursuant to SC Freedom of Information Act 30-4-70[a][3])
  - i. Moore's Park
- d. 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. (Pursuant to SC Freedom of Information Act 30-4-70[a][4])
  - i. Economic Development

**IX. Action Resulting from Executive Session**

**X. Adjournment**

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



***Council Members***

Alfred Washington

Stacy Pinckney

David Paul Murray

## Agenda Item

**Subject:** Approval of the May 9, 2023, Regular Town Council Meeting Minutes

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### **Attachments:**

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

---

**Summary:** Approval of the May 9, 2023, Regular Town Council Meeting Minutes

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

---

### **Council Action:**

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



**Minutes**  
**Town of Yemassee Town Council**  
**May 9, 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 David Paul Murray, Town Administrator Matthew Garnes and Chief Gregory Alexander, Captain Joe Loadholt

Absent: Council Member Stacy Pinckney & Council Member Alfred Washington

Media Present: Lowcountry Inside Track, Ltd.

---

**Call to Order:**

Mayor Moore called the Tuesday May 9, 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(s) Pinckney and Washington were absent. The remainder of the Council was present.

Mayor Moore asked for a motion to approve the agenda as presented for May 9, 2023, Regular Town Council Meeting as presented. Mayor Pro-Tem O'Banner made a motion to adopt the agenda as presented. There was no discussion. Second by Council Member Murray. **All in favor, Motion Passed, Agenda Adopted.**

Mayor Moore asked for a motion to approve the April 11, 2023, Regular Town Council Meeting minutes as presented. Council Member Murray made the motion. There was no discussion. Second by Mayor Pro-Tem O'Banner. **All in favor, Motion Passed.**

**Public Comment:**

None

**Old Business:**

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. Mr. Garnes reported that the applicant, Sonja Smith, did not submit a petition back in 2018 when most of Cochran Street was annexed but wishes to annex now. 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 second and final reading. There was no discussion. Second by Council Member Murray. **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 Moore then opened this up for a public hearing.

Stephen Henson (17 Mixson St) – Mr. Henson is in favor of the text amendment and believes the Town is on the right track.

Mayor Moore closed the public hearing after there were no further public comments. Mayor Pro Tem O'Banner made the motion to approve the second and final reading of Ordinance. Second by Council Member Murray. **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. Mayor Pro-Tem O'Banner made the motion to approve the second and final reading. There was no discussion. Second by Council Member Murray. **All in favor, Motion Passed.**

### **New Business:**

**National Safe Boating Week Proclamation: Mayor** Moore read a proclamation declaring May 20<sup>th</sup> through May 26<sup>th</sup>, 2023, as National Safe Boating Week in the Town of Yemassee.

**Acceptance of the Presentation of the Town of Yemassee FY22 Audit:** Mayor Moore asked Mr. Bill Hancock, Auditor, to present their findings on the FY22 Audit that was conducted in November. Mr. Hancock thanked the Council for having him return. Mr.

Hancock highlighted several portions of the book and praised Mr. Garnes for keeping up with numbers and creating budget amendments where appropriate. Mr. Hancock referred to the liabilities page regarding the Towns contributions to the State Retirement Systems PORS & SCRS. He said that each year for the past four years the State has increased the employers required match by 1% each year. 2023 will be the final year of the increase from the legislation in 2018. Mayor Moore thanked Mr. Hancock and his team for their assistance and said that we'd see him in the fall. Mr. Hancock reported that they are tentatively planning on coming down to complete the FY23 audit the third week of November, but he will be in touch with Mr. Garnes to confirm.

**Ordinance 23-14:** Mayor Moore read Ordinance 23-14. Mr. Garnes advised that this is our second amendment to the budget year to adjust for changes in grant revenue that will not be received over the course of this year and to balance out revenues that have thus far exceeded projections. Mr. Garnes reported that they're working out some final changes at the department level but is seeking first reading by title only tonight. Council Member Murray made the motion to approve the first reading by title only. There was no discussion. Second by Mayor Pro-Tem O'Banner. All in favor, Motion Passed.

**Ordinance 23-15:** Mayor Moore read Ordinance 23-15. Mr. Garnes advised that this is the first reading on adopting our new codified ordinances through Municode. The new platform will create a searchable online code library that will have historical text changes and make it substantially easier to navigate as the current code is a scanned PDF from the early 2000's and is not searchable. Council Member Murray made the motion to approve the first reading. There was no discussion. Second by Mayor Pro-Tem O'Banner All in favor, Motion Passed.

**Ordinance 23-16:** Mayor Moore read Ordinance 23-16. Mr. Garnes advised that this is a text amendment request to the Zoning Ordinance out of the Planning Commission to remove the zoning designation Residential 1/3 Acre. Mr. Garnes reported that the district is not in use and no properties are zoned as such. The Planning Commission seeks to streamline the Zoning Ordinance and remove redundancies such as this. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Murray. All in favor, Motion Passed.

**Ordinance 23-17:** Mayor Moore read Ordinance 23-17. Mr. Garnes advised that this is a text amendment request to the Zoning Ordinance out of the Planning Commission to clarify some changes to the abbreviated names of three zoning districts. Mr. Garnes reviewed Section(s) 5.1, 5.2 and 5.4 and highlighted the proposed changes. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Murray. All in favor, Motion Passed.

**Resolution 23-10:** Mayor Moore read the resolution which would authorize the placement of a new public art project downtown provided by the Hampton County Arts Council. Mr. Garnes stated the Resolution would set a financial contribution from the

Town to cover installation costs up to \$500.00. Council Member Murray made the motion to adopt Resolution 23-10. Second by Mayor Pro-Tem O'Banner. All in favor, Motion Passed.

**Resolution 23-11:** Mayor Moore read the resolution which would authorize the execution of legal documents for the Town to procure a surface easement for parking areas at the new Marine Corps Tribute Park. Mr. Garnes said the Town is working with the County and the owner of the abandoned railbed, the Beaufort-Jasper Water & Sewer Authority (BJWSA), to execute an easement on the old rail bed for a small parking area just off Wall Street. This Resolution would authorize the Town Administrator to execute the necessary paperwork when it is ready. Council Member Murray made the motion to adopt the Resolution. Second by Mayor Pro-Tem O'Banner. All in favor, Motion Passed.

### **Department Reports:**

Police Department – Chief Alexander reported another officer had resigned, James Mitchell, and they are actively seeking new candidates. The new 2022 K9 Explorer has arrived and upfitting is in progress.

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

Public Works – No Report

Municipal Court – No Report

### **Council Discussion**

Mayor Moore deferred the Elected Officials Handbook until next month.

### **Executive Session**

Mayor Moore advised that the Council did not need to convene for Executive Session and continued to adjournment.

### **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 7:28PM.**

## ***Recommended Motion***

***(May 9, 2023, Regular Town Council Meeting Minutes)***

***“I make the motion to:***

- Approve as Presented***
- Approve with Additions / Corrections***
  - Deny***

***The minutes of the May 9, 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

## Agenda Item

**Subject:** 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 (Second Amendment) [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:** Approve second and final reading on Ordinance 23-14.

---

### Council Action:

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

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YEMASSEE  
AMENDING THE BUDGET FOR THE TOWN OF YEMASSEE, SOUTH CAROLINA,  
FOR THE FISCAL YEAR ENDING AUGUST 31, 2023; TO PROVIDE FOR THE  
EXPENDITURES OF CERTAIN FUNDS; AND TO ALLOCATE SOURCES OF  
REVENUE FOR THE SAID FUNDS.**

**ORDINANCE NO. 23-14**

**WHEREAS**, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget, pursuant to public notice; and

**WHEREAS**, the Town Council did adopt the Budget Ordinance 22-13 on August 12, 2022, for the fiscal year 2023; and

**WHEREAS**, Staff presented the 1<sup>st</sup> Amendment to the FY23 Budget on February 16, 2023, which received first reading by the Town Council followed by a second reading and adoption of the 1<sup>st</sup> Amendment on February 23, 2023, by Ordinance 23-07; and

**WHEREAS**, pursuant to Section 1 of said budget, the Town Council desires to amend the General Fund appropriations for Fiscal Year 2023 to reflect amounts assigned to various revenue sources, the addition of grant revenue not originally projected and updated expenses across departments; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:**

**SECTION 1. AMENDMENT** The adopted fiscal year 2023 budget is amended to make the following changes and additions to the projected revenue and expenditure accounts as follows:

**GENERAL FUNDS REVENUE AMENDMENT**

<b>Source</b>	<b>Original Budgeted Amount</b>	<b>1<sup>st</sup> Amendment Budget Amount</b>	<b>2<sup>nd</sup> Amendment Budget Amount</b>
<b>General Fund Revenue</b>	2,753,037.00	\$2,432,818.32	\$2,513,137.42

**GENERAL FUNDS EXPENSE AMENDMENTS**

<b>Department</b>	<b>Original Budget</b>	<b>1<sup>st</sup> Amendment Budget</b>	<b>2<sup>nd</sup> Amendment Budget</b>
<b>Administration</b>	\$1,042,104.60	\$765,958.07	\$724,622.41
<b>Police Department</b>	\$1,065,795.43	\$1,004,097.51	\$1,073,503.62
<b>Victim Services</b>	\$74,669.73	\$74,156.69	\$80,000.00
<b>Public Works</b>	\$353,957.14	\$351,949.88	\$368,724.58
<b>Municipal Court</b>	\$85,099.36	\$127,692.74	\$148,382.81

<b>Festivals</b>	\$0.00	\$14,313.43	\$16,063.43
<b>Community Center</b>	\$0.00	\$4,150.00	\$10,520.57
<b>Recreation Department</b>	\$10,500.00	\$10,500.00	\$11,320.00
<b>Hospitality/Tourism</b>	\$120,910.74	\$80,000.00	\$80,000.00

**SECTION 2. SEVERABILITY** If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3. SCHEDULE OF RATES AND FEES** The Town of Yemassee is hereby adopting the Schedule of Rates and Fees as attached to this document and labeled “Attachment A”.

**SECTION 4. EFFECTIVE DATE** This Ordinance shall be effective upon its enactment by the Town Council for the Town of Yemassee.

**SO ORDERED AND ORDAINED THIS \_\_\_\_\_ Day of \_\_\_\_\_, 2023.**

\_\_\_\_\_  
Colin J. Moore, Mayor

\_\_\_\_\_  
Peggy Bing-O’Banner, Mayor Pro-Tem

\_\_\_\_\_  
David Paul Murray, Council Member

\_\_\_\_\_  
Alfred Washington, Council Member

\_\_\_\_\_  
Stacy Pinckney, Council Member

\_\_\_\_\_  
Matthew E. Garnes, Town Administrator

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

(Seal)



**The Town of Yemassee, South Carolina**

**Schedule of Rates & Fees**

**Effective: February 23, 2023**

**Section I – General Fees**

Item/Description	Basis	Fee
<b>Printing, Reproduction, Documents</b>		
Black and White Photocopies (8.5" X 11" or smaller)	Per Page	\$0.40
Color Photocopies	Per Page	\$0.50
Photocopies Larger than 8.5" X 11"	Per Page	\$0.75
Photocopies Plotter/Large Format Copies of Plans	Per Page	\$0.80
CD Copy	Per Disc	\$12.00
USB Flash Drive Copy	Per Drive	\$15.00
Staff Time making copies (no less than a 30-minute charge)	Per Hour	\$25.00
<b>Election Fees</b>		
Filing Fee for Office of the Mayor	Per Election	\$300.00
Filing Fee for Office of Councilmember	Per Election	\$150.00
<b>Finance Fees</b>		
Returned Check (NSF)	Per Occurrence	\$36.00
Impounding Dogs Running at Large	Per Day	\$16.00
Residential Garbage Collection (96 Gallon Roll Cart)	Per Month	\$20.00
Commercial Garbage Collection (96 Gallon Roll Cart)	Per Month	\$40.00
Commercial Garbage Collection (96 Gallon 2 <sup>nd</sup> Can)	Per Month	\$24.00
Commercial Garbage Collection (2 Yard - Once weekly)	Per Month	\$153.15
Commercial Garbage Collection (2 Yard – Twice a week)	Per Month	\$177.93
Commercial Garbage Collection (4 Yard – Once Weekly)	Per Month	\$182.93
Commercial Garbage Collection (4 Yard – Twice a week)	Per Month	\$216.90
Commercial Garbage Collection (6 Yard – Once Weekly)	Per Month	\$182.90
Commercial Garbage Collection (6 Yard – Twice a week)	Per Month	\$244.90
Commercial Garbage Collection (8 Yard – Once Weekly)	Per Month	\$194.90
Commercial Garbage Collection (8 Yard – Twice a week)	Per Month	\$314.90
Roll Cart Replacement Fee (Due to gross neglect)	Per Occurrence	\$80.00
Advertising Billboard Annual Fee – Each Side	Annually	\$100.00

*(Remainder of this page intentionally left blank)*

**Section II – Police Department Fees**

Item/Description	Basis	Fee
<b>Police Services</b>		
Off Duty Police Officer (2 hour Minimum)	Per Officer, Per Hour	\$56.50
Police Report / TR-310 for Insurance Companies No Fee for Victims	Per Report	\$10.00
Vehicle Storage	Per Day	\$25.00

*(Remainder of this page intentionally left blank)*

**Section III – Business License Fees**

Item/Description	Basis	Fee
<b>Taxation Fees</b>		
Hospitality Tax	Per Quarter	2% on Prepared Food & Beverage
Local Accommodation Tax	Per Quarter	3% on Transient Lodging
Late Penalty on Delinquent Accommodation and Hospitality Tax Payments	Per Month	5% of the sum owed
<b>Facility Rentals</b>		
Community Center Rental	Per Day	\$125.00
Security Deposit for Community Center	Per Day	\$100.00
Lost/Damaged Keycard Fee	Per Occurrence	\$25.00
Harold Peeples Ballfield Rental	Per Day	\$250.00
Harold Peeples Ballfield Security Deposit	Per Day	\$100.00
Additional Notes: <ul style="list-style-type: none"> <li>• The Mayor or Town Clerk shall poll the Town Council to determine if a majority agrees or disagrees with approving a waiver.</li> <li>• All vendors operating at Town facilities must possess and maintain a valid Business License.</li> </ul>		

*(Remainder of this page intentionally left blank)*

**Section VI – Building Fees**

Item/Description	Basis	Fee
<b>Construction Permits</b>		
New Residential Construction Building Permit	Per Unit	\$550.00
New Residential Accessory Unit	Per Unit	\$275.00
Residential Remodeling Permit	Per Unit	\$245.00
New Commercial Construction Permit (< \$1,000,000 valuation)	Per Unit	\$1,950.00
New Commercial Construction Permit (> \$1,000,000 valuation)	Per Unit	\$2,950.00
<b>Miscellaneous Permits</b>		
Construction Trailer Permit	Per Unit	\$150.00
Dock Permit	Per Permit	\$125.00
Electrical Permit (Residential or Commercial)	Per Permit	\$100.00
Gas Permit	Per Permit	\$75.00
HVAC Permit (Change Out – per unit, single family, or multi-family residential)	Per Permit	\$75.00
Manufactured / Mobile Home Placement Permit	Per Permit	\$70.00
Pool/Spa Permit	Per Permit	\$150.00
Sign Permit	Per Permit	\$70.00
Penalty for Working without Permit	Per Occurrence	Value of Permit Fee x 2
Re-inspection per each permit	Per Occurrence	\$100.00
Residential Plan Review	Per Application	\$80.00
Commercial Plan Review	Per Application	\$150.00
<b>Planning Application Permits</b>		
Certificate of Construction Compliance	Each	\$50.00
Development Agreement (New)	Each	\$2,000.00
Development Plan Agreement (Amendment)	Each	\$1,000.00
Development Plan Application Submission	Per Submission	\$150.00
Development Plan Application Amendment	Per Submission	\$100.00
Development Surety Application	Per Submission	\$50.00
Exempt Plat Stamping	Per Submission	\$25.00
Major Subdivision Application and Plat Stamping <i>(Subdivision of one parcel into more than 8)</i>	Per Submission	\$100.00
Minor Subdivision Application and Plat Stamping <i>(Subdivision of one parcel in to 2 to 8 parcels)</i>	Per Submission	\$50.00
PUD Concept Plan New Application	Per Submission	\$500.00
PUD Concept Plan Amendment Application	Per Submission	\$250.00
PUD Master Plan New Application	Per Submission	\$300.00
PUD Master Plan Amendment Application	Per Submission	\$225.00
PUD Master Plan Extension Application	Per Submission	\$175.00

Public Project Application	Per Submission	\$0.00
Variance	Per Submission	\$250.00
Zoning Map Amendment	Per Submission	\$250.00
Zoning Permit	Per Submission	\$25.00
Additional Notes: <ul style="list-style-type: none"><li>• All permits issued after September 1, 2022, shall be valid for eight months from date of issue.</li></ul>		

## ***Recommended Motion***

***(Ordinance 23-14)***

***“I make the motion to approve second and final reading on Ordinance 23-14, Amending the Budget for the Town of Yemassee, South Carolina, for the Fiscal Year Ending August 31, 2023; to Provide for the Expenditures of Certain Funds and to Allocate Sources of Revenue for all Funds”.***

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 second and final reading on Ordinance 23-15.

---

### 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 13<sup>th</sup> day of June, 2023.

---

Colin J. Moore, Mayor

ATTEST:

---

Town Clerk

1<sup>st</sup> Reading: May 9, 2023

2<sup>nd</sup> 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](mailto: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

SECTION 8. It shall be unlawful for any person to change, alter or amend any part of this code, except by official action of the Town Council. Anyone guilty of so doing shall be guilty of a misdemeanor and subject to such punishment as provided by Section 3 of this Ordinance.

SECTION 9. If any chapter, article, section or subsection, sentence, clause or phrase of this code 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.

SECTION 10. All ordinances or parts of ordinances in conflict herewith, to the extent of such inconsistency, are hereby repealed; provided, however, that all ordinances pertaining to annexation; assessments; bonded indebtedness; budgets; buildings; business licenses; contracts; fair housing; franchises; grant agreements; impact fees; leases; loans; options; planning; property conveyances; sale, lease or contract to sell lands; subdivision plats; tax levies and other charges and zoning are not repealed; that the repeal of these would be contrary to and inconsistent with the intent of this ordinance. They shall continue in full force and effect and are not repealed.

SECTION 11. This ordinance shall become effective September 1, 2001.

\_\_\_\_\_  
First Reading

\_\_\_\_\_  
J. L. Goodwin, Mayor

\_\_\_\_\_  
Second Reading

\_\_\_\_\_  
Jerry Cook, Council Member

\_\_\_\_\_  
Third Reading

\_\_\_\_\_  
Simon Jinks, Council Member

ATTEST:

\_\_\_\_\_  
Colin Moore, Council Member

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Peggy Bing-O'Banner, Council Member

TABLE OF CONTENTS

Foreword .....	i
How to use this Code .....	iii
Enacting Ordinance .....	iv

CODE OF ORDINANCES

Chapter		Page
1	General Provisions .....	1
	Art. I. The Charter .....	2
	Art. II. The Code .....	3
	Art. III. Responsibilities of Municipality .....	11
	Art. IV. Penalties .....	12
2	Administration .....	13
	Art. I. In General .....	16
	Art. II. Meetings of Town Council .....	25
	Art. III. Municipal Elections .....	32
	Art. IV. Personnel .....	36
	Art. V. Clerk/Treasurer .....	38
	Art. VI. Municipal Attorney .....	39
3	Animals. Fowl .....	40
	Art. I. In General .....	41
	Art. II. Dogs .....	43
	Art. III. Bird Sanctuary .....	46
	Art. IV. Penalties .....	47
4	Beautification .....	48
	Art. I. Commission .....	49
	Art. II. Penalties .....	52

## CODE OF ORDINANCES (continued)

Chapter		Page
5	Buildings, Flood Control and Planning .....	53
	Art. I. Administration .....	55
	Art. II. Codes .....	58
	Art. III. Building and Property Numbers .....	59
	Art. IV. Mobile Homes .....	60
	Art. V. Fair Housing .....	63
	Art. VI. Flood Damage Control .....	64
	Art. VII. Planning, Land Use, Zoning .....	75
	Art. VIII. Penalties .....	76
6	Reserved .....	77
7	Court .....	78
	Art. I. In General .....	79
	Art. II. Juries .....	83
	Art. III. Penalties .....	85
8	Finance, Budget, Taxation and Purchasing .....	86
	Art. I. Budget and Finance .....	88
	Art. II. Annual Taxes, Delinquent .....	92
	Art. III. Mobile Homes Taxes .....	96
	Art. IV. Purchasing .....	97
	Art. V. Business Licenses .....	100
	Art. VI. Penalties .....	101
9	Fire Department .....	102
	Art. I. Administration .....	104
	Art. II. Prohibited Acts .....	107
	Art. III. Fire District .....	109
	Art. IV. Fireworks .....	110
	Art. V. Fireman's Insurance and Inspection Fund .....	113
	Art. IV. Penalties .....	115

## CODE OF ORDINANCES (continued)

Chapter		Page
10	Health and Sanitation .....	116
	Art. I. In General .....	117
	Art. II. Vacant Lots, Premises, Land .....	119
	Art. III. Garbage and Solid Waste .....	120
	Art. IV. Toilet Facilities .....	121
	Art. V. Penalties .....	122
11	Reserved .....	123
12	Parks and Recreation .....	124
	Art. I. In General .....	125
	Art. II. Penalties .....	129
13	Police .....	130
	Art. I. In General .....	132
	Art. II. Rules of Conduct .....	136
	Art. III. Interference .....	138
	Art. IV. Penalties .....	140
14	Public Peace. Offenses .....	141
	Art. I. Ordinance Summons .....	145
	Art. II. Alcoholic Beverages .....	147
	Art. III. Beer, Ale, Porter and Wine .....	148
	Art. IV. Musical Devices. Entertainments .....	152
	Art. V. Billiard Rooms .....	153
	Art. VI. Offenses Against Morality, Decency and Public Welfare .....	156
	Art. VII. Offenses Against the Peace. Public Policy .....	160
	Art. VIII. Offenses Against Property .....	167
	Art. IX. Offenses Against the Person .....	171
	Art. X. Parades .....	172
	Art. XI. Demonstrating. Picketing .....	174
	Art. XII. Penalties .....	177

## CODE OF ORDINANCES (continued)

Chapter		Page
15	Soliciting, Postings, Advertising .....	178
	Art. I. Soliciting .....	179
	Art. II. Postings, Signs, Banners, etc. ....	180
	Art. III. Advertising .....	181
	Art. IV. Advertising Noises .....	182
	Art. V. Penalties .....	183
16	Streets and Sidewalks .....	184
	Art. I. In General .....	186
	Art. II. Unlawful Acts .....	188
	Art. III. Excavations .....	194
	Art. IV. Littering .....	196
	Art. V. Penalties .....	197
17	Utilities .....	198
	Art. I. Water and Sewer .....	200
	Art. II. Prohibited Acts .....	204
	Art. III. Rates and Fees .....	209
	Art. IV. Public Utility Construction .....	213
	Art. V. Impact Fees .....	214
	Art. VI. Penalties .....	215
18	Vehicles, Traffic .....	216
	Art. I. In General .....	219
	Art. II. Moving Traffic .....	222
	Art. III. Parking, Standing, Stopping .....	227
	Art. IV. Funerals .....	231
	Art. V. Abandoned Vehicles .....	232
	Art. VI. Pedestrians .....	234
	Art. VII. Bicycles .....	235
	Art. VIII. Railroads .....	237
	Art. IX. Penalties .....	239

# YEMASSEE TOWN CODE

## CODE OF ORDINANCES (continued)

Chapter		Page
19	Drought Response .....	240
	Art. I. In General .....	241
	Art. II. Legality of Chapter .....	252
	Art. III. Penalties .....	253

### Appendices

Appendix A. Freedom of Information Act

Appendix B. Sample Ordinance Form, with instructions

Appendix C. Excerpt: Code of Laws of South Carolina 1976 Title 5, Chapter 9  
Form of Government: Mayor-Council

Appendix D. List of Ordinances not Codified

### Index

### Exhibits

Exhibit 1. Schedule of Rates and Fees



## CHAPTER 1. GENERAL PROVISIONS

### ARTICLE I. THE CHARTER

Editor's Note.

### ARTICLE II. THE CODE

- 1.201. How Code Designated and Cited.
- 1.202. Provisions Considered as Continuation of Existing Ordinances.
- 1.203. Severability of Parts of Code.
- 1.204. Catchlines or Catchwords of Sections.
- 1.205. Definitions.
- 1.206. Rules of Construction.
- 1.207. General Penalty. Continuing Violations.
- 1.208. Liability of Corporations, etc., and Agents for Violations.
- 1.209. Offenses Beyond Town Limits.
- 1.210. Effect of Repeal or Expiration of Ordinance.
- 1.211. Amendments to Code.
- 1.212. Altering Code.
- 1.213. Prosecution where Different Penalties Exist for Same Offense.
- 1.214. Corporate Limits Established.
- 1.215. Municipal Seal.

### ARTICLE III. RESPONSIBILITIES OF MUNICIPALITY

Editor's Note.

### ARTICLE IV. PENALTIES

- 1.401. Penalty.



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)

## CHAPTER 2. ADMINISTRATION

## ARTICLE I. IN GENERAL

- 2.101. Form of Government.
- 2.102. Town Council. Composition.
- 2.103. Same. Terms.
- 2.104. Same. Eligibility.
- 2.105. Compensation. Increases. Actual Expenses.
- 2.106. Mayor. Duties.
- 2.107. Mayor Pro Tempore. Duties.
- 2.108. Oath of Office. Required.
- 2.109. Ordinances.
- 2.110. Same. Six Days Between Readings. Amendments.
- 2.111. Same. Book of.
- 2.112. Same. Notation of Amendments or Repeals. Reference.
- 2.113. Same. Enacting Clause.
- 2.114. Same. Required by State Law.
- 2.115. Same. Annual Codification.
- 2.116. Same. Form of. To be in Writing and Final Form. To Be Signed.
- 2.117. Same. Introduction. Attorney Approval. Public Inspection.
- 2.118. Same. Final Form Before Adoption.
- 2.119. Emergency Ordinances. Expiration. Reading. Restrictions.
- 2.120. Same. State of Emergency. Powers of the Mayor. Curfew.
- 2.121. Resolutions. Introduction.
- 2.122. Same. Adoption.
- 2.123. Fees. Schedule of Rates and Fees. Exhibit 1.

## ARTICLE II. MEETINGS OF TOWN COUNCIL

- 2.201. Meetings. Regular. Place.
- 2.202. Same. Special. Work Sessions.
- 2.203. Same. Notice of Change.
- 2.204. Same. Open to Public.
- 2.205. Same. Mayor to Preside.
- 2.206. Agenda.
- 2.207. Appearance of Citizens.
- 2.208. Minutes of Town Council Meetings.
- 2.209. Quorum. Required.
- 2.210. Rules of Order. Parliamentary.
- 2.211. Motions. To Be In Writing.
- 2.212. Unlawful to Interrupt Meetings.
- 2.213. Order of Business.
- 2.214. Voting.
- 2.215. Conduct of Meetings. Generally.
- 2.216. Motions. Not Debatable.
- 2.217. Same. Precedence During Debate.
- 2.218. Same. To Reconsider.
- 2.219. Committees. Appointment. Public Hearings.
- 2.220. Same. Reports.
- 2.221. Executive Sessions.

## ARTICLE III. MUNICIPAL ELECTIONS

- 2.301. Election Laws of the State to Govern.
- 2.302. Municipal Election Commission Established. Terms.
- 2.303. Date of Elections.
- 2.304. Voting Hours. Place.
- 2.305. Filing. Statement of Candidacy. Petitions.
- 2.306. Same. Fees.
- 2.307. Oath.
- 2.308. Certification.
- 2.309. Public Notice Required.
- 2.310. Write-in Votes.
- 2.311. Successors To Be Qualified.
- 2.312. When Qualified. Assuming Office.
- 2.313. At-Large. Elections. Political Parties.
- 2.314. Nonpartisan Plurality Elections. Runoffs. Tie Votes. Contested Results.
- 2.315. Vacancies.
- 2.316. Qualifications for Voting.

## ARTICLE IV. PERSONNEL

- 2.401. Authority to Establish.
- 2.402. Chief Administrative Officer.
- 2.403. Appointment. Suspension.
- 2.404. Same.: Compensation.
- 2.405. Resisting or Interfering With Officials or Employees.
- 2.406. Duty to Replace Damaged Property.
- 2.407. Duty to Return Property upon Termination of Employment.
- 2.408. Holidays.
- 2.409. Military.
- 2.410. Jury Duty.

## ARTICLE V. CLERK/TREASURER

- 2.501. Appointment.
- 2.502. Bond. Surety Company. Fee.
- 2.503. Duties.
- 2.504. Compensation.

## ARTICLE VI. MUNICIPAL ATTORNEY

- 2.601. Appointment. Term of Office. Residence.
- 2.602. Duties.
- 2.603. Compensation.

## 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 facie of the genuineness 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 (61<sup>st</sup>) 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

3.205. Declaration of restricted dog, appeal of breed determination

3.206. Pet Breeder License, Inspection and Fees

3.207. Dangerous Animals

3.208. Running at Large

3.209. Nuisance Pets or Livestock

3.210. Animal Cruelty and Neglect

3.211. Sale of Animals, Pets or Livestock

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

3.213. Impoundment

3.214. Redemption

3.215. Adoption

3.216. Trapping

3.217. Management of Feral Cat Colonies

3.218. Livestock

3.219. Importation of Exotic Animals Prohibited

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

3.221. Interference with BCAS officers

3.222. Enforcement and Penalties

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

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)

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

**ARTICLE II. CODES**

- 5.201. Authority. Enforcement.

**ARTICLE III. BUILDING AND PROPERTY NUMBERS**

- 5.301. Numbers Required for Buildings and Property.
- 5.302. Same. Assigned

**ARTICLE IV. MOBILE HOMES**

- 5.401. Purpose and Intent of This Article
- 5.402. Definition
- 5.403. Requests
- 5.404. Mobile Home Courts Prohibited. Exception.
- 5.405. General Provisions
- 5.406. Mobile Home Requirements

**ARTICLE V. FAIR HOUSING**

- 5.501. Month Designated.
- 5.502. Program. Minimum Elements

**ARTICLE VI. FLOOD DAMAGE CONTROL**

- 5.601. Statutory Authorization
- 5.602. Findings of Fact
- 5.603. Statement of Purpose and Objectives.
- 5.604. Lands to which this Ordinance Applies
- 5.605. Establishment of Development Permit
- 5.606. Compliance
- 5.607. Interpretation
- 5.608. Partial Invalidity and Severability
- 5.609. Warning and Disclaimer of Liability
- 5.610. Penalties for Violation
- 5.611. General (Definitions)
- 5.612. Designation of Local Floodplain Administrator
- 5.613. Adoption of Letter of Map Revisions
- 5.614. Development Permit and Certification Requirements
- 5.615. Duties and Responsibilities of the Local Floodplain Administrator
- 5.616. Administrative Procedures
- 5.617. General Standards
- 5.618. Specific Standards
- 5.619. Standards for Streams without Base Flood Elevations and Floodways
- 5.620. Standards for Streams with Base Flood Elevations
- 5.621. Standards for Areas of Shallow Flooding (AO Zones)
- 5.622. Coastal High Hazard Areas (V-Zones)
- 5.623. Establishment of Appeal Board
- 5.624. Right to Appeal
- 5.625. Historic Structures
- 5.626. Functionally Dependent Uses
- 5.627. Agricultural Structures
- 5.628. Considerations



## YEMASSEE TOWN CODE

5.629. Findings

5.630. Floodways

5.631. Conditions

5.632. Effects on Rights & Liabilities under the Existing Ordinance

5.633. Effect upon Outstanding Building Permits

5.634. Effective Date.

### **ARTICLE VII. PLANNING, LAND USE & ZONING**

5.701. Commission Established

5.702. Same. Authority

5.703. Same. Similar Ordinances

### **ARTICLE VIII. PENALTIES**

5.801. Penalty

## **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.

- q) 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.

**jj) 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](http://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:
  - 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 IV 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:

1<sup>st</sup> Reading: February 9, 2021

2<sup>nd</sup> Reading: February 15, 2021

The time for us to be addressing the National Black Book is at hand. It may not necessarily involve a new report to Congress, particularly since the report we have published in 1993 and the book based on it are still relevant.

Central Bank of America (see page 10) and the Federal Reserve Bank of New York (see page 10). The Federal Reserve Bank of New York is the only one of the 12 Federal Reserve Banks that is not a member of the Federal Reserve System. The Federal Reserve Bank of New York is the only one of the 12 Federal Reserve Banks that is not a member of the Federal Reserve System. The Federal Reserve Bank of New York is the only one of the 12 Federal Reserve Banks that is not a member of the Federal Reserve System.

[illegible]

<sup>1</sup> 1320-1323a;

Let's take a look at the first of these, the "new" *Journal of Management Education*. The journal is published by the American Management Education Association (AMEA), which is a non-profit organization that was founded in 1964. The journal's primary focus is on the field of management education, and it publishes research, theory, and practice articles. The journal is currently published quarterly, and its subscription price is \$120 per year. The journal's website is <http://jme.sagepub.com>.

[illegible][illegible]

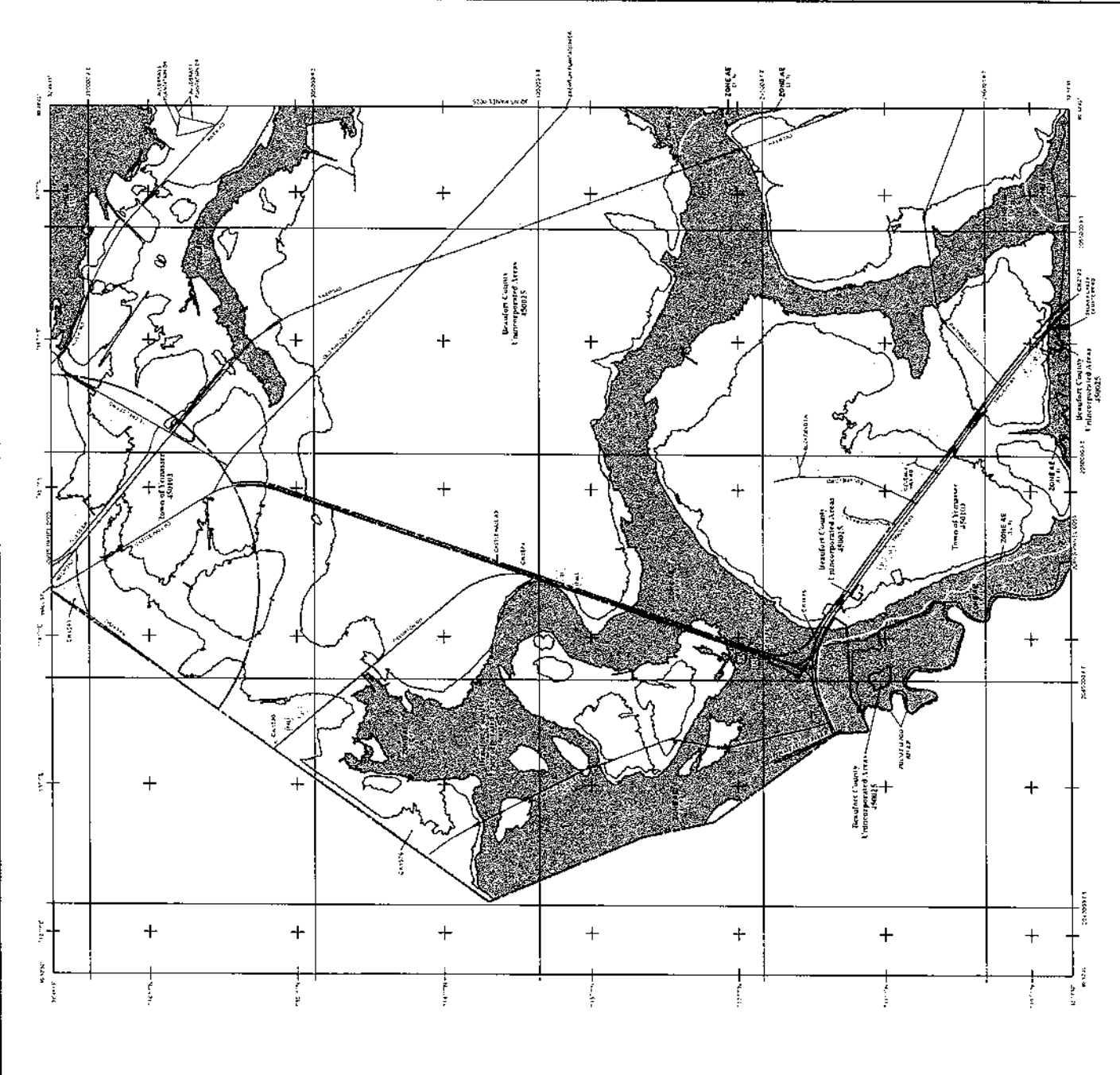
the 1980s, and the 1990s. The 1980s were a time of rapid growth, with the economy expanding at an average rate of 3.5% per year. The 1990s were a time of slower growth, with the economy expanding at an average rate of 2.5% per year. The 2000s were a time of rapid growth, with the economy expanding at an average rate of 3.5% per year. The 2010s were a time of slower growth, with the economy expanding at an average rate of 2.5% per year. The 2020s were a time of rapid growth, with the economy expanding at an average rate of 3.5% per year.

WILLIAMSON, JAMES, JR., 1890-1900, 1901-1910, 1911-1920, 1921-1930, 1931-1940, 1941-1950, 1951-1960, 1961-1970, 1971-1980, 1981-1990, 1991-2000, 2001-2010, 2011-2020, 2021-2030, 2031-2040, 2041-2050, 2051-2060, 2061-2070, 2071-2080, 2081-2090, 2091-2100, 2101-2110, 2111-2120, 2121-2130, 2131-2140, 2141-2150, 2151-2160, 2161-2170, 2171-2180, 2181-2190, 2191-2200, 2201-2210, 2211-2220, 2221-2230, 2231-2240, 2241-2250, 2251-2260, 2261-2270, 2271-2280, 2281-2290, 2291-2300, 2301-2310, 2311-2320, 2321-2330, 2331-2340, 2341-2350, 2351-2360, 2361-2370, 2371-2380, 2381-2390, 2391-2400, 2401-2410, 2411-2420, 2421-2430, 2431-2440, 2441-2450, 2451-2460, 2461-2470, 2471-2480, 2481-2490, 2491-2500, 2501-2510, 2511-2520, 2521-2530, 2531-2540, 2541-2550, 2551-2560, 2561-2570, 2571-2580, 2581-2590, 2591-2600, 2601-2610, 2611-2620, 2621-2630, 2631-2640, 2641-2650, 2651-2660, 2661-2670, 2671-2680, 2681-2690, 2691-2700, 2701-2710, 2711-2720, 2721-2730, 2731-2740, 2741-2750, 2751-2760, 2761-2770, 2771-2780, 2781-2790, 2791-2800, 2801-2810, 2811-2820, 2821-2830, 2831-2840, 2841-2850, 2851-2860, 2861-2870, 2871-2880, 2881-2890, 2891-2900, 2901-2910, 2911-2920, 2921-2930, 2931-2940, 2941-2950, 2951-2960, 2961-2970, 2971-2980, 2981-2990, 2991-3000, 3001-3010, 3011-3020, 3021-3030, 3031-3040, 3041-3050, 3051-3060, 3061-3070, 3071-3080, 3081-3090, 3091-3100, 3101-3110, 3111-3120, 3121-3130, 3131-3140, 3141-3150, 3151-3160, 3161-3170, 3171-3180, 3181-3190, 3191-3200, 3201-3210, 3211-3220, 3221-3230, 3231-3240, 3241-3250, 3251-3260, 3261-3270, 3271-3280, 3281-3290, 3291-3300, 3301-3310, 3311-3320, 3321-3330, 3331-3340, 3341-3350, 3351-3360, 3361-3370, 3371-3380, 3381-3390, 3391-3400, 3401-3410, 3411-3420, 3421-3430, 3431-3440, 3441-3450, 3451-3460, 3461-3470, 3471-3480, 3481-3490, 3491-3500, 3501-3510, 3511-3520, 3521-3530, 3531-3540, 3541-3550, 3551-3560, 3561-3570, 3571-3580, 3581-3590, 3591-3600, 3601-3610, 3611-3620, 3621-3630, 3631-3640, 3641-3650, 3651-3660, 3661-3670, 3671-3680, 3681-3690, 3691-3700, 3701-3710, 3711-3720, 3721-3730, 3731-3740, 3741-3750, 3751-3760, 3761-3770, 3771-3780, 3781-3790, 3791-3800, 3801-3810, 3811-3820, 3821-3830, 3831-3840, 3841-3850, 3851-3860, 3861-3870, 3871-3880, 3881-3890, 3891-3900, 3901-3910, 3911-3920, 3921-3930, 3931-3940, 3941-3950, 3951-3960, 3961-3970, 3971-3980, 3981-3990, 3991-4000, 4001-4010, 4011-4020, 4021-4030, 4031-4040, 4041-4050, 4051-4060, 4061-4070, 4071-4080, 4081-4090, 4091-4100, 4101-4110, 4111-4120, 4121-4130, 4131-4140, 4141-4150, 4151-4160, 4161-4170, 4171-4180, 4181-4190, 4191-4200, 4201-4210, 4211-4220, 4221-4230, 4231-4240, 4241-4250, 4251-4260, 4261-4270, 4271-4280, 4281-4290, 4291-4300, 4301-4310, 4311-4320, 4321-4330, 4331-4340, 4341-4350, 4351-4360, 4361-4370, 4371-4380, 4381-4390, 4391-4400, 4401-4410, 4411-4420, 4421-4430, 4431-4440, 4441-4450, 4451-4460, 4461-4470, 4471-4480, 4481-4490, 4491-4500, 4501-4510, 4511-4520, 4521-4530, 4531-4540, 4541-4550, 4551-4560, 4561-4570, 4571-4580, 4581-4590, 4591-4600, 4601-4610, 4611-4620, 4621-4630, 4631-4640, 4641-4650, 4651-4660, 4661-4670, 4671-4680, 4681-4690, 4691-4700, 4701-4710, 4711-4720, 4721-4730, 4731-4740, 4741-4750, 4751-4760, 4761-4770, 4771-4780, 4781-4790, 4791-4800, 4801-4810, 4811-4820, 4821-4830, 4831-4840, 4841-4850, 4851-4860, 4861-4870, 4871-4880, 4881-4890, 4891-4900, 4901-4910, 4911-4920, 4921-4930, 4931-4940, 4941-4950, 4951-4960, 4961-4970, 4971-4980, 4981-4990, 4991-5000, 5001-5010, 5011-5020, 5021-5030, 5031-5040, 5041-5050, 5051-5060, 5061-5070, 5071-5080, 5081-5090, 5091-5100, 5101-5110, 5111-5120, 5121-5130, 5131-5140, 5141-5150, 5151-5160, 5161-5170, 5171-5180, 5181-5190, 5191-5200, 5201-5210, 5211-5220, 5221-5230, 5231-5240, 5241-5250, 5251-5260, 5261-5270, 5271-5280, 5281-5290, 5291-5300, 5301-5310, 5311-5320, 5321-5330, 5331-5340, 5341-5350, 5351-5360, 5361-5370, 5371-5380, 5381-5390, 5391-5400, 5401-5410, 5411-5420, 5421-5430, 5431-5440, 5441-5450, 5451-5460, 5461-5470, 5471-5480, 5481-5490, 5491-5500, 5501-5510, 5511-5520, 5521-5530, 5531-5540, 5541-5550, 5551-5560, 5561-5570, 5571-5580, 5581-5590, 5591-5600, 56

**DNR**

the United States, and the United States has been the only country to do so. The United States has been the only country to do so.

<http://www.dn.state.sc.us/>



**LEGEND**

1-2 ALABAMA  
3-4 ARIZONA  
5-6 ARKANSAS  
7-8 CALIFORNIA  
9-10 COLORADO  
11-12 CONNECTICUT  
13-14 DELAWARE  
15-16 FLORIDA  
17-18 GEORGIA  
19-20 ILLINOIS  
21-22 INDIANA  
23-24 IOWA  
25-26 KANSAS  
27-28 KENTUCKY  
29-30 LOUISIANA  
31-32 MAINE  
33-34 MARYLAND  
35-36 MASSACHUSETTS  
37-38 MICHIGAN  
39-40 MINNESOTA  
41-42 MISSISSIPPI  
43-44 MISSOURI  
45-46 MONTANA  
47-48 NEBRASKA  
49-50 NEVADA  
51-52 NEW HAMPSHIRE  
53-54 NEW JERSEY  
55-56 NEW YORK  
57-58 NORTH CAROLINA  
59-60 NORTH DAKOTA  
61-62 OHIO  
63-64 OKLAHOMA  
65-66 OREGON  
67-68 PENNSYLVANIA  
69-70 RHODE ISLAND  
71-72 SOUTH CAROLINA  
73-74 SOUTH DAKOTA  
75-76 TENNESSEE  
77-78 TEXAS  
79-80 UTAH  
81-82 VERMONT  
83-84 VIRGINIA  
85-86 WASHINGTON  
87-88 WEST VIRGINIA  
89-90 WISCONSIN  
91-92 WYOMING



Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	

[illegible][illegible]

Q2418. IUGS AREA

Q1442242

Answer from research for subject: The 3 of the animal shown is a *Red-tailed Hawk* or *Red-tailed Hawk* (see *Red-tailed Hawk*).

Number of molecules	
	ETHYLENE GLYCOL MONOETHYLETER (212) ANILINE (207)
	ETHYLENE GLYCOL MONOETHYLETER (207) ANILINE (207)

11. **Business Description**

Describe the business, its products and services, and its market. Include a description of the business's location, its history, and its current status. Also include a description of the business's financial performance, its assets and liabilities, and its cash flow.

Figure 1. Schematic diagram of the experimental design. The study was divided into two phases: a pre-test phase and a main phase. The pre-test phase was conducted with 10 subjects to determine the appropriate number of trials for each condition. The main phase was conducted with 20 subjects, divided into two groups of 10 subjects each. The first group was exposed to the training condition (10 trials) and the second group was exposed to the control condition (10 trials). The results of the pre-test phase were used to determine the appropriate number of trials for each condition in the main phase.

at 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 140, 145, 150, 155, 160, 165, 170, 175, 180, 185, 190, 195, 200, 205, 210, 215, 220, 225, 230, 235, 240, 245, 250, 255, 260, 265, 270, 275, 280, 285, 290, 295, 300, 305, 310, 315, 320, 325, 330, 335, 340, 345, 350, 355, 360, 365, 370, 375, 380, 385, 390, 395, 400, 405, 410, 415, 420, 425, 430, 435, 440, 445, 450, 455, 460, 465, 470, 475, 480, 485, 490, 495, 500, 505, 510, 515, 520, 525, 530, 535, 540, 545, 550, 555, 560, 565, 570, 575, 580, 585, 590, 595, 600, 605, 610, 615, 620, 625, 630, 635, 640, 645, 650, 655, 660, 665, 670, 675, 680, 685, 690, 695, 700, 705, 710, 715, 720, 725, 730, 735, 740, 745, 750, 755, 760, 765, 770, 775, 780, 785, 790, 795, 800, 805, 810, 815, 820, 825, 830, 835, 840, 845, 850, 855, 860, 865, 870, 875, 880, 885, 890, 895, 900, 905, 910, 915, 920, 925, 930, 935, 940, 945, 950, 955, 960, 965, 970, 975, 980, 985, 990, 995, 1000, 1005, 1010, 1015, 1020, 1025, 1030, 1035, 1040, 1045, 1050, 1055, 1060, 1065, 1070, 1075, 1080, 1085, 1090, 1095, 1100, 1105, 1110, 1115, 1120, 1125, 1130, 1135, 1140, 1145, 1150, 1155, 1160, 1165, 1170, 1175, 1180, 1185, 1190, 1195, 1200, 1205, 1210, 1215, 1220, 1225, 1230, 1235, 1240, 1245, 1250, 1255, 1260, 1265, 1270, 1275, 1280, 1285, 1290, 1295, 1300, 1305, 1310, 1315, 1320, 1325, 1330, 1335, 1340, 1345, 1350, 1355, 1360, 1365, 1370, 1375, 1380, 1385, 1390, 1395, 1400, 1405, 1410, 1415, 1420, 1425, 1430, 1435, 1440, 1445, 1450, 1455, 1460, 1465, 1470, 1475, 1480, 1485, 1490, 1495, 1500, 1505, 1510, 1515, 1520, 1525, 1530, 1535, 1540, 1545, 1550, 1555, 1560, 1565, 1570, 1575, 1580, 1585, 1590, 1595, 1600, 1605, 1610, 1615, 1620, 1625, 1630, 1635, 1640, 1645, 1650, 1655, 1660, 1665, 1670, 1675, 1680, 1685, 1690, 1695, 1700, 1705, 1710, 1715, 1720, 1725, 1730, 1735, 1740, 1745, 1750, 1755, 1760, 1765, 1770, 1775, 1780, 1785, 1790, 1795, 1800, 1805, 1810, 1815, 1820, 1825, 1830, 1835, 1840, 1845, 1850, 1855, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1930, 1935, 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 2645, 2650, 2655, 2660, 2665, 2670, 2675, 2680, 2685, 2690, 2695, 2700, 2705, 2710, 2715, 2720, 2725, 2730, 2735, 2740, 2745, 2750, 2755, 2760, 2765, 2770, 2775, 2780, 2785, 2790, 2795, 2800, 2805, 2810, 2815, 2820, 2825, 2830, 2835, 2840, 2845, 2850, 2855, 2860, 2865, 2870, 2875, 2880, 2885, 2890, 2895, 2900, 2905, 2910, 2915, 2920, 2925, 2930, 2935, 2940, 2945, 2950, 2955, 2960, 2965, 2970, 2975, 2980, 2985, 2990, 2995, 3000, 3005, 3010, 3015, 3020, 3025, 3030, 3035, 3040, 3045, 3050, 3055, 3060, 3065, 3070, 3075, 3080, 3085, 3090, 3095, 3100, 3105, 3110, 3115, 3120, 3125, 3130, 3135, 3140, 3145, 3150, 3155, 3160, 3165, 3170, 3175, 3180, 3185, 3190, 3195, 3200, 3205, 3210, 3215, 3220, 3225, 3230, 3235, 3240, 3245, 3250, 3255, 3260, 3265, 3270, 3275, 3280, 3285, 3290, 3295, 3300, 3305, 3310, 3315, 3320, 3325, 3330, 3335, 3340, 3345, 3350, 3355, 3360, 3365, 3370, 3375, 3380, 3385, 3390, 3395, 3400, 3405, 3410, 3415, 3420, 3425, 3430, 3435, 3440, 3445, 3450, 3455, 3460, 3465, 3470, 3475, 3480, 3485, 3490, 3495, 3500, 3505, 3510, 3515, 3520, 3525, 3530, 3535, 3540, 3545, 3550, 3555, 3560, 3565, 3570, 3575, 3580, 3585, 3590, 3595, 3600, 3605, 3610, 3615,

[illegible]

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43  
 44  
 45  
 46  
 47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56  
 57  
 58  
 59  
 60  
 61  
 62  
 63  
 64  
 65  
 66  
 67  
 68  
 69  
 70  
 71  
 72  
 73  
 74  
 75  
 76  
 77  
 78  
 79  
 80  
 81  
 82  
 83  
 84  
 85  
 86  
 87  
 88  
 89  
 90  
 91  
 92  
 93  
 94  
 95  
 96  
 97  
 98  
 99  
 100  
 101  
 102  
 103  
 104  
 105  
 106  
 107  
 108  
 109  
 110  
 111  
 112  
 113  
 114  
 115  
 116  
 117  
 118  
 119  
 120  
 121  
 122  
 123  
 124  
 125  
 126  
 127  
 128  
 129  
 130  
 131  
 132  
 133  
 134  
 135  
 136  
 137  
 138  
 139  
 140  
 141  
 142  
 143  
 144  
 145  
 146  
 147  
 148  
 149  
 150  
 151  
 152  
 153  
 154  
 155  
 156  
 157  
 158  
 159  
 160  
 161  
 162  
 163  
 164  
 165  
 166  
 167  
 168  
 169  
 170  
 171  
 172  
 173  
 174  
 175  
 176  
 177  
 178  
 179  
 180  
 181  
 182  
 183  
 184  
 185  
 186  
 187  
 188  
 189  
 190  
 191  
 192  
 193  
 194  
 195  
 196  
 197  
 198  
 199  
 200  
 201  
 202  
 203  
 204  
 205  
 206  
 207  
 208  
 209  
 210  
 211  
 212  
 213  
 214  
 215  
 216  
 217  
 218  
 219  
 220  
 221  
 222  
 223  
 224  
 225  
 226  
 227  
 228  
 229  
 230  
 231  
 232  
 233  
 234  
 235  
 236  
 237  
 238  
 239  
 240  
 241  
 242  
 243  
 244  
 245  
 246  
 247  
 248  
 249  
 250  
 251  
 252  
 253  
 254  
 255  
 256  
 257  
 258  
 259  
 260  
 261  
 262  
 263  
 264  
 265  
 266  
 267  
 268  
 269  
 270  
 271  
 272  
 273  
 274  
 275  
 276  
 277  
 278  
 279  
 280  
 281  
 282  
 283  
 284  
 285  
 286  
 287  
 288  
 289  
 290  
 291  
 292  
 293  
 294  
 295  
 296  
 297  
 298  
 299  
 300  
 301  
 302  
 303  
 304  
 305  
 306  
 307  
 308  
 309  
 310  
 311  
 312  
 313  
 314  
 315  
 316  
 317  
 318  
 319  
 320  
 321  
 322  
 323  
 324  
 325  
 326  
 327  
 328  
 329  
 330  
 331  
 332  
 333  
 334  
 335  
 336  
 337  
 338  
 339  
 340  
 341  
 342  
 343  
 344  
 345  
 346  
 347  
 348  
 349  
 350  
 351  
 352  
 353  
 354  
 355  
 356  
 357  
 358  
 359  
 360  
 361  
 362  
 363  
 364  
 365  
 366  
 367  
 368  
 369  
 370  
 371  
 372  
 373  
 374  
 375  
 376  
 377  
 378  
 379  
 380  
 381  
 382  
 383  
 384  
 385  
 386  
 387  
 388  
 389  
 390  
 391  
 392  
 393  
 394  
 395  
 396  
 397  
 398  
 399  
 400  
 401  
 402  
 403  
 404  
 405  
 406  
 407  
 408  
 409  
 410  
 411  
 412  
 413  
 414  
 415  
 416  
 417  
 418  
 419  
 420  
 421  
 422  
 423  
 424  
 425  
 426  
 427  
 428  
 429  
 430  
 431  
 432  
 433  
 434  
 435  
 436  
 437  
 438  
 439  
 440  
 441  
 442  
 443  
 444  
 445  
 446  
 447  
 448  
 449  
 450  
 451  
 452  
 453  
 454  
 455  
 456  
 457  
 458  
 459  
 460  
 461  
 462  
 463  
 464  
 465  
 466  
 467  
 468  
 469  
 470  
 471  
 472  
 473  
 474  
 475  
 476  
 477  
 478  
 479  
 480  
 481  
 482  
 483  
 484  
 485  
 486  
 487  
 488  
 489  
 490  
 491  
 492  
 493  
 494  
 495  
 496  
 497  
 498  
 499  
 500  
 501  
 502  
 503  
 504  
 505  
 506  
 507  
 508  
 509  
 510  
 511  
 512  
 513  
 514  
 515  
 516  
 517  
 518  
 519  
 520  
 521  
 522  
 523  
 524  
 525

21. The old party of a "loyal" wife was: 1911-1912, 1913-1914, 1915-1916, 1917-1918, 1919-1920, 1921-1922, 1923-1924, 1925-1926, 1927-1928, 1929-1930, 1931-1932, 1933-1934, 1935-1936, 1937-1938, 1939-1940, 1941-1942, 1943-1944, 1945-1946, 1947-1948, 1949-1950, 1951-1952, 1953-1954, 1955-1956, 1957-1958, 1959-1960, 1961-1962, 1963-1964, 1965-1966, 1967-1968, 1969-1970, 1971-1972, 1973-1974, 1975-1976, 1977-1978, 1979-1980, 1981-1982, 1983-1984, 1985-1986, 1987-1988, 1989-1990, 1991-1992, 1993-1994, 1995-1996, 1997-1998, 1999-2000, 2001-2002, 2003-2004, 2005-2006, 2007-2008, 2009-2010, 2011-2012, 2013-2014, 2015-2016, 2017-2018, 2019-2020, 2021-2022, 2023-2024, 2025-2026, 2027-2028, 2029-2030, 2031-2032, 2033-2034, 2035-2036, 2037-2038, 2039-2040, 2041-2042, 2043-2044, 2045-2046, 2047-2048, 2049-2050, 2051-2052, 2053-2054, 2055-2056, 2057-2058, 2059-2060, 2061-2062, 2063-2064, 2065-2066, 2067-2068, 2069-2070, 2071-2072, 2073-2074, 2075-2076, 2077-2078, 2079-2080, 2081-2082, 2083-2084, 2085-2086, 2087-2088, 2089-2090, 2091-2092, 2093-2094, 2095-2096, 2097-2098, 2099-2100, 2101-2102, 2103-2104, 2105-2106, 2107-2108, 2109-2110, 2111-2112, 2113-2114, 2115-2116, 2117-2118, 2119-2120, 2121-2122, 2123-2124, 2125-2126, 2127-2128, 2129-2130, 2131-2132, 2133-2134, 2135-2136, 2137-2138, 2139-2140, 2141-2142, 2143-2144, 2145-2146, 2147-2148, 2149-2150, 2151-2152, 2153-2154, 2155-2156, 2157-2158, 2159-2160, 2161-2162, 2163-2164, 2165-2166, 2167-2168, 2169-2170, 2171-2172, 2173-2174, 2175-2176, 2177-2178, 2179-2180, 2181-2182, 2183-2184, 2185-2186, 2187-2188, 2189-2190, 2191-2192, 2193-2194, 2195-2196, 2197-2198, 2199-2200, 2201-2202, 2203-2204, 2205-2206, 2207-2208, 2209-2210, 2211-2212, 2213-2214, 2215-2216, 2217-2218, 2219-2220, 2221-2222, 2223-2224, 2225-2226, 2227-2228, 2229-2230, 2231-2232, 2233-2234, 2235-2236, 2237-2238, 2239-2240, 2241-2242, 2243-2244, 2245-2246, 2247-2248, 2249-2250, 2251-2252, 2253-2254, 2255-2256, 2257-2258, 2259-2260, 2261-2262, 2263-2264, 2265-2266, 2267-2268, 2269-2270, 2271-2272, 2273-2274, 2275-2276, 2277-2278, 2279-2280, 2281-2282, 2283-2284, 2285-2286, 2287-2288, 2289-2290, 2291-2292, 2293-2294, 2295-2296, 2297-2298, 2299-2300, 2301-2302, 2303-2304, 2305-2306, 2307-2308, 2309-2310, 2311-2312, 2313-2314, 2315-2316, 2317-2318, 2319-2320, 2321-2322, 2323-2324, 2325-2326, 2327-2328, 2329-2330, 2331-2332, 2333-2334, 2335-2336, 2337-2338, 2339-2340, 2341-2342, 2343-2344, 2345-2346, 2347-2348, 2349-2350, 2351-2352, 2353-2354, 2355-2356, 2357-2358, 2359-2360, 2361-2362, 2363-2364, 2365-2366, 2367-2368, 2369-2370, 2371-2372, 2373-2374, 2375-2376, 2377-2378, 2379-2380, 2381-2382, 2383-2384, 2385-2386, 2387-2388, 2389-2390, 2391-2392, 2393-2394, 2395-2396, 2397-2398, 2399-2400, 2401-2402, 2403-2404, 2405-2406, 2407-2408, 2409-2410, 2411-2412, 2413-2414, 2415-2416, 2417-2418, 2419-2420, 2421-2422, 2423-2424, 2425-2426, 2427-2428, 2429-2430, 2431-2432, 2433-2434, 2435-2436, 2437-2438, 2439-2440, 2441-2442, 2443-2444, 2445-2446, 2447-2448, 2449-2450, 2451-2452, 2453-2454, 2455-2456, 2457-2458, 2459-2460, 2461-2462, 2463-2464, 2465-2466, 2467-2468, 2469-2470, 2471-2472, 2473-2474, 2475-2476, 2477-2478, 2479-2480, 2481-2482, 2483-2484, 2485-2486, 2487-2488, 2489-2490, 2491-2492, 2493-2494, 2495-2496, 2497-2498, 2499-2500, 2501-2502, 2503-2504, 2505-2506, 2507-2508, 2509-2510, 2511-2512, 2513-2514, 2515-2516, 2517-2518, 2519-2520, 2521-2522, 2523-2524, 2525-2526, 2527-2528, 2529-2530, 2531-2532, 2533-2534, 2535-2536, 2537-2538, 2539-2540, 2541-2542, 2543-2544, 2545-2546, 2547-2548, 2549-2550, 2551-2552, 2553-2554, 2555-2556, 2557-2558, 2559-2560, 2561-2562, 2563-2564, 2565-2566, 2567-2568, 2569-2570, 2571-2572, 2573-2574, 2575-2576, 2577-2578, 2579-2580, 2581-2582, 2583-2584, 2585-2586, 2587-2588, 2589-2590, 2591-2592, 2593-2594, 2595-2596, 2597-2598, 2599-2600, 2601-2602, 2603-2604, 2605-2606, 2607-2608, 2609-2610, 2611-2612, 2613-2614, 2615-2616, 2617-2618, 2619-2620, 2621-2622, 2623-2624, 2625-2626, 2627-2628, 2629-2630, 2631-2632, 2633-2634, 2635-2636, 2637-2638, 2639-2640, 2641-2642, 2643-2644, 2645-2646, 2647-2648, 2649-2650, 2651-265

<div style="display: flex; justify-content: space-between;"> <div> <b>NEIP</b>  <small>NEIGHBORHOOD ECONOMIC IMPROVEMENT PROGRAM</small> </div> <div> <b>PANEL 0015C</b> </div> </div>
--

**FIRM**  
FLOOD INSURANCE RATE MAP  
BEAUFORT COUNTY,

**SOUTH CAROLINA**  
UNINCORPORATED AREAS  
PANEL 15 OF 506

[illegible]

PERAL LINGUISTY  
L. 9 31 22 P

MAP NUMBER  
45013C0015C

**EFFECTIVE DATE**

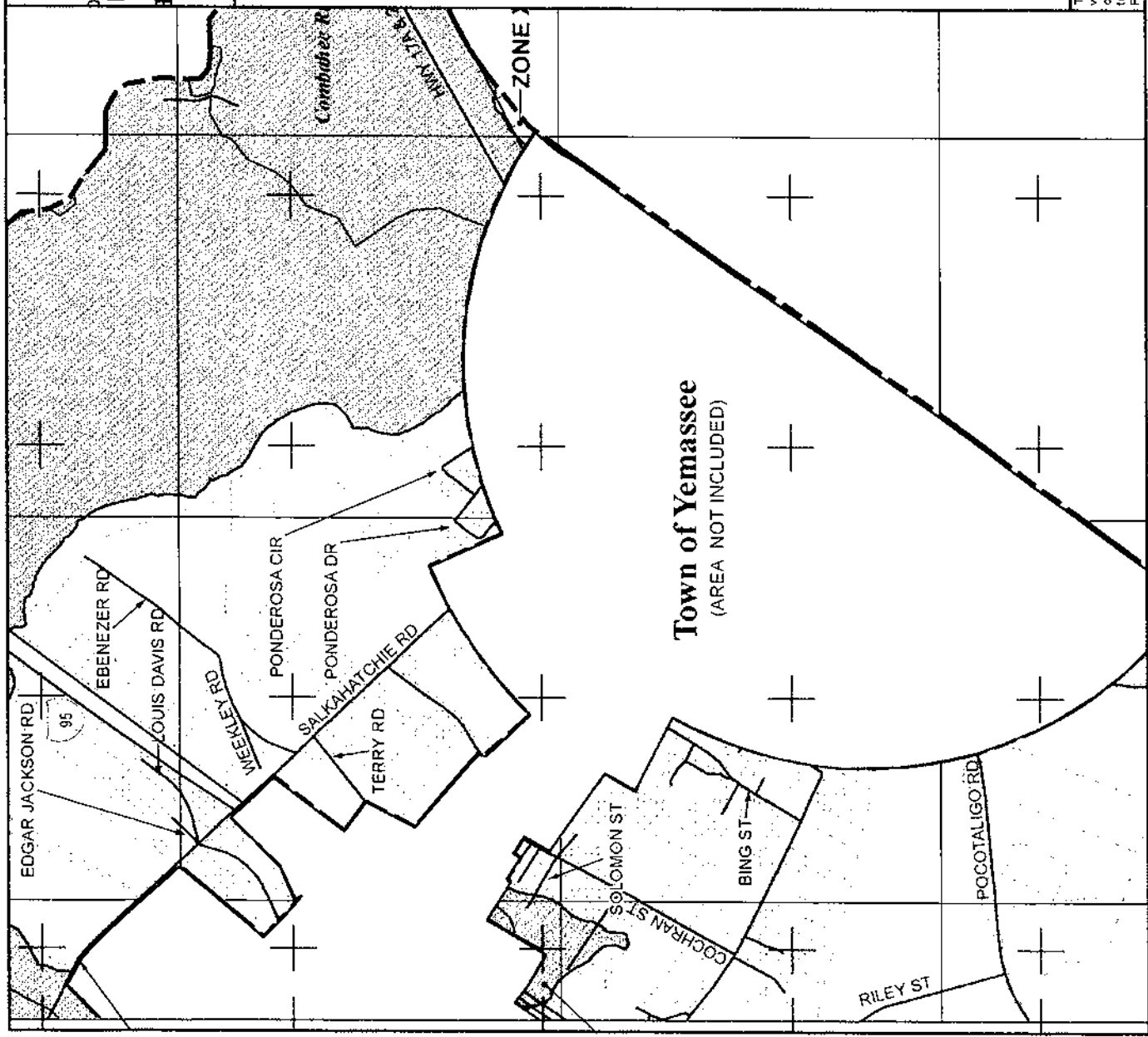
1



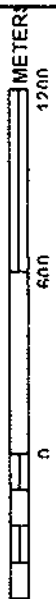
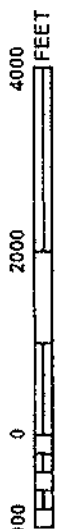








MAP SCALE 1" = 2000'



**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:		
COMMUNITY	NUMBER	PANEL
HAMPTON COUNTY	45000	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 reference applications for the subject community.



MAP NUMBER  
45049C0450C

EFFECTIVE DATE  
SEPTEMBER 29, 2010

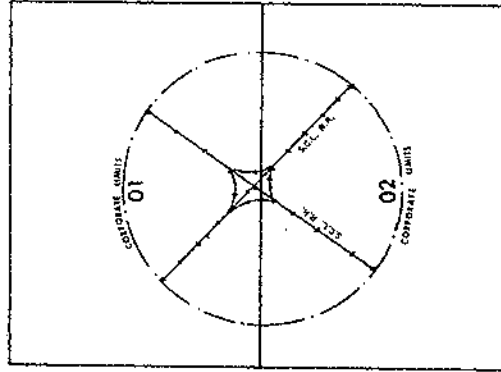
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT 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](http://www.msc.fema.gov)

COMMUNITY No. 450103

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

Sea Wall

Zone Boundary

SPECIAL FLOOD HAZARD AREA ZONE A

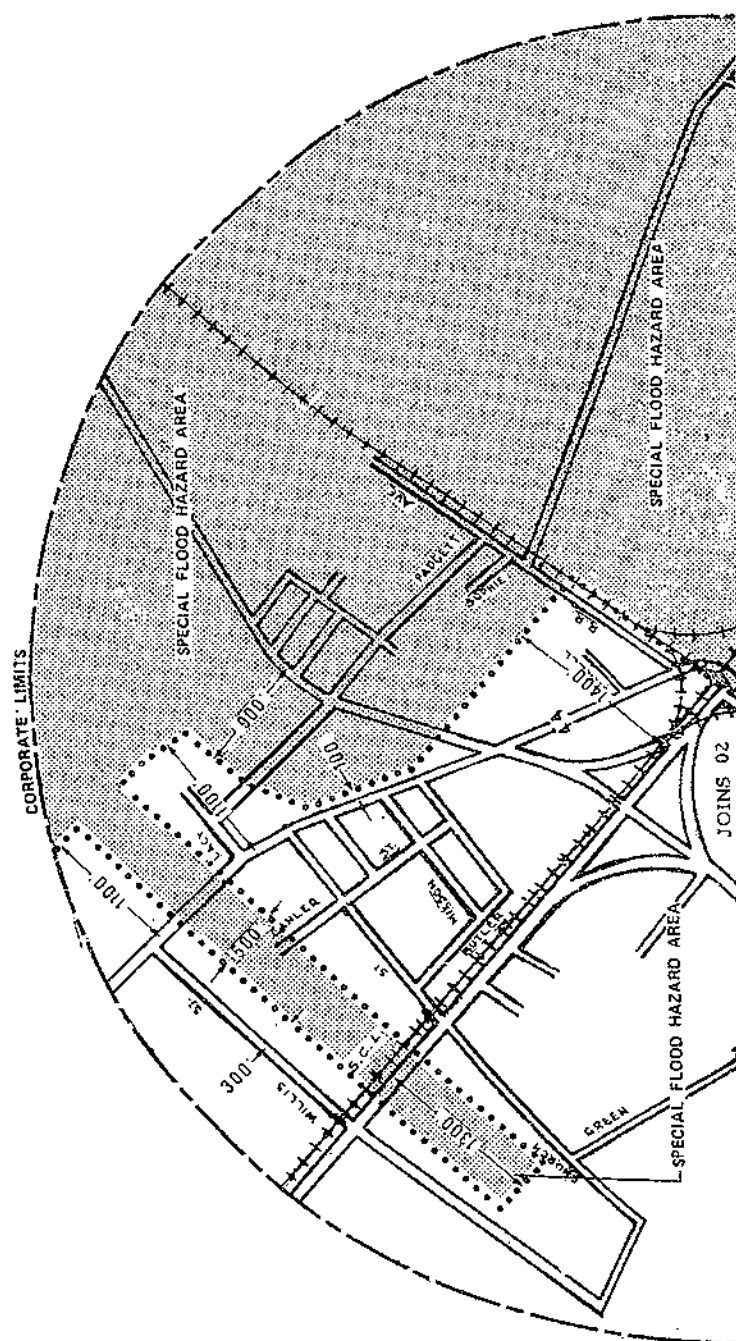
SPECIAL FLOOD HAZARD AREA

IDENTIFICATION DATE

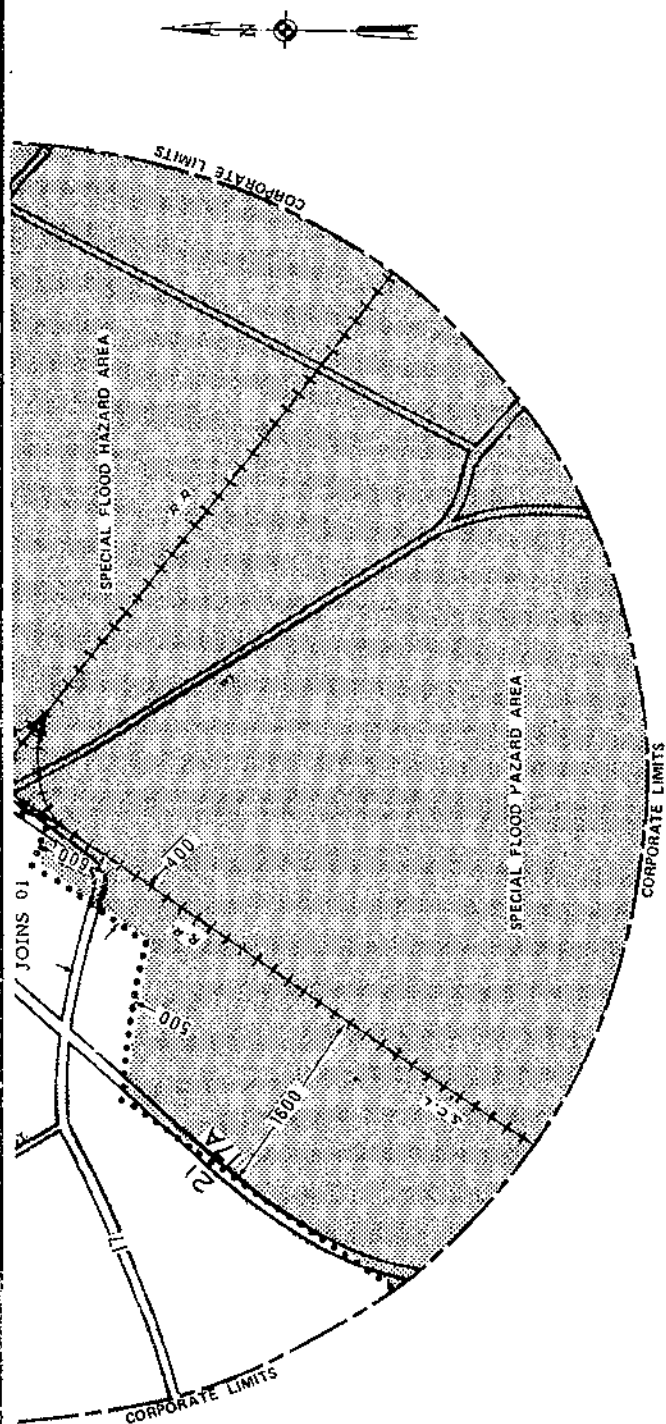
JUNE 21, 1974

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Federal Insurance Administration  
TOWN OF YEMASEE  
(HAMPTON CO.)

MAP INDEX  
FIA FLOOD HAZARD BOUNDARY MAPS  
No. H 01-00  
This is a microfiche



BEST AVAILABLE COPY



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

## ARTICLE I. IN GENERAL

- 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.
- 7.107. Acting Judge.
- 7.108. Same. Qualifications.
- 7.109. Restriction of Judge to Practice in His Court.
- 7.110. Sessions of the Court.
- 7.111. Suspended Sentences. Public Service.
- 7.112. Rules of Procedure.
- 7.113. Fines to be Deposited in General Fund.
- 7.114. Clerk of Court. Records.
- 7.115. Maximum Penalties Court May Impose.

## ARTICLE II. JURIES

- 7.201. Jury Commissioners. Town Council May Act.
- 7.202. Jury Box. Compartments.
- 7.203. Jury List. Computer Generated.
- 7.204. Juries. Single Trials. Trial Terms. Etc.
- 7.205. Refusal to Appear as Juror.
- 7.206. Refusal to Appear as Defendant.
- 7.207. Compensation.

## ARTICLE III. PENALTIES

- 7.301. Penalty.



## 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.
- 8.105. Same. Public Hearing. Public Notice.
- 8.106. Same. Public Inspection.
- 8.107. Same. Failure to Adopt.
- 8.108. Same. Appropriations Shall Lapse.
- 8.109. Same. Financial Requirements.
- 8.110. Disbursements to be by Check. Signatures.
- 8.111. Returned Checks. Fee.
- 8.112. Audit.
- 8.113. Borrowing Revenues. By Ordinance.
- 8.114. Emergency Appropriations.

## ARTICLE II. ANNUAL TAXES. DELINQUENT

- 8.201. Basis of Value of Property for Taxation.
- 8.202. Municipal Tax Lien.
- 8.203. County Assessment Rolls. Tax Book to be Maintained.
- 8.204. Tax Book. Date of Collections. Notice Required.
- 8.205. Same. Closing Date. Hours Available for Payment. Penalties.
- 8.206. Costs of Collection. Delinquent Date.
- 8.207. Sale of Property for Delinquent Taxes. Procedure.
- 8.208. Town Clerk Designated Tax Collector.
- 8.209. Executions Against Defaulting Taxpayers.
- 8.210. Seizure of Real Estate. Owner Not Located.
- 8.211. Rights of Real Estate Mortgagees.
- 8.212. Levy and Sale of Personal Property. Not Redeemable.
- 8.213. Sales Day Designated.
- 8.214. Tax Exemption for Disabled Veterans. Widows.
- 8.215. Same. Widows of Law Enforcement Officers.
- 8.216. Same. Paraplegics or Hemiplegic Person.



ARTICLE III. MOBILE HOMES TAXES

8.301. Mobile Homes Taxed as Real Property. Avoidance.

ARTICLE IV. PURCHASING

8.401. Purchasing Agent. Designated.

8.402. Same. Duties.

8.403. Financial Interest of Town Officials and Employees Prohibited.

8.404. Equipment, Supplies. Recovered Property. Public Auction.

8.405. Gifts and Rebates.

8.406. Cooperative Purchasing.

8.407. State Purchasing.

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

ARTICLE I. ADMINISTRATION

- 9.101. Fire District Provisions Designated.
- 9.102. Appointment of Chief.
- 9.103. Volunteers.
- 9.104. Compensation.
- 9.105. Command at Scene of Fire.
- 9.106. Possession and Control of Buildings on Fire.
- 9.107. Right of Entry During Emergencies.
- 9.108. Responding to Alarms. Right-of-Way.
- 9.109. Police Officers to Enforce Provisions.
- 9.110. Fire Inspector.
- 9.111. Fire Investigations.
- 9.112. Building Burned or Destroyed More Than Half its Value.

ARTICLE II. PROHIBITED ACTS

- 9.201. False Alarms.
- 9.202. Parking at Hydrants. Obstructing Fire Equipment or Members.
- 9.203. Following or Parking Near Fire Equipment. Bystanders.
- 9.204. Failure to Obey Lawful Orders.
- 9.205. Driving over Fire Hose.
- 9.206. Opening Fire Hydrants.
- 9.207. Burning Trash.
- 9.208. Fire Hazard Upon Lots, Buildings, Premises; Accumulation, Growth, etc.
- 9.209. Fires Near Buildings.

ARTICLE III. FIRE DISTRICT

- 9.301. Fire District Defined.



## ARTICLE IV. FIREWORKS

- 9.401. Fireworks Prohibited.
- 9.402. Toy Caps and Similar Devices Excepted.
- 9.403. Other Exceptions.
- 9.404. Permissible Fireworks.
- 9.405. Permissible Sale of Fireworks.
- 9.406. Sale to Minors.
- 9.407. Restrictions.
- 9.408. Identification and Marking.
- 9.409. Retail Handling. Storage.

## ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND

- 9.501. State Firemen's Association. Payment.
- 9.502. Trustees. Compensation.
- 9.503. Benefits Accepted.
- 9.504. Receipt and Disbursement of Funds.
- 9.505. Use of Funds.
- 9.506. Authorization to Sign Checks.
- 9.507. State Fire Marshall Reports.

## 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

ARTICLE I. IN GENERAL

- 10.101. Beaufort/Hampton County Referral.
- 10.102. Food Handling Establishments.
- 10.103. Odors. Unwholesome. Offensive. Unlawful.
- 10.104. Debris Removal.
- 10.105. Putrescible Matter Not to be Used as Fill.
- 10.106. Removal of Accumulations of Deleterious Matter.
- 10.107. Garbage Collection Fees.

ARTICLE II. VACANT LOTS, PREMISES, LAND

- 10.201. Accumulations. Prohibited.
- 10.202. Same. Summons For Failure to Maintain Lots.
- 10.203. Same. How Summons Given.
- 10.204. Same. Failure to Clean Declared a Misdemeanor. Penalty.

ARTICLE III. GARBAGE AND SOLID WASTE

- 10.301. Agreement With CDS, INC., Not Rescinded.

ARTICLE IV. TOILET FACILITIES

- 10.401. Pit Privy Defined. Declared Unlawful.
- 10.402. Disposal of Human Excrement.
- 10.403. Building Contracts to Provide For Waste Disposal.

ARTICLE V. PENALTIES

- 10.501. Penalty.

## 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.

Chapter 12. Parks, Recreation and Public Property

**ARTICLE I. GENERAL**

- 12.101. Public Park Defined.
- 12.102. Applicability
- 12.103. Closing Hours
- 12.104. Damage to Landscaping
- 12.105. Injury to Structures or Property
- 12.106. Sanitation
- 12.107. Bills, Posters and Advertising Prohibited
- 12.108. Selling in Public Parks
- 12.109. Intoxicating Liquors. Disorderly Conduct, Etc. Drug Use
- 12.110. Motor Vehicle Traffic in Parks
- 12.111. Picnic Regulations
- 12.112. Camping. Fires
- 12.113. Fireworks in Parks. Prohibited
- 12.114. Firearms. Dangerous Weapons
- 12.115. Entering Closed Areas
- 12.116. Special Event Permits for Exclusive Use
- 12.117. Commercial Utilization of Spaces and Facilities
- 12.118. Park Restrictions
- 12.119. Enforcement
- 12.120. Tournaments
- 12.121. Unsafe Conduct in Park Waterways
- 12.122. Protection of Natural Resources

**ARTICLE II. RECREATION COMMITTEE**

- 12.201. Recreation Committee. Established
- 12.202. Membership
- 12.203. Compensation
- 12.204. Council Liaison to the Town

YEMASSEE TOWN CODE

12.205. Finance

12.206. Meetings

**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 Peeples 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 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 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.

## YEMASSEE TOWN CODE

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)



## CHAPTER 13. POLICE

## ARTICLE I. IN GENERAL

- 13.101. Composition. Appointment.
- 13.102. Chief of Police. Authority.
- 13.103. Surety Bond. Premiums.
- 13.104. Powers. Generally.
- 13.105. Bonds and Fines.
- 13.106. Same. Bail Money.
- 13.107. Same. Trial Date.
- 13.108. Compensation.
- 13.109. Uniforms.
- 13.110. Property to be Returned.
- 13.111. Streets. Jurisdiction.
- 13.112. Same. Observation of Conditions.
- 13.113. Emergencies. Other Political Subdivisions. Assistance.
- 13.114. Personal Property. Recovered.
- 13.115. Additional Duties.
- 13.116. Oath of Office.

## ARTICLE II. RULES OF CONDUCT

- 13.201. Personal Appearance. Uniform. Equipment.
- 13.202. Drinking on Duty.
- 13.203. Conduct. General Demeanor.
- 13.204. Same. On Duty.
- 13.205. Same. Off Duty.
- 13.206. Public Discussion of Department Prohibited.
- 13.207. Suspensions. Hearing.
- 13.208. Same. Chief of Police.

## ARTICLE III. INTERFERENCE

- 13.301. Obedience to Officers.
- 13.302. Citizens to Aid. Posse Commitatus.
- 13.303. Obstructing Officer. Warrants.
- 13.304. Resisting Officer Making Arrest.
- 13.305. Assaulting Officer.
- 13.306. Approaching Within Twenty Feet of Person Being Arrested.
- 13.307. Failure to Stop on Command of Officer.
- 13.308. Counseling, Advising, etc., Unlawful.
- 13.309. Prisoners. Communication With.
- 13.310. Same. Escape From Custody Unlawful.
- 13.311. Imitating Signal or Call for Police Officer Prohibited.

## ARTICLE IV. PENALTIES

- 13.401. Penalty.

## 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

## ARTICLE I. ORDINANCE SUMMONS

- 14.101. Summons Ordinance. Procedure for Offenses Other Than Breach of Peace.

## ARTICLE II. ALCOHOLIC BEVERAGES

- 14.201. Definitions.  
14.202. Jurisdiction of the Municipal Judge.  
14.203. Prior Offenses.

## ARTICLE III. BEER, ALE, PORTER AND WINE

- 14.301. Unlawful to Sell Unless Tax Paid.  
14.302. Sale to Minors.  
14.303. Giving False Age.  
14.304. Purchase for Transfer to Persons Under Twenty-one.  
14.305. Purchase or Possession by Minor.  
14.306. Drinking, Possession on Licensed Premises. Prohibited Hours.  
14.307. Drinking Liquor in Public Conveyances.  
14.308. Intoxicating Beverages. Drinking in Public.  
14.309. Acts Prohibited on Licensed Premises. Revocation of License.  
14.310. Sale of Beer or Wine After License Revoked, Canceled or Suspended.  
14.311. Permittee Selling Draft Beer to Be Approved by DHEC.  
14.312. Same. Permit and Health Certificate to be Posted.  
14.313. Manufacture, Sell, Buy, etc., Unlawful.  
14.314. Unlawful Purchase.  
14.315. Unlawful to Consume at Certain Places. Public Property.  
14.316. Unstamped Liquor Contraband.

## ARTICLE IV. MUSICAL DEVICES. ENTERTAINMENTS

- 14.401. Musical Devices. Hours of Business.
- 14.402. Same. Operated Loudly
- 14.403. Disturbance at Entertainments, Gatherings, etc.
- 14.404. Amusement Places to Have Entrances Opening Onto Street.
- 14.405. Carnivals and Street Shows Prohibited Without Permit.

## ARTICLE V. BILLIARD ROOMS

- 14.501. Definitions.
- 14.502. License.
- 14.503. Same. Qualifications of Applicant.
- 14.504. Fee.
- 14.505. Same. Forfeitures.
- 14.506. Conduct of Operations.
- 14.507. Minors.
- 14.508. Placards to Minors to be Posted on Premises.

ARTICLE VI. OFFENSES AGAINST MORALITY,  
DECENCY AND PUBLIC WELFARE

- 14.601. Iceboxes. Abandonment Prohibited.
- 14.602. Wells, Open Pits Prohibited.
- 14.603. Loitering. Unlawful. Defined.
- 14.604. Display or Sale of Obscene Material.
- 14.605. Disturbance at Schools.
- 14.606. Disturbing the Peace.
- 14.607. Gambling Prohibited. Exceptions. Bingo.
- 14.608. Same. Confiscation and Destruction of Paraphernalia.
- 14.609. Same. Houses Unlawful.
- 14.610. Indecent Exposure. Language.
- 14.611. Peeping Toms.
- 14.612. Same. Public Drunkenness.

## ARTICLE VII. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

- 14.701. Disorderly Conduct. Defined.
- 14.702. Carrying Firearms. Exceptions.
- 14.703. Concealed Weapons.
- 14.704. Same. Carrying Weapons. Knives.
- 14.705. Discharge of Firearms. Dangerous Devices. Slingshots.
- 14.706. Disruption of Court, Town Council, Religious Services.
- 14.707. Crime Watch Area. Town Designated.
- 14.708. Riots; Instigating, Aiding, Participating.
- 14.709. Noise. Unreasonable Prohibited.
- 14.710. Drug Paraphernalia Defined. Declared Unlawful.
- 14.711. Curfew.
- 14.712. Religious Worship, Meetings. Disturbing Unlawful.
- 14.713. Entertainment Exceptions.

## ARTICLE VIII. OFFENSES AGAINST PROPERTY

- 14.801. Malicious Mischief.
- 14.802. Damaging Property.
- 14.803. Failure to Leave Premises when Ordered.
- 14.804. Petit Larceny. Defined.
- 14.805. Stolen Goods.
- 14.806. Trespassing; Private Property.
- 14.807. Securing Property by Fraudulent Impersonation of Officer.
- 14.808. Shoplifting.
- 14.809. Advertising Matter. Painting, Printing on Sidewalks, etc.
- 14.810. Public Events. Gaining Admission Without Payment.
- 14.811. Breaking Into Motor Vehicle. Storage Tanks.
- 14.812. Bad Checks. Unlawful to Issue. Penalty.
- 14.813. Fences; Removing, Destroying or Leaving Down.
- 14.814. Property to be Returned to Town.
- 14.815. Town Machinery. Other Property.
- 14.816. Junkyards. Buildings.
- 14.817. Nuisances. Creating, Maintaining, Permitting.

## ARTICLE IX. OFFENSES AGAINST THE PERSON

- 14.901. Assault and Battery.
- 14.902. Pointing Pistol or Gun at Any Person.
- 14.903. Unlawful to Throw Object Injuring Person or Damaging Property.

ARTICLE X. PARADES

- 14.1001. Declaration of Necessity.
- 14.1002. Definitions. - Exceptions to Provisions.
- 14.1003. Permit Required.
- 14.1004. Application for Permit.
- 14.1005. Regulations.

ARTICLE XI. DEMONSTRATING. PICKETING

- 14.1101. Demonstrations. Picketing.
- 14.1102. Permit Required. Issuance.
- 14.1103. Imposition of Restrictions.
- 14.1104. Appeals.

ARTICLE XII. PENALTIES

- 14.1201. Misdemeanor.
- 14.1202. Adoption of Criminal Laws of State of South Carolina.
- 14.1203. Parties to a Crime.
- 14.1204. Plea of Guilty or Nolo Contendere or Forfeiture of Bail  
Same as Conviction.
- 14.1205. Penalty.

## 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

## ARTICLE I. SOLICITING

- 15.101. Types Prohibited.
- 15.102. Use of Streets for Sales and Distribution Prohibited.
- 15.103. Appeals.

## ARTICLE II. POSTINGS, SIGNS, BANNERS, ETC.

- 15.201. Public and Private Property. Political Signs.
- 15.202. Handbills and Placards. Placement. Application.
- 15.203. Municipal or State Signs.

## ARTICLE III. ADVERTISING

- 15.301. Bankrupt Sales. Auctions. Etc.
- 15.302. Display of Merchandise on Streets and Sidewalks.
- 15.303. Posting of Advertising Matter.
- 15.304. Signs, Banners Suspended Across Streets.
- 15.305. License Fees for Sign Advertising.

## ARTICLE IV. ADVERTISING NOISES

- 15.401. Loudspeakers, Musical Instruments for Advertising Purposes.
- 15.402. Noise Making for Other Purposes.
- 15.403. Same. Church Bells Excepted.

## ARTICLE V. PENALTIES

- 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

## ARTICLE I. IN GENERAL

- 16.101. Town Map. Information. Streets. Public Places.
- 16.102. Jurisdiction. Naming.
- 16.103. Maintenance and Construction. Exceptions.
- 16.104. Sidewalks. Adjacent Property Owners to Keep Clear.
- 16.105. Same. Parking Prohibited. Exceptions.
- 16.106. Survey Markers Required for New Streets.

## ARTICLE II. UNLAWFUL ACTS

- 16.201. Obstructions. Interference. Vehicles. Exceptions.
- 16.202. Same. Protection by Barricades, Lights.
- 16.203. Damaging Public Property.
- 16.204. Depositing on Streets, Sidewalks and Drains Prohibited.
- 16.205. Burning on Streets Prohibited.
- 16.206. Dangerous Substances Prohibited.
- 16.207. Garbage, Other Solid Waste, Trash, Offensive Matter.
- 16.208. Obstructions to Vision at Street Intersections.
- 16.209. Same. Removal.
- 16.210. Same. Failure to Clean Declared a Misdemeanor.
- 16.211. Sidewalks. Merchandise. Exceptions. Advertising.
- 16.212. Draining Water, Other Liquids Onto Streets or Sidewalks Prohibited.
- 16.213. Lots Draining Toward Sidewalk.
- 16.214. Curbs. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
- 16.215. Speaking, Exhibiting, Entertaining on Streets. Games.
- 16.216. Gates and Doors Opening onto Sidewalks.
- 16.217. Obstruction of Drains, Ditches, Water Courses, etc.
- 16.218. Street Lights. Breaking, Removing.
- 16.219. Tree Waste. Removal.
- 16.220. Fences. Repairs.
- 16.221. Trees and Shrubs on Streets.
- 16.222. Camping on Public Property. Unlawful.
- 16.223. Cleated Wheels or Treads Prohibited.
- 16.224. Disc Harrows Prohibited.
- 16.225. Appeals.

### ARTICLE III. EXCAVATIONS

- 16.301. Permission Required. Bond Required.
- 16.302. Danger Signals Required. Lights Required.
- 16.303. Removal of Danger Signals.
- 16.304. Cuts, Excavations To be Restored.
- 16.305. Failure.

### ARTICLE IV. LITTERING

- 16.401. Prohibited.
- 16.402. Duty of Business Owners, Occupants.
- 16.403. Duty of Customer.

### ARTICLE V. PENALTIES

- 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)

## CHAPTER 17. UTILITIES

## ARTICLE I. WATER AND SEWER

- 17.101. Utility Defined. Not Absolute.
- 17.102. Water and Sewerage Systems Combined. DHEC Provisions.
- 17.103. Service. Application.
- 17.104. Same. Restricted to One Applicant.
- 17.105. Same. May Not be Furnished if Debts to Town Not Paid.
- 17.106. Same. Use Assumed.
- 17.107. Utility Extensions. Areas Not Served. Tap Fees.
- 17.108. Connections Required. Septic Tanks. Exceptions.
- 17.109. Property Owner Responsible ; When. For Water and Sewer Lines.
- 17.110. Water Connections Required.
- 17.111. Connection Guidelines.
- 17.112. Fire Prevention. Use of Water. Exceptions.
- 17.113. Water Hydrant Usage. Deposit.

## ARTICLE II. PROHIBITED ACTS

- 17.201. Pollution of Water Supply.
- 17.202. Backflow Preventer.
- 17.203. Illegal Connection, Tampering With Utility Systems. Wells.
- 17.204. Illegal and Unmetered Hookup. Fee.
- 17.205. Illegal Reconnection When Service is Discontinued for Nonpayment.
- 17.206. Water Meters. Tampering With. Changes. Defrauding.
- 17.207. Destruction, Defacement, etc. Unlawful.
- 17.208. Obstruction, Abuse of Utilities. Responsibility of Owner.
- 17.209. Cutting Street to Make Water or Sewer Connection. Permit Required.
- 17.210. Covering Sewer Without Inspection. Suspension of License.
- 17.211. Tapping Water Main Without Permit.
- 17.212. Tampering With Water System.
- 17.213. Double Meters.
- 17.214. Septic Tanks. When Permitted.
- 17.215. Ditches or Trenches for Pipes.
- 17.216. Connections to Sewerage System Prohibited.
- 17.217. Discharges to Sewage System Prohibited.
- 17.218. Sewer Service Discontinued. Occupancy of Property.
- 17.219. Violation. Effect.
- 17.220. Prohibited Acts Not All-Inclusive.

## ARTICLE III. RATES AND FEES

- 17.301. Establishment of Rates. To Be Posted. Changes.
- 17.302. Water, Sewer, Deposit Required. Refund.
- 17.303. Billings. Water and Sewer. Late Charges. Garbage Fee.
- 17.304. Fees or Charges. Failure to Pay.
- 17.305. No Free Service.
- 17.306. Water Meters Required. Readings.
- 17.307. Same. Separate Meters.
- 17.308. Unmetered Service.
- 17.309. Same. Residential Complexes.
- 17.310. Connections. Fee Required.
- 17.311. Discontinuance of Service. Delinquent Charges.
- 17.312. Sprinkler Systems. Hydrants, Hose Connections. Violations.

## ARTICLE VI. PUBLIC UTILITY CONSTRUCTION

- 17.401. Permit Required. Hearing.
- 17.402. Same. Installation.
- 17.404. Excavation for Pipe Laying.
- 17.405. Right of Entry for Inspection.

## ARTICLE V. IMPACT FEES

- 17.501. Impact Fees.
- 17.502. Conflicts With Code of Ordinances.

## ARTICLE VI. PENALTIES

- 17.601. Penalty.

## 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 20<sup>th</sup> 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

## ARTICLE I. IN GENERAL

- 18.101. Short Title.
- 18.102. Uniform Act. Definitions.
- 18.103. Jurisdiction of Municipal Judge.
- 18.104. Fixing Traffic Tickets Unlawful.
- 18.105. Traffic Control Devices. Placement. Maintenance. Specifications. Obedience. Interference.
- 18.106. Speed Limit Variation by Town. SCDOT Approval. Signs.
- 18.107. Driver's and Vehicle Licenses Required. Exceptions.
- 18.108. Responsibility of Vehicle Owner.

## ARTICLE II. MOVING TRAFFIC

- 18.201. Adoption of State Laws.
- 18.202. Careless Operation of a Motor Vehicle. Points.
- 18.203. Reckless Driving.
- 18.204. Driving Across Private Property to Make Turns.
- 18.205. Stop Signs.
- 18.206. Entering Intersection or Marked Crosswalks.
- 18.207. Boarding or Alighting from Vehicles.
- 18.208. Leaking or Scattering Load Prohibited.
- 18.209. Damaging Paved Surfaces Prohibited.
- 18.210. Sidewalks. Vehicular Prohibitions.
- 18.211. "U" Turns.
- 18.212. Streets Under Repair, Closed to Travel.
- 18.213. Advertising Prohibited.
- 18.214. Hitching to Moving Vehicles.
- 18.215. Loads to be Securely Chained.
- 18.216. Speed Restrictions.
- 18.217. Lower Speeds Required.
- 18.218. Special Hazards.
- 18.219. Emergency Vehicles. Restrictions.
- 18.220. Unattended Vehicles.
- 18.221. Driving While Intoxicated/Under Influence of Drugs.
- 18.222. Accidents. Assistance Required.
- 18.223. Riding In/On Municipal Vehicles Unlawful.
- 18.224. Motorcycles. Reckless Operation. Clinging to Vehicles.



## ARTICLE III. PARKING. STANDING. STOPPING

- 18.301. Parking. Authorized.
- 18.302. Same. Manner.
- 18.303. Same. Tickets Authorized.
- 18.304. Blocking Streets and Alleys. Exception.
- 18.305. Loading Zones.
- 18.306. Handicapped Persons. Parking. Penalty.
- 18.307. Signal to Stop.
- 18.308. Stop Signs. Duty to Stop.
- 18.309. Vision Obstruction of Traffic Unlawful.
- 18.310. Disabled Vehicles.
- 18.311. Fire Lanes Designated. Parking Prohibited. Penalty.
- 18.312. Stopping, Standing or Parking Prohibited in Specified Places.

## ARTICLE IV. FUNERALS

- 18.401. Driving Into Funeral Prohibited.
- 18.402. Identification.
- 18.403. Drivers in Processions to Follow Closely.

## ARTICLE V. ABANDONED VEHICLES

- 18.501. Inoperable Vehicles.
- 18.502. Unlicensed. Salvage, Repair on Private Property.
- 18.503. Impoundment. Disposition. Expenses. Forfeiture.
- 18.504. Records to be Maintained.

## ARTICLE VI. PEDESTRIANS

- 18.601. Walking on Streets and Roadways.
- 18.602. Drivers to Exercise Due Care With Regard to Pedestrians.



## ARTICLE VII. BICYCLES

- 18.701. Regulations Applicable to Bicycles.
- 18.702. Applicability of Traffic Laws.
- 18.703. Duty to Keep Right.
- 18.704. Riding Abreast.
- 18.705. Bicycle Paths to be Used.
- 18.706. Riding Bicycles on Sidewalks.
- 18.707. Clinging to Vehicles.
- 18.708. Riding "No Hands." General Control.
- 18.709. Lights.
- 18.710. Warning Devices.
- 18.711. Larceny of Bicycles.
- 18.712. Brakes.

## ARTICLE VIII. RAILROADS

- 18.801. Definitions.
- 18.802. Speed of Engines.
- 18.803. Poison Spray on Railroad Right-of Way.
- 18.804. Stop Signs at Dangerous Railroad Crossings.
- 18.805. Flagman at Crossing.
- 18.806. Blocking of Street by Trains.
- 18.807. Complaints of Railroad Conduct.

## ARTICLE IX. PENALTIES

- 18.901. Penalty.
-

## 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.
- 19.107. Rationing.
- 19.108. Variances.
- 19.109. Enforcement.

ARTICLE II. LEGALITY OF CHAPTER

- 19.201. Control.

ARTICLE III. PENALTIES

- 19.301. Fines and Penalties.

## 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 it 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 or 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: [Signature]  
Clerk of Council

[Signature]  
MAYOR

1<sup>st</sup> reading NOV. 14 2006  
2<sup>nd</sup> reading FEB 23 2007  
Public Hearing FEB 23 2007  
Final Reading FEB 23 2007

[Signature]  
[Signature]  
[Signature]

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
16. Property Conveyances
17. Sale, lease or contract to sell lands
18. Subdivision Plats
19. Tax Levies and other charges
20. Zoning

## A

Abandoned refrigerators .....	156	Commission authority .....	50
Advertising .....		Commission created .....	49
Bankrupt sales and auctions .....	181	Commission meetings .....	50
Banners across streets .....	181	Commission membership .....	49
Budget adoption .....	89	Commission reports .....	50
Display of merchandise .....	181	Commission terms .....	49
From vehicles prohibited .....	224	Destruction of flowers, shrubs and trees .....	51
Handbills .....	180	Interference with commission .....	50
License fees .....	181	Utility exemption .....	51
Noises .....	182		
Posting of matter .....	181	Beer .....	
Sale of impounded vehicle .....	232	Drinking after hours .....	149
Sidewalks .....	168	Drinking on public conveyances .....	149
Aiding police .....	138	Giving false age .....	148
Alcoholic beverages .....		Manufacture unlawful .....	150
Jurisdiction of Municipal Court .....	147	Permit to be posted .....	150
Prior offenses .....	147	Prohibited acts in general .....	149
Alcoholic liquors .....	147	Purchase for transfer to persons under 21 .....	148
Altering code .....	10	Purchase or possession by minor .....	148
Amendments to code .....	9	Sale to minors .....	148
Animals .....		Sales of draft beer .....	150
Bird sanctuary .....	46	Sales without license .....	150
Control of dogs .....	44	Unlawful consumption .....	150
Dangerous dogs .....	44	Unlawful purchase .....	150
Dangerous unlawful .....	43	Unlawful to sell unless tax paid .....	148
Definitions .....	41, 43	Unstamped liquors .....	151
Diseased .....	42	Beer, Ale, Porter and Wine .....	See Beer
Disposal of dead .....	42	Bicycles .....	
Dog bites .....	44	Applicability of traffic laws .....	235
Dogs (certain) declared a nuisance .....	43	Applicable regulations .....	235
Dogs disturbing the peace .....	45	Brakes required .....	236
Dogs running at large .....	45	Clinging to vehicles .....	235
Failure to redeem .....	44	Duty to keep right .....	235
Killing dangerous .....	43	Larceny of .....	236
Livestock at large prohibited .....	41	Lights required .....	236
Noises .....	42	Paths to be used where provided .....	235
Police to impound .....	44	Riding "No hands" .....	236
Rabies shots for dogs .....	44	Riding abreast .....	235
Slaughter houses prohibited .....	42	Riding on sidewalks .....	235
Strays .....	42	Warning devices .....	236
Assault and Battery .....	171	Billiard Rooms .....	
Assaulting police officer .....	138	Conduct of operations .....	154
Attorney .....		Definitions .....	153
Appointment .....	39	Fee .....	154
Compensation .....	39	Forfeiture of license if subleased .....	154
Duties .....	39	License .....	153
Residence .....	39	Minors prohibited .....	155
Term .....	39	Placards to minors .....	155
		Qualifications of applicant .....	154
		Bird sanctuary .....	
		Birds constituting a nuisance .....	46
		Farm lands, swamps excluded .....	46
		Killing, injuring or molesting birds .....	46
		Bird Sanctuary .....	46
		Book of Ordinances .....	19
		Breaking into motor vehicle .....	169
		Budget .....	
		Accounting year .....	88

## B

Backflow preventer at water meter .....	204
Bad checks .....	169
Beautification .....	49



Appropriations .....	90
Audit .....	91
Borrowing in anticipation of taxes .....	91
Contingent expenses .....	89
Disbursements by check .....	90
Emergency appropriations .....	91
Failure to adopt .....	90
Financial requirements .....	90
Fiscal year .....	88
Property values basis of taxation .....	92
Public inspection .....	90
Public notice and hearing .....	89
Returned checks .....	90
<b>Buildings</b> .....	<b>55</b>
Appeals from decisions .....	57
Burned more than half its value .....	106
County to enforce provisions .....	55
Failure to repair .....	56
Fair housing month .....	63
Homeowner's provisions .....	55
Inspector to review notice to remove with Mayor .....	56
Liability not assumed .....	56
Mobile homes .....	See Mobile homes
Numbers assigned .....	59
Numbers required .....	59
Ordinary repairs authorized .....	55
Planning and zoning .....	75
Smoke-free Municipal building .....	57
Standard codes .....	58
Unfit dwellings .....	57
Unsafe .....	56
Utility connections .....	57
<b>Business licenses</b> .....	
Administration and enforcement .....	100
Ordinance not repealed .....	100
Yard sales .....	100

## C

Careless operation of a motor vehicle .....	222
Carrying firearms .....	160
Catchlines or catchwords .....	3
Charter .....	2
Clerk of Court .....	81
Clerk/Treasurer .....	38
Accountability for levied fines .....	81
Advertising approval .....	224
Advice from Municipal Attorney .....	39
Amendments to ordinances .....	20
Applications to distribute advertising matter .....	180
Applications to parade, picket or demonstrate .....	174
Appointment by Council .....	38
Book or Ordinances in office of .....	19
Business license enforcement .....	100
Carnival permits .....	152
Certification of nominees .....	34
Clerk of Court .....	81
Compensation .....	38
Control of public property .....	189
Corporate limits .....	10

Court fines turned over to .....	81
Disbursements to be signed by .....	90
Disbursements to be signed by for FIIF .....	114
Discontinuance of utility service notice sent to .....	211
Duties .....	38
FIIF funds received by .....	113
Fire district map .....	109
Fire Marshall reports .....	114
Imposition of picketing restrictions .....	176
Merchandise on sidewalk .....	191
Millage change notification to county .....	89
Minutes of committee meetings .....	31
Permission required for street or sidewalk excavation .....	194
Permission to temporarily block street .....	188
Permit for banners across streets .....	181
Picketing permit .....	176
Postings, signs and banners .....	180
Proceeds from sale of impounded vehicles .....	232
Public inspection of ordinances .....	22
Purchasing Agent .....	97
Purchasing receipts .....	97
Resolutions noted by .....	23
Schedule of rates and fees .....	24
Sewer connection violations .....	202
Signature on all ordinances .....	21
Speaking or exhibiting on streets permitted .....	192
Street sale permission .....	179
Surety bond .....	38
Utilities to file beautification notice with .....	51
Utility service application .....	200
Voting result recorded by .....	28
Waste disposal plans forwarded to .....	121
<b>Code</b> .....	
Altering .....	10
Amendments .....	9
General penalty .....	8
How designated and cited .....	3
Liability of corporations .....	8
Provisions as continuation .....	3
Rules of construction .....	8
Severability of parts .....	3
<b>Code (building) enforcement</b> .....	<b>58</b>
<b>Committees</b> .....	
Appointments .....	31
Reports .....	31
<b>Compensation</b> .....	
Actual expenses .....	17
Attorney .....	39
Clerk/Treasurer .....	38
Mayor and Council .....	17
Officers and employees .....	36
Concealed weapons .....	161
Connection of utilities .....	211
Corporate limits established .....	10
<b>Council</b> .....	
Advice from attorney .....	39
Authority to establish offices .....	36
Building Inspector review .....	56
Composition .....	16
Eligibility .....	16

Executive sessions .....	31
Form of government .....	2, 16
Interfering with proceedings .....	162
Jury Commissioners .....	83
Lots draining toward sidewalks .....	191
Meetings .....	25
Police suspensions .....	137
Police uniforms .....	133
Soliciting approval .....	179
Term of office .....	16
Voting at council meetings .....	28
Court .....	79
Acting Judge .....	80
Alcoholic beverages .....	147
Clerk of Court .....	81
Compensation of Judge .....	80
Contempt .....	79
Fines deposited in general fund .....	81
Interfering with proceedings .....	162
Judge Appointed / Oath .....	80
Judge not to practice law .....	81
Jurisdiction .....	79
Jurisdiction in civil matters .....	79
Maximum penalties .....	82
Municipal court established .....	79
Qualifications of Judge .....	80
Residency of Judge .....	80
Rules of procedure .....	81
Sessions .....	81
Suspended sentences .....	81
Crime Watch Area .....	163
Criminal laws of state adopted .....	177
Curfew .....	23, 166

## D

Damaging property .....	167
Damaging public property .....	189
Definitions .....	43
Alcoholic liquors .....	147
Animals .....	41
Billiard rooms .....	153
Disorderly conduct .....	160
Drought response .....	242
Drug paraphernalia .....	165
Flood damage control .....	65
General .....	3
Inoperable vehicles .....	232
Loitering .....	156
Mobile home .....	60
Parades .....	172
Petit larceny .....	167
Public park .....	125
Railroads .....	237
Traffic ordinance .....	219
Utility .....	200
Demonstrating and picketing .....	174
Different penalties for same offense .....	10
Disorderly conduct .....	160
Display or sale of obscene material .....	157

Disruption of court of council .....	162
Disturbance at schools .....	157
Disturbing religious services .....	166
Disturbing the peace .....	157
Drains, obstructing prohibited .....	192
Drinking in public .....	149
Drought Response .....	241
Declaration of policy and intent .....	241
Definitions .....	242
Enforcement .....	251
New water service connections .....	249
Nonessential water use .....	243
Penalties .....	253
Rationing .....	249
Responses to drought alert .....	244
Variances .....	250
Water rates .....	249
Drug paraphernalia .....	165

## E

Elections .....	32
Assuming office .....	34
At-large .....	34
Certification of nominees .....	34
Commission established .....	32
Contested .....	35
Date .....	33
Filing fees .....	33
Filing place and time .....	33
Hours .....	33
Nonpartisan .....	35
Oath of Candidacy .....	33
Place .....	33
Political parties .....	34
Public notice required .....	34
Special .....	35
State law to govern .....	32
Successors to be qualified .....	34
Tie votes .....	35
Voter qualification .....	35
When qualified .....	34
Write-in votes .....	34
Emergency appropriations .....	91
Emergency ordinances .....	22
Emergency vehicles .....	225
Entertainment .....	
Amusements opening onto street required .....	152
Carnivals, etc require permit .....	152
Disturbances prohibited .....	152
Exceptions .....	166
Musical devices .....	152
Musical devices operated loudly .....	152
Excavations .....	
Bond required .....	194
Danger signal removal .....	194
Danger signals required .....	194
Failure .....	195
Permission required for streets or sidewalks .....	194
Restoration .....	195



Utility installation.....	206
Executive sessions .....	31

**F**

Failure to leave premises when ordered.....	167
Fair housing	
Month .....	63
Program .....	63
Fees	
Connection .....	211
Schedule of Rates and Fees .....	24
Utility late charges.....	210
Fences.....	193
Fences, Destroying.....	169
Finance.....	See Budget
Finance, Budget and Taxation .....	See Budget
Financial audit.....	91
Fire Chief	
Appointment.....	104
Command at scene.....	105
Fire Inspector .....	105
Possession of buildings on fire .....	105
Trustee for FIIF .....	113
Fire department	
Use of water during emergencies.....	203
Fire Department .....	104
Appointment of chief.....	104
Building burned more than half its value.....	106
Burning trash .....	108
Bystanders .....	107
Command at scene of fire .....	105
Compensation.....	104
Driving over fire hose .....	108
Emergencies .....	105
Enforcement of drought response.....	251
Failure to obey lawful orders .....	107
False alarms .....	107
Fire District defined.....	109
Fire District provisions .....	104
Fires near buildings.....	108
Following fire equipment .....	107
Hazards upon lots .....	108
Inspector .....	105
Investigation of fire .....	106
Obstructing fire equipment .....	107
Opening fire hydrants .....	108
Parking at hydrants .....	107
Police officers to enforce provisions.....	105
Possession of buildings on fire .....	105
Right of way while responding.....	105
Volunteers.....	104
Fire District .....	109
Firearms	
Carrying.....	160
Carrying weapons, etc .....	162
Discharge .....	162
Parks and playgrounds.....	127
Point pistol or gun at any person .....	171
Fireman's Insurance and Inspection Benefits accepted.....	113

Fireman's Insurance and Inspection Fund	
Association.....	113
Disbursements by check.....	114
Fire Marshall reports .....	114
Fund usage .....	114
Trustees and compensation .....	113
Fireman's Insurance and Inspection Fund receipt and disbursement .....	113
Fireworks	
Exceptions to regulations .....	110
Identification and marking .....	112
Parks and playgrounds .....	127
Permissible .....	111
Permissible sale.....	111
Prohibited.....	110
Restrictions.....	111
Retail handling and storage .....	112
Sale to minors.....	111
Shrimp festival exemption .....	111
Toy caps excepted.....	110
Fiscal year .....	88
Flood damage control	
Abrogation .....	69
Applicability.....	69
Authorization .....	64
Building official duties.....	70
Building official to administer .....	70
Compliance with provisions.....	69
Definitions.....	65
Development permit required.....	69
Disclaimer .....	69
Establishment of areas.....	69
Findings of fact .....	64
Hazard reduction .....	73
Interpretations of article .....	69
Mobile home requirements.....	74
Objectives .....	65
Permit procedures.....	71
Purpose .....	64
Subdivisions .....	74
Variances.....	71
Form of Government .....	16
Fraud .....	168
Funerals	
Drivers to follow closely .....	231
Driving into prohibited .....	231
Identification .....	231

**G**

Gaining admission without payment .....	169
Gambling	
Confiscation of paraphernalia .....	158
Houses unlawful.....	158
Prohibited.....	157
Garbage and Refuse	
Fees .....	210
Garbage fees	
Food handling establishments .....	118

**H**

Handbills.....	180
Handicapped parking.....	228
Health and sanitation.....	117
Agreement with EDS, Inc. not rescinded.....	120
Contractors to provide for waste disposal.....	121
Debris removal.....	117
Disposal of human waste.....	121
Food handling establishments.....	117
Garbage fees.....	118
Health Department.....	117
Odors.....	117
Pit privy.....	120, 121
Pit privy prohibited.....	120, 121
Putrescible matter not used as fill.....	118
Removal of accumulations of deleterious matter.....	118
Vacant lots, premises, land.....	119
Health Department.....	117
Holidays.....	37

**I**

Impact fees.....	214
Indecent exposure or language.....	158

**J**

Junkyards.....	170
Juries.....	83
Commissioners.....	83
Compensation.....	84
Computer generated Jury list.....	84
Jury box.....	83
Refusal to appear as defendant.....	84
Refusal to appear as juror.....	84
Single trials, trial terms.....	84
Jury duty pay for town employees.....	37

**L**

Liability of corporations.....	8
Litering.....	
Business owners responsible.....	196
Customers responsible.....	196
Prohibited.....	196
Loitering.....	156

**M**

Malicious mischief.....	167
Mayor.....	
Annual budget preparation.....	88
Appointment of police chief.....	132
Camping on public property.....	193
Chief administrative officer.....	36
Composition of Council.....	16
Disbursements to be signed by.....	90
Duties.....	17

Eligibility.....	16
Failure to adopt budget.....	90
Form of government.....	2, 16
Police Chief discipline.....	137
Signature on all ordinances.....	21
State of Emergency.....	23
Term of office.....	16
Trustee for PIIF.....	113
Vacant lot maintenance summons.....	119
Voting at council meetings.....	28
Mayor Pro tempore.....	18
Meetings.....	
Agenda of Council meetings.....	26
Appearance of citizens.....	26
Conduct of members.....	29
Council.....	25
Mayor to preside.....	26
Minutes of Council meetings.....	26
Motion precedence.....	30
Motions to be in writing.....	27
Motions to reconsider.....	30
Motions which are not debatable.....	30
Notice of change.....	25
Open to public.....	25
Order of proceedings of council.....	27
Quorum at council meetings.....	27
Rules of order at council meetings.....	27
Special.....	25
Unlawful to interrupt council meetings.....	27
Meetings, Interference with.....	162
Military leave.....	37
Misdemeanor.....	177
Mobile homes.....	60
Courts prohibited.....	61
Definition.....	60
General provisions.....	61
Purpose of article.....	60
Requests to locate within town.....	60
Requirements.....	62
Municipal Attorney.....	See Attorney
Municipal Court.....	See Court
Municipal Elections.....	See Elections
Municipal Seal.....	10
Municipal Summons Ordinance.....	145

**N**

Noise.....	
Advertising.....	182
Church bells excepted.....	182
Loud.....	182
Loudspeakers, musical instruments.....	182
Unreasonable.....	163
Nuisances.....	170
Fences.....	193

**O**

Oath of Office.....	18
---------------------	----

Obscene material.....	157
Offenses beyond town limits.....	9
Ordinance Summons.....	145
Ordinances.....	19
Amendments.....	20
Annual Codification.....	21
Book of.....	19
Emergency.....	22
Enacting clause.....	20
Final form before adoption.....	22
Form.....	21
Introduction.....	22
Public Inspection.....	22
Required by state law.....	20
Signed.....	21
Six days between readings.....	19

## P

Parades.....	
Application for permit.....	172
Declaration of necessity.....	172
Definitions.....	172
Permit required.....	172
Regulations.....	173
Parking.....	
Blocking streets and alleys.....	228
Disabled vehicles.....	229
Fire hydrants.....	107
Fire lanes.....	229
Handicapped.....	228
Loading zones.....	228
Manner.....	227
Obstruction to vision.....	229
Stopping, standing prohibited.....	230
Tickets authorized.....	227
Parks and playgrounds.....	
Advertising prohibited.....	126
Application.....	125
Camping and fires.....	127
Closing hours.....	125
Firearms.....	127
Fireworks.....	127
Injury to shrubbery, flowers.....	125
Injury to structures.....	125
Intoxicating liquors.....	126
Lease and rental.....	128
Motor vehicle traffic.....	126
Picnic regulations.....	127
Public park.....	125
Recreation Department authority.....	128
Recreation Department enforcement.....	128
Selling in public parks.....	126
Tournament permits.....	128
Trash in public park.....	126
Parties to a crime.....	177
Pedestrians.....	See Traffic
Peeping toms.....	159
Penalties.....	12, 40, 47, 52, 76, 85, 101, 115, 122, 129, 140, 177, 183, 197, 215, 235, 237, 239

Drought response.....	253
General.....	8
Illegal and unmetered hookup.....	205
Permit to burn trash.....	108
Permits.....	
Tapping water.....	206
Tournaments in parks.....	128
Personnel.....	36
Appointment and suspension.....	36
Duty to replace damaged property.....	36
Duty to return town property.....	37
Holidays.....	37
Mayor is chief administrative officer.....	36
Personnel.....	
Compensation.....	36
Jury duty pay.....	37
Military leave.....	37
Petit larceny.....	167
Picketing.....	
Appeals of restrictions.....	176
Imposition of restrictions.....	176
Permission required.....	174
Permit required.....	176
Pit Privy.....	120, 121
Planning and zoning.....	75
Planning and Zoning Commission.....	
Authority.....	75
Established.....	75
Ordinances not rescinded.....	75
Plea of guilty or nolo contendere.....	177
Pointing pistol or gun.....	171
Police.....	
Additional duties.....	135
Aiding and abetting.....	139
Approaching while arrest being made.....	139
Assaulting officer.....	138
Authority.....	132
Bail money and collection.....	133
Bonds and fines.....	133
Chief.....	132
Chief of Police discipline.....	137
Citizens to aid.....	138
Communicating with prisoners.....	139
Compensation.....	133
Composition and Appointment.....	132
Conduct off duty.....	136
Conduct on duty.....	136
Conduct. General demeanor.....	136
Discussion of police department.....	136
Drinking on duty.....	136
Enforcement of drought response.....	251
Escape from custody.....	139
Failure to stop on command of officer.....	139
Imitating call for police.....	139
Jurisdiction of streets.....	134
Oath of office.....	135
Obedience to officers.....	138
Observation of conditions.....	134
Obstructing officer.....	138
Personal appearance.....	136



Powers generally.....	133
Property to be returned.....	133
Records of impounded vehicles.....	233
Resisting arrest.....	138
Sale of recovered property.....	134
Summons Ordinance.....	145
Surety bond.....	132
Suspensions.....	137
Trial dates set by.....	133
Uniforms.....	133
Use in other political subdivisions.....	134
Political signs.....	180
Pollution of water supply.....	204
Pool Rooms.....	See Billiard Rooms
Postings.....	
Handbills.....	180
Municipal or state signs.....	180
Political signs.....	180
Public and private property.....	180
Property of the town used by permission only.....	170
Property to be returned to town.....	170
Public drunkenness.....	159
Public Park Defined.....	See Parks and Playgrounds
Purchasing.....	
Agent.....	97
Cooperative.....	99
Duties of agent.....	98
Equipment unsuitable for use.....	99
Financial interest of town officials prohibited.....	99
Gifts and rebates.....	99
State.....	99

## R

Railroads.....	
Blocking of streets.....	238
Complaints of conduct.....	238
Definitions.....	237
Flagman at crossing.....	238
Poison spray on right-of-way.....	238
Speed of engines.....	237
Stop signs at dangerous intersections.....	238
Receiving stolen goods.....	168
Refrigerators.....	
abandoned.....	156
Repeal of ordinance.....	9
Resisting officers of town.....	36
Resolutions.....	23
Form.....	23
Responsibilities of Municipality.....	11
Returned checks.....	90
Riots.....	163
Rules of construction.....	8

## S

Schedule of Rates and Fees.....	24
Schools, Disturbance at.....	157
Septic tanks.....	207

Severability of parts.....	3
Sewer connections required.....	202
Shoplifting.....	168
Sidewalks.....	
Barricade protection.....	189
Burning prohibited.....	189
Damaging public property.....	189
Dangerous substances prohibited.....	190
Draining water onto.....	191
Driving on sidewalk prohibited.....	224
Dumping of garbage prohibited.....	190
Dumping prohibited.....	189
Excavations.....	194
Excavations, danger signal removal.....	194
Excavations, danger signals.....	194
Excavations, failure.....	195
Excavations, restoration.....	195
Littering prohibited.....	196
Lots draining toward.....	191
Merchandise.....	191
Obstructions prohibited.....	188
Opening doors onto.....	192
Painting, printing, etc.....	168
Parking prohibited.....	187
Speaking, exhibiting or entertaining.....	192
Tree waste.....	193
Signs, Municipal or state.....	180
Smoke-free Municipal Building.....	57
Soliciting.....	
Prohibited.....	179
Street sale appeals.....	179
Street sales.....	179
Special elections.....	35
Standard building codes.....	58
State of Emergency.....	23
Streets.....	
Appeals of provisions.....	193
Barricade protection.....	189
Blocking by railroad.....	238
Burning prohibited.....	189
Camping on.....	193
Cleared wheels prohibited.....	193
Construction.....	187
Curbing, breaking or destroying.....	192
Damaging public property.....	189
Dangerous substances prohibited.....	190
Disc harrows prohibited.....	193
Draining water onto.....	191
Drains.....	192
Dumping of garbage prohibited.....	190
Dumping prohibited.....	189
Excavations.....	194
Excavations, danger signal removal.....	194
Excavations, danger signals.....	194
Excavations, failure.....	195
Excavations, restoration.....	195
Failure to clean and move obstructions.....	191
Jurisdiction and naming.....	186
Lights, breaking.....	192
Littering prohibited.....	196

Maintenance .....	186
Obstructions prohibited .....	188
Obstructions to vision .....	190
Obstructions, removal .....	190
Speaking, exhibiting or entertaining .....	192
Survey markers .....	187
Town map .....	186
Tree waste .....	193
Trees and shrubs on right-of-way protected .....	193
Under repair .....	224
Summons Ordinance .....	145
Survey markers required .....	187

## T

Tampering with water meters .....	205
Taxation .....	See Budget
Taxes .....	
Clerk appointed as tax collector .....	94
Closing dates .....	93
Cost of collection .....	93
County assessment rolls .....	92
Date of collection .....	93
Executions against defaulting taxpayers .....	94
Exemption for disabled veterans .....	95
Exemption for paraplegics and hemiplegics .....	95
Exemption for widows of law enforcement officers .....	95
Levy not redeemable .....	94
Mobile homes .....	96
Municipal tax lien .....	92
Property values basis of taxation .....	92
Rights of real estate mortgagees .....	94
Sale of property .....	93
Sales day designated .....	95
Seizure of real estate .....	94
Throwing object causing injury .....	171
Tournaments .....	128
Traffic .....	See Parking
Abandoned vehicles .....	232
Accidents .....	226
Adoption of state laws .....	222
Advertising from vehicle .....	224
Boarding or alighting from vehicles .....	223
Careless operation of a motor vehicle .....	222
Control devices .....	220
Damaging paved surfaces prohibited .....	224
Disabled vehicles .....	229
Drivers to exercise care with regard to pedestrians .....	234
Driving across private property to turn .....	223
Driving on sidewalk prohibited .....	224
Driving while intoxicated .....	226
Emergency vehicles .....	225
Entering intersection or marked crosswalks .....	223
Failure to stop .....	229
Fixing tickets unlawful .....	219
Funerals .....	231
Hitching to motor vehicles .....	224
Impoundment of vehicles .....	232
Inoperable vehicles .....	232
Jurisdiction by Municipal Court .....	219

Leaking or scattering load .....	223
Licenses required .....	221
Loads to be securely chained .....	224
Lower speeds may be required .....	225
Motorcycles .....	226
Parking .....	227
Reckless driving .....	223
Responsibility of vehicle owner .....	221
Special hazards .....	225
Speed limit variation .....	220
Speed restrictions .....	225
Stop signs .....	223, 229
Streets under repair .....	224
U turns .....	224
Unattended vehicles .....	225
Unlicensed vehicles .....	232
Walking on streets and roadways .....	234
Traffic Ordinance .....	219
Trespassing .....	
Private property .....	168

## U

Utilities .....	206
Application for service .....	200
Backflow preventer at water meter .....	204
Billings .....	210
Conflicts with Code .....	214
Connections via open gutter .....	207
Construction involving public utilities .....	213
Deposits required .....	209
Destruction of systems .....	205
Discharges to sewerage system .....	207
Ditches opened for pipe to be closed .....	207
Double meters .....	207
Excavating streets .....	206
Excavation for pipe laying .....	213
Extension to areas not served .....	201
Failure to pay .....	210
Fees to be posted .....	211
Franchise agreements .....	213
Illegal and unmetered hookup .....	205
Illegal connection to .....	204
Illegal reconnection .....	205
Impact fees .....	214
Inspection of plumbing work .....	206
Installation of lines .....	213
No free service .....	210
Not furnished if indebted to town .....	201
Obstruction or abuse of utility lines .....	206
One applicant per application .....	200
Pollution of water supply .....	204
Prohibited acts not inclusive .....	208
Property owner responsible for installation .....	202
Public hearing .....	213
Rates and fees .....	209
Residential complexes .....	211
Right of entry for inspection .....	213
Separate water meters .....	211
Septic tanks .....	207

Sewer connections required .....	202
Sewer system connection required .....	208
Sprinkler systems .....	212
Tampering with meters .....	205
Tampering with water system .....	206
Tapping water main without permit .....	206
Unmetered service .....	211
Use assumed .....	201
Violations of sections .....	208
Water meters required .....	210

## V

Vacant lots	
Accumulations prohibited .....	119
Notice of summons .....	119
Summons for failure to maintain .....	119
Town to clean .....	119
Vacant lots, premises, land .....	119
Vehicles	
Abandoned vehicles .....	232
Accidents .....	226
Advertising from .....	224
Bicycles .....	See Bicycles
Boarding or alighting from .....	223
Damaging paved surfaces prohibited .....	224
Disabled vehicles .....	229
Driving on sidewalk prohibited .....	224
Failure to stop .....	229
Impoundment .....	232
Inoperable vehicles .....	232

Leaking or scattering load .....	223
Loads to be securely chained .....	224
Lower speeds may be required .....	225
Motorcycles .....	226
Records of impounded .....	233
Riding on municipal vehicles .....	226
Special hazards .....	225
Speed restrictions .....	225
Stop signs .....	229
U turns .....	224
Unattended .....	225
Unlicensed vehicles .....	232

## W

Water	
Connection guidelines .....	203
Connections required .....	203
Meters required .....	210
Meters separate .....	211
Residential complexes .....	211
Tapping main without permit .....	206
Water and Sewerage systems .....	200
Water hydrant usage requires deposit .....	203
Water rates .....	249
Water rationing .....	249
Weapons	
Carrying .....	162
Point pistol or gun at any person .....	171
Wells or open pits prohibited .....	156

CC&I Services LLC  
4795 S. Church St. Ext, STE  
2  
Roebuck, SC 29376 US  
864-586-6111  
jwillis@cciservicesllc.com  
cciservicesllc.com



Invoice 8867

**BILL TO**

Town of Yemassee  
Attn: Matthew Garnes  
101 Town Circle  
Yemassee, SC 29945-3363

DATE  
05/05/2023

PLEASE PAY  
\$2,550.00

DUE DATE  
06/04/2023

**PROJECT NAME**

Town of Yemassee Bldg Dept.

ACTIVITY	QTY	RATE	AMOUNT
<b>Building Department:BD BO</b> Building Official Services	1	1,000.00	1,000.00
			Subtotal: 1,000.00
<b>Building Department:BD</b> Inspection Services (4/10 - 4/14)	5	75.00	375.00
<b>Building Department:BD</b> Inspection Services (4/17 - 4/21)	5	75.00	375.00
<b>Building Department:BD</b> Inspection Services (4/24 - 4/28)	5	75.00	375.00
			Subtotal: 1,125.00
<b>Building Department:BD BO</b> Building Official Services - Ironline Metals Meeting - 4/18/2023	5	85.00	425.00
			Subtotal: 425.00

Services for 4/1/23 - 4/30/23

TOTAL DUE

**\$2,550.00**

THANK YOU.

Make all checks payable to CC&I Services, LLC. We thank you for your business!

**CODE OF ORDINANCES**  
**FOR THE TOWN OF**  
**YEMASSEE, SOUTH CAROLINA**

---

Published in 2023 by Order of the Town Council

---



---

[info@municode.com](mailto:info@municode.com) | 800.262.2633 | [www.municode.com](http://www.municode.com)

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	CD1:1
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.

© Copyrighted material.

Municode and the Town of Yemassee, South Carolina. 2023.



## TABLE OF CONTENTS

	Page
Officials of the Town at the Time of this Recodification . . . . .	iii
Current Officials (Reserved) . . . . .	v
Preface . . . . .	vii
Adopting Ordinance (Reserved)	

## CODE OF ORDINANCES

Chapter	
1. General Provisions . . . . .	CD1:1
2. Administration . . . . .	CD2:1
Art. I. In General . . . . .	CD2:5
Art. II. Meetings of Town Council . . . . .	CD2:10
Art. III. Municipal Elections . . . . .	CD2:15
Art. IV. Personnel . . . . .	CD2:17
Art. V. Clerk/Treasurer . . . . .	CD2:19
Art. VI. Municipal Attorney . . . . .	CD2:20
Art. VII. Boards, Commissions, and Committees . . . . .	CD2:20
Div. 1. Generally . . . . .	CD2:20
Div. 2. Shrimp Festival Committee . . . . .	CD2:21
Art. VIII. Planning, Land Use, Zoning . . . . .	CD2:21
Art. IX. Beautification Commission . . . . .	CD2:21
Art. X. Budget and Finance . . . . .	CD2:23
Art. XI. Purchasing . . . . .	CD2:26
3. Reserved . . . . .	CD3:1
4. Animals . . . . .	CD4:1
Art. I. In General . . . . .	CD4:3
Art. II. Animal Control . . . . .	CD4:3
Art. III. Specific to the Town of Yemassee . . . . .	CD4:23
5. Reserved . . . . .	CD5:1
6. Buildings and Building Regulations . . . . .	CD6:1
Art. I. In General . . . . .	CD6:3
Art. II. Administration . . . . .	CD6:3
Art. III. Codes . . . . .	CD6:6
Art. IV. Building and Property Numbers . . . . .	CD6:6
Art. V. Mobile Homes . . . . .	CD6:7



# YEMASSEE TOWN CODE

Chapter	Page
Art. VI. Fair Housing .....	CD6:9
7. Reserved .....	CD7:1
8. Businesses and Business Regulations .....	CD8:1
Art. I. In General .....	CD8:3
Art. II. Business Licensing .....	CD8:3
9. Reserved .....	CD9:1
10. Court .....	CD10:1
Art. I. In General .....	CD10:3
Art. II. Juries .....	CD10:5
11. Reserved .....	CD11:1
12. Environment and Health .....	CD12:1
Art. I. In General .....	CD12:3
Art. II. Vacant Lots, Premises, Land .....	CD12:3
Art. III. Toilet Facilities .....	CD12:4
Art. IV. Public Nuisances .....	CD12:5
13. Reserved .....	CD13:1
14. Fire Prevention .....	CD14:1
Art. I. In General .....	CD14:3
Art. II. Administration .....	CD14:3
Art. III. Prohibited Acts .....	CD14:4
Art. III. Fireworks .....	CD14:5
Art. IV. Open Burning .....	CD14:7
15. Reserved .....	CD15:1
16. Flood Damage Prevention .....	CD16:1
Art. I. In General .....	CD16:3
Art. II. Flood Damage Control .....	CD16:3
Div. 1. Generally .....	CD16:3
Div. 2. Definitions .....	CD16:5
Div. 3. Administration .....	CD16:11
Div. 4. Provisions for Flood Hazard Reduction .....	CD16:18
Div. 5. Variance Procedures .....	CD16:30
Div. 6. Legal Status Provisions .....	CD16:33
17. Reserved .....	CD17:1
18. Law Enforcement .....	CD18:1
Art. I. In General .....	CD18:3
Art. II. Interference .....	CD18:5
19. Reserved .....	CD19:1

## TABLE OF CONTENTS—Cont'd.

Chapter	Page
20. Offenses and Miscellaneous Provisions.....	CD20:1
Art. I. In General .....	CD20:5
Art. II. Ordinance Summons .....	CD20:5
Art. III. Alcoholic Beverages .....	CD20:6
Art. IV. Musical Devices, Entertainments. ....	CD20:6
Art. V. Offenses Against Morality, Decency and Public Wel- fare .....	CD20:7
Art. VI. Offenses Against the Peace; Public Policy .....	CD20:8
Art. VII. Offenses Against Property .....	CD20:11
Art. VIII. Offenses Against the Person .....	CD20:11
Art. IX. Parades .....	CD20:12
Art. X. Demonstration, Picketing .....	CD20:13
Art. XI. Regulation of Smoking .....	CD20:15
Art. XII. Soliciting, Postings, Advertising .....	CD20:17
Div. 1. Generally .....	CD20:17
Div. 2. Soliciting .....	CD20:17
Div. 3. Postings, Signs, Banners, Etc.....	CD20:18
Div. 4. Advertising. ....	CD20:18
21. Reserved.....	CD21:1
22. Parks and Recreation .....	CD22:1
Art. I. In General .....	CD22:3
Art. II. Recreation Committee.....	CD22:8
Art. III. Penalties. ....	CD22:9
23. Reserved.....	CD23:1
24. Solid Waste .....	CD24:1
25. Reserved.....	CD25:1
26. Streets and Sidewalks .....	CD26:1
Art. I. In General .....	CD26:3
Art. II. Unlawful Acts. ....	CD26:4
Art. III. Excavations .....	CD26:8
Art. IV. Littering .....	CD26:9
27. Reserved.....	CD27:1
28. Taxation .....	CD28:1
Art. I. In General .....	CD28:3
Art. II. Annual Taxes; Delinquent.....	CD28:3
Art. III. Local Hospitality Tax .....	CD28:3
Art. IV. Local Accommodations Tax .....	CD28:7
29. Reserved.....	CD29:1

# YEMASSEE TOWN CODE

Chapter	Page
30. Traffic and Vehicles.....	CD30:1
Art. I. In General .....	CD30:3
Art. II. Moving Traffic .....	CD30:3
Art. III. Parking, Standing, Stopping .....	CD30:4
Art. IV. Inoperable Vehicles .....	CD30:4
31. Reserved.....	CD31:1
32. Utilities.....	CD32:1
Art. I. In General .....	CD32:3
Art. II. Water and Sewer.....	CD32:3
Art. III. Prohibited Acts.....	CD32:4
Art. IV. Public Utility Construction .....	CD32:5
Code Comparative Table—2001 Code.....	CCT:1
Code Comparative Table—Legislation .....	CCT:5
State Law Reference Table.....	SLT:1
Code Index .....	CDi:1

## **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 curblin, 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\*

#### Article I. In General

- Sec. 2-1. Form of government.
- Sec. 2-2. Town council—Composition.
- Sec. 2-3. Town council—Terms.
- Sec. 2-4. Town council—Eligibility.
- Sec. 2-5. Compensation; increases; actual expenses.
- Sec. 2-6. Mayor; duties.
- Sec. 2-7. Mayor pro tempore; duties.
- Sec. 2-8. Oath of office; required.
- Sec. 2-9. Ordinances—Passing of.
- Sec. 2-10. Ordinances—Six days between readings; amendments.
- Sec. 2-11. Ordinances—Book of.
- Sec. 2-12. Ordinances—Notation of amendments or repeals; reference.
- Sec. 2-13. Ordinances—Enacting clause.
- Sec. 2-14. Ordinances—Required by state law.
- Sec. 2-15. Ordinances—Annual codification.
- Sec. 2-16. Ordinances—Form of; to be in writing and final form; to be signed.
- Sec. 2-17. Ordinances—Introduction; attorney approval; public inspection.
- Sec. 2-18. Ordinances—Final form before adoption.
- Sec. 2-19. Emergency ordinances—Expiration; reading; restrictions.
- Sec. 2-20. Emergency ordinances—State of emergency; powers of the mayor; curfew.
- Sec. 2-21. Resolutions—Introduction.
- Sec. 2-22. Resolutions—Adoption.
- Sec. 2-23. Fees; schedule of rates and fees.
- Secs. 2-24—2-49. Reserved.

#### Article II. Meetings of Town Council

- Sec. 2-50. Meetings—Regular; place.
- Sec. 2-51. Meetings—Special; work sessions.
- Sec. 2-52. Meetings—Notice of change.
- Sec. 2-53. Meetings—Open to public.
- Sec. 2-54. Meetings—Mayor to preside.
- Sec. 2-55. Agenda.
- Sec. 2-56. Appearance of citizens.
- Sec. 2-57. Minutes of town council meetings.
- Sec. 2-58. Quorum; required.
- Sec. 2-59. Rules of order; parliamentary.
- Sec. 2-60. Motions; to be in writing.
- Sec. 2-61. Unlawful to interrupt meetings.

\***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.

## YEMASSEE TOWN CODE

- Sec. 2-62. Order of business.
- Sec. 2-63. Voting.
- Sec. 2-64. Conduct of meetings; generally.
- Sec. 2-65. Motions—Not debatable.
- Sec. 2-66. Motions—Precedence during debate.
- Sec. 2-67. Motions—To reconsider.
- Sec. 2-68. Committees—Appointment; public hearings.
- Sec. 2-69. Committees—Reports.
- Sec. 2-70. Executive sessions.
- Secs. 2-71—2-98. Reserved.

### **Article III. Municipal Elections**

- Sec. 2-99. Election laws of the state to govern.
- Sec. 2-100. Municipal election commission established; terms.
- Sec. 2-101. Date of elections.
- Sec. 2-102. Voting hours; place.
- Sec. 2-103. Filing—Statement of candidacy; petitions.
- Sec. 2-104. Filing—Fees.
- Sec. 2-105. Oath.
- Sec. 2-106. Certification.
- Sec. 2-107. Public notice required.
- Sec. 2-108. Write-in votes.
- Sec. 2-109. Successors to be qualified.
- Sec. 2-110. When qualified; assuming office.
- Sec. 2-111. At-large; elections; political parties.
- Sec. 2-112. Nonpartisan plurality elections; runoffs; tie votes; contested results.
- Sec. 2-113. Vacancies.
- Sec. 2-114. Qualifications for voting.
- Secs. 2-115—2-141. Reserved.

### **Article IV. Personnel**

- Sec. 2-142. Authority to establish.
- Sec. 2-143. Chief administrative officer.
- Sec. 2-144. Appointment—Suspension.
- Sec. 2-145. Appointment—Compensation.
- Sec. 2-146. Resisting or interfering with officials or employees.
- Sec. 2-147. Duty to replace damaged property.
- Sec. 2-148. Duty to return property upon termination of employment.
- Sec. 2-149. Holidays.
- Sec. 2-150. Military.
- Sec. 2-151. Jury duty.
- Secs. 2-152—2-170. Reserved.

### **Article V. Clerk/Treasurer**

- Sec. 2-171. Appointment.
- Sec. 2-172. Bond; surety company; fee.
- Sec. 2-173. Duties.

## ADMINISTRATION

Sec. 2-174. Compensation.  
Secs. 2-175—2-201. Reserved.

### Article VI. Municipal Attorney

Sec. 2-202. Appointment; term of office; residence.  
Sec. 2-203. Duties.  
Sec. 2-204. Compensation.  
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.  
Sec. 2-275. Commission—Authority.  
Sec. 2-276. Commission—Similar ordinances.  
Secs. 2-277—2-318. Reserved.

### Article IX. Beautification Commission

Sec. 2-319. Commission created.  
Sec. 2-320. Membership terms; compensation.  
Sec. 2-321. Function and authority.  
Sec. 2-322. Meetings.  
Sec. 2-323. Reports.  
Sec. 2-324. Interference with commission.  
Sec. 2-325. Utility exemption.  
Sec. 2-326. Flowers; shrubs; trees.  
Secs. 2-327—2-355. Reserved.

### Article X. Budget and Finance

Sec. 2-356. Fiscal year.  
Sec. 2-357. Budget and accounting year.  
Sec. 2-358. Annual budget—Capital projects; tax rate; summary; clerk to notify county.  
Sec. 2-359. Annual budget—Contingent expenses.  
Sec. 2-360. Annual budget—Public hearing; public notice.  
Sec. 2-361. Annual budget—Public inspection.  
Sec. 2-362. Annual budget—Failure to adopt.  
Sec. 2-363. Annual budget—Appropriations shall lapse.  
Sec. 2-364. Annual budget—Financial requirements.



## YEMASSEE TOWN CODE

- Sec. 2-365. Disbursements to be by check; signatures.
- Sec. 2-366. Returned checks; fee.
- Sec. 2-367. Audit.
- Sec. 2-368. Borrowing revenues; by ordinance.
- Sec. 2-369. Emergency appropriations.
- Secs. 2-370—2-396. Reserved.

### **Article XI. Purchasing**

- Sec. 2-397. Purchasing agent—Designated.
- Sec. 2-398. Purchasing agents—Duties.
- Sec. 2-399. Financial interest of town officials and employees prohibited.
- Sec. 2-400. Equipment, supplies; recovered property; public auction.
- Sec. 2-401. Gifts and rebates.
- Sec. 2-402. Cooperative purchasing.
- Sec. 2-403. State purchasing.

**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; parliamentary.**

(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 parliamentary 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.
- Sec. 4-30. Animal cruelty and neglect.
- Sec. 4-31. Sale of animals, pets or livestock.
- Sec. 4-32. Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.
- Sec. 4-33. Impoundment.
- Sec. 4-34. Redemption.
- Sec. 4-35. Adoption.
- Sec. 4-36. Trapping.
- Sec. 4-37. Management of feral cat colonies.
- Sec. 4-38. Livestock.
- 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.
- Secs. 4-43—4-63. Reserved.

#### 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.

## YEMASSEE TOWN CODE

- 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.

## YEMASSEE TOWN CODE

### **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.



## YEMASSEE TOWN CODE

- 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 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 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](http://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.**

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 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.

## YEMASSEE TOWN CODE

- 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 facie 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](http://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.

<b>2001 Code Section</b>	<b>Section this Code</b>	<b>2001 Code Section</b>	<b>Section this Code</b>
1.201	1-1	2.202	2-51
1.202	1-2	2.203	2-52
1.203	1-3	2.204	2-53
1.204	1-4	2.205	2-54
1.205	1-5	2.206	2-55
1.206	1-6	2.207	2-56
1.207	1-7	2.208	2-57
1.208	1-8	2.209	2-58
1.209	1-9	2.210	2-59
1.210	1-10	2.211	2-60
1.211	1-11	2.212	2-61
1.212	1-12	2.213	2-62
1.213	1-13	2.214	2-63
1.214	1-14	2.215	2-64
1.215	1-15	2.216	2-65
2.101	2-1	2.217	2-66
2.102	2-2	2.218	2-67
2.103	2-3	2.219	2-68
2.104	2-4	2.220	2-69
2.105	2-5	2.221	2-70
2.106	2-6	2.301	2-99
2.107	2-7	2.302	2-100
2.108	2-8	2.303	2-101
2.109	2-9	2.304	2-102
2.110	2-10	2.305	2-103
2.111	2-11	2.306	2-104
2.112	2-12	2.307	2-105
2.113	2-13	2.308	2-106
2.114	2-14	2.309	2-107
2.115	2-15	2.310	2-108
2.116	2-16	2.311	2-109
2.117	2-17	2.312	2-110
2.118	2-18	2.313	2-111
2.119	2-19	2.314	2-112
2.120	2-20	2.315	2-113
2.121	2-21	2.316	2-114
2.122	2-22	2.401	2-142
2.123	2-23	2.402	2-143
2.201	2-50	2.403	2-144



# YEMASSEE TOWN CODE

<b>2001 Code Section</b>	<b>Section this Code</b>	<b>2001 Code Section</b>	<b>Section this Code</b>
2.404	2-145	7.105	10-5
2.405	2-146	7.106	10-6
2.406	2-147	7.107	10-7
2.407	2-148	7.108	10-8
2.408	2-149	7.109	10-9
2.409	2-150	7.110	10-10
2.410	2-151	7.111	10-11
2.501	2-171	7.112	10-12
2.502	2-172	7.113	10-13
2.503	2-173	7.114	10-14
2.504	2-174	7.201	10-34
2.601	2-202	7.202	10-35
2.602	2-203	7.203	10-36
2.603	2-204	7.204	10-37
4.101	2-319	7.205	10-38
4.102	2-320	7.206	10-39
4.103	2-321	7.207	10-40
4.104	2-322	8.101	2-356
4.105	2-323	8.102	2-357
4.106	2-324	8.103	2-358
4.107	2-325	8.104	2-359
4.108	2-326	8.105	2-360
5.101	6-19	8.106	2-361
5.102	6-20	8.107	2-362
5.103	6-21	8.108	2-363
5.104	6-22	8.109	2-364
5.105	6-23	8.110	2-365
5.106	6-24	8.111	2-366
5.107	6-25	8.112	2-367
5.108	6-26	8.113	2-368
5.109	6-27	8.201	28-19
5.110	6-28	8.202	28-21
5.201	6-49	8.401	2-397
5.301	6-72	8.402	2-398
5.302	6-73	8.403	2-399
5.401	6-105	8.404	2-400
5.402	6-106	8.405	2-401
5.403	6-107	8.406	2-402
5.404	6-108	8.407	2-403
5.405	6-109	8.502	8-1
5.406	6-110	8.503	8-2
5.501	6-134	9.101	14-19
5.502	6-135	9.106	14-20
5.701	2-274	9.107	14-21
5.702	2-275	9.108	14-22
5.703	2-276	9.109	14-23
7.101	10-1	9.201	14-52
7.102	10-2	9.202	14-53
7.103	10-3	9.203	14-54
7.104	10-4	9.204	14-55

# CODE COMPARATIVE TABLE

<b>2001 Code Section</b>	<b>Section this Code</b>	<b>2001 Code Section</b>	<b>Section this Code</b>
9.205	14-56	13.113	18-7
9.206	14-57	13.114	18-8
9.207	14-58	13.115	18-9
9.208	14-59	13.116	18-10
9.209	14-60	13.208	18-11
9.401	14-102	13.301	18-45
9.402	14-103	13.303	18-46
9.403	14-104	13.304	18-47
9.404	14-105	13.305	18-48
9.405	14-106	13.307	18-49
9.406	14-107	13.308	18-50
9.407	14-108	13.309	18-51
9.408	14-109	13.310	18-52
9.409	14-110	13.311	18-53
10.103	12-1	14.101	20-19
10.104	12-2	14.308	20-42
10.105	12-3	14.315	20-43
10.106	12-4	14.402	20-75
10.107	24-1	14.405	20-76
10.201	12-27	14.603	20-96
10.202	12-28	14.610	20-97
10.203	12-29	14.612	20-98
10.204	12-30	14.701	20-126
10.401	12-49	14.704	20-127
10.402	12-50	14.707	20-128
10.403	12-51	14.709	20-129
12.101	22-1	14.711	20-130
12.102	22-2	14.809	20-159
12.103	22-3	14.810	20-160
12.104	22-4	14.813	20-161
12.105	22-5	14.901	20-191
12.106	22-6	14.1001	20-221
12.107	22-7	14.1002	20-222
12.108	22-8	14.1003	20-223
12.109	22-9	14.1004	20-224
12.110	22-10	14.1005	20-225
12.111	22-11	14.1101	20-244
12.112	22-12	14.1102	20-245
12.113	22-13	14.1103	20-246
12.114	22-14	14.1104	20-247
12.115	22-18	14.1202	20-1
12.116	22-19	15.101	20-315
12.118	22-20	15.102	20-316
12.201	22-69	15.103	20-317
13.101	18-1	15.201	20-338
13.102	18-2	15.203	20-339
13.103	18-3	15.303	20-369
13.104	18-4	15.304	20-370
13.107	18-5	16.101	26-1
13.108	18-6	16.102	26-2

## YEMASSEE TOWN CODE

<b>2001 Code Section</b>	<b>Section this Code</b>
16.103	26-3
16.104	26-4
16.105	26-5
16.106	26-6
16.201	26-31
16.202	26-32
16.203	26-33
16.204	26-34
16.205	26-35
16.206	26-36
16.208	26-37
16.209	26-38
16.210	26-39
16.212	26-40
16.214	26-41
16.215	26-42
16.216	26-43
16.217	26-44
16.218	26-45
16.219	26-46
16.220	26-47
16.221	26-48
16.222	26-49
16.223	26-50
16.224	26-51
16.225	26-52
16.301	26-78
16.302	26-79
16.303	26-80
16.304	26-81
16.305	26-82
16.401	26-108
16.402	26-109
16.403	26-110
17.101	32-19
17.108	32-20
17.201	32-44
17.203	32-45
17.206	32-46
17.207	32-47
17.214	32-48
17.401	32-70
18.101	30-1
18.102	30-2
18.202	30-23
18.204	30-24
18.223	30-25
18.501	30-80
18.502	30-81
18.503	30-82

## CODE COMPARATIVE TABLE

### LEGISLATION

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

<b>Legislation</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
Ord. No. 111406	11-14-2006	art. I	28-50
		art. II	28-51
		art. III	28-52
		art. IV	28-53
		art. V	28-54
		art. VI	28-55
		art. VII	28-56
		art. VIII	28-57
		art. IX	28-58
		art. X	28-59
		art. XI	28-60
Ord. of 2-23-2007	2-23-2007	1	12-76
		2	12-77
		3	12-78
		4	12-79
		5	12-80
		6	12-81
		7	12-82
		8	12-83
		10	12-84
		11	12-85
		12	12-86
		13	12-87
		15	12-88
Ord. No. 0708-2013	7-9-2013	1	20-275
		2	20-276
		4	20-278
		5	20-279
		6	20-280
		7	20-281
		8	20-282
		9	20-283
Ord. No. 20130814	8-14-2013	1	14-134
		2	14-135
		3	14-136
		4	14-137
		5	14-138
		6	14-139
		7	14-140
		8	14-141
		9	14-142

# YEMASSEE TOWN CODE

Legislation	Date	Section	Section this Code
Ord. No. 2015-05	12-21-2015	10	14-143
		1	28-79
		2	28-80
		3	28-81
		4	28-82
Ord. No. 2.105	5-9-2017	5	28-83
		1	2-5
		1	2-104
		1	2-397
		1	2-103
Ord. of 2019	2019	1	2-103
Ord. of 3-5-2019	3-5-2019	1	2-103
Ord. of 2-15-2021	2-15-2021	5.602	16-19
		5.603	16-20
		5.604	16-21
		5.605	16-22
		5.606	16-23
		5.607	16-24
		5.609	16-25
		5.610	16-26
		5.611	16-56
		5.612	16-86
		5.613	16-87
		5.614	16-88
		5.615	16-89
		5.616	16-90
		5.617	16-109
		5.618	16-110
		5.619	16-111
		5.620	16-112
		5.621	16-113
		5.622	16-114
		5.623	16-142
		5.624	16-143
		5.625	16-144
		5.626	16-145
		5.627	16-146
		5.628	16-147, 16-148
		5.629	16-149
		5.631	16-150
		5.632	16-169
		5.633	16-170
Ord. No. 21-13	5-11-2021	exh. A(5.101)	6-19
		exh. A(5.103)	6-21
		exh. A(5.105)	6-23
		exh. A(5.106)	6-24
		exh. A(5.108)	6-26
		exh. A(5.109)	6-27
		exh. A(5.110)	6-28
		exh. A(5.111)	6-29
		exh. A(5.112)	6-30
		exh. A(5.201)	6-49

# CODE COMPARATIVE TABLE

Legislation	Date	Section	Section this Code
Ord. No. 21-14	6-8-2021	exh. A(5.302)	6-73
		exh. A(5.403)	6-107
		exh. A(5.404)	6-108
		exh. A(5.405)	6-109
		exh. A(5.406)	6-110
		exh. A(5.501)	6-134
		exh. A(5.701)	2-274
		exh. A(5.702)	2-275
		12.101	22-1
		12.102	22-2
		12.103	22-3
		12.104	22-4
		12.105	22-5
		12.106	22-6
		12.107	22-7
		12.108	22-8
		12.109	22-9
		12.110	22-10
		12.111	22-11
		12.112	22-12
		12.113	22-13
		12.114	22-14
		12.115	22-15
		12.116	22-16
		12.117	22-17
		12.118	22-18
		12.119	22-19
		12.120	22-20
		12.121	22-21
		12.122	22-22
		12.201	22-69
Ord. No. 21-20	12-20-2021	1	8-19
		2	8-20
		3	8-21
		4	8-22
		5	8-23
		6	8-24
		7	8-25
		8	8-26
		9	8-27
		10	8-28
		11	8-29
		12	8-30
		13	8-31
		14	8-32
		15	8-33
		16	8-34
		17	8-35
		18	8-36
		19	8-37

# YEMASSEE TOWN CODE

Legislation	Date	Section	Section this Code
Ord. No. 22-13	9-13-2022	21	8-38
		1(3.201)	4-21
		1(3.202)	4-22
		1(3.203)	4-23
		1(3.204)	4-24
		1(3.205)	4-25
		1(3.206)	4-26
		1(3.207)	4-27
		1(3.208)	4-28
		1(3.209)	4-29
		1(3.210)	4-30
		1(3.211)	4-31
		1(3.212)	4-32
		1(3.213)	4-33
		1(3.214)	4-34
		1(3.215)	4-35
		1(3.216)	4-36
		1(3.217)	4-37
		1(3.218)	4-38
		1(3.219)	4-39
		1(3.220)	4-40
		1(3.221)	4-41
		1(3.222)	4-42
		1(3.301)	4-64
		1(3.302)	4-65
		1(3.303)	4-66
		1(3.304)	4-67
		1(3.305)	4-68
		1(3.306)	4-69
Ord. No. 23-08	3-14-2023	1(12.201)	22-48
		1(12.202)	22-49
		1(12.203)	22-50
		1(12.204)	22-51
		1(12.205)	22-52
		1(12.206)	22-53

## STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to S.C. Code of Laws, 1976 (S.C. Code 1976).

<b>S.C. Code 1976 Section</b>	<b>Section this Code</b>	<b>S.C. Code 1976 Section</b>	<b>Section this Code</b>
5-7-10 et seq.	Ch. 2 (note)	14-25-5 et seq.	Ch. 10 (note)
5-7-30	Ch. 18 (note)	14-25-15	Ch. 10 (note)
—	Ch. 26 (note)	14-25-35	Ch. 10 (note)
—	Ch. 28, Art. II	14-25-45	1-5
5-7-90	Ch. 10 (note)	—	Ch. 10 (note)
5-7-110	Ch. 18 (note)	14-25-65	Ch. 10 (note)
5-7-220	Ch. 2, Art. V	14-25-75	Ch. 10 (note)
5-7-230	2-202	14-25-94	Ch. 10 (note)
5-7-250	Ch. 2, Art. II	14-25-105	Ch. 10 (note)
5-7-250(b)	Ch. 2, Art. II	14-25-115	Ch. 10 (note)
5-7-300	Ch. 28, Art. II	14-25-125	Ch. 10 (note)
5-9-10	2-6	14-25-135	Ch. 10 (note)
5-15-10 et seq.	Ch. 2, Art. III	14-25-165	Ch. 10 (note)
5-15-61	2-112	14-25-165 et seq.	10-37
5-21-110	Ch. 28, Art. II	14-25-185	Ch. 10 (note)
5-25-10 et seq.	Ch. 6 (note)	title 16	Ch. 20 (note)
5-25-20	Ch. 14 (note)	23-28-20	Ch. 18 (note)
5-31-810	Ch. 32 (note)	23-31-510	Ch. 20 (note)
5-31-900	Ch. 32 (note)	23-31-520	Ch. 20 (note)
5-31-2030	Ch. 32 (note)	23-35-10	14-106
6-1-80	2-360	23-35-60	Ch. 14 (note)
6-1-300 et seq.	Ch. 28, Art. II	23-36-150	Ch. 14 (note)
6-1-410	8-29	30-4-1 et seq.	Ch. 2 (note)
—	8-34	30-4-80	2-50
6-1-700 et seq.	28-50	31-15-10 et seq.	Ch. 6 (note)
6-9-10 et seq.	Ch. 6 (note)	title 38, ch. 7	8-20
6-9-65(B)	Ch. 6 (note)	—	8-29
6-9-80	Ch. 6 (note)	—	8-34
6-9-130	Ch. 6 (note)	38-7-20	8-20
6-20-1110	Ch. 2, Art. VIII	title 38, ch. 45	8-20
6-21-40	Ch. 32 (note)	—	8-29
6-21-50	Ch. 32 (note)	—	8-34
6-21-80	Ch. 32 (note)	44-55-210	12-49
6-29-310 et seq.	Ch. 2, Art. VIII	title 47	Ch. 4 (note)
6-29-710	Ch. 2, Art. VIII	47-3-20	Ch. 4 (note)
6-29-720	Ch. 2, Art. VIII	—	4-21
6-29-780	Ch. 2, Art. VIII	—	4-42
7-7-10 et seq.	Ch. 2, Art. III	47-3-70	Ch. 4 (note)
8-7-90	2-150	47-3-540	4-33
8-13-100	Ch. 2 (note)	47-3-710 et seq.	Ch. 4 (note)
title 12	Ch. 28, Art. II	47-5-10 et seq.	Ch. 4 (note)
12-51-40 et seq.	Ch. 28, Art. II	48-35-10	14-136, 14-137



## YEMASSEE TOWN CODE

<b>S.C. Code 1976 Section</b>	<b>Section this Code</b>
title 51, ch. 15	Ch. 4 (note)
title 56	Ch. 30 (note)
—	30-2
56-3-1965	Ch. 30 (note)
title 56, ch. 5	Ch. 10 (note)
56-5-10 et seq.	Ch. 30, Art. II
56-5-30	Ch. 30 (note)
56-5-510—56-5-5950	12-78
56-5-710	Ch. 30 (note)
56-5-710(1)	Ch. 30 (note)
56-5-710(8)	Ch. 30 (note)
56-5-1360	Ch. 30 (note)
56-5-1520	Ch. 30 (note)
56-5-1540	Ch. 30 (note)
56-5-3120	Ch. 30 (note)
56-5-6150	Ch. 10 (note)
57-7-20	Ch. 26 (note)
57-7-210	Ch. 26 (note)
title 61, ch. 6	Ch. 10 (note)
61-6-4500	Ch. 10 (note)

## CODE INDEX

	Section
<b>A</b>	
<b>ABANDONMENT</b>	
Animals	
Animal control	
Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.....	4-32
<b>ABATEMENT</b>	
Animals	
Specific to the town of Yemassee	
Nuisances; failure to abate .....	4-66
Environment and health.....	12-81 et seq.
See: ENVIRONMENT AND HEALTH	
<b>ADMINISTRATION</b>	
Beautification commission .....	2-319 et seq.
See: BEAUTIFICATION COMMISSION	
Budget and finance.....	2-356 et seq.
See: BUDGET AND FINANCE	
Buildings and building regulations.....	6-19 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
Businesses and business regulations.....	8-1 et seq.
See: BUSINESSES AND BUSINESS REGULATIONS	
Clerk/treasurer .....	2-171 et seq.
See: CLERK/TREASURER	
Compensation; increases; actual expenses .....	2-5
Fees; schedule of rates and fees .....	2-23
Fire prevention .....	14-19 et seq.
See: FIRE PREVENTION	
Flood damage prevention .....	16-86 et seq.
See: FLOOD DAMAGE PREVENTION	
Form of government .....	2-1
Mayor pro tempore; duties.....	2-7
Mayor; duties.....	2-6
Meetings of town council .....	2-50 et seq.
See: MEETINGS OF TOWN COUNCIL	
Municipal attorney.....	2-202 et seq.
See: MUNICIPAL ATTORNEY	
Municipal elections.....	2-99 et seq.
See: MUNICIPAL ELECTIONS	
Oath of office; required .....	2-8
Ordinances	
Annual codification.....	2-15
Book of .....	2-11

## YEMASSEE TOWN CODE

	Section
<b>ADMINISTRATION (Cont'd.)</b>	
Emergency ordinances	
Expiration; reading; restrictions.....	2-19
State of emergency; powers of the mayor; curfew.....	2-20
Enacting clause .....	2-13
Final form before adoption.....	2-18
Form of; to be in writing and final form; to be signed.....	2-16
Introduction; attorney approval; public inspection.....	2-17
Notation of amendments or repeals; reference .....	2-12
Passing of .....	2-9
Required by state law .....	2-14
Six days between readings; amendments.....	2-10
Personnel .....	2-142 et seq.
See: PERSONNEL	
Planning, land use, zoning .....	2-274 et seq.
See: PLANNING, LAND USE, ZONING	
Purchasing.....	2-397 et seq.
See: PURCHASING	
Resolutions	
Adoption .....	2-22
Introduction .....	2-21
Town council	
Composition .....	2-2
Eligibility .....	2-4
Terms .....	2-3
<b>ADVERTISING</b>	
Offenses and miscellaneous provisions.....	20-159 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Parks and recreation	
Bills, posters and advertising.....	22-7
<b>AGRICULTURE</b>	
Flood damage prevention	
Flood damage control	
Variance procedures	
Agricultural structures.....	16-146
<b>ALARM SYSTEMS</b>	
Fire prevention	
Administration	
Responding to alarms; right-of-way.....	14-22
Prohibited acts	
False alarms .....	14-52

## CODE INDEX

	Section
<b>ALCOHOLIC BEVERAGES</b>	
Offenses and miscellaneous provisions .....	20-42 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Parks and recreation	
Intoxicating liquors; disorderly conduct, etc.; drugs.....	22-9
<b>AMUSEMENTS AND ENTERTAINMENTS</b>	
Offenses and miscellaneous provisions	
Musical devices, entertainments	
Carnivals and street shows prohibited without permit .....	20-76
Musical devices; operated loudly .....	20-75
<b>ANIMALS</b>	
Animal control	
Adoption .....	4-35
Animal cruelty and neglect .....	4-30
Authority for and enactment of chapter .....	4-21
County pet license; rabies vaccination tags .....	4-23
Dangerous animals .....	4-27
Declaration of restricted dog, appeal of breed determination...	4-25
Definitions .....	4-22
Enforcement and penalties.....	4-42
Importation of exotic animals prohibited .....	4-39
Impoundment.....	4-33
Interference with a BCAS officer .....	4-41
Lifetime/annual pet license issuance, fees, and exemptions .....	4-24
Livestock.....	4-38
Management of feral cat colonies .....	4-37
Nuisance pets or livestock .....	4-29
Pet breeder license, inspection and fees .....	4-26
Rabies Control Act (S.C. Code 1976, § 47-5-10) .....	4-40
Redemption.....	4-34
Running at large .....	4-28
Sale of animals, pets or livestock .....	4-31
Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock .....	4-32
Trapping .....	4-36
Specific to the town of Yemassee	
Driving and racing.....	4-64
Farm lands; swamps excluded .....	4-68
Nuisances; failure to abate.....	4-66
Slaughterhouses .....	4-69
Swine, livestock prohibited from town, exceptions .....	4-65
Wild bird sanctuary established.....	4-67

## YEMASSEE TOWN CODE

	Section
<b>APPEALS</b>	
Animals	
Animal control	
Declaration of restricted dog, appeal of breed determination	4-25
Buildings and building regulations	
Administration.....	6-28
Businesses and business regulations	
Business licensing	
Appeals to council or its designee .....	8-34
Assessments, payment under protest, appeal.....	8-29
Environment and health	
Public nuisances	
Right to appeal.....	12-85
Flood damage prevention	
Flood damage control	
Variance procedures	
Establishment of appeal board .....	16-142
Right to appeal .....	16-143
Offenses and miscellaneous provisions	
Demonstration, picketing.....	20-247
Soliciting, postings, advertising	
Soliciting .....	20-317
Streets and sidewalks	
Unlawful acts .....	26-52
<b>AREA</b>	
Flood damage prevention	
Flood damage control	
Provisions for flood hazard reduction	
Coastal high hazard areas (V-zones).....	16-114
Standards for areas of shallow flooding (AO zones) .....	16-113
Offenses and miscellaneous provisions	
Offenses against the peace; public policy	
Crime watch area; town designated .....	20-128
Parks and recreation	
Entering closed areas .....	22-15
<b>ARRESTS</b>	
Law enforcement	
Interference	
Resisting officer making arrest .....	18-47
<b>ASSAULT AND BATTERY</b>	
Law enforcement	

## CODE INDEX

	Section
<b>ASSAULT AND BATTERY (Cont'd.)</b>	
Interference	
Assaulting officer .....	18-48
Offenses and miscellaneous provisions	
Offenses against the person .....	20-191
<b>ATTORNEYS. See: MUNICIPAL ATTORNEY</b>	
<b>AUDITS</b>	
Budget and finance	
Audit .....	2-367
Businesses and business regulations	
Business licensing	
Inspection and audits .....	8-28
Taxation	
Local hospitality tax	
Inspections and audits .....	28-58
<b>B</b>	
<b>BEAUTIFICATION COMMISSION</b>	
Commission created .....	2-319
Flowers; shrubs; trees .....	2-326
Function and authority .....	2-321
Interference with commission .....	2-324
Meetings .....	2-322
Membership terms; compensation .....	2-320
Reports .....	2-323
Utility exemption .....	2-325
<b>BOARDS, COMMISSIONS AND COMMITTEES</b>	
Beautification commission .....	2-319 et seq.
See: BEAUTIFICATION COMMISSION	
Court	
Juries	
Jury commissioners; town council may act .....	10-34
Meetings of town council	
Committees	
Appointment; public hearings .....	2-68
Reports .....	2-69
Municipal elections	
Municipal election commission established; terms .....	2-100
Parks and recreation .....	22-48 et seq.
See: PARKS AND RECREATION	

## YEMASSEE TOWN CODE

	Section
<b>BOARDS, COMMISSIONS AND COMMITTEES (Cont'd.)</b>	
Planning, land use, zoning .....	2-274 et seq.
See: PLANNING, LAND USE, ZONING	
<b>BOATS, DOCKS AND WATERWAYS</b>	
Parks and recreation	
Unsafe conduct in park waterways .....	22-21
<b>BONDS, SURETY OR PERFORMANCE</b>	
Clerk/treasurer	
Bond; surety company; fee.....	2-172
Law enforcement .....	18-3 et seq.
See: LAW ENFORCEMENT	
Streets and sidewalks	
Excavations	
Permission required; bond required .....	26-78
<b>BUDGET AND FINANCE</b>	
Annual budget	
Appropriations shall lapse .....	2-363
Capital projects; tax rate; summary; clerk to notify county .....	2-358
Contingent expenses .....	2-359
Failure to adopt.....	2-362
Financial requirements .....	2-364
Public hearing; public notice.....	2-360
Public inspection.....	2-361
Audit .....	2-367
Borrowing revenues; by ordinance .....	2-368
Budget and accounting year.....	2-357
Disbursements to be by check; signatures.....	2-365
Emergency appropriations .....	2-369
Fiscal year .....	2-356
Returned checks; fee .....	2-366
<b>BUILDINGS AND BUILDING REGULATIONS</b>	
Administration	
Appeals .....	6-28
Authority of inspectors .....	6-19
Homeowner's provisions.....	6-21
Liability not assumed by town.....	6-22
Ordinary repairs, maintenance authorized .....	6-20
Permits; application required .....	6-30
Public projects; application required.....	6-29
Smoke-free municipal building .....	6-27
Unfit dwellings.....	6-25

## CODE INDEX

	Section
<b>BUILDINGS AND BUILDING REGULATIONS (Cont'd.)</b>	
Unsafe buildings	
Notice to remove/correct; summons ordinance .....	6-24
Repairs; failure to repair .....	6-23
Utility connections.....	6-26
Building and property numbers	
Numbers required for buildings and property	
Assigned.....	6-73
General.....	6-72
Codes	
Authority and enforcement .....	6-49
Environment and health	
Toilet facilities	
Building contracts to provide for waste disposal .....	12-51
Fair housing	
Month designated.....	6-134
Program; minimum elements .....	6-135
Fire prevention .....	14-20 et seq.
See: FIRE PREVENTION	
Flood damage prevention	
Flood damage control	
Legal status provisions	
Effect upon outstanding building permits .....	16-170
Mobile homes	
Definitions .....	6-106
General provisions.....	6-109
Mobile home courts prohibited; exception .....	6-108
Mobile home requirements .....	6-110
Purpose and intent of this article.....	6-105
Requests .....	6-107
<b>BUSINESSES AND BUSINESS REGULATIONS</b>	
Administration; enforcement.....	8-1
Business licensing	
Administration of article .....	8-27
Appeals to council or its designee .....	8-34
Assessments, payment under protest, appeal .....	8-29
Business license tax, refund.....	8-22
Classification and rates .....	8-38
Confidentiality.....	8-36
Consent, franchise, or license required for use of streets .....	8-35
Deductions, exemptions, and charitable organizations .....	8-24
Definitions .....	8-20



## YEMASSEE TOWN CODE

	Section
<b>BUSINESSES AND BUSINESS REGULATIONS (Cont'd.)</b>	
Delinquent license taxes, partial payment .....	8-30
Denial of license .....	8-32
Display and transfer .....	8-26
False application unlawful .....	8-25
Inspection and audits .....	8-28
License required .....	8-19
Notices .....	8-31
Purpose and duration .....	8-21
Registration required .....	8-23
Suspension or revocation of license .....	8-33
Violations .....	8-37
Yard sales; no fee required .....	8-2
 <b>C</b>	
<b>CERTIFICATES, CERTIFICATION</b>	
Flood damage prevention	
Flood damage control	
Administration	
Development permit and certification requirements .....	16-88
Municipal elections	
Certification .....	2-106
 <b>CIVIL EMERGENCIES</b>	
Administration	
Ordinances	
Emergency ordinances	
Expiration; reading; restrictions .....	2-19
State of emergency; powers of the mayor; curfew .....	2-20
Budget and finance	
Emergency appropriations .....	2-369
Fire prevention	
Administration	
Right of entry during emergencies .....	14-21
Law enforcement	
Emergencies; other political subdivisions; assistance .....	18-7
 <b>CLERK/TREASURER</b>	
Appointment .....	2-171
Bond; surety company; fee .....	2-172
Compensation .....	2-174
Duties .....	2-173

## CODE INDEX

	Section
<b>CODE OF ORDINANCES*</b>	
Altering Code .....	1-12
Amendments to Code .....	1-11
Catchlines or catchwords of sections.....	1-4
Certain ordinances not affected by Code adoption .....	1-16
Corporate limits established.....	1-14
Definitions .....	1-5
Effect of repeal or expiration of ordinance .....	1-10
General penalty; continuing violations.....	1-7
How Code designated and cited.....	1-1
Liability of corporations, etc., and agents for violations.....	1-8
Municipal seal.....	1-15
Offenses beyond town limits .....	1-9
Prosecution where different penalties exist for same offense .....	1-13
Provisions considered as continuation of existing ordinances .....	1-2
Rules of construction .....	1-6
Severability of parts of Code.....	1-3
 <b>CONTRACTS AND AGREEMENTS</b>	
Environment and health	
Toilet facilities	
Building contracts to provide for waste disposal .....	12-51
 <b>CONTROLLED SUBSTANCES</b>	
Parks and recreation	
Intoxicating liquors; disorderly conduct, etc.; drugs.....	22-9
 <b>COURT</b>	
Buildings and building regulations	
Mobile homes	
Mobile home courts prohibited; exception.....	6-108
Civil matters.....	10-3
Clerk of court; records .....	10-14
Fines to be deposited in general fund .....	10-13
Judge	
Acting judge	
General.....	10-7
Qualifications .....	10-8
Appointment; term; oath .....	10-4
Compensation .....	10-5
Residency .....	10-6

---

**\*Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

## YEMASSEE TOWN CODE

	Section
<b>COURT (Cont'd.)</b>	
Juries	
Juror compensation .....	10-40
Jury box; compartments .....	10-35
Jury commissioners; town council may act .....	10-34
Jury list; computer generated .....	10-36
Refusal to appear	
As defendant .....	10-39
As juror .....	10-38
Single trials; trial terms; etc. ....	10-37
Jurisdiction; contempt .....	10-2
Municipal court .....	10-1
Restriction of judge to practice in his court .....	10-9
Rules of procedure .....	10-12
Sessions of the court .....	10-10
Suspended sentences; public service .....	10-11
 <b>CURBS AND GUTTERS</b>	
Streets and sidewalks	
Unlawful acts	
Curbs; breaking, destroying prohibited; permission required, entrance to property .....	26-41
 <b>CURFEW</b>	
Administration	
Ordinances	
Emergency ordinances	
State of emergency; powers of the mayor; curfew .....	2-20
Offenses and miscellaneous provisions	
Offenses against the peace; public policy .....	20-130
 <b>D</b> 	
<b>DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.</b>	
Flood damage prevention .....	16-19 et seq.
See: FLOOD DAMAGE PREVENTION	
Offenses and miscellaneous provisions	
Offenses against property	
Fences; removing, destroying or leaving down .....	20-161
Parks and recreation	
Injury to	
Shrubbery, flowers, etc. ....	22-4
Structures or personality .....	22-5

## CODE INDEX

	Section
<b>DAMAGE, DEFACEMENT, DESTRUCTION, INJURY, ETC.</b>	
(Cont'd.)	
Personnel	
Duty to	
Replace damaged property .....	2-147
Streets and sidewalks	
Unlawful acts	
Curbs; breaking, destroying prohibited; permission required, entrance to property .....	26-41
Utilities	
Prohibited acts	
Destruction, defacement, etc.; unlawful .....	32-47
<b>DISTRIBUTION</b>	
Offenses and miscellaneous provisions	
Soliciting, postings, advertising	
Soliciting	
Use of streets for sales and distribution prohibited .....	20-316
<b>DISTRICTS</b>	
Fire prevention	
Administration	
Fire district provisions designated .....	14-19
<b>DRAINAGE</b>	
Fire prevention	
Open burning	
Prohibition on open burning in town-maintained drainage ditches and on town-maintained roads and rights-of-way .....	14-140
Streets and sidewalks .....	26-44 et seq.
See: STREETS AND SIDEWALKS	

## E

ELECTIONS. See: MUNICIPAL ELECTIONS

## EMERGENCIES

Administration	
Ordinances	
Emergency ordinances	
Expiration; reading; restrictions .....	2-19
State of emergency; powers of the mayor; curfew .....	2-20
Budget and finance	
Emergency appropriations .....	2-369

# YEMASSEE TOWN CODE

	Section
EMERGENCIES (Cont'd.)	
Fire prevention	
Administration	
Right of entry during emergencies .....	14-21
Law enforcement	
Emergencies; other political subdivisions; assistance .....	18-7
ENTRY	
Animals	
Animal control	
Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock. ....	4-32
Fire prevention	
Administration	
Right of entry during emergencies .....	14-21
ENVIRONMENT AND HEALTH	
Debris removal .....	12-2
Odors; unwholesome; offensive; unlawful .....	12-1
Public nuisances	
Abatement	
By town .....	12-83
Procedure/compliance order .....	12-82
Definitions .....	12-77
Exemptions .....	12-84
Limitation of liability .....	12-88
Procedure .....	12-86
Provisions .....	12-87
Public nuisance	
Declared .....	12-79
General .....	12-76
Responsibility for property maintenance .....	12-80
Right to	
Appeal .....	12-85
Enter property to inspect or abate .....	12-81
Unlawful property nuisance .....	12-78
Putrescible matter not to be as used as fill .....	12-3
Removal of accumulations of deleterious matter .....	12-4
Toilet facilities	
Building contracts to provide for waste disposal .....	12-51
Disposal of human excrement .....	12-50
Pit privy defined; declared unlawful .....	12-49

## CODE INDEX

	Section
<b>ENVIRONMENT AND HEALTH (Cont'd.)</b>	
Vacant lots, premises, land	
Accumulations	
Failure to clean declared a misdemeanor; penalty .....	12-30
How summons given .....	12-29
Prohibited .....	12-27
Summons for failure to maintain lots .....	12-28
<b>EXCAVATIONS</b>	
Streets and sidewalks .....	26-78 et seq.
See: STREETS AND SIDEWALKS	
<b>F</b>	
<b>FALSE ALARMS</b>	
Fire prevention	
Prohibited acts .....	14-52
<b>FARMING, FARMS</b>	
Animals	
Specific to the town of Yemassee	
Farm lands; swamps excluded .....	4-68
<b>FEES, CHARGES AND RATES</b>	
Administration	
Fees; schedule of rates and fees .....	2-23
Animals	
Animal control	
Lifetime/annual pet license issuance, fees, and exemptions ...	4-24
Pet breeder license, inspection and fees .....	4-26
Businesses and business regulations	
Business licensing	
Classification and rates .....	8-38
Municipal elections	
Filing	
Fees .....	2-104
Solid waste	
Garbage collection fees .....	24-1
<b>FENCES, WALLS, HEDGES AND ENCLOSURES</b>	
Offenses and miscellaneous provisions	
Offenses against property	
Fences; removing, destroying or leaving down .....	20-161
Streets and sidewalks	
Unlawful acts	
Fences; repairs .....	26-47

# YEMASSEE TOWN CODE

	Section
FINANCE. See: BUDGET AND FINANCE	
FINES, FORFEITURES AND OTHER PENALTIES	
Animals	
Animal control	
Enforcement and penalties .....	4-42
Code of ordinances	
General penalty; continuing violations .....	1-7
Prosecution where different penalties exist for same offense.....	1-13
Court	
Fines to be deposited in general fund.....	10-13
Environment and health	
Vacant lots, premises, land	
Accumulations	
Failure to clean declared a misdemeanor; penalty .....	12-30
Fire prevention	
Open burning	
Penalties .....	14-143
Flood damage prevention	
Flood damage control	
Penalties for violation .....	16-26
Law enforcement	
Bonds and fines; trial date .....	18-5
Offenses and miscellaneous provisions	
Regulation of smoking	
Violations and penalties .....	20-283
Parks and recreation	
Penalties	
Penalty .....	22-69
Taxation	
Local hospitality tax	
Violations and penalty .....	28-59
Traffic and vehicles	
Inoperable vehicles	
Impoundment; disposition; expenses; forfeiture .....	30-82
FIRE PREVENTION	
Administration	
Fire district provisions designated .....	14-19
Police officers to enforce provisions .....	14-23
Possession and control of buildings on fire.....	14-20
Responding to alarms; right-of-way .....	14-22
Right of entry during emergencies.....	14-21

## CODE INDEX

	Section
<b>FIRE PREVENTION (Cont'd.)</b>	
Fireworks	
Fireworks displays; permits; requirements.....	14-102
Identification and marking .....	14-109
Other exceptions .....	14-104
Permissible fireworks .....	14-105
Sale of .....	14-106
Restrictions .....	14-108
Retail handling; storage.....	14-110
Sale to minors.....	14-107
Toy caps and similar devices excepted .....	14-103
Offenses and miscellaneous provisions	
Parades	
Application for permit; exempt for municipal parades, not just fire and police .....	20-224
Open burning	
Attendance and fire extinguishing equipment required for open burning, adherence to state law .....	14-137
Compliance with article.....	14-134
Criteria for determining when open burning deemed hazardous	14-139
Exceptions to restrictions .....	14-141
Fires shall be prohibited as follows .....	14-138
Hazardous or toxic materials .....	14-142
Open burning on premises of undeveloped properties for pur- poses of land clearing.....	14-136
Penalties .....	14-143
Prohibition on open burning in town-maintained drainage ditches and on town-maintained roads and rights-of-way .....	14-140
Regulation of open burning .....	14-135
Prohibited acts	
Burning trash .....	14-58
Driving over fire hose.....	14-56
Failure to obey lawful orders .....	14-55
False alarms .....	14-52
Fire hazard upon lots, buildings, premises; accumulation, growth, etc. ....	14-59
Fires near buildings .....	14-60
Following or parking near fire equipment; bystanders .....	14-54
Opening fire hydrants.....	14-57
Parking at hydrants; obstructing fire equipment or members ...	14-53
Streets and sidewalks	
Unlawful acts	
Burning on streets prohibited .....	26-35



## YEMASSEE TOWN CODE

	Section
<b>FIREARMS AND WEAPONS</b>	
Offenses and miscellaneous provisions	
Offenses against the peace; public policy	
Concealed weapons; carrying weapons; knives.....	20-127
Parks and recreation	
Firearms; dangerous weapons .....	22-14
<b>FIREWORKS</b>	
Fire prevention .....	14-102 et seq.
See: FIRE PREVENTION	
Parks and recreation	
Fireworks in parks, prohibited.....	22-13
<b>FLOOD DAMAGE PREVENTION</b>	
Flood damage control	
Administration	
Administrative procedures .....	16-90
Adoption of letter of map revisions (LOMR) .....	16-87
Designation of local floodplain administrator .....	16-86
Development permit and certification requirements .....	16-88
Duties and responsibilities of the local floodplain administra- tor .....	16-89
Compliance .....	16-23
Definitions .....	16-56
Establishment of development permit .....	16-22
Findings of fact.....	16-19
Interpretation .....	16-24
Lands to which this article applies.....	16-21
Legal status provisions	
Effect on rights and liabilities under the existing flood damage prevention ordinance.....	16-169
Effect upon outstanding building permits.....	16-170
Penalties for violation.....	16-26
Provisions for flood hazard reduction	
Coastal high hazard areas (V-zones) .....	16-114
General standards .....	16-109
Specific standards .....	16-110
Standards for streams without established base flood eleva- tions and floodways .....	16-111
Standards for	
Areas of shallow flooding (AO zones).....	16-113
Streams with established base flood elevations but without floodways .....	16-112
Statement of purpose and objectives .....	16-20

## CODE INDEX

	Section
<b>FLOOD DAMAGE PREVENTION (Cont'd.)</b>	
Variance procedures	
Agricultural structures .....	16-146
Conditions .....	16-150
Considerations .....	16-147
Establishment of appeal board.....	16-142
Findings .....	16-148
Floodways.....	16-149
Functionally dependent uses .....	16-145
Historic structures.....	16-144
Right to appeal.....	16-143
Warning and disclaimer of liability .....	16-25
<b>FRANCHISES</b>	
Businesses and business regulations	
Business licensing	
Consent, franchise, or license required for use of streets.....	8-35
<b>G</b>	
<b>GAMES</b>	
Streets and sidewalks	
Unlawful acts	
Speaking, exhibiting, entertaining on streets; games .....	26-42
<b>H</b>	
<b>HEALTH AND SANITATION</b>	
Environment and health.....	12-1 et seq.
See: ENVIRONMENT AND HEALTH	
Parks and recreation	
Sanitation .....	22-6
<b>HEARINGS</b>	
Budget and finance	
Annual budget	
Public hearing; public notice .....	2-360
Meetings of town council	
Committees	
Appointment; public hearings.....	2-68
Utilities	
Public utility construction	
Permit required; hearing .....	32-70
<b>HISTORICAL PRESERVATION</b>	
Flood damage prevention	

## YEMASSEE TOWN CODE

	Section
<b>HISTORICAL PRESERVATION (Cont'd.)</b>	
Flood damage control	
Variance procedures	
Historic structures .....	16-144
<b>HOURS</b>	
Municipal elections	
Voting hours; place .....	2-102
Parks and recreation	
Hours of operation .....	22-3
<b>HOUSING</b>	
Buildings and building regulations	
Fair housing	
Month designated .....	6-134
Program; minimum elements .....	6-135
Municipal attorney	
Appointment; term of office; residence .....	2-202
<b>I</b>	
<b>IDENTIFICATION</b>	
Fire prevention	
Fireworks	
Identification and marking .....	14-109
<b>IMPOUNDMENT</b>	
Animals	
Animal control .....	4-33
Traffic and vehicles	
Inoperable vehicles	
Impoundment; disposition; expenses; forfeiture .....	30-82
<b>INCORPORATION AND POWERS</b>	
Administration	
Ordinances	
Emergency ordinances	
State of emergency; powers of the mayor; curfew .....	2-20
Law enforcement	
Powers; generally .....	18-4
<b>INDECENCY AND OBSCENITY</b>	
Offenses and miscellaneous provisions	
Offenses against morality, decency and public welfare	
Indecent exposure; language .....	20-97

## CODE INDEX

	Section
<b>INSPECTIONS</b>	
Administration	
Ordinances	
Introduction; attorney approval; public inspection .....	2-17
Animals	
Animal control	
Pet breeder license, inspection and fees .....	4-26
Budget and finance	
Annual budget	
Public inspection .....	2-361
Buildings and building regulations	
Administration	
Authority of inspectors .....	6-19
Businesses and business regulations	
Business licensing	
Inspection and audits .....	8-28
Environment and health	
Public nuisances	
Right to enter property to inspect or abate.....	12-81
Taxation	
Local hospitality tax	
Inspections and audits .....	28-58
<b>INTERFERENCE</b>	
Animals	
Animal control	
Interference with a BCAS officer.....	4-41
Beautification commission	
Interference with commission.....	2-324
Law enforcement .....	18-45 et seq.
See: LAW ENFORCEMENT	
Personnel	
Resisting or interfering with officials or employees.....	2-146
Streets and sidewalks	
Unlawful acts	
Obstructions	
Interference; vehicles; exceptions .....	26-31
<b>L</b>	
<b>LAW ENFORCEMENT</b>	
Additional duties .....	18-9
Bonds and fines; trial date.....	18-5
Chief of police; authority .....	18-2

## YEMASSEE TOWN CODE

	Section
<b>LAW ENFORCEMENT (Cont'd.)</b>	
Compensation .....	18-6
Composition; appointment .....	18-1
Emergencies; other political subdivisions; assistance .....	18-7
Fire prevention	
Administration	
Police officers to enforce provisions .....	14-23
Interference	
Assaulting officer .....	18-48
Counseling, advising, etc., unlawful .....	18-50
Failure to stop on command of officer .....	18-49
Imitating signal or call for police officer prohibited .....	18-53
Obedience to officers .....	18-45
Obstructing officer; warrants .....	18-46
Prisoners	
Communication with .....	18-51
Escape from custody unlawful .....	18-52
Resisting officer making arrest .....	18-47
Oath of office .....	18-10
Offenses and miscellaneous provisions	
Parades	
Application for permit; exempt for municipal parades, not just fire and police .....	20-224
Personal property; recovered .....	18-8
Powers; generally .....	18-4
Surety bond; premiums .....	18-3
Suspensions; chief of police .....	18-11
<b>LIABILITY</b>	
Buildings and building regulations	
Administration	
Liability not assumed by town .....	6-22
Code of ordinances	
Liability of corporations, etc., and agents for violations .....	1-8
Environment and health	
Public nuisances	
Limitation of liability .....	12-88
Flood damage prevention	
Flood damage control	
Warning and disclaimer of liability .....	16-25
Taxation	
Local accommodations tax	
Tax imposed; liability .....	28-79

## CODE INDEX

	Section
<b>LICENSES AND PERMITS</b>	
Animals .....	4-23 et seq.
See: ANIMALS	
Buildings and building regulations	
Administration	
Permits; application required.....	6-30
Businesses and business regulations.....	8-19 et seq.
See: BUSINESSES AND BUSINESS REGULATIONS	
Fire prevention	
Fireworks	
Fireworks displays; permits; requirements .....	14-102
Flood damage prevention .....	16-22 et seq.
See: FLOOD DAMAGE PREVENTION	
Offenses and miscellaneous provisions .....	20-76 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Parks and recreation	
Special event permits for exclusive use.....	22-16
Taxation	
Local hospitality tax	
Permitted uses of funds .....	28-57
Utilities	
Prohibited acts	
Septic tanks; when permitted.....	32-48
Public utility construction	
Permit required; hearing .....	32-70
<b>LIENS</b>	
Taxation	
Annual taxes; delinquent	
Municipal tax lien .....	28-21
<b>LOITERING</b>	
Offenses and miscellaneous provisions	
Offenses against morality, decency and public welfare	
Loitering; unlawful; defined.....	20-96
<b>LOTS</b>	
Environment and health.....	12-27 et seq.
See: ENVIRONMENT AND HEALTH	
Fire prevention	
Prohibited acts	
Fire hazard upon lots, buildings, premises; accumulation, growth, etc. ....	14-59

# YEMASSEE TOWN CODE

	Section
<b>M</b>	
<b>MAINTENANCE</b>	
Buildings and building regulations	
Administration	
Ordinary repairs, maintenance authorized .....	6-20
Environment and health	
Public nuisances	
Responsibility for property maintenance.....	12-80
Streets and sidewalks	
Maintenance and construction; exceptions .....	26-3
<b>MAYOR</b>	
Administration .....	2-6 et seq.
See: ADMINISTRATION	
Meetings of town council	
Meetings	
Mayor to preside .....	2-54
<b>MEETINGS OF TOWN COUNCIL</b>	
Agenda .....	2-55
Appearance of citizens .....	2-56
Committees	
Appointment; public hearings .....	2-68
Reports .....	2-69
Conduct of meetings; generally .....	2-64
Executive sessions .....	2-70
Meetings	
Mayor to preside.....	2-54
Notice of change.....	2-52
Open to public .....	2-53
Regular; place.....	2-50
Special; work sessions.....	2-51
Minutes of town council meetings .....	2-57
Motions	
Not debatable .....	2-65
Precedence during debate .....	2-66
To be in writing .....	2-60
To reconsider .....	2-67
Order of business.....	2-62
Quorum; required .....	2-58
Rules of order; parliamentary.....	2-59
Unlawful to interrupt meetings .....	2-61
Voting .....	2-63

## CODE INDEX

	Section
<b>MISDEMEANORS</b>	
Environment and health	
Vacant lots, premises, land	
Accumulations	
Failure to clean declared a misdemeanor; penalty .....	12-30
Streets and sidewalks	
Unlawful acts	
Obstructions	
Failure to clean declared a misdemeanor .....	26-39
<b>MOBILES HOMES AND MOBILE HOME PARKS</b>	
Buildings and building regulations .....	6-105 et seq.
See: BUILDINGS AND BUILDING REGULATIONS	
<b>MOTOR VEHICLES AND TRAFFIC. See: TRAFFIC AND VEHICLES</b>	
<b>MUNICIPAL ATTORNEY</b>	
Appointment; term of office; residence .....	2-202
Compensation .....	2-204
Duties .....	2-203
<b>MUNICIPAL COURTS</b>	
Court	
Municipal court .....	10-1
<b>MUNICIPAL ELECTIONS</b>	
At-large; elections; political parties .....	2-111
Certification .....	2-106
Date of elections .....	2-101
Election laws of the state to govern .....	2-99
Filing	
Fees .....	2-104
Statement of candidacy; petitions .....	2-103
Municipal election commission established; terms .....	2-100
Nonpartisan plurality elections; runoffs; tie votes; contested results	2-112
Oath .....	2-105
Public notice required .....	2-107
Qualifications for voting .....	2-114
Successors to be qualified .....	2-109
Vacancies .....	2-113
Voting hours; place .....	2-102
When qualified; assuming office .....	2-110
Write-in votes .....	2-108



# YEMASSEE TOWN CODE

	Section
<b>N</b>	
<b>NOISE</b>	
Offenses and miscellaneous provisions	
Offenses against the peace; public policy	
Noise; unreasonable prohibited .....	20-129
<b>NOTICES, NOTIFICATION</b>	
Budget and finance	
Annual budget	
Capital projects; tax rate; summary; clerk to notify county...	2-358
Public hearing; public notice .....	2-360
Buildings and building regulations	
Administration	
Unsafe buildings	
Notice to remove/correct; summons ordinance .....	6-24
Businesses and business regulations	
Business licensing	
Notices .....	8-31
Meetings of town council	
Meetings	
Notice of change .....	2-52
Municipal elections	
Public notice required .....	2-107
<b>NUISANCES</b>	
Animals	
Animal control	
Nuisance pets or livestock .....	4-29
Specific to the town of Yemassee	
Nuisances; failure to abate .....	4-66
Environment and health .....	12-76 et seq.
See: ENVIRONMENT AND HEALTH	
<b>O</b>	
<b>OATH, AFFIRMATION, SWEAR OR SWORN</b>	
Administration	
Oath of office; required .....	2-8
Court	
Judge	
Appointment; term; oath .....	10-4
Law enforcement	
Oath of office .....	18-10

## CODE INDEX

	Section
<b>OATH, AFFIRMATION, SWEAR OR SWORN (Cont'd.)</b>	
Municipal elections	
Oath.....	2-105
<b>OBSTRUCTIONS</b>	
Fire prevention	
Prohibited acts	
Parking at hydrants; obstructing fire equipment or members.	14-53
Law enforcement	
Interference	
Obstructing officer; warrants.....	18-46
Streets and sidewalks.....	26-31 et seq.
See: STREETS AND SIDEWALKS	
<b>OFFENSES AND MISCELLANEOUS PROVISIONS</b>	
Adoption of criminal laws of state.....	20-1
Alcoholic beverages	
Intoxicating beverages; drinking in public.....	20-42
Unlawful to consume at certain places; public property.....	20-43
Code of ordinances	
Offenses beyond town limits.....	1-9
Prosecution where different penalties exist for same offense.....	1-13
Demonstration, picketing	
Appeals.....	20-247
Imposition of restrictions.....	20-246
Permission requirements for demonstrations or picketing.....	20-244
Permit required; issuance.....	20-245
Musical devices, entertainments	
Carnivals and street shows prohibited without permit.....	20-76
Musical devices; operated loudly.....	20-75
Offenses against morality, decency and public welfare	
Indecent exposure; language.....	20-97
Loitering; unlawful; defined.....	20-96
Public drunkenness.....	20-98
Offenses against property	
Advertising matter; painting; printing on sidewalks, etc.....	20-159
Fences; removing, destroying or leaving down.....	20-161
Public events; gaining admission without payment.....	20-160
Offenses against the peace; public policy	
Concealed weapons; carrying weapons; knives.....	20-127
Crime watch area; town designated.....	20-128
Curfew.....	20-130
Disorderly conduct; defined.....	20-126
Noise; unreasonable prohibited.....	20-129

## YEMASSEE TOWN CODE

	Section
<b>OFFENSES AND MISCELLANEOUS PROVISIONS (Cont'd.)</b>	
Offenses against the person	
Assault and battery .....	20-191
Ordinance summons	
Summons article; procedure for offenses other than breach of peace .....	20-19
Parades	
Application for permit; exempt for municipal parades, not just fire and police .....	20-224
Declaration of necessity .....	20-221
Definitions; exceptions to provisions .....	20-222
Permit required .....	20-223
Regulations .....	20-225
Regulation of smoking	
Definitions .....	20-277
Enforcement .....	20-282
Findings and intent .....	20-276
Posting of signs and removal of ashtrays .....	20-281
Prohibition of smoking	
In enclosed workplaces .....	20-278
In outdoor places .....	20-279
Title .....	20-275
Violations and penalties .....	20-283
Where smoking not regulated .....	20-280
Soliciting, postings, advertising	
Advertising	
Posting of advertising matter .....	20-369
Signs, banners suspended across streets .....	20-370
Postings, signs, banners, etc.	
Municipal or state signs .....	20-339
Public and private property; political signs .....	20-338
Soliciting	
Appeals .....	20-317
Types prohibited .....	20-315
Use of streets for sales and distribution prohibited .....	20-316
<b>OFFICERS AND EMPLOYEES</b>	
Animals	
Animal control	
Interference with a BCAS officer .....	4-41
Fire prevention	
Administration	
Police officers to enforce provisions .....	14-23

## CODE INDEX

	Section
<b>OFFICERS AND EMPLOYEES (Cont'd.)</b>	
Law enforcement .....	18-45 et seq.
See: LAW ENFORCEMENT	
Personnel	
Chief administrative officer.....	2-143
Resisting or interfering with officials or employees.....	2-146
Purchasing	
Financial interest of town officials and employees prohibited...	2-399
<b>ORDINANCES, RESOLUTIONS, ETC.</b>	
Administration .....	2-9 et seq.
See: ADMINISTRATION	
Budget and finance	
Borrowing revenues; by ordinance.....	2-368
Buildings and building regulations	
Administration	
Unsafe buildings	
Notice to remove/correct; summons ordinance.....	6-24
Code of ordinances .....	1-1 et seq.
See: CODE OF ORDINANCES	
Flood damage prevention	
Flood damage control	
Legal status provisions	
Effect on rights and liabilities under the existing flood dam- age prevention ordinance .....	16-169
Offenses and miscellaneous provisions	
Ordinance summons	
Summons article; procedure for offenses other than breach of peace .....	20-19
Planning, land use, zoning	
Commission	
Similar ordinances .....	2-276

## P

<b>PARADES AND PROCESSIONS</b>	
Offenses and miscellaneous provisions.....	20-221 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
<b>PARKING</b>	
Fire prevention	
Prohibited acts	
Following or parking near fire equipment; bystanders.....	14-54
Parking at hydrants; obstructing fire equipment or members.	14-53

## YEMASSEE TOWN CODE

	Section
<b>PARKING (Cont'd.)</b>	
Streets and sidewalks	
Sidewalks	
Parking prohibited; exceptions .....	26-5
<b>PARKS AND RECREATION</b>	
Applicability .....	22-2
Bills, posters and advertising .....	22-7
Camping; fires .....	22-12
Commercial utilization of spaces and facilities .....	22-17
Enforcement .....	22-19
Entering closed areas .....	22-15
Firearms; dangerous weapons .....	22-14
Fireworks in parks, prohibited .....	22-13
Hours of operation .....	22-3
Injury to	
Shrubbery, flowers, etc. ....	22-4
Structures or personality .....	22-5
Intoxicating liquors; disorderly conduct, etc.; drugs .....	22-9
Motor vehicle traffic in parks .....	22-10
Park restrictions .....	22-18
Penalties	
Penalty .....	22-69
Picnic regulations .....	22-11
Protection of natural resources .....	22-22
Public park defined .....	22-1
Recreation committee	
Compensation .....	22-50
Council liaison to the town .....	22-51
Established .....	22-48
Finance .....	22-52
Meetings .....	22-53
Membership .....	22-49
Sanitation .....	22-6
Selling in public parks .....	22-8
Special event permits for exclusive use .....	22-16
Tournaments .....	22-20
Unsafe conduct in park waterways .....	22-21
<b>PEDDLERS, CANVASSERS AND SOLICITORS</b>	
Offenses and miscellaneous provisions .....	20-315 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
<b>PERMITTED USES</b>	
Taxation	

## CODE INDEX

	Section
<b>PERMITTED USES (Cont'd.)</b>	
Local hospitality tax	
Permitted uses of funds .....	28-57
<b>PERSONNEL</b>	
Appointment	
Compensation .....	2-145
Suspension .....	2-144
Authority to establish .....	2-142
Chief administrative officer .....	2-143
Duty to	
Replace damaged property .....	2-147
Return property upon termination of employment.....	2-148
Holidays.....	2-149
Jury duty .....	2-151
Military.....	2-150
Resisting or interfering with officials or employees .....	2-146
<b>PETITIONS</b>	
Municipal elections	
Filing	
Statement of candidacy; petitions.....	2-103
<b>PLANNING AND DEVELOPMENT</b>	
Flood damage prevention	
Flood damage control	
Administration	
Development permit and certification requirements.....	16-88
Establishment of development permit .....	16-22
Planning, land use, zoning .....	2-274 et seq.
See: PLANNING, LAND USE, ZONING	
Taxation	
Local hospitality tax	
Local hospitality tax account/tourism support and develop- ment account .....	28-56
<b>PLANNING, LAND USE, ZONING</b>	
Commission	
Authority .....	2-275
Established.....	2-274
Similar ordinances .....	2-276
<b>POLICE DEPARTMENT</b>	
Fire prevention	
Administration	
Police officers to enforce provisions .....	14-23

# YEMASSEE TOWN CODE

	Section
<b>POLICE DEPARTMENT (Cont'd.)</b>	
Law enforcement .....	18-2 et seq.
See: LAW ENFORCEMENT	
Offenses and miscellaneous provisions	
Parades	
Application for permit; exempt for municipal parades, not just fire and police .....	20-224
<b>POLLUTION</b>	
Utilities	
Prohibited acts	
Pollution of water supply .....	32-44
<b>POWERS</b>	
Administration	
Ordinances	
Emergency ordinances	
State of emergency; powers of the mayor; curfew .....	2-20
Law enforcement	
Powers; generally .....	18-4
<b>PRISONS AND PRISONERS</b>	
Law enforcement	
Interference	
Prisoners	
Communication with .....	18-51
Escape from custody unlawful .....	18-52
<b>PROPERTY</b>	
Buildings and building regulations	
Building and property numbers	
Numbers required for buildings and property	
Assigned .....	6-73
General .....	6-72
Environment and health.....	12-78 et seq.
See: ENVIRONMENT AND HEALTH	
Law enforcement	
Personal property; recovered .....	18-8
Offenses and miscellaneous provisions.....	20-43 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
Personnel	
Duty to	
Replace damaged property .....	2-147
Return property upon termination of employment .....	2-148

## CODE INDEX

	Section
<b>PROPERTY (Cont'd.)</b>	
Purchasing	
Equipment, supplies; recovered property; public auction .....	2-400
Streets and sidewalks .....	26-4 et seq.
See: STREETS AND SIDEWALKS	
Taxation	
Annual taxes; delinquent	
Basis of value of property for taxation.....	28-19
Traffic and vehicles	
Inoperable vehicles	
Unlicensed; salvage; repair on private property .....	30-81
Moving traffic	
Driving across private property to make turns .....	30-24
<b>PURCHASING</b>	
Cooperative purchasing .....	2-402
Equipment, supplies; recovered property; public auction .....	2-400
Financial interest of town officials and employees prohibited .....	2-399
Gifts and rebates .....	2-401
Purchasing agent	
Designated .....	2-397
Duties .....	2-398
State purchasing .....	2-403

## Q

### QUALIFICATIONS

Court	
Judge	
Acting judge.....	10-8
Municipal elections.....	2-114 et seq.
See: MUNICIPAL ELECTIONS	

## R

### RABIES CONTROL

Animals	
Animal control	
County pet license; rabies vaccination tags.....	4-23
Rabies Control Act (S.C. Code 1976, § 47-5-10) .....	4-40

### RECORDS AND REPORTS

Beautification commission	
Reports .....	2-323



## YEMASSEE TOWN CODE

	Section
<b>RECORDS AND REPORTS (Cont'd.)</b>	
Court	
Clerk of court; records.....	10-14
Meetings of town council	
Committees	
Reports.....	2-69
<b>REGISTRATION</b>	
Businesses and business regulations	
Business licensing	
Registration required.....	8-23
<b>RIGHT-OF-WAYS</b>	
Fire prevention	
Administration	
Responding to alarms; right-of-way.....	14-22
 <b>S</b> 	
<b>SALES</b>	
Animals	
Animal control	
Sale of animals, pets or livestock.....	4-31
Businesses and business regulations	
Yard sales; no fee required.....	8-2
Fire prevention	
Fireworks	
Permissible sale of fireworks .....	14-106
Sale to minors .....	14-107
Offenses and miscellaneous provisions	
Soliciting, postings, advertising	
Soliciting	
Use of streets for sales and distribution prohibited.....	20-316
<b>SEPTIC SYSTEMS</b>	
Utilities	
Prohibited acts	
Septic tanks; when permitted.....	32-48
Water and sewer	
Connections required; septic tanks; exceptions .....	32-20
<b>SIGNS AND BILLBOARDS</b>	
Offenses and miscellaneous provisions	
Regulation of smoking	
Posting of signs and removal of ashtrays .....	20-281

## CODE INDEX

	Section
<b>SMOKING</b>	
Offenses and miscellaneous provisions .....	20-275 et seq.
See: OFFENSES AND MISCELLANEOUS PROVISIONS	
<b>SOLID WASTE</b>	
Environment and health	
Toilet facilities	
Building contracts to provide for waste disposal .....	12-51
Fire prevention	
Prohibited acts	
Burning trash .....	14-58
Garbage collection fees .....	24-1
Streets and sidewalks	
Unlawful acts	
Tree waste; removal .....	26-46
<b>STORAGE</b>	
Fire prevention	
Fireworks	
Retail handling; storage .....	14-110
<b>STREETS AND SIDEWALKS</b>	
Excavations	
Cuts; excavations to be restored .....	26-81
Danger signals required; lights required .....	26-79
Failure .....	26-82
Permission required; bond required .....	26-78
Removal of danger signals .....	26-80
Jurisdiction; naming .....	26-2
Littering	
Duty of	
Business owners; occupants .....	26-109
Customer .....	26-110
Prohibited .....	26-108
Maintenance and construction; exceptions .....	26-3
Sidewalks	
Adjacent property owners to keep clear .....	26-4
Parking prohibited; exceptions .....	26-5
Survey markers required for new streets .....	26-6
Town map; information; streets; public places .....	26-1
Unlawful acts	
Appeals .....	26-52
Burning on streets prohibited .....	26-35
Camping on public property; unlawful .....	26-49
Cleated wheels or treads prohibited .....	26-50

## YEMASSEE TOWN CODE

	Section
<b>STREETS AND SIDEWALKS (Cont'd.)</b>	
Curbs; breaking, destroying prohibited; permission required, entrance to property .....	26-41
Damaging public property.....	26-33
Dangerous substances prohibited.....	26-36
Depositing on streets; sidewalks and drains prohibited .....	26-34
Disc harrows prohibited .....	26-51
Draining water, other liquids onto streets or sidewalks prohibited .....	26-40
Fences; repairs .....	26-47
Gates and doors opening onto sidewalks.....	26-43
Obstructions	
Failure to clean declared a misdemeanor.....	26-39
Interference; vehicles; exceptions.....	26-31
Of drains, ditches, watercourses, etc.....	26-44
Protection by barricades; lights .....	26-32
Removal .....	26-38
To vision at street intersections.....	26-37
Speaking, exhibiting, entertaining on streets; games .....	26-42
Streetlights breaking; removing.....	26-45
Tree waste; removal .....	26-46
Trees and shrubs on streets .....	26-48
<b>SUBDIVISIONS</b>	
Law enforcement	
Emergencies; other political subdivisions; assistance .....	18-7
<b>T</b>	
<b>TAXATION</b>	
Annual taxes; delinquent	
Basis of value of property for taxation .....	28-19
Enforcement .....	28-20
Municipal tax lien .....	28-21
Budget and finance	
Annual budget	
Capital projects; tax rate; summary; clerk to notify county ...	2-358
Businesses and business regulations	
Business licensing	
Business license tax, refund .....	8-22
Delinquent license taxes, partial payment.....	8-30
Local accommodations tax	
Failure to remit .....	28-82
Remittance.....	28-81

## CODE INDEX

	Section
<b>TAXATION (Cont'd.)</b>	
Special account establishment .....	28-83
Tax collection .....	28-80
Tax imposed; liability .....	28-79
Local hospitality tax	
Authority .....	28-50
Collection and remittance of local hospitality tax.....	28-55
Declaration of purpose and intent.....	28-51
Definitions .....	28-52
Inspections and audits .....	28-58
Local hospitality tax account/tourism support and development account .....	28-56
Local hospitality tax .....	28-53
Payment and collection of local hospitality tax .....	28-54
Permitted uses of funds.....	28-57
Sunset.....	28-60
Violations and penalty .....	28-59
<b>TOURISM</b>	
Taxation	
Local hospitality tax	
Local hospitality tax account/tourism support and develop- ment account .....	28-56
<b>TRAFFIC AND VEHICLES</b>	
Animals	
Specific to the town of Yemassee	
Driving and racing .....	4-64
Fire prevention	
Prohibited acts	
Driving over fire hose .....	14-56
Inoperable vehicles	
Impoundment; disposition; expenses; forfeiture .....	30-82
Inoperable vehicles.....	30-80
Unlicensed; salvage; repair on private property .....	30-81
Moving traffic	
Careless operation of a motor vehicle; points .....	30-23
Driving across private property to make turns .....	30-24
Riding in/on municipal vehicles unlawful.....	30-25
Parks and recreation	
Motor vehicle traffic in parks.....	22-10
Short title.....	30-1
Streets and sidewalks	
Unlawful acts	

## YEMASSEE TOWN CODE

	Section
<b>TRAFFIC AND VEHICLES (Cont'd.)</b>	
Obstructions	
Interference; vehicles; exceptions .....	26-31
Uniform act; definitions.....	30-2
<b>TREES AND SHRUBBERY</b>	
Beautification commission	
Flowers; shrubs; trees .....	2-326
Parks and recreation	
Injury to shrubbery, flowers, etc.....	22-4
Streets and sidewalks	
Unlawful acts	
Trees and shrubs on streets .....	26-48
<b>U</b>	
<b>UTILITIES</b>	
Prohibited acts	
Destruction, defacement, etc.; unlawful .....	32-47
Illegal connection; tampering with utility systems; wells .....	32-45
Pollution of water supply .....	32-44
Septic tanks; when permitted .....	32-48
Water meters; tampering with; changes; defrauding .....	32-46
Public utility construction	
Permit required; hearing .....	32-70
Water and sewer	
Connections required; septic tanks; exceptions .....	32-20
Utility defined; not absolute .....	32-19
<b>V</b>	
<b>VEGETATION</b>	
Beautification commission	
Flowers; shrubs; trees .....	2-326
Parks and recreation	
Injury to shrubbery, flowers, etc.....	22-4
Streets and sidewalks	
Unlawful acts	
Trees and shrubs on streets .....	26-48
<b>W</b>	
<b>WATER AND SEWERS. See: UTILITIES</b>	
<b>WRITS, WARRANTS AND OTHER PROCESSES</b>	
Law enforcement	

## CODE INDEX

	Section
WRITS, WARRANTS AND OTHER PROCESSES (Cont'd.)	
Interference	
Obstructing officer; warrants.....	18-46
<b>Y</b>	
YARDS AND OPEN SPACES	
Businesses and business regulations	
Yard sales; no fee required.....	8-2
<b>Z</b>	
ZONING	
Planning, land use, zoning .....	2-274 et seq.
See: PLANNING, LAND USE, ZONING	

## ***Recommended Motion***

***(Ordinance 23-15)***

***“I make the motion to approve second and final reading on Ordinance 23-15, Enacting a New Code for the Town of Yemassee, South Carolina; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code”.***

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:** At the direction of the Planning Commission, Staff reviewed this section of the Zoning Ordinance and determined that removal of this section would work towards streamlining and re-enforcing the other primarily residential zoning designations. The Town Council approved first reading at their May 2023 meeting and scheduled a Public Hearing for the June 13, 2023, Town Council meeting. Public Notice of the Public Hearing appeared in the May 14, 2023, edition of The Island Packet / Beaufort Gazette.

**Recommended Action:** Conduct Public Hearing and second and final reading on Ordinance 23-16.

---

### 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:	June 13, 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 conduct a Public Hearing and consider second reading and adoption of this ordinance which entails 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 the 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.

**Planning Commission 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.

**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 1 <sup>st</sup> Reading	May 9, 2023	✓
Step 3. Town Council Public Hearing	June 13, 2023	
Step 4. Town Council 2 <sup>nd</sup> Reading	June 13, 2023	




# Staff Report

## Administration



### **Attachments:**

- Existing Chapter 5, Section 5.3 Text
- Proposed Modification to Chapter 5, Section 5.3
- Comparative table of Residential Zoning Classifications
- Affidavit of publishing for Legal Notice

	<p><b>Residential 1/3 Acre (R3A) Zoning District</b></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><b>Section 5.3, Town of Yemassee Zoning Ordinance</b></p>
<b>Standards for the R3A District 5.3.1</b>	
<ul style="list-style-type: none"><li>• Maximum Density: Three (3) Dwelling units per acre</li><li>• Minimum Lot Size: 14,520 square feet per dwelling unit</li><li>• Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, or flagpoles</li><li>• Minimum front yard setback: Fifteen (15) feet from lot line</li><li>• Minimum side yard setback: Ten (10) feet from lot lines</li><li>• Minimum rear yard setback: Ten (10) feet from the lot lines.</li></ul>	
<b>Permitted Uses for the R3A District 5.3.2</b>	
<ul style="list-style-type: none"><li>• Single-Family dwelling (Stick built home)</li><li>• Church, Civic, or Institutional use</li><li>• Home Occupations are permitted if there is no exterior evidence of the home occupation.</li></ul>	
<b>Prohibited Uses for the R3A District</b>	
<ul style="list-style-type: none"><li>• Adult Entertainment Establishments</li><li>• Any business, person, entity, or service offering Adult Entertainment</li></ul>	

**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.



# Badosa rolls past Jabeur in second round at Rome

By Lisa M. Smith

Paula Badosa needed just 70 minutes on Friday to dispatch fourth-seeded Jabeur 6-1, 6-4 in the second round of the International RMI at Roma in Rome.

The Spanish Badosa converted 5 of 9 break-point opportunities while improving to 4-1 all-time against Jabeur of Tunisia. Badosa won the first five games of the match while cruising through the first set.

She trailed 3-1 in the second set before winning five of the final six games to close the match. "I'm really happy, to be honest," Badosa said afterward. "I think I started very, very well the first set. The second set she played a little bit better. I stayed in the tough moments. I played quite well and I'm really happy about the level."

The match was Jabeur's first since April 22 due to a calf injury. Badosa will next face

No. 12 seed Marta Kostjuk of Ukraine. Kostjuk cruised to a 6-0, 6-4 victory over Claire Liu.

"She's playing very well, but it doesn't surprise me," Badosa said of Kostjuk. "I always said that she has an amazing potential and for sure at some point of her career she's going to be in the very top. I really like her style of game. I think we play quite similar. So I expect the battle there."

Top-seed Iga Swiatek

played for the first time this week and rolled to a 6-0, 6-0 victory over Anastasia Potapshchenko of Russia.

Swiatek had 19 winners against nine unforced errors while prevailing in 47 minutes.

The two-time defending champion has won 12 straight matches on the clay in Rome.

Swiatek wasn't caught up in the dominating score. "In my opinion, the score doesn't really matter and it doesn't have any influence on my feeling on the court," Swiatek said.

"I'm just trying to play my best tennis no matter what the score is," Swiatek said after.

Ukraine's Iana Tsurenko, who posted a 6-4, 6-4 victory over 28th-seeded American Bernarda Pera. No. 7 seed Elena Rybakina of Kazakhstan posted a 7-6 (4), 6-1 win over Italy's Jasmine Paolini, while No. 8 Daria Kasatkina of Russia rolled to a 6-1, 6-2 victory over Italian Lisa Pigato.

North-seeded Greek Maria Sakka recorded a 6-1, 6-3 victory over Barbara Steyeva of the Czech Republic, and No. 10 Karolina Kuczkova, another Czech, knocked off Montenegro's Dunja Kovinic 6-2, 4-1 after the latter retired due to exhaustion.

Among other sports, popular Italian Camilla Giorgi defeated No. 23

seed Russian Ekaterina Alexandrova 6-4, 6-2, and Karolina Muchova of the Czech Republic beat 15th-seeded Italian Martina Trevisan 5-6, 6-3, 7-5.

Also, Marketa Vondrousova of the Czech Republic won a 7-6 (4), 5-7, 6-8 victory over No. 26 17-year-old Belgian Anja Karolinska. And, 25 Elise Mertens of Belgium 6-4, 4-6, 6-3, and Austria's Julia Grabher scored a 7-6 (4), 5-7, 6-8 victory over No. 28 17-year-old Italian Lucia

Other winners included No. 16 Liudmila Samsonova of Russia, No. 20 Jelena Ostapenko of Latvia and No. 21 Donna Vekic of Croatia.



Kevin Durant and the Phoenix Suns were soundly beaten in Thursday's game and eliminated from the playoffs. "We've just got to be better next year," Durant said.

## COMMENTARY

# The Suns need changes after another humiliating playoff exit

By Ben Givens  
Washington Post

The Phoenix Suns changed owners and retooled the biggest trade of the season, yet still made no progress in the postseason.

Kevin Durant left the Brooklyn Nets dysfunction and upgraded his co-star from Kyrie Irving to Devin Booker, yet still couldn't advance past the second round.

The Denver Nuggets dismantled the Suns, 125-100, in Game 6 on Thursday, eliminating Phoenix from the conference semifinals with a fourth straight loss that recalled last year's season-ending blowout delivered by Luka Doncic's Dallas Mavericks. For the first time since 2008, the Suns lost their season-opening game.

"It's an emotional, tough loss," Suns coach Monty Williams said. "It's hard for me to even see past today. We'll reevaluate as we go forward. This is two years in a row we lost elimination games

like this, and it's just a bad feeling."

Through painful enough to prompt an identity crisis, this messy ending could become a blessing in disguise, as it provided indisputable proof that Phoenix's old ways won't work anymore. Chris Paul landed just seven playoff games before suffering a groin injury, and center DeAndre Ayton was a question mark every time he stepped on the court, an unacceptable reality for a former No. 1 pick earning more than \$30 million this season. Phoenix's 2021 Finals appearance and 64 wins campaign in 2022-23 were glorious achievements that must be left in the past.

As the Suns attempt to pick up the pieces and plot a new course under owner Mat Ishbia, a mortgage industry executive who agreed in December to purchase the franchise from the disgraced Robert Sarver, there have plenty to consider. The bench needs an overhaul. Ayton, long the subject of trade speculation, will be right back in the rumor mill. And the 34-year-old Paul is no longer a foundational piece with the Durant-Booker partnership blossoming.

But if the Suns thought Durant's arrival would grant them automatic entry into title contention, they must think again.

While Durant's versatility makes him a seamless fit with almost any collection of supporting talent, his tenure here left in opposition with greater shared experience in each of the last three postseasons: the 2021 Milwaukee Bucks, the 2022 Celtics and now the Nuggets.

That's no coincidence, and Durant noted that Denver's "great continuity" established under longtime coach Michael Malone represented a "good advantage" in its matchup against Phoenix's slugged-together and inexperienced rotation.

The Nuggets have patiently constructed a balanced roster around three of their draft picks — Jalen Brunson, Jamal Murray and Michael Porter Jr. — just as the Celtics have built around three former lottery picks — Jayson Tatum, Jaylen Brown and Marcus Smart. That path isn't available to the Suns, who lack promising young prospects and trade years worth of draft capital to acquire Durant.

To cobble together a group capable of ousting a deeper run, then, the Suns

must consider following the Lakers' model. By trading Paul and Ayton along with their few remaining draft assets, the Suns could replenish their wing depth, recalibrate their offense to maximize space for Durant and Booker and reinvent themselves in a faster-paced, higher-octane mold. With more two-way contributions and a full regular season to jell, perhaps the Suns will be more cohesive and resilient once next year's playoffs roll around.

This will be a tricky needle for Ishbia to thread: Patience alone won't be good enough, but

a radical overhaul of the front office, coaching staff and roster could leave the Suns with too many pieces to put back together. Even so, Phoenix must seek a middle ground by rebalancing its salary commitments and adding enough proven complementary pieces so that Durant and Booker have a chance to anchor a low block ending next year.

"Obviously, you always want to make tweaks, regardless," Durant said. "Whenever wins the championship, I'm sure they're going to add to their team, too. ... I'm sure we'll make adjustments."

**Classified** FIND, BUY, SELL.

classified.islandpacket.com

205.974.1749

## Legals

**NOTICE OF PUBLIC HEARING**  
OFFICE OF PUBLIC HEARING: The Hawaii County Planning Commission will hold a public hearing on the proposed Comprehensive Zoning Ordinance (CZO) for the County of Hawaii, as amended, on Thursday, May 11, 2023, at 10:00 a.m. at the County Administration Center, 100 South Kalia Road, Honolulu, Hawaii 96813. The hearing will be held in the main auditorium of the County Administration Center. The hearing will be open to the public and anyone wishing to speak at the hearing should contact the Planning Department at (808) 935-2100 for more information.

**Automotive**  
**Subaru Sale**  
Subaru of Hawaii, Inc. is pleased to announce a special sale on all new 2023 Subaru vehicles. The sale includes a \$1,000 cash rebate on all new 2023 Subaru vehicles. The sale is valid from May 1, 2023, to May 31, 2023. For more information, please contact your local Subaru dealership.

**Real Estate**  
**For Sale**  
A beautiful 3-bedroom, 2-bathroom home in a quiet neighborhood. The home features a large living room, a modern kitchen, and a spacious backyard. The home is priced at \$450,000. For more information, please contact the listing agent at (808) 555-1234.

**Business Services**  
**Accounting & Bookkeeping**  
We provide professional accounting and bookkeeping services for small businesses. Our services include tax preparation, payroll processing, and financial statement preparation. We are located at 123 Main Street, Suite 100, Honolulu, Hawaii 96813. For more information, please contact us at (808) 555-5678.

**Employment**  
**Registered**  
We are currently seeking experienced professionals for various positions in our organization. The positions include Project Manager, Sales Representative, and Customer Support. Interested candidates should submit their resumes to hr@company.com.

**Business Analyst**  
We are seeking a Business Analyst to join our team. The analyst will be responsible for analyzing business processes, identifying areas for improvement, and implementing changes. The analyst will report to the Manager of Business Operations. For more information, please contact the hiring manager at (808) 555-9010.

**Notice of Public Hearing**  
The Hawaii County Planning Commission will hold a public hearing on the proposed Comprehensive Zoning Ordinance (CZO) for the County of Hawaii, as amended, on Thursday, May 11, 2023, at 10:00 a.m. at the County Administration Center, 100 South Kalia Road, Honolulu, Hawaii 96813. The hearing will be held in the main auditorium of the County Administration Center. The hearing will be open to the public and anyone wishing to speak at the hearing should contact the Planning Department at (808) 935-2100 for more information.

**Notice of Public Hearing**  
The Hawaii County Planning Commission will hold a public hearing on the proposed Comprehensive Zoning Ordinance (CZO) for the County of Hawaii, as amended, on Thursday, May 11, 2023, at 10:00 a.m. at the County Administration Center, 100 South Kalia Road, Honolulu, Hawaii 96813. The hearing will be held in the main auditorium of the County Administration Center. The hearing will be open to the public and anyone wishing to speak at the hearing should contact the Planning Department at (808) 935-2100 for more information.

## NBA

### Friday's games

**Heat 96, Knicks 92** Jimmy Butler collected 24 points and eight rebounds to help lead Miami win its Eastern Conference semifinal series in six games. Bam Adebayo recorded 23 points and nine rebounds and Max Strus scored 14 points for the Heat, who became the first No. 8 seed to reach the conference

final since the Knicks did so in 1999. Miami advances to the conference finals for the third time in four seasons and will face the winner of the third-seeded Philadelphia 76ers and second-seeded Boston Celtics. New York's Jalen Brunson scored 41 points on 14-of-27 shooting from the floor, including 5-of-10 success from 3-point range. **Lakers 122, Warriors 101**

LeBron James scored 30 points and Anthony Davis added 23 points with 23 rebounds to lead Los Angeles win Game 6 and advance to the Western Conference finals for the second time since 2010. Austin Reaves scored 23 points and D'Angelo Russell had 19 in the Lakers' elimination of the defending NBA champions by improving to 6-0 at home in the playoffs. The Lakers move on to face the Denver Nuggets on the road in

Game 1 of the Western Conference finals on Sunday. Stephen Curry scored 12 points and Donnie Brown added 16 off the bench for the Warriors. Golden State lost to a Western Conference team in the playoffs for the first time since Steve Kerr became head coach in the 2014-15 season.

— PHIL LEEVA, MEDIA



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
39731	420811	Print Legal Ad-IPL01226680 - IPL0122668		\$68.95	1	30 L

Attention: AP

TOWN OF YEMASSEE  
101 Town Cir  
YEMASSEE, SC 29945

mattgarnes@townofyemassee.org

### Town of Yemassee Public Hearing

NOTICE IS HEREBY GIVEN that the Town of Yemassee Town Council will hold a Public Hearing on Tuesday, June 13, 2023, at 6:30 PM at the Yemassee Municipal Complex, 101 Town Cir, Yemassee, SC 29945, for the purpose of soliciting input on the following:

Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V - Requirements by District, Section 5.3 Single-Family Residential 1/3 Acre [SF], to remove the zoning designation and reserve Section 5.3 for future use.

Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V - Requirements by District, Sections 5.1, 5.2 & 5.4, titled "Single-Family Residential 1 Acre [SF], Single-Family Residential 1/2 Acre [SF] and Single-Family Residential 1/3 Acre [SF] to rename the respective sections and update the abbreviations contained within, correct a typographical error, and update the intent of Section 5.4

Persons with comments or questions should contact the Town of Yemassee Administration Department at (843) 589-2565 Ext. 3. Persons requiring special services to attend the meeting should call to make arrangements.  
IPL0122668  
May 14 2023

STATE OF )

SOUTH CAROLINA ) AFFIDAVIT

COUNTY OF BEAUFORT )

I, Tara Pennington, makes oath that the advertisement, was published in The Island Packet and The Beaufort Gazette, a newspaper published in Beaufort County, State and County aforesaid, in the issue(s) of

1 insertion(s) published on:

05/14/23

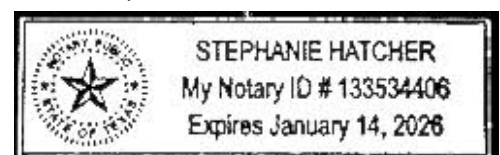
*Tara Pennington*

Tara Pennington

Sworn to and subscribed before me this 19th day of May in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!



## ***Recommended Motion***

***(Ordinance 23-16 | Removal of Section 5.3)***

***“I make the motion to approve second and final reading on Ordinance 23-16, a Zoning Text Amendment to remove Section 5.3, titled “Single-Family Residential 1/3 Acre [SF], from the Town of Yemassee Zoning Ordinance and to Reserve Section 5.3 for future use”.***

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 Staff Report

**Recommended Action:** Conduct Public Hearing and second and final reading on Ordinance 23-17.

---

### 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: MAY 9, 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



# Staff Report

## Administration



Meeting Date:	June 13, 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 conduct a Public Hearing and second reading on 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 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.

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 ¼ SF District" to "Permitted uses for the R4A District."

**Staff Recommendation:** Administration Staff recommend approval of the text amendment as presented and request a second and final reading on the Text Amendment Ordinance.

### **Next Steps:**

Step	Date	Complete
<b>Step 1. Planning Commission Recommendation</b>	May 9, 2023	✓
<b>Step 2. Town Council 1<sup>st</sup> Reading</b>	May 9, 2023	✓
<b>Step 3. Town Council Public Hearing</b>	June 13, 2023	
<b>Step 4. Town Council 2<sup>nd</sup> Reading</b>	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
- Comparative table of Residential Zoning Designations
- Affidavit of Publishing Legal Notice



## 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

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 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.



**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

# Badosa rolls past Jabeur in second round at Rome

David L. White

Paula Badosa needed just 70 minutes on Friday to dispatch fourth-seeded Jabeur 6-1, 6-4 in the second round of the International RMI at Roma in Rome.

The Spaniard Badosa converted 5 of 9 break-point opportunities while improving to 4-1 all-time against Jabeur of Tunisia. Badosa won the first five games of the match while cruising through the first set.

She trailed 3-1 in the second set before winning five of the final six games to close the match. "I'm really happy, to be honest," Badosa said afterward. "I think I started very, very well the first set. The second set she played a little bit better. I stayed in the tough moments. I played quite well and I'm really happy about the level."

The match was Jabeur's first since April 22 due to a calf injury. Badosa will next face

No. 12 seed Marta Kostjuk of Ukraine. Kostjuk cruised to a 6-0, 6-4 victory over Claire Liu.

"She's playing very well, but it doesn't surprise me," Badosa said of Kostjuk. "I always said that she has an amazing potential and for sure at some point of her career she's going to be in the very top. I really like her style of game. I think we play quite similar. So I expect the battle there."

Top-seed Iga Swiatek

played for the first time this week and rolled to a 6-0, 6-0 victory over Anastasia Potapovskaya of Russia.

Swiatek had 19 winners against nine unforced errors while prevailing in 47 minutes.

The two-time defending champion has won 12 straight matches on the clay in Rome.

Swiatek wasn't caught up in the dominating score. "In my opinion, the score doesn't really matter and it doesn't have any influence on my feeling on the court," Swiatek said.

"I'm just trying to play my best tennis no matter what the score is," Swiatek said. Facing

Ukraine's Iana Tsurenko, who posted a 6-4, 6-4 victory over 28th-seeded American Bernarda Pera. No. 7 seed Elena Rybakina of Kazakhstan posted a 7-6 (4), 6-1 win over Italy's Jasmine Paolini, while No. 8 Daria Kasatkina of Russia rolled to a 6-1, 6-2 victory over Italian Lisa Pigato.

North-seeded Greek Maria Sakka recorded a 6-1, 6-3 victory over Barbara Steyeva of the Czech Republic, and No. 10 Karolina Kuczkova, another Czech, knocked off Montenegro's Dunja Kovinic 6-2, 4-1 after the latter retired due to exhaustion.

Among other sports, popular Italian Camilla Giorgi defeated No. 23

seed Russian Ekaterina Alexandrova 6-4, 6-2, and Karolina Muchova of the Czech Republic beat 15th-seeded Italian Martina Trevisan 5-6, 6-3, 7-5.

Also, Marketa Vondrousova of the Czech Republic won a 7-6 (4), 5-7, 6-8 victory over No. 26 17-year-old Belgian Anja Karimovic. And, 25 Elise Mertens of Belgium 6-4, 4-6, 6-3, and Austria's Julia Grabher scored a 7-6 (4), 5-7, 6-8 victory over No. 28 17-year-old Italian Lucia

Other winners included No. 16 Liudmila Samsonova of Russia, No. 20 Jelena Ostapenko of Latvia and No. 21 Donna Vekic of Croatia.



Kevin Durant and the Phoenix Suns were soundly beaten in Thursday's game and eliminated from the playoffs. "We've just got to be better next year," Durant said.

## COMMENTARY

# The Suns need changes after another humiliating playoff exit

BY BEN WAGGONER  
Washington Post

The Phoenix Suns changed owners and retooled the biggest trade of the season, yet still made no progress in the postseason.

Kevin Durant left the Brooklyn Nets dysfunction and upgraded his co-star from Kyrie Irving to Devin Booker, yet still couldn't advance past the second round.

The Denver Nuggets dismantled the Suns, 125-100, in Game 6 on Thursday, eliminating Phoenix from the conference semifinals with a fourth-round exit that recalled last year's season-ending blowout.

It's an emotional, tough loss," Suns coach Monty Williams said. "It's hard for me to even see past today. We'll reevaluate as we go forward. This is two years in a row we lost elimination games

like this, and it's just a bad feeling."

Through painful enough to prompt an identity crisis, this messy ending could become a blessing in disguise, as it provided indisputable proof that Phoenix's old ways won't work anymore. Chris Paul landed just seven playoff games before suffering a groin injury, and center DeAndre Ayton was a question mark every time he stepped on the court, an unacceptable reality for a former No. 1 pick earning more than \$30 million this season.

Phoenix's 2021 Finals appearance and 64 wins campaign in 2022-23 were glorious achievements that must be left in the past.

As the Suns attempt to pick up the pieces and plot a new course under owner Mat Ishbia, a mortgage industry executive who agreed in December to purchase the franchise from the disgraced Robert Sarver, there have plenty to consider. The bench needs an overhaul. Ayton, long the subject of trade speculation, will be right back in the rumor mill. And the 34-year-old Paul is no longer a foundational piece with the Durant-Booker partnership blossoming.

Yet Phoenix's plianting efforts should start with a reappraisal of Durant, who averaged 28 points, 8.7 rebounds and 5.3 assists per game during the playoffs. The 33-year-old star opened the 2022-23 season in MVP form, then suffered a knee injury and an ankle injury that limited him to just eight games over the final three months of the regular season.

When Durant's Nets were swept out of the first round by the Boston Celtics last year, it was reasonable to argue that Jayson Tatum had outplayed Durant in the series but that Durant was still a superior player. That's not the case this time around, as 28-year-old Nuggets center Nikola Jokic pulverized the Suns by averaging 34.5 points, 12.2 rebounds and 10.3 assists per game, leaving the 34-year-old Durant in his wake.

"Jokic is going to go down as one of the all-time great centers to touch a basketball," Durant said. "It's definitely frustrating, disappointing and embarrassing to lose. But losses happen. It's about getting up, keep pushing and figuring out ways to get

better."

During logged huge minutes and had his share of moments in the post-season, but his shooting efficiency was well off his usual high standard and he rarely took over games like he had in Brooklyn, often choosing to defer to the 26-year-old Booker.

The resulting body of work was better than Durant's forgettable 2022 first-round exit but not nearly as good as his sensational 2021 playoff showing. Indeed, John, Booker, Stephen Curry, Anthony Davis and Jeremy Butler have all driven wins to a greater degree than Durant during the opening two rounds.

"If I provide context, it would just be looked at as an excuse," Durant said, when asked about Phoenix's challenging circumstances following his mid-season trade. "We've just got to be better next year."

Slipping a tier in the regular rankings should hardly be a source of shame for Durant, who remains one of the most productive mid-30s players in NBA history despite suffering a torn Achilles in 2019. After all, Los Angeles Lakers star LeBron James is living a similar story at age 38, having offended more responsibilities to Davis and his remake supporting cast.

But if the Suns thought Durant's arrival would grant them automatic entry into title contention, they must think again. While Durant's versatility makes him a seamless fit with almost any collection of supporting talent, his terms have lost to opponents with greater shared experience in each of the last three postseasons: the 2021 Milwaukee Bucks, the 2022 Celtics and now the Nuggets.

That's no coincidence, and Durant noted that Denver's "great continuity" established under longtime coach Michael Malone represented a "good advantage" in its matchup against Phoenix's slugged-together and inexperienced rotation.

The Nuggets have patiently constructed a balanced roster around three of their draft picks — Jokic, Jamal Murray and Michael Porter Jr. — just as the Celtics have built around three former lottery picks — Tatum, Jaylen Brown and Marcus Smart. That path isn't available to the Suns, who lack promising young prospects and trade years worth of draft capital to acquire Durant.

To cobble together a group capable of ousting a deeper run, then, the Suns

should consider following the Lakers' model. By trading Paul and Ayton along with their few remaining draft assets, the Suns could replenish their wing depth, recalibrate their offense to maximize space for Durant and Booker and reinvent themselves in a faster-paced, higher-octane mold. With more two-way contributions and a full regular season to jell, perhaps the Suns will be more cohesive and resilient once next year's playoffs roll around.

This will be a tricky needle for Ishbia to thread: Patience alone won't be good enough, but

a radical overhaul of the front office, coaching staff and roster could leave the Suns with too many pieces to put back together. Even so, Phoenix must seek a middle ground by rebalancing its salary commitments and adding enough proven complementary pieces so that Durant and Booker have a chance to anchor a low block ending next year.

"Obviously, you always want to make tweaks, regardless," Durant said. "Whenever wins the championship, I'm sure they're going to add to their team, too. ... I'm sure we'll make adjustments."

## Classified

class.leds.islandpacket.com

205.974.1749

## Legals

**NOTICE OF PUBLIC HEARING**  
OFFICE OF PUBLIC HEARING: The Hawaii County Planning Commission will hold a public hearing on the proposed amendments to the Hawaii County Zoning Ordinance, which are being submitted to the Commission for review and approval. The public hearing will be held on Thursday, May 11, 2023, at 10:00 a.m. at the Hawaii County Administration Center, 100 W. Kawili Street, Hilo, Hawaii 96720. The public hearing will be held in the main auditorium of the Administration Center. The public hearing will be open to the public and anyone interested in the proposed amendments may attend and provide comments. The public hearing will be held in the main auditorium of the Administration Center. The public hearing will be open to the public and anyone interested in the proposed amendments may attend and provide comments.

**Automotive**  
**Subaru Sale**  
Subaru of Hawaii  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Business**  
**For Sale**  
Hawaii Business  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

**Real Estate**  
**For Sale**  
Hawaii Real Estate  
1000 W. Kawili Street, Hilo, HI 96720  
937-479-0000

## NBA

### Friday's games

**Heat 96, Knicks 92** Jimmy Butler collected 24 points and eight rebounds to help lead Miami win its Eastern Conference semifinal series in six games. Bam Adebayo recorded 23 points and nine rebounds and Max Strus scored 14 points for the Heat, who became the first No. 8 seed to reach the conference

final since the Knicks did so in 1999. Miami advances to the conference finals for the third time in four seasons and will face the winner of the third-seeded Philadelphia 76ers and second-seeded Boston Celtics. New York's Jalen Brunson scored 41 points on 14-of-27 shooting from the floor, including 5-of-10 success from 3-point range. **Lakers 122, Warriors 101**

LeBron James scored 30 points and Anthony Davis added 23 points with 23 rebounds to lead Los Angeles win Game 6 and advance to the Western Conference finals for the second time since 2010. Austin Reaves scored 23 points and D'Angelo Russell had 19 in the Lakers eliminated the defending NBA champions by improving to 6-0 at home in the playoffs. The Lakers move on to face the Denver Nuggets on the road in

Game 1 of the Western Conference finals on Sunday. Stephen Curry scored 12 points and Donnie Davis scored 16 off the bench for the Warriors. Golden State lost to a Western Conference team in the playoffs for the first time since Steve Kerr became head coach in the 2014-15 season.

— PHIL LEEVA, MEDIA



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
39731	420811	Print Legal Ad-IPL01226680 - IPL0122668		\$68.95	1	30 L

Attention: AP

TOWN OF YEMASSEE  
101 Town Cir  
YEMASSEE, SC 29945

mattgarnes@townofyemassee.org

### Town of Yemassee Public Hearing

NOTICE IS HEREBY GIVEN that the Town of Yemassee Town Council will hold a Public Hearing on Tuesday, June 13, 2023, at 6:30 PM at the Yemassee Municipal Complex, 101 Town Cir, Yemassee, SC 29945, for the purpose of soliciting input on the following:

Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V - Requirements by District, Section 5.3 Single-Family Residential 1/3 Acre [SF], to remove the zoning designation and reserve Section 5.3 for future use.

Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V - Requirements by District, Sections 5.1, 5.2 & 5.4, titled "Single-Family Residential 1 Acre [SF], Single-Family Residential 1/2 Acre [SF] and Single-Family Residential 1/3 Acre [SF] to rename the respective sections and update the abbreviations contained within, correct a typographical error, and update the intent of Section 5.4

Persons with comments or questions should contact the Town of Yemassee Administration Department at (843) 589-2565 Ext. 3. Persons requiring special services to attend the meeting should call to make arrangements.  
IPL0122668  
May 14 2023

STATE OF )

SOUTH CAROLINA ) AFFIDAVIT

COUNTY OF BEAUFORT )

I, Tara Pennington, makes oath that the advertisement, was published in The Island Packet and The Beaufort Gazette, a newspaper published in Beaufort County, State and County aforesaid, in the issue(s) of

1 insertion(s) published on:

05/14/23

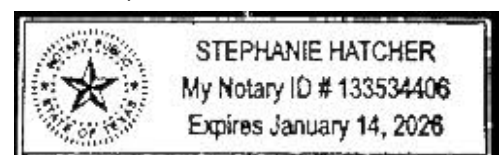
*Tara Pennington*

Tara Pennington

Sworn to and subscribed before me this 19th day of May in the year of 2023

*Stephanie Hatcher*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

## ***Recommended Motion***

***(Ordinance 23-17 | Zoning Ordinance Text Amendments)***

***“I make the motion to approve second and final reading on Ordinance 23-17, Zoning 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)”.***

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

*Town Administrator*



***Council Members***

Alfred Washington

Stacy Pinckney

David Paul Murray

## Agenda Item

**Subject:** Legislative Update

**Department:** Administration

**Submitted by:** Heather Rath

### Attachments:

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

---

**Summary:** Legislative Update

**Recommended Action:** N/A

---

### 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:** Juneteenth Proclamation

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

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

---

**Summary:** Proclamation of Juneteenth

**Recommended Action:** N/A

---

### Council Action:

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





**Town of Yemassee**  
**Juneteenth Proclamation**

**WHEREAS;** on January 1, 1863, President Abraham Lincoln signed the Emancipation Proclamation which declared the enslaved peoples in any State or designated part of a State to be then, thenceforward, and forever free; and

**WHEREAS;** this proclamation paved the way for the passing of the 13th Amendment to the Constitution which formally abolished slavery in the United States of America; and

**WHEREAS;** on June 19, 1865, federal orders were read in Galveston, Texas reaching the authorities and African Americans in the South and Southwestern United States who had not yet received word of the signing of the Emancipation Proclamation; and

**WHEREAS;** June 19th has since become known as Freedom Day or Emancipation Day, a federal holiday that commemorates the announcement of the abolition of slavery in Texas in June 1865, 901 days after the Emancipation Proclamation was issued by President Abraham Lincoln; and

**WHEREAS;** the Town of Yemassee is committed to pursuing the ideals of Justice, Equity and Peace. The Town of Yemassee recognizes Juneteenth as an important opportunity to honor the principles of the Declaration of Independence, and to celebrate African American freedom while reflecting on the continuous significant contributions of African Americans to the Yemassee Community, the state of South Carolina, and across our Nation; and

**NOW THEREFORE,** in recognition of the 158th anniversary of the emancipation of all people who were enslaved in the United States of America. I, Mayor Colin Moore, along with Yemassee Town Council, do hereby declare June 19, 2023, as Juneteenth Day in the Town of Yemassee.

(seal)

---

Mayor Colin J. Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

*Town Administrator*



***Council Members***

Alfred Washington

Stacy Pinckney

David Paul Murray

## Agenda Item

**Subject:** National Gun Violence Day Proclamation

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

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

---

**Summary:** Proclamation for National Gun Violence Awareness Day

**Recommended Action:** N/A

---

### Council Action:

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





## **Town of Yemassee**

### **NATIONAL GUN VIOLENCE AWARENESS DAY PROCLAMATION**

**WHEREAS**, every day, 316 Americans are shot, of those shot, 106 Americans are killed, leading to nearly 39,000 deaths every year; and

**WHEREAS**, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

**WHEREAS**, in January 2013, Hadiya Pendleton, a teenager who performed during President Obama's second inaugural parade and was tragically shot and killed just one week later, would have celebrated her 23<sup>rd</sup> birthday this June; and

**WHEREAS**, in honor of Hadiya and the 106 Americans whose lives are cut short and the countless survivors who are injured by shooting every day – a national coalition of organizations has designated the first Friday in June as Gun Violence Awareness Day; and

**WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; choosing this color because hunters wear orange to announce themselves to other hunters when out in the woods and because orange is a color that symbolizes the value of human life; and

**WHEREAS**, anyone can join this campaign by pledging to wear orange on June 2, 2023 to help raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

**NOW THEREFORE**, I Colin J. Moore, Mayor of the Town of Yemassee along with Yemassee Town Council do hereby proclaim that June 2, 2023, shall be recognized as **NATIONAL GUN VIOLENCE DAY** in the Town of Yemassee, to honor and remember all the victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

**IN WITNESS WHEREOF**, I have hereto set my hand and caused the seal of the Town of Yemassee to be affixed this 13th day of June 2023.

---

Colin J. Moore, Mayor

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 a Resolution Appointing Individuals to Vacancies on Town Council Boards, Commissions & Committees.  
[Resolution 23-12]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

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

---

**Summary:** The Zoning Board of Appeals (ZBOA) has a vacancy after a member resigned. Town Council desire to appoint a replacement individual to the Zoning Board of Appeals.

**Recommended Action:** Adopt Resolution 23-12.

---

### Council Action:

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

## **RESOLUTION 23-12**

### **A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL APPOINTING AN INDIVIDUAL TO A VACANCY ON THE TOWN OF YEMASSEE ZONING BOARD OF APPEALS**

**WHEREAS**, pursuant to State law, the Town Council of the Town of Yemassee desires to appoint an individual as a replacement to the Yemassee Zoning Board of Appeals as required in the Comprehensive Planning Enabling Act of 1994; and

**WHEREAS**, the Town continues to pursue planning initiatives including updates to the Town Comprehensive Plan and appointed a Planning Commission in 2022 and a Zoning Board of Appeals in 2023; and

**WHEREAS**, the Town desires to have a diverse and dynamic zoning board of appeals with representations from the four “zones” within Town as well as an “at-large” member; and

**WHEREAS**, the Town recently has had a vacancy on the Zoning Board of Appeals (ZBOA) and a replacement member is needed; and

**WHEREAS**, the members of the Zoning Board of Appeals shall conduct the necessary training and conduct monthly meetings including any special meetings as requested and report the results of the board to the Town Council as requested.

### **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:**

The Town Council hereby appoints **Garey L. Gibbs** to the Zoning Board of Appeals effective immediately replacing Stefania McDaniel.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 13<sup>th</sup> DAY OF JUNE 2023.

---

Colin J Moore, Mayor

---

**ATTEST:** Matthew E. Garnes, Town Administrator

(Seal)

# TOWN OF YEMASSEE VOLUNTEER APPLICATION

Boards and Commissions

Town of Yemassee

AUG 22 2022

The Town of Yemassee selects citizens for volunteer service on Council appointed Boards and Commissions from a roster of individuals who have either volunteered or have been recommended for appointment. Committee or Commission members must reside within the Town limits of Yemassee or own a business within the town limits of Yemassee. The Town Clerk uses this form to keep an up-to-date roster of volunteers and to give Council basic information about each volunteer.

DATE: 8/19/22 NAME: Gary L. Gibbs VOTER REGISTRATION #: [REDACTED]

OCCUPATION: retired TELEPHONE (Home) 843-986-7600 (Office) \_\_\_\_\_ (FAX) \_\_\_\_\_

Email address: gibbsgary@yahoo.com

HOME 911 ADDRESS: 159 Salkehatchie Rd MAILING ADDRESS: P.O. Box 275

- Are you presently serving on a Board, Commission or Authority? no If "yes", when does your term expire? \_\_\_\_\_
- If recommended by a Council Member, indicate name: \_\_\_\_\_

TOP THREE PRIORITIES: Please indicate by placing a "1", "2" or "3" alongside the Board, Commission or Authority which you choose.

REGIONAL BOARDS & AUTHORITIES	TOWN BOARDS AND COMMISSIONS
<input type="checkbox"/> Southern Lowcountry Regional Board <input type="checkbox"/> LRWS Commission <input type="checkbox"/> Lowcountry Council of Governments	<input type="checkbox"/> Beautification Commission <input type="checkbox"/> Municipal Election Commission <input type="checkbox"/> Planning Commission <input type="checkbox"/> Recreation Committee <input type="checkbox"/> Section 504 Committee <input checked="" type="checkbox"/> Zoning Board of Appeals (ZBOA)
Members appointed to the Planning Commission and the Zoning Board of Appeals must comply with state mandated training as described in SC Code, Section 6-29. Municipal Election Commission members must comply with state mandated training as described in SC Code, Section 5-15-90	

CONFLICT OF INTEREST STATEMENT: I, Gary Gibbs, AS A VOTING MEMBER OF THE \_\_\_\_\_ Board, Commission or Authority, agree to disqualify myself from voting on any issue(s) which may arise and in which a Conflict of Interest exists. APPLICANT'S SIGNATURE: \_\_\_\_\_

Once completed please return this form and attach a brief resume' to: Town of Yemassee, Attn: Town Clerk P.O. Box 577, Yemassee, SC 29945. Applications will be held five (5) years for consideration. All information contained on this application is subject to public disclosure.  
 An incomplete application will be returned.



# My Voter Info

⦿ Registered and Ready to Vote

## PERSONAL DETAILS

**Name:** Garey L Gibbs  
**Date of Birth:** [REDACTED]  
**Gender:** Female  
**Race:** White  
**Registration Date:** 6/26/1987  
**Registration Address:**  
159 Salkehatchie Rd  
Yemassee, SC 29945

## VOTING PRECINCT

**Reg/Cert No.** [REDACTED]  
**County:** HAMPTON  
**Precinct:** Yemassee  
**Location:** Yemassee  
Municipal Complex  
**Polling Location:**  
[101 Town Cir](#)  
[Yemassee, SC 29945 \(/Voter](#)  
[/PollingPlace/\)](#)

## VOTING DISTRICT

**US Congressional District:**  
06  
**SC Senate District:**  
45  
**SC House District:**  
122  
**School District:**  
05  
**Municipality:**  
360  
**Magistrate Jury Area:**  
251

## Questions?

[Update your registration information \(https://info.scvotes.sc.gov/eng/ov\)](https://info.scvotes.sc.gov/eng/ov)  
contact your county voter registra


### HAMPTON COUNTY BOARD OF VOTER REGISTRATION & ELECTIONS

#### Mailing Address:

201 Jackson Ave W  
Hampton, SC 29924

#### Physical Address:

201 Jackson Ave W  
Hampton, SC 29924

[Open in Google Maps](#)  <http://m.google.com/maps/?q=201+Jackson+Ave+W%2c+Hampton+SC+29924>

(803)914-2080

[tmorgan@hamptoncountysc.org](mailto:tmorgan@hamptoncountysc.org)

***Recommended Motion***

***(Resolution 23-12)***

***“I make the motion to adopt Resolution 23-12,  
Appointing Garey L. Gibbs to the Town of  
Yemassee Zoning Board of Appeals to replace  
Stefania McDaniel, as the At-Large  
Representative, Effective Immediately”.***

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 a Resolution Authorizing the Execution of an Intergovernmental Agreement (IGA) between the Town of Yemassee and the Town of Ridgeland for Law Enforcement Services. [Resolution 23-13]

**Department:** Police

**Submitted by:** Gregory Alexander, Chief of Police

### Attachments:

	Ordinance	✓	Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The Town of Yemassee and the Town of Ridgeland desire to establish a working relationship to lend assistance or request assistance as needed. The framework necessary to establish this relationship is an Intergovernmental Agreement for Law Enforcement Mutual-Aid Services.

**Recommended Action:** Adopt Resolution 23-13

---

### Council Action:

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

**RESOLUTION 23-13**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN COUNCIL AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF YEMASSEE AND THE TOWN OF RIDGELAND FOR LAW ENFORCEMENT SERVICES**

**WHEREAS**, S.C. Code 23-20-10 through 23-20-50 (Code of Laws of South Carolina 1976) as amended, provides that any county, incorporated municipality, or other political subdivision of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions; and

**WHEREAS**, these sections specify contractual provisions and approvals that are required for such agreements; and

**WHEREAS**, the officers and law Enforcement provider under such agreements have the same legal rights, powers, and duties to enforce the laws of South Carolina as the law enforcement agency contracting for the services; and

**WHEREAS**, the Town of Yemassee, an incorporated municipality of the State of South Carolina, and the Town of Ridgeland, a political subdivision of the State of South Carolina have not previously entered into an agreement and are therefore required to; and

**WHEREAS**, it is the intent of the parties to share jurisdiction under the written agreement to the fullest extent permitted under South Carolina law, which requires that a mutual-aid agreement must be approved by the appropriate governing body of each incorporated municipality or political subdivision that wishes to be a part of the agreement; and

**WHEREAS**, the Town of Yemassee wishes to approve the mutual aid agreement with the Town of Ridgeland as presented at “Attachment A”.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, SC, Authorize the execution of the attached Intergovernmental Agreement (“Attachment A”) between the Town of Yemassee and the Town of Ridgeland for Law Enforcement Services.

**PASSED AND ADOPTED** by the Town Council of the Town of Yemassee, SC this 13<sup>th</sup> day of June 2023.

---

Colin J. Moore  
Mayor

---

ATTEST: Matthew E. Garnes  
Town Administrator

(Seal)



STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT FOR  
) LAW ENFORCEMENT ASSISTANCE AND  
) SUPPORT  
COUNTY OF HAMPTON )

This agreement is made and entered into this 13<sup>th</sup> day of June 2023, by and between the Yemassee Police Department, 101 Town Cir, Yemassee, SC 29945-3363, and the Ridgeland Police Department, 11323 N. Jacob Smart Blvd, Ridgeland, SC 29936.

**WHEREAS**, as amended on June 3, 2016, South Carolina Code Ann. Section 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

**WHEREAS**, the Yemassee Police Department desires to enter into such an agreement with the Ridgeland Police Department for the purposes of securing to each other the benefits of mutual aid in the event of a natural disaster, disorder, special events, emergency situations and any other law enforcement activities;

**WHEREAS**, the purpose of this Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

**WHEREAS**, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement, and the requesting agency desires replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

**NOW, THEREFOR**, in consideration of the mutual covenants and promises contained herein, is the intent of the parties to share jurisdiction under this written Agreement to the fullest extent permitted under South Carolina law and it is further agreed as follows:

**1. Vesting of Authority & Jurisdiction**

- a. To the fullest extent permitted by the constitution and the statutes of this State, officers assigned under the Agreement shall be vested with authority, jurisdiction, rights, immunities, and privileges outside his resident jurisdiction for the purpose of investigation, arrest, or any other activity related to the criminal activity for which the agreement is drawn. This agreement is in no way intended to affect any other multi-jurisdictional agreement(s) which may still exist between the agencies. The assistance is to be rendered pursuant to this Agreement shall solely

involve responding law enforcement officers from one party's jurisdiction to the other. When so responding, such law enforcement officers shall have all powers and authorities of law enforcement officers employed by the requesting jurisdiction. However, local ordinances adopted by a responding party's jurisdiction shall not be deemed extended into the areas of operation that are located outside the geopolitical territorial limits of that party.

## **2. Request for Assistance**

- a. The responding law enforcement officers may be requested in response to any public safety function across jurisdictional lines, such as multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Assistance provided in this agreement includes, but is not limited to:
  - i. Emergency Situations
  - ii. Civil Disorders
  - iii. Natural or Manmade Disasters
  - iv. Mass Processing of Arrests
  - v. Transporting of Prisoners
  - vi. Operating Temporary Detention Facilities & Housing Inmates
  - vii. Arrests
  - viii. Pursuits of Criminal Suspect(s)
  - ix. Location of Missing Person(s)
  - x. Traffic Control & Safety
  - xi. Criminal Investigations; or
  - xii. Any other matter handled by Law Enforcement for that jurisdiction.

## **3. Primary Responsibility**

- a. It is agreed and understood that the primary responsibility of the parties to this Agreement is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether it can respond and to what extent it can comply with the request for assistance from the other agency.

## **4. Procedure for Requesting Law Enforcement Assistance**

- a. **Request.** A request for assistance shall only be made by the Chief of the Yemassee Police Department, or his/her designee, or the Chief of the Ridgeland Police Department, and his/her designee. This request shall include a description of the situation creating the need for assistance, the specific aid needed, the approximate number of law enforcement officers requested, the location to which law enforcement personnel are to be dispatched, and the officer in charge of such location.
- b. **Reply.** A reply to any request for assistance shall only be made by the Chief of the Yemassee Police Department, or his/her designee, or the Chief of the Ridgeland Police Department, or his/her designee. If the request is granted, the

requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to respond.

- c. **Officer in Charge.** The responding law enforcement officers shall report to the officer in charge of the requesting law enforcement agency at the designated location and shall be subject to the lawful orders and commands of that officer. The responding law enforcement officer shall exert their best efforts to cooperate with, and aid, the requesting law enforcement agency. The responding law enforcement officers shall be responsible at all times for acting within the policies and procedures set forth in the policy and procedure manual/handbook of the law enforcement agency by which they are regularly employed.
- d. **Release.** The responding law enforcement officers shall be released by the officer in charge when their services are no longer required when they are needed to respond to a situation within the geographic boundaries of their own jurisdiction; provided however, the responding law enforcement officers use their best efforts to complete the requested service prior to being released.

#### **5. Personnel, Costs and Records**

- a. Except as otherwise agreed between the parties, each party shall maintain control over its personnel. Except as otherwise provided herein, each party shall bear its own costs incurred in the performance of its obligations hereunder and shall keep its own personal and other usual records as to its assigned officers.
- b. All records of law enforcement activities conducted pursuant to this Agreement shall be the property of and maintained by the agency conducting the activity, including any incident reports, citations, photographs, or other images captured on any photographic or digital media. Nothing contained herein prohibits or precludes any participating agency from making or maintaining a copy of any such records referenced above.

#### **6. Requests for Information Pursuant to the South Carolina Freedom of Information Act**

- a. Upon receipt, each agency participating in this Agreement must respond to requests for information pursuant to the South Carolina Freedom of Information Act.

#### **7. Compensation**

- a. This agreement shall in no manner affect or reduce the compensation, pension, or retirement rights of any responding officer. Except as otherwise agreed, each party shall bear its own costs and expenses incurred in complying with this Agreement.

#### **8. Insurance**

- a. Each party shall maintain such insurance coverage for general liability, workers' compensation, and other such coverage as may be required by law or deemed advisable by individual parties.

**9. Employment Status**

- a. Nothing herein shall be construed or interpreted to imply that the law enforcement agencies responding in accordance with this Agreement shall be the employees of the law enforcement agency requesting such assistance.

**10. Modification or Amendment**

- a. This Agreement shall not be modified, amended, or changed in any manner except upon express written consent of the parties to this Agreement.

**11. Responsibility to Respective Governing Bodies**

- a. Each party is responsible for any approval requirements to their respective governing body as may be required under South Carolina law.

**12. Severability**

- a. Should any part of this Agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

**13. Binding Successors in Office**

- a. All parties agree that any and all successors in interest to their offices will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

**14. No Indemnification or Third-Party Rights**

- a. To the extent provided by law, the parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials, and for any claims, lawsuits and payment of damages that arise from the activities of its officers. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any rights or obligations in favor of any party or entity not a party to this agreement.

**15. Termination**

- a. This Agreement shall be terminated at any time upon written notice to the other party to this Agreement.

**16. Term and Renewal**

- a. This Agreement is effective as to each party at the date and time of signing and will automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

**17. Use of Equipment and Facilities**

- a. Each party shall be responsible for the maintenance of its own equipment and shall be responsible for the procurement of facilities unless otherwise agreed upon by the parties.

IN WITNESS THEREOF, these parties have set their hands and seals at the date set forth above.

**Town of Yemassee / Yemassee Police Department**

**WITNESSES**

---

Gregory Z. Alexander, Chief of Police  
Yemassee Police Department

---

Colin J. Moore, Mayor  
Town of Yemassee

---

Matthew E. Garnes, Town Administrator  
Town of Yemassee

---

David P. Murray, Council Member  
Town of Yemassee

**Town of Ridgeland / Ridgeland Police Department**

---

Richard V. Woods, Chief of Police  
Ridgeland Police Department

---

Witness  
Town of Ridgeland

---

Dennis Averkin, Town Manager  
Town of Ridgeland

---

Witness  
Town of Ridgeland

***Recommended Motion***

***(Resolution 23-13 | Ridgeland PD IGA)***

***“I make the motion to adopt Resolution 23-13,  
Authorizing the Execution of an  
Intergovernmental Agreement between the Town  
of Yemassee and the Town of Ridgeland for Law  
Enforcement Services”.***

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 a Resolution Authorizing the Town Administrator to Disburse Certain Funds to Satisfy an Outstanding Invoice from Sparrow & Kennedy for repairs to the Public Works John Deere Tractor [Resolution 23-14]

**Department:** Public Works

**Submitted by:** Lonnie Green, Public Works Superintendent

### Attachments:

	Ordinance	✓	Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The John Deere tractor for Public Works had maintenance issues that required repairs at the dealer. Once the dealer began investigating the issues, another issue arose that caused the labor and part charges to exceed the original limit of \$7,000.00 on the Purchase Order. Since the total amount of the invoice exceeds the original limit, authorization is necessary to issue payment.

**Recommended Action:** Adopt Resolution 23-14

---

### Council Action:

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

**RESOLUTION 23-14**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN**  
**COUNCIL AUTHORIZING THE TOWN ADMINISTRATOR TO DISBURSE**  
**CERTAIN FUNDS TO SATISFY AN OUTSTANDING INVOICE FROM**  
**SPARROW & KENNEDY FOR REPAIRS TO THE PUBLIC WORKS JOHN**  
**DEERE TRACTOR**

**WHEREAS**, the Town of Yemassee Ordinance on Purchasing, establishes a system of checks and balances while handling funds; and

**WHEREAS**, a Purchase Order is needed when non-ordinary items or services exceed \$150.00 and any item up to \$1,500.00 may be authorized by the Mayor and Town Administrator; and

**WHEREAS**, the FY23 Budget Ordinance places a limit on the dollar amount of \$25,000.00 for contractual matters that the Town Administrator may pay; and

**WHEREAS**, the Town of Yemassee issued a Purchase Order to Sparrow & Kennedy, a John Deere dealer in Ravenel, SC where the diagnostic work and repairs would be completed with the Purchase Order being valid up to \$7,000.00; and

**WHEREAS**, unforeseen circumstances arose and the cost of the repairs and labor exceeded the authorized amount on the Purchase Order, and accordingly, approval is needed from the Town Council to disburse payment to the vendor.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, SC, Authorize the disbursement of funds to satisfy Invoice #107415 from Sparrow & Kennedy (“Attachment A”) in the amount of \$10,214.42

**PASSED AND ADOPTED** by the Town Council of the Town of Yemassee, SC this 13<sup>th</sup> day of June 2023.

\_\_\_\_\_  
Colin J. Moore  
Mayor

\_\_\_\_\_  
ATTEST: Matthew E. Garnes  
Town Administrator

(Seal)



\*\*\*PROFORMA INVOICE\*\*\*



5730 Savannah Highway  
Ravenel, SC 29470  
Phone: (843) 769-9881

Scranton, SC (843) 389-2727  
Timmonsville, SC (843) 346-3139  
Bishopville, SC (803) 484-6442  
Manning, SC (803) 455-8807  
Moncks Corner, SC (843) 761-3822  
Lexington, SC (803) 957-6642  
Ravenel, SC (843) 769-9881



www.sparrowkennedy.com

**Bill To - 107415**  
TOWN OF YEMASSEE ATTN: FINANCE  
DEPARTMENT  
101 TOWN CIRCLE  
YEMASSEE, SC 29945  
Email:  
MATTGARNES@TOWNOFYEMASSEE.  
ORG  
Phone: 8435892565  
Fax:

**Deliver To - 107415**  
TOWN OF YEMASSEE ATTN: FINANCE  
DEPARTMENT  
101 TOWN CIRCLE  
YEMASSEE, SC 29945  
Email:  
MATTGARNES@TOWNOFYEMASSEE.  
ORG  
Phone: 8435892565  
Fax:

## SERVICE INVOICE

Invoice # \*\*\*PROFORMA\*\*\*  
Invoice Date 5/23/2023  
Work Order 212612  
Submitted By Jeremy Osment  
Location 7 - RAVENEL

Make/Model	Serial Number	Meter	Equipment ID	Fleet Number
JOHN DEERE 5075E	1PY5075EVKK409850		107002	

Customer PO #	Tax Exempt #	Advisor
		Jeremy Osment

Summary	Labor	OL&M	Misc	Parts	Subtotal
GEN-	\$7,140.86	\$0.00	\$98.79	\$2,729.20	\$9,968.85
				<b>Subtotal</b>	\$9,968.85
				<b>Tax</b>	\$245.57
				<b>Total</b>	\$10,214.42

GEN- - Retail

	Labor	OL&M	Misc	Parts	Subtotal
	7.140.86	0.00	98.79	2.729.20	9,968.85

COMPLAINT:

\*\*\*PROFORMA INVOICE\*\*\*



5730 Savannah Highway  
Ravenel, SC 29470  
Phone: (843) 769-9881

Scranton, SC (843) 389-2727  
Timmonsville, SC (843) 346-3139  
Bishopville, SC (803) 484-6442  
Manning, SC (803) 455-8807  
Moncks Corner, SC (843) 761-3822  
Lexington, SC (803) 957-6642  
Ravenel, SC (843) 769-9881



www.sparrowkennedy.com

WILL NOT START WITH OUT HAND PRIMING AFTER SITTING

HYDRO AND ENGINE SERVICE

A/C SPEED CONTROL ONLY WORKS ON HIGH

TEST BATTERY AND CHARGING SYSTEM

**CORRECTION:**

changed the engine oil and filter. changed the hydraulic oil and filter. The a/c speed control switch and the resistor were bad. replaced both. To replace the switch I had to remove the HVAC control panel inside the cab. To replace the resistor I had to remove the roof panel on top of the tractor. diag found the tractor wouldn't start without priming and hooked it up to service advisor to check fuel pressure and pressure was under spec. checked the fuel tank and found it to be dirty. drained the fuel tank and removed the tank strainers and they were full of algae. replaced the strainers and cleaned the fuel tank and removed the fuel filter and upon inspection of the filter it totally clogged with dirt and rust. replaced the filter and when went to start the tractor it still wound not start but the P.S.I was normal when running but would rapidly decline when the engine was turned off it was losing prime. checked the filter head and the diaphragm was cracked. replaced the head. There was still pressure loss when the engine was shut off so removed the high pressure common rail and it was full of dirt debris. cleaned the rail and the pressure relief valve was full of rust and had to be cleaned and blown out. Afterwards checked P.S.I and it was a lot better but still not in spec. next course of action was to check the high pressure injection pump. performed a return fuel test on the pump and it was leaking down which indicates it had bad internal seals. replaced. replaced the injection pump and rechecked fuel P.S.I and the pressures were in spec. cold started next AM and found no other issues at this time serviced engine and and hydro system on unit and verified repairs again to find no additional issues at this time

Part Number	Description	Quantity	Unit Price	Extended Price	Tax Ind
Part - AL117189	Check Valve	1.00	39.18	39.18	T
Part - AR69444	HY-GARD- 5 GAL	1.00	112.56	112.56	T
Part - DZ114096	FUEL FILTER ELEMENT	1.00	47.87	47.87	T
Part - DZ114097	Filter Head	1.00	187.60	187.60	T
Part - RE43497	Switch	1.00	49.70	49.70	T
Part - RE45864	TRANSMISSION OIL FILTER	1.00	59.46	59.46	T
Part - RE519626	OIL FILTER	1.00	14.69	14.69	T
Part - RE552298	Fuel Injection Pump	1.00	1,748.44	1,748.44	T
Part - SJ20144	Adapter	2.00	41.38	82.76	T
Part - SJ31007	Resistor	1.00	34.55	34.55	T

\*\*\*PROFORMA INVOICE\*\*\*



5730 Savannah Highway  
Ravenel, SC 29470  
Phone: (843) 769-9881

Scranton, SC (843) 389-2727  
Timmonsville, SC (843) 346-3159  
Bishopville, SC (803) 484-6442  
Manning, SC (803) 455-8807  
Moncks Corner, SC (843) 761-3822  
Lexington, SC (803) 957-6642  
Ravenel, SC (843) 769-9881



www.sparrowkennedy.com

Part - SU29300	PRIMARY AIR FILTER	1.00	38.99	38.99	T
Part - TY26442B	Wet Charged Battery	1.00	181.21	181.21	T
Part - TY26573	COOL-GARD II CONCENTRATE-GAL	2.00	27.78	55.56	T
Part - TY26674	15W-40 PLUS 50 II- QT	9.00	8.45	76.05	T

### Additional Part Charges

Part - 2325	EXCISE TAX-OIL	9.00	0.02	0.18	Non-Taxable
Part - 2325	EXCISE TAX-OIL	20.00	0.02	0.40	Non-Taxable

Misc Charges	Description	Quantity	Unit Price	Extended Price	Tax Ind
Misc	Service Accessories	1.00	98.79	98.79	N

Labor	OL&M	Misc	Parts	Subtotal	Tax	Total
\$7,140.86	\$0.00	\$98.79	\$2,729.20	\$9,968.85	\$245.57	\$10,214.42

Payment Check #/Auth #/Override # Amount

JD Finance

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

### Terms & Conditions

I agree to pay cash on delivery of machine or on terms satisfactory with you and until paid in full an express Mechanics Lien is acknowledged on above machine to secure the amount of repairs thereto.

## ***Recommended Motion***

***(Resolution 23-14 | Sparrow & Kennedy)***

***“I make the motion to adopt Resolution 23-14,  
Authorizing the Town Administrator to Disburse  
Certain Funds to Satisfy an Outstanding Invoice  
from Sparrow & Kennedy for repairs to the  
Public Works John Deere Tractor”.***

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 a Resolution Adopting the Initial Rules of Procedure for the Town of Yemassee Planning Commission [Resolution 23-15]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

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

---

**Summary:** The Planning Commission has drafted and approved its initial set of Rules of Procedure. Staff request the Town Council formally adopt the Rules of Procedure for the Planning Commission.

**Recommended Action:** Adopt Resolution 23-15.

---

### Council Action:

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

**RESOLUTION 23-15**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN**  
**COUNCIL ADOPTING THE INITIAL RULES OF PROCEDURE FOR THE**  
**TOWN OF YEMASSEE PLANNING COMMISSION**

**WHEREAS**, in accordance with the South Carolina Local Government Comprehensive Planning Act of 1994, the Town of Yemassee is authorized to establish a Planning Commission; and,

**WHEREAS**, a Planning Commission was established pursuant to Chapter 5 of the Code of Ordinances of the Town of Yemassee and appointed in 2022; and,

**WHEREAS**, Town Council appoints members of the Planning Commission and as such, the Town determined that it is in its best interest for the Town Council to approve the Rules of Procedure for the Planning Commission by Resolution after review and approval by the Planning Commission; and,

**WHEREAS**, the Planning Commission drafted and reviewed the proposed Rules of Procedure at their June 6, 2023, Planning Commission meeting; and

**WHEREAS**, by adopting Rules of Procedure the Planning Commission, its appointed members and Staff have a set of written guidelines governing the operation of its Commission.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, SC, The Town Council hereby adopts the initial Rules of Procedure as drafted and recommended by the Town of Yemassee Planning Commission, which are attached and incorporated as “Attachment A” hereto.

**PASSED AND ADOPTED** by the Town Council of the Town of Yemassee, SC this 13<sup>th</sup> day of June 2023.

---

Colin J. Moore  
Mayor

---

ATTEST: Matthew E. Garnes  
Town Administrator

(Seal)

**Town of Yemassee  
Planning Commission  
Rules of Procedure**

**Section 1. Establishment**

The Town of Yemassee Planning Commission is established under the provisions in the Code of Ordinances for the Town of Yemassee, South Carolina.

**Section 2. Rules**

The Commission is adopting these Rules of Procedure by Resolution in accordance with the South Carolina Local Government Comprehensive Planning Act of 1994. S.C. Code Ann. § 6-29-790.

**Section 3. Membership**

- A. Appointment: The Board shall consist of five (5) members appointed by the Town Council in accordance with the Code of Ordinances for the Town of Yemassee, South Carolina. A vacancy in membership must be filled for the unexpired term by Town Council appointment. Commission members shall serve without compensation. No member of the Commission shall hold any other public office or elected position in the Town, other municipalities within Beaufort or Hampton County, or Beaufort or Hampton County.
- B. Officers: The Chair and Vice-Chair shall be elected annually by a majority vote of the members present and qualified to vote and shall perform the following duties:
  - a. The Chair shall be a voting member of the Commission and shall:
    - i. Call meetings of the Commission to order.
    - ii. Call Special Meetings of the Commission.
    - iii. Preside over meetings and hearings.
    - iv. Sign documents for the Commission
    - v. Have orders of the Commission served on parties.
    - vi. Perform other duties approved by the Commission.
  - b. The Vice-Chair shall preside over the meeting or hearing and perform the required duties set forth in Section 3.B.(a) of these Rules and Procedures in the absence of the Chair. In the absence of the Chair and Vice-Chair, an acting Chair shall be elected by a majority of the members present and qualified to vote.

- C. Secretary: The Town Administrator or their designee, shall serve as the Secretary and Staff Liaison to the Committee and shall perform the following duties:
1. Provide notice of the Meetings and Public Hearings
  2. Assist the Chair in preparation of the agenda.
  3. Keep minutes of the meetings and hearings
  4. Maintain Commission records as public records.
  5. Attend to Commission correspondence.
  6. Serve orders of the Commission on parties
  7. Perform other duties normally carried out by a Secretary.

#### **Section 4. Education and Training**

- A. State Boards and Commission Member Training: Members of Boards, Commissions, Committees, and Staff liaisons are required to attend mandatory training pursuant to Article 9 of the South Carolina Local Government Comprehensive Planning Act of 1994. Failure to complete the mandatory training by the required date may result in removal.

#### **Section 5. Voting / Quorum**

- A. Quorum: A majority of the members present shall constitute a quorum. A quorum shall be present before and business is conducted other than rescheduling the meeting.
- B. Voting: A member must be present at the meeting or attending by telephone or virtual conference to vote. The Commission may deliberate and make final disposition of a matter by a majority vote of members present and qualified to vote. Deliberating and voting shall be done in public.

#### **Section 6. Ethics**

- A. Ethics Reform Act: The Commission shall adhere to the South Carolina Ethics Reform Act (S.C. Code of Laws, Title 8, Chapter 13).
- B. Disqualification: The question of disqualification shall be decided by the member affected, who shall announce the reason for the disqualification,



- provide the Secretary with an executed recusal form, have it placed in the minutes, and refrain from deliberating or voting on the question in any way.
- C. Ex Parte Contact: Any ex parte contacts with applicants, opponents, or other parties of interest in a matter to come before the Commission shall be reported at the earliest opportunity to the Chair. It shall be considered the duty of the Commission members to conduct themselves in a manner that will discourage such contact.
  - D. Expressions of Bias: Commission members shall avoid all situations and circumstances that may lead to bias or prejudice in manners presented to the Commission.

## **Section 7. Meetings**

- A. Roberts Rules of Order: The current edition of Roberts Rules of Order shall govern the conduct of meetings except as otherwise provided by these Rules of Procedure.
- B. Meeting Schedule: Meetings of the Commission must be scheduled at least once (1) per month. Each December, the Commission shall adopt their annual meeting schedule and forward it to the Town Council for adoption by Resolution. Meetings shall be held at the Yemassee Municipal Complex, Council Chambers, 101 Town Cir, Yemassee, SC 29945-3363 at 3:00PM, unless otherwise noticed. All meetings are open to the public. Meetings may be cancelled by the Town Administrator if there is no business before the Commission.
- C. Agendas: The Secretary shall notify the Chair of items for inclusion on the agenda. Agendas shall be published no later than twenty-four (24) hours prior to the meeting date and time. Special Meetings may be held at the call of the Chair or a majority of the Commission upon twenty-four (24) hours by notice delivered to the local news media, interested citizens and posting at the Town Hall.
- D. Agenda Amendment: Items may be added to the agenda at a meeting by a majority vote of members present and qualified to vote.
- E. Public Comment: Members of the public desiring to appear before the Commission must complete the prescribed form and provide it to the Secretary no later than five (5) minutes prior to the meeting's start time. Public Comment is limited to two (2) minutes and individuals making comments should address the attending commission, public and Staff with respect.

- F. Workshops: The Commission may periodically hold workshops to discuss issues and general policies to determine the necessity for future action. No formal action shall be taken at the workshop.
- G. Minutes: The Secretary shall maintain the minutes of the meeting, present draft minutes for approval, and upon approval, post the minutes of the meeting to the Town website.

## **Section 8. Public Hearing**

- A. Public Hearing Notice: Public Notice of Public Hearings shall be posted in a newspaper of general circulation at least fifteen (15) days prior to the Public Hearing date, on the town website and town sign board. In the case of an Annexation, the property shall be posted. In the case of a Zoning Map Amendment, the property shall be posted and certified mail notice to adjacent property owners notifying them of the meeting date and time shall be mailed.

## **Section 9. Appeals of Commission Decisions**

Appeals of Commission Decisions shall be in accordance with the provisions set forth in the South Carolina Local Government Comprehensive Planning Act of 1994.

## **Section 10. Amendment and Adoption**

Once initially adopted by the Commission and approved by Resolution by the Town Council, these rules may be amended at any regular meeting of the Commission by a majority vote of members present and qualified to vote at least seven (7) days after the written amendment is delivered to members.

These rules were adopted by vote of a majority of members present and qualified to vote at a regular public meeting on \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_

Secretary

Chair

***Recommended Motion***

***(Resolution 23-15)***

***“I make the motion to adopt Resolution 23-15,  
adopting the Rules of Procedure for the Town of  
Yemassee Planning Commission”.***

*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 a Resolution Authorizing the Town Administrator to Study Options for the Towns' Solid Waste Curbside pickup service within the Town of Yemassee and to draft a cost analysis on the Town operating the Curbside trash collection. [Resolution 23-16]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### **Attachments:**

✓	Ordinance		Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The current Solid Waste pickup contract with S&S Disposal, Inc. is set to expire on August 1, 2019. Council have asked Staff to evaluate the potential options for disposal of solid waste within the Town of Yemassee and evaluate costs associated with curbside pickup from commercial providers and the potential cost of operating the solid waste program internally with municipal owned equipment. This resolution would authorize the Town Administrator to begin research into this.

**Recommended Action:** Request Town Council adopt Resolution 23-16.

---

### **Council Action:**

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

**RESOLUTION 23-16**  
**A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN COUNCIL AUTHORIZING THE TOWN ADMINISTRATOR TO STUDY OPTIONS FOR THE SOLID WASTE CURBSIDE PICKUP SERVICE WITHIN THE TOWN OF YEMASSEE AND TO DRAFT A COST ANALYSIS ON THE TOWN OPERATING THE CURBSIDE TRASH COLLECTION INTERNALLY**

**WHEREAS**, the Town of Yemassee contracts out curbside trash pickup for residents and issues a franchise for commercial dumpster service within Town as a benefit to its business owners and residents; and,

**WHEREAS**, the Town of Yemassee executed a contract with S&S Disposal, Inc. (contractor) on June 28, 2019, to provide residential and commercial trash pickup to locations within Town limits; and,

**WHEREAS**, the current agreement between the Town and the contractor is set to expire on June 28, 2024, and the Town desires to evaluate the current contract for solid waste disposal, evaluate other contractors and conduct a cost analysis on the Town operating the solid waste service internally; and,

**WHEREAS**, the Town desires to have ample time to conduct a thorough review of its options pertaining to Solid Waste services and select the most prudent option for our constituents.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Yemassee, SC, The Town Council hereby authorizes the Town Administrator to review the options for solid waste services as they exist, evaluate options and services offered by other companies and to conduct a cost benefit analysis on the Town operating Solid Waste services internally within the Public Works department.

**PASSED AND ADOPTED** by the Town Council of the Town of Yemassee, SC this 13<sup>th</sup> day of June 2023.

---

Colin J. Moore  
Mayor

---

ATTEST: Matthew E. Garnes  
Town Administrator

(Seal)

***Recommended Motion***

***(Ordinance 23-19)***

***“I make the motion to adopt Resolution 23-16”.***

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 a Resolution to Authorize the Execution of an Intergovernmental Agreement (IGA) between the Town of Yemassee and the Town of Estill Establishing a Joint Review of Projects of Regional Significance. [Resolution 23-17]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### **Attachments:**

	Ordinance	✓	Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The Town of Yemassee and the Town of Estill desire to establish Joint Review on Projects of Regional Significance as we have done with the County of Hampton. The IGA establishes trigger points for notification and subsequent comment from participants.

**Recommended Action:** Request Town Council adopt Resolution 23-17.

---

### **Council Action:**

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

## **RESOLUTION 23-17**

### **A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF YEMASSEE AND THE TOWN OF ESTILL ESTABLISHING A JOINT REVIEW OF PROJECTS OF REGIONAL SIGNIFICANCE**

**WHEREAS**, the Town of Yemassee and the Town of Estill are jurisdictions that have recognized the fast paced and eminent growth that will arrive in our region in the coming years, and

**WHEREAS**, the South Carolina Priority Investment Act encourages jurisdictions to coordinate and seek comment from other agencies and jurisdictions when the actions and decisions of one impacts the other(s), and;

**WHEREAS**, the quality of life expected and experienced by the constituents of these governments is a direct function of the cumulative impact of the separate policies of each, and;

**WHEREAS**, central to the quality of life are concerns surrounding land use, environmental protection, transportation and public facilities, and;

**WHEREAS**, reason suggests that no single governmental entity holds all the answers to these concerns, but rather a sharing of information, ideas, policies and strategies may be of mutual benefit to several entities and the regions constituents, and;

**WHEREAS**, the Town of Yemassee and the Town of Estill currently have an agreement of this nature with Hampton County which will enhance communication between the three jurisdictions.

### **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:**

1. The Town of Yemassee and the Town of Estill hereby approve the Intergovernmental Agreement identified as "Attachment A" and authorize its execution on behalf of the Town of Yemassee as Town Administrator Matthew Garnes.
2. Upon execution, two originals will be sent to the Town of Estill for execution and upon adoption and execution by the Town of Estill, they shall send one executed copy to the Town of Yemassee and retain one copy for the Town of Estill records.
3. Hampton County will be notified in writing that these municipalities have enacted this agreement.

**THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 13<sup>th</sup> DAY OF JUNE 2023.**

---

Colin J Moore, Mayor

---

**ATTEST:** Matthew E. Garnes, Town Administrator



STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT FOR  
) JOINT REVIEW OF REGIONALLY  
) SIGNIFICANT PROJECTS  
COUNTY OF HAMPTON )

This agreement is made and entered into this 13<sup>th</sup> day of June 2023, by and between the Town of Yemassee, 101 Town Cir, Yemassee, SC 29945-3363, and the Town of Estill, 325 Martin L. King Jr, Blvd S, Estill, SC 29918.

**WHEREAS**, the South Carolina Priority Investment Act encourages jurisdictions to coordinate and seek comment from other agencies and jurisdictions when the actions and decisions of one impact the others(s); and

**WHEREAS**, the parties to the agreement desire to codify requirements that allow for review and comment on projects defined below as having “regional significance”;

**WHEREAS**, the purpose of this Agreement is to define what constitutes a project of regional significance, information to be provided to signatories and requirements of comments to be submitted to the record.

## **1. Preamble**

- a. This Intergovernmental Agreement codifies the requirements that allow governmental entities that are signatories to this agreement to notify signatories of projects that are of regional significance. “Regional Significance” is hereby defined as any change of use, development, expansion, extension, modification, or re-zoning within the jurisdictional boundaries of the signatories including if in the case of a municipality, the Town or City crosses County lines and the proposed project is within a different County. Upon a signatory receiving a project covered by this agreement, notification shall be made to the opposing parties in writing along with any backup material with the submittal for review by participating local governments. The notifying entity shall provide a closing date and time for comments which will then be reviewed, considered, and included as part of the review packets of the application and/or proposal to the respective governing body. The receiving jurisdiction should review and comment on the proposal prior to the closure of the comment period.

## **2. Point of Contact**

- a. Each party to this agreement shall designate either an individual, a government department (such as Planning, Growth Management, or a Town/City Clerk), a Commission or Board or Municipal Council (hereby known as “Reviewing Party”) to review the project and provide an official position on behalf of the

entity regarding the project. Once the review has been completed and any comments are prepared, the entity should return their response to the sending governmental entity for their review and inclusion in the review packets and application records.

### **3. Trigger Points for Project Distribution**

- a. Staff at the entity considering the project shall distribute project information by electronic mail to the designated contact at each signer to this agreement. The following projects are of regional significance per this agreement:

- i. ***Zoning Map Amendments that match or exceed any one of trigger points 1-4***

- 1. Affecting acreage of 100 or more acres
    - 2. New dwelling units of 200 or more (including Single-Family, Two-Family, Multi-family or Apartment/Duplex) dwellings.
    - 3. Development that would itself generate 2,000 average daily trips or more per day.
    - 4. Any Commercial, Light, Medium, or Heavy Industrial usage of 200,000 square feet or more
    - 5. Any amendment that would grant a Planned Unit Development / Planned Development District, sometimes referred to as “PUD” or “PDD”.
    - 6. Annexations that exceed 100 acres

- ii. ***Public Infrastructure Projects*** – Schools, roads, water and sewer upgrades or extensions into previously unserved areas and extension of electrical, gas and communication infrastructure as required by the Priority Investment Act.

- 1. Transit
    - 2. Convenience Centers / Recycling Centers / Transfer Stations
    - 3. Extension into previously unserved areas or upgrades of existing infrastructure of Electric, Natural Gas, Telecommunications or water and wastewater services regardless of if the project is undertaken at the expense of the local government or the utility company operating the infrastructure.

- iii. Development located on a principle or Minor Arterial for an access management review after adding or modifying existing access points.

- iv. Projects considered overly sensitive or critical to the region by the signatories’ Planning Director, Administrator or designee do not meet the previously listed trigger points.

### **4. Process**

- a. Project information will be distributed to area Planning Directors or the designated point of contact and the school district official when a completed

application is received. Communication will occur throughout the review process to ensure distribution of up-to-date information and for awareness of the direction of the responsible Planning Department. Planning Directors should consult with the School District official to submit comments to the responsible Planning Department to be included as an attachment to the entities' Staff Report and to become part of the permanent file. Comments received should be considered as staff advisement used in determining the appropriateness of the proposed project. A participating jurisdiction's Administrator/Manager/Council may elect to submit an official stance on the proposed project. Individual planning staff should coordinate with their respective Councils to determine reporting processes specific to their jurisdiction.

- b. When a project meets the previously mentioned criteria for distribution, a memo or email containing the following information will be sent to all Planning Directors or designated contacts:
  - i. Project Name
  - ii. Brief Summary (type, proposed use, location, tax map number, acreage, square footage, trip generation, access, watershed location, availability to existing utility infrastructure or distance to existing infrastructure if not available on the site)
  - iii. Request for jurisdictions intent to comment. Response within five (5) working days is required to distribute project files and information.
  - iv. Comment due date.
- c. Upon the Planning Director or designated contact completing review on behalf of their jurisdiction, they shall return a response in writing whether by e-mail or postal mail for inclusion into the project file and / or staff review team narrative which would be presented as comment during discussion of the project.

## **5. No Veto**

- a. While the framework of this agreement is to enhance and expand cooperation between the signatories there will be instances where jurisdictions have objections, in whole or in part, to a particular project. The decision to proceed with a project lies solely with the jurisdiction that is handling the project and this agreement in no way grants any form of "veto" or "rejection" power to the opposing entities.

## **6. Privileged Economic Development Matters**

- a. Participating jurisdictions may have sensitive economic development matters that are entertained by their respective governing bodies. Such prospects are typically confidential in nature while undergoing contractual negotiations pertaining to the potential development. The participating jurisdictions shall agree to follow these established guidelines however may leave out information pertaining to the specific type of industry or business and may identify a submission as "Confidential". Signatories may opt to provide basic information such as square

footage, projected trip counts, availability or need of infrastructure or other information that would protect the integrity of the prospect while allowing a review to be completed.

**7. Modification or Amendment**

- a. This Agreement shall not be modified, amended, or changed in any manner except upon express written consent of the parties to this Agreement.

**8. Addition of Signatories to this Agreement**

- a. It is understood that this agreement is designed to enhance and expand communication between jurisdictions for projects that impact the region as a whole and accordingly this agreement is enhanced by the presence of additional signatories to this agreement. Additional municipal jurisdictions and County governments are encouraged to become signatories to the agreement by following a prescribed process as outlined below.
  - i. The jurisdiction shall notify in writing both the Town of Yemassee Administration Department and the Hampton County Government of their desire to become a signatory to this agreement. The Town and County will discuss the request and if in the best interest of both governments, the requesting entity would be invited to begin the process to formally adopt the agreement. A letter or memorandum is requested from the interested entity's Council or Commission formally requesting and supporting adoption.
  - ii. Following receipt of a written request, the Town and County will draft an updated Intergovernmental Agreement to include the new member and will be provided to the requesting entity for adoption by Resolution.
  - iii. Upon the requesting entity providing an adopted Resolution and Intergovernmental Agreement, the current signatories will present the updated IGA to their respective Councils for consideration and adoption.
  - iv. The Intergovernmental Agreement (IGA) is in force when the existing and new signatories have signed the agreement and updated resolutions are on file.

**9. Responsibility to Respective Governing Bodies**

- a. Each party is responsible for ensuring prompt notification of projects within their jurisdiction. Should a member wish to remove from the agreement, the entity seeking to terminate the agreement should notify the other signatories in writing of their desire to terminate their membership in this agreement.

**10. Term of Agreement**

- a. This agreement remains in force until cancelled by one or all its participants following the terms outlined in Section 9 of this agreement.

IN WITNESS THEREOF, these parties have set their hands and seals at the date set forth above.

**Town of Yemassee Town Council**

**WITNESSES**

---

Colin J. Moore, Mayor

Town of Yemassee

---

Witness

Town of Yemassee

---

Matthew E. Garnes, Town Administrator

Town of Yemassee

---

Witness

Town of Yemassee

**Town of Estill**

---

Kim Wiley, Mayor

Town of Estill

---

Witness

---

Tiffany Cooks, Town Administrator

Town of Estill

---

Witness

## **Policy Statement**

### **Joint Review of Regionally Significant Projects**

The Planning Department of the participating jurisdictions will distribute project information and provide the opportunity for review and comment on projects of regional significance. The following are considered regionally significant:

1. Uses
  - a. Public infrastructure projects including Schools, roads, water, and sewer.
  - b. Transit
  - c. Convenience Centers
  - d. Major Utilities
  - e. Uses that have major watershed impacts.
2. Development located on a Principal or Minor Arterial.
  - a. Access management review resulting from adding or modifying existing access points.
3. Projects considered overly sensitive or critical to the region by the Planning Department of the respective jurisdictions, but do not meet the trigger points below.

Projects of regional significance shall also include annexations and zoning map amendments that match or exceed any one of the following four trigger points.

1. Acreage – 100+ acres
2. Dwelling Units – 200+
3. Trip Count – Generation of 2,000 ADT
4. Commercial, Heavy and Light Industrial Space <200,000sqft

## **Process**

- The goal of Joint Review on projects of regional significance is to allow participating jurisdictions to focus on communication and review of important projects with potential regional implications. Each member government shall appoint a member of Staff to receive notifications of projects, review the project and offer feedback on behalf of the entity. Communication will occur throughout the review process to ensure distribution of up-to-date information and for awareness of the direction of the responsible Planning Department. Each member shall submit any comments pertaining to the project to the originating jurisdiction. Comments should be attached to a report such as a Staff Report listing the name of the reviewing jurisdiction and the remarks they provided. Comments received should be considered as staff advisement used in determining the

appropriateness of the proposed project. A participating jurisdiction's Administrator/ Manager / Clerk or Council may elect to submit an official stance on the proposed project. Individual planning staff should coordinate with their respective councils to determine reporting processes specific to their jurisdiction.

- When a project meets the previously mentioned criteria for distribution, a memo or e-mail containing the following information will be sent to all Planning Directors or designated contacts:
  - Project Name
  - Brief Summary (type, proposed use, location, acreage, square footage, trip generation, access, watershed location)
  - Request for jurisdiction's intent to comment. Responses should be made within two working days to receive project files and information.
  - Comment due date.

***Recommended Motion***

***(Resolution 23-17)***

***“I make the motion to adopt Resolution 23-17,  
Authorizing the Execution of an  
Intergovernmental Agreement between the Town  
of Yemassee and the Town of Estill Establishing  
Joint Review on Projects of Regional  
Significance”.***



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 a Resolution to Endorsing the Need for Healthcare Services within the Town of Yemassee and greater area.  
[Resolution 23-18]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

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

---

**Summary:** The Town of Yemassee has begun dialogue with a regional medical provider to discuss the potential benefit for the Town and the residents of the greater Yemassee area to establish a medical clinic. The project is very preliminary in nature, however the company seeks to have the support of the local elected officials prior to beginning a thorough study of the area and potential operations.

**Recommended Action:** Request Town Council adopt Resolution 23-18.

---

### Council Action:

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

## **RESOLUTION 23-18**

### **A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, ACKNOWLEDGING THE LACK OF HEALTHCARE SERVICES IN THE YEMASSEE AREA AND ENDORSING POTENTIAL HEALTHCARE OPTIONS ESTABLISHING IN THE TOWN OF YEMASSEE.**

**WHEREAS**, the Town of Yemassee is considered by many as a “healthcare desert”, meaning that there is a lack of access to healthcare within the Town limits and immediate area; and,

**WHEREAS**, barriers such as lack of transportation, distance and provider availability are barriers to healthcare to the population; and,

**WHEREAS**, Genesis Healthcare, Inc, a non-profit Federally Qualified Health Center (FQHC) healthcare provider with locations throughout the Lowcountry and Pee Dee regions of South Carolina are evaluating the Yemassee area for a potential expansion; and,

**WHEREAS**, access to quality healthcare, close to home, is a fundamental human right and the Town of Yemassee supports the expansion and access of healthcare for a range of specialties; and,

**WHEREAS**, the Town of Yemassee shares the vision of Genesis Healthcare to improve the health of our community and will provide any and all support and resources necessary to facilitate the development of a health clinic and Pharmacy within the community.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE:** THE TOWN OF YEMASSEE ACKNOWLEDGES THE LACK OF HEALTHCARE RESOURCES IN THE YEMASSEE AREA AND ENDORSES THE RESEARCH AND POTENTIAL DEVELOPMENT OF A HEALTHCARE FACILITY AND PHARMACY WITHIN THE TOWN OF YEMASSEE AND WILL PROVIDE ANY SUPPORT AND RESOURCES NECESSARY TO GENESIS HEALTHCARE TO CONSIDER YEMASSEE AS A LOCATION FOR THEIR NEXT LOCATION.

**THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 13<sup>th</sup> DAY OF JUNE 2023.**

---

Colin J Moore, Mayor

---

**ATTEST:** Matthew E. Garnes, Town Administrator

(Seal)

***Recommended Motion***

***(Resolution 23-18)***

***“I make the motion to adopt Resolution 23-18”.***

*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, 5.8 Light Industrial District (LID) and 5.12 Regional Commercial District, by updating the Campgrounds and Recreational Vehicle Park Regulations. [Ordinance 23-18]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### **Attachments:**

✓	Ordinance		Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The Planning Commission has directed Staff to revisit the existing Campground and Recreational Vehicle Park Regulations as they appear in the Zoning Ordinance and have recommended updates to the existing regulations as they appear in the Zoning Ordinance within Section 5.8 & 5.12. See attached Staff Report

**Recommended Action:** Request Town Council approve first reading and schedule a public hearing on the Text Amendment at the July 11, 2023 Town Council Meeting.

---

### **Council Action:**

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



# Staff Report

## Administration



Meeting Date:	June 13, 2023
Project:	A request by the Town Administrator for a Zoning Text Amendment to Amend the Town of Yemassee Zoning Ordinance, Article V, titled “Campgrounds and Recreational Vehicle Park Regulations”.
Project Manager:	Matthew E. Garnes Town Administrator

**Request:** The Town Administrator requests that the Town Council consider an amendment to the Campgrounds and Recreational Vehicle Park Regulations in the Town of Yemassee Zoning Ordinance as they appear within Section 5.8, Light Industrial District (LID) and Section 5.12, Regional Commercial District.

**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. Currently, Campgrounds and Recreational Vehicle (RV) parks are permitted in the Regional Commercial District (RCD) and Light Industrial District (LID) as a Conditional Use. As the minimum lot size was recently amended for LID, the existing campground / RV park requirements make the development of a park challenging. Currently, there are no parcels zoned Regional Commercial District, although a Zoning Map Amendment application has been received for a parcel on Le Creuset Road in Beaufort County and only eight parcels are zoned Light Industrial District, of which several are owned by Dominion Energy and utilized as electrical substations and no development is possible.

Currently, Campgrounds and Recreational Vehicle Parks are permitted in only two districts, Light Industrial District and Regional Commercial District. Within these two districts, Campgrounds & RV Parks are considered Conditional Use, meaning it requires approval by the Planning Commission prior to commencing operation as opposed to a standard “Permitted” use which would be approved at Staff level. This creates an extra layer of oversight so the Planning Commission can review any application for this type of use on a case-by-case basis to evaluate any potential impact it would have on the community at large.



# Staff Report

## Administration



### **Existing Text and Proposed Changes:**

As found in the Zoning Ordinance in Section 5.8.3(h 1-8) and Section 5.12.3(h 1-8), the Campground and Recreational Vehicle Parks state:

#### **"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.

### **Staff Comments on Existing Text by Section:**

- 1) Staff concur with the existing occupancy limit of fourteen (14) days.
- 2) Staff concur with existing overflow requirements. Should the Campground / RV Park be full it could create a safety hazard for the campground occupants.



# Staff Report

## Administration



- 3) Staff request the minimum campground size be reduced from twenty (20) acres as written now to match the minimum lot size as defined in the LID zoning.
- 4) Staff concur with the current limitation on height of permanent structures.
- 5) Staff request amending the density of camp sites per acre. Staff propose to allow no more than eight (8) campsites [i.e., pitched tents that are temporary] per acre and no more than 13 RV's [i.e., movable pull-behinds or full-size drivable RV's] per acre. RV's typically park parallel to each other and have the protection of walls on the vehicle which instills a sense of privacy and safety that is less than that which a tent provides.
- 6) Staff concur with the existing open space requirements.
- 7) Staff concur with the campgrounds / recreational vehicle parks being subjected and in compliance with the Rules and Regulations Governing Camps issued by the South Carolina Department of Health & Environmental Control and propose no changes.
- 8) Staff concur with the requirement that the facility be served by water & sewer.

### **Proposed Rules & Regulations:**

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 three (3) 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 or camping structures, including pitched tents and cabins, shall be permitted per net acre in any campground. No more than thirteen (13) Recreational Vehicle parking pads with hookups 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;



# Staff Report

## Administration



7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall conform 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.

**Planning Commission 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 as submitted with amendments; or
- c. Denial of the application as submitted by the applicant.

The Planning Commission voted at their June 6, 2023, meeting to recommend approval of the text amendment as presented and forwarded the Text Amendment to the Town Council for consideration.

**Staff Recommendation:** Administration Staff recommend approval of the text amendment as presented and request the Town Council approve first reading and schedule a public hearing for the July 11, 2023, Town Council meeting.

### **Next Steps:**

Step	Date	Complete
<b>Step 1. Planning Commission Recommendation</b>	June 6, 2023	✓
<b>Step 2. Town Council 1<sup>st</sup> Reading</b>	June 13, 2023	
<b>Step 3. Town Council Public Hearing</b>	July 11, 2023	
<b>Step 4. Town Council 2<sup>nd</sup> Reading</b>	July 11, 2023	

### **Attachments:**

- Existing text of the Campground & Recreational Vehicle Park Regulations
- Proposed text of the Campground & Recreational Vehicle Park Regulations
- Current Directory of Light Industrial District Parcels
- Current Directory of Regional Commercial District Parcels



maintained on the premises, and for such space to contain at least two hundred (200) square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment;

- F. Animal hospital, veterinary clinic, or kennel, provided any structure shall be no closer than two hundred (200) feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum;
- G. A solid waste transfer facility, site, and accessory uses, including a recycling center, provided such facility is one hundred (100) feet or greater from any residential building and it meets the Development Standards of this Ordinance;

**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.

- I. Seafood or shellfish packaging and processing shall be permitted in the RCD provided that the following conditions are met:

There shall be a setback of one hundred fifty (150) feet from the perimeter of any residential or Planned Unit Development District; and

All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of this Ordinance as related to odor, noise, smoke, waster disposal, and other nuisances.

- 5.12.4 Uses permitted in the RCD shall be required to conform to the following standards:

- A. Minimum lot width, measured at the building line, is one hundred fifty (150) feet;
- B. Maximum building size is ten thousand (10,000) square feet per acre;
- C. Front, side, and rear yard setbacks are as follows: from residential uses, fifty (50) feet; from hotels or motels, fifteen (15) feet; from other commercial uses or industrial uses, twenty (20) feet; from major thoroughfares, fifty (50) feet;
- D. Maximum building height is 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. Equipment and materials must be stored within completely enclosed buildings;

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 three (3) 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 or camping structures, including pitched tents and cabins, shall be permitted per net acre in any campground. No more than thirteen (13) Recreational Vehicle parking pads with hookups 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 conform with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from the same for operation.
8. All campground facilities shall be served by public water and sewer.

maintained on the premises, and for such space to contain at least two hundred (200) square feet per waiting vehicle; and no safety hazard or impediment to traffic movement is created by the operation of such an establishment;

- F. Animal hospital, veterinary clinic, or kennel, provided any structure shall be no closer than two hundred (200) feet to any residential zoning perimeter or residential dwelling; provided all boarding arrangements are maintained within the facility and such noise as will be audible from the use of outside runs or exercise areas be kept at a minimum;
  - G. A solid waste transfer facility, site, and accessory uses, including a recycling center, provided such facility is one hundred (100) feet or greater from any residential building and it meets the Development Standards of this Ordinance;
  - 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 three (3) 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 or camping structures, including pitched tents and cabins, shall be permitted per net acre in any campground. No more than thirteen (13) Recreational Vehicle parking pads with hookups 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 conform with the Rules and Regulations Governing Camps of the South Carolina Department of Health and Environmental Control and have a valid permit from the same for operation.
8. All campground facilities shall be served by public water and sewer.
- I. Seafood or shellfish packaging and processing shall be permitted in the RCD provided that the following conditions are met:

There shall be a setback of one hundred fifty (150) feet from the perimeter of any residential or Planned Unit Development District; and


All packaging and/or processing of seafood, shellfish, or sea plants shall meet the provisions of this Ordinance as related to odor, noise, smoke, waster disposal, and other nuisances.

5.12.4 Uses permitted in the RCD shall be required to conform to the following standards:

- A. Minimum lot width, measured at the building line, is one hundred fifty (150) feet;
- B. Maximum building size is ten thousand (10,000) square feet per acre;
- C. Front, side, and rear yard setbacks are as follows: from residential uses, fifty (50) feet; from hotels or motels, fifteen (15) feet; from other commercial uses or industrial uses, twenty (20) feet; from major thoroughfares, fifty (50) feet;
- D. Maximum building height is 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. Equipment and materials must be stored within completely enclosed buildings;

Town of Yemassee Administration Department  
**Parcels zoned Regional Commercial District (RCD)**  
**within Town Limits As of 12 May 2023**

Number	Parcel Number	County	Situs Address (If Applicable)	Current Use	Acerage	Annx Date
				Total Acerage Zoned RCD:	0.00	

	<p><b>Regional Commercial District (RCD) Zoning District</b></p> <p>RCD is designed to reserve land for business purposes of a regional scope; encouraging the formation and continuance of a compatible and economically healthy environment for business, financial and professional uses which benefit from being located in close proximity to each other.</p> <p><b>Section 5.12, Town of Yemassee Zoning Ordinance</b></p>
<p><b>Standards for the RCD District 5.12.14</b></p>	
<ul style="list-style-type: none"> <li>• Minimum Lot Width: One Hundred Fifty (150) feet, measured at the building line.</li> <li>• Maximum Building Size: 10,000sqft per acre.</li> <li>• Front, Side &amp; Rear Yard Setbacks: 50 feet from residential uses, 15 feet from commercial or industrial uses and 50 feet from major thoroughfares.</li> <li>• Maximum Building Height: Thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with approval from the Fire Marshall's Office.</li> <li>• Equipment and Materials must be stored completely within enclosed buildings.</li> <li>• All trash, garbage or waste must be retained in containers located inside the building or within a screening enclosure at least fifty (50) feet from the property line of any residential zoning district.</li> <li>• All loading berths shall be located at the side or rear of building.</li> </ul>	
<p><b>Permitted Uses for the RCD District 5.12.2</b></p>	
<ul style="list-style-type: none"> <li>• Retail, Wholesale, or Storage Business (excluding open yard storage)</li> <li>• Club, Lodge, Union Hall, or Social Center</li> <li>• Church or Religious Institution</li> <li>• Off-Street Commercial Parking or Garage</li> <li>• Hotel, Bed and Breakfast Inns, and Motels</li> <li>• Commercial Recreation Facility &amp; Vocational Schools</li> <li>• Eating or Drinking Establishments with Drive-Through Windows</li> <li>• Public Utility Installation or Sub-Installation including Water Towers</li> <li>• Office Buildings for Government, Professional or Business Purposes</li> <li>• Horse Riding / Training Facility provided site is a minimum of three acres and a minimum of one acre per horse.</li> <li>• Temporary Office or Storage building for construction project.</li> <li>• Motion Picture Studio and/or Video Commercial Preparation</li> <li>• Mini-Warehouse or Self-Service Storage Facility</li> </ul>	
<p><b>Conditional Uses for the RCD District</b></p>	
<ul style="list-style-type: none"> <li>• Automobile Service Station or Garage</li> <li>• Newspaper Publishing Plant</li> <li>• Car Wash</li> <li>• Animal Hospital</li> <li>• Solid Waste Transfer Facility</li> <li>• Campgrounds and Recreational Vehicle Parks with conditions.</li> </ul>	

Town of Yemassee Administration Department  
**Parcels zoned Light Industrial District within  
Town Limits As of 9 June 2023**

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		



## **TOWN OF YEMASSEE**

### **Ordinance No. 23-18**

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE'S ZONING ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION 5.8, titled "LIGHT INDUSTRIAL DISTRICT (LID)", AND SECTION 5.12 titled "REGIONAL COMMERCIAL DISTRICT" TO AMEND THE CAMPGROUNDS AND RECREATIONAL VEHICLE PARK REGULATIONS AS THEY APPEAR IN BOTH SECTIONS.

**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 a Regional Commercial District (RCD) to develop commercial operations of a regional scale; and

**WHEREAS**, revisions are desired to amend the existing regulations for Campgrounds and Recreational Vehicle Parks; and

**WHEREAS**, the Zoning Ordinance currently only allows the development of Campgrounds and Recreational Vehicle (RV) parks within the Light Industrial District and Regional Commercial District as a Conditional Use, meaning that permission must be obtained by the Planning Commission for the use; and

**WHEREAS**, no changes are proposed to the zoning districts in which a Campground or Recreational Vehicle Park can be operated but changes are proposed to the zoning ordinance pertaining to the regulations that govern such development; and

**WHEREAS**, the Planning Commission conducted a review of the proposed text amendment at their June 6, 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 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 5.8.5.3(h 1-8) Campground and Recreational Vehicle Parks and Article V, Section 5.12, Regional Commercial District, Section 5.12.3 (h- 1-8) as follows:

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 three (3) 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 or camping structures, including pitched tents and cabins, shall be permitted per net acre in any campground. No more than thirteen (13) Recreational Vehicle parking pads with hookups 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 conform 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.

**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)

## ***Recommended Motion***

***(Ordinance 23-18)***

***“I make the motion to approve first reading of Ordinance 23-18, Amending the Town of Yemassee Zoning Ordinance, Article V Section 5.8 & Section 5.12, Campground & Recreational Vehicle (RV) Park Regulations and to schedule a public hearing at the July 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 Approving Annexation of Two Parcels of Land of Approximately 316.71 Acres of land and identified by Beaufort County TMS: R700 012 000 0004 0000 and R700 012 000 0005 0000. [Ordinance 23-19]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

✓	Ordinance		Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** Staff have received a valid 100% Annexation Petition for two parcels of land in Beaufort County across from Cotton Hall Plantation. See attached Staff Report.

**Recommended Action:** Request Town Council approve first reading of Ordinance 23-19.

---

### Council Action:

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

STATE OF SOUTH CAROLINA )

COUNTY OF BEAUFORT )

TOWN OF YEMASSEE )

ORDINANCE NUMBER: )

(23-19)

An Ordinance Annexing Two Parcels  
of Land owned by Peak Media, LLC.  
into the Town of Yemassee, South  
Carolina.

**AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, TWO PARCELS OF LAND OF APPROXIMATELY 316.71 ACRES, LOCATED AT 143 AND 193 COTTON HALL ROAD, OWNED BY PEAK MEDIA, LLC., IN BEAUFORT 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 the 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  
R700 012 000 0004 0000 and R700 012 000 0005 0000 & 226.44 and 90.27 acres, respectively,  
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:**







**TOWN OF YEMASSEE  
ANNEXATION APPLICATION**

Town of Yemassee

**MAY 31 2023**

Received

Town of Yemassee  
Attn: Administration Department  
101 Town Cir  
Yemassee, SC 29945-3363  
(843) 589-2565 Ext. 3  
<http://www.townofyemassee.org>

Applicant		Property Owner	
Name: Brian Harvin		Name: Peak Media, LLC.	
Phone: (843) 737-3296		Phone: (843) 737-3296	
Mailing Address: 916 Middle St Sullivans Island, SC 29482		Mailing Address: 916 Middle St Sullivans Island, SC 29482	
E-mail: brianharvin@yahoo.com		E-mail: brianharvin@yahoo.com	
Town Business License # (if applicable): N/A			
Property Information			
County: <input checked="" type="checkbox"/> Beaufort <input type="checkbox"/> Hampton <input type="checkbox"/> Jasper		Acreage: 316.71	
Property Location: 143 & 193 Cotton Hall Rd			
Existing Zoning: T2R		Proposed Zoning: GR	
Tax Map Number(s): R700 012 000 0004 0000 & R700 012 000 0005 0000			
Project Description: Annexation of two parcels of land known as Jericho Plantation, in Sheldon.			
Select Annexation Method			
<input checked="" type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	
		<input type="checkbox"/> 25 Percent Elector Petition and Election Method	
Minimum Requirements for Submittal			
<input checked="" type="checkbox"/> 1. Completed Annexation Petition(s)			
<input checked="" type="checkbox"/> 2. Copy of plat and/or survey of area requesting annexation			
<input checked="" type="checkbox"/> 3. Parcel Information from the appropriate County Assessor's Office			
<b>Note:</b> Application is not valid unless signed and dated by property owner.			
<b>Disclaimer:</b> The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property.			
Property Owner Signature: 		Date: 5/31/23	
Applicant Signature: 		Date: 5/31/23	
For Office Use			
Application Number: ANNEX-05-31-1050		Date Received: 5/31/23	
Received By: M. Parnes		Date Approved:	



## Beaufort County, South Carolina

generated on 5/26/2023 9:04:53 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R700 012 000 0005 0000	00522919	193 COTTON HALL RD,	5/19/2023	2023	2022

## Current Parcel Information

Owner	PEAK MEDIA LLC	Property Class Code	AgImp Forest
Owner Address	916 MIDDLE ST SULLIVANS ISLAND SC 29482	Acreage	90.2700
Legal Description	PB40 P41TOMOTLEY PLANT PB40 P41POR SUBJ TO ROLL BACK TAX LEIN MERGE 0.92 AC FROM 12/4A ACREAGE CHANGED BY PB101 P38~01/18 SPLIT 5.00 AC 12/67POR TOMOTLEY PLANTSUBJ TO ROLL BACK TAX LEINPOR TOMOTLEY PLANT PB40 P4111/04 MERGE 0.92 AC FROM 12/4A AC CHG PB101 P38~AC CHG 02/19 CONSOLIDATED WITH 12/67 PB150 PG188		

## Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2022	\$377,600	\$447,400	\$825,000	\$7,558.95	\$7,558.95
2021	\$377,600	\$447,400	\$825,000	\$8,515.98	\$8,515.98
2020	\$377,600	\$472,400	\$850,000	\$8,685.45	\$8,685.45
2019	\$377,600	\$472,400	\$850,000	\$8,575.43	\$8,575.43
2018	\$322,500	\$74,600	\$397,100	\$1,164.10	\$2,304.04
2017	\$276,500	\$807,300	\$1,083,800	\$5,048.62	\$5,048.62
2016	\$276,500	\$807,300	\$1,083,800	\$4,889.04	\$5,697.40
2015	\$276,500	\$807,300	\$1,083,800	\$4,792.11	\$5,585.93
2014	\$276,500	\$807,300	\$1,083,800	\$4,695.63	\$5,524.97
2013	\$276,500	\$807,300	\$1,083,800	\$4,627.65	\$5,446.80

## Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BONEY HAROLD A	3831 656	1/23/2020	Fu		\$825,000
BRELAND JUDY	3567 290	4/14/2017	Fu		\$520,000
LACY ARNOLD G	1480 1967	9/6/2001	Fu		\$350,000
CONNELLY LOGGING OF YEMASSEE INC RTE 2	779 1775	5/4/1995	Fu		\$91,000
VOLK NORMA H TRUSTEE BOSTWICK DOLLY VON S (LIFE ESTATE)	721 903	7/25/1994	Fu		\$689,000
BOSTWICK GEORGE H % CHAMBERLAIN & STEWARD ASSOC LTD	465 2229	11/26/1986	Fu		\$960,900
BOSTWICK GEORGE H % CHAMBERLAIN & STEWARD ASSOC LTD	87 271	1/1/1980	Fu		\$0
		12/31/1776	Or		\$0

Building	Type	Use Code Description	Improvements		Rooms	Square Footage	Improvement Size
			Constructed Year	Stories			
R03	DWELL	Dwelling	2003	2.0	17	2,206	
R03	DWELL	Dwelling	2003	2.0	17	2,642	
R02	ATTCP	Attatched Carport	2003	0	0		1,600
R02	ATTCP	Attatched Carport	2003	0	0		1,600
R03	CONCAPRN	Residential Concrete Apron	2003	0	0		1,600
R03	POOL	Residential Pool In Ground	2003	0	0		800
R02	MACHINE	General Purpose Bldg x Other	2003	0	0		3,200
R03	DETGAR	Residential Detached Garage	2003	0	0		1,106



## Beaufort County, South Carolina

generated on 5/26/2023 9:03:27 PM EDT

Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R700 012 000 0004 0000	00522900	143 COTTON HALL RD,	5/19/2023	2023	2022

## Current Parcel Information

Owner	PEAK MEDIA LLC	Property Class Code	AgImp Classified
Owner Address	916 MIDDLE ST SULLIVANS ISLAND SC 29482	Acreage	226.4400
Legal Description	JERICHO PLANTATION PB146 PB180 SUBJ TO ROLL BACK TAX LIEN CROPLAND & PASTURE LAND~01/18 AC CHANGED PB146 PG180		

## Historic Information

Tax Year	Land	Building	Market	Taxes	Payment
2022	\$1,280,000	\$20,000	\$1,300,000	\$502.95	\$502.95
2021	\$1,280,000	\$20,000	\$1,300,000	\$705.10	\$705.10
2020	\$482,400	\$10,000	\$492,400	\$586.47	\$586.47
2019	\$482,400	\$10,000	\$492,400	\$580.15	\$580.15
2018	\$482,400	\$10,000	\$492,400	\$553.88	\$553.88
2017	\$630,200	\$10,000	\$640,200	\$628.33	\$628.33
2016	\$630,200	\$10,000	\$640,200	\$614.56	\$614.56
2015	\$630,200	\$10,000	\$640,200	\$592.30	\$592.30
2014	\$630,200	\$10,000	\$640,200	\$586.44	\$586.44
2013	\$630,200	\$10,000	\$640,200	\$569.93	\$569.93

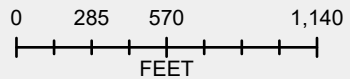
## Sales Disclosure

Grantor	Book & Page	Date	Deed	Vacant	Sale Price
BONEY HAROLD A	3831 625	1/23/2020	Fu		\$1,300,000
DEKOCK S A TRUSTEE (JC & AJ HARDEN IRREVOC TRUST)	3581 3188	6/9/2017	Fu		\$792,540
HARDEN JOSEPH C ALLYSON J JTROS	615 2470	12/31/1992	Fu		\$1
DELTA GROUP (THE)	401 1106	8/1/1984	Fu		\$76,850
DELTA GROUP (THE)	401 1098	8/1/1984	Fu		\$265,000
DELTA GROUP (THE)	401 1102	8/1/1984	QC		\$0
		12/31/1776	Or		\$0

## Improvements

Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size
----------	------	----------------------	------------------	---------	-------	----------------	------------------

R01	LOAFING	Livestock Loafing Shed	1960	0	0	1,630
R01	UTLSHED	Residential Shed - Small Util	1957	0	0	120



R700 012 000  
0004 0000

R700 012 000  
0005 0000

PROPOSED ANNEXATION AREA  
JERICHO PLANTATION

COTTON HALL





**ZONING  
DEPARTMENT**

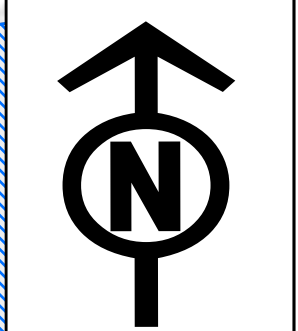
**PROPOSED  
ANNEXATION  
AREA**

LEGEND  
PROPOSED ANNEXATION

DATE CREATED:  
2/8/2021  
PREPARED BY:  
SPATIAL ENGINEERING, INC.

DATE UPDATED:  
5/16/2023  
CARTOGRAPHY BY:  
GOVI HINES, GISP

0 0.04 0.08 0.17  
MILES



DISCLAIMER:  
The GIS maps and data distributed by the Town of Yemassee are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Town of Yemassee makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the town's Geographic Information Systems database. Additionally, the Town of Yemassee or any agent, servant, or employee thereof assume no liability associated with the use of this data, and assume no responsibility to maintain it in any matter or form.



4  
T50MP  
Logan  
2025

ADD DMP Record 2/7/2020 09:40:40 AM  
BEAUFORT COUNTY TAX MAP REFERENCE  
Dist Map SMap Parcel Block Week  
R700 012 000 0004 0000 00



BEAUFORT COUNTY SC - ROD  
BK 3831 Pgs 625-628  
FILE NUM 2020004200  
01/24/2020 01:45:39 PM  
REC'D BY keoston RCPT# 961702  
RECORDING FEES \$15.00  
County Tax \$1,430.00  
State Tax \$3,380.00

RECORDED  
2020 Feb -28 12:23 PM

*[Signature]*  
BEAUFORT COUNTY AUDITOR

(Please do not write above this line - Reserved for Register of Deeds Office)

Prepared by: Logan Law Firm  
Post Office Box 1008  
806 Charles Street (29902)  
Beaufort, SC 29901  
Our File No. 20-0060HAL

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that HAROLD A. BONEY, in the State aforesaid, for and in consideration of the sum of One Million Three Hundred Thousand and 00/100 Dollars (\$1,300,000.00), unto me paid by PEAK MEDIA, LLC, in the State aforesaid, the receipt whereof is hereby acknowledged, subject to easements and restrictions of record and otherwise affecting the property, has granted, bargained, sold and released and by these presents does grant, bargain, sell, and release unto the said Peak Media, LLC, its Successors and Assigns, forever, in fee simple, the following described property, to wit

ALL that certain tract of land with improvements thereon, if any, situate, lying, and being in Sheldon Township, Beaufort County, South Carolina, having and containing Two Hundred Twenty-six and Forty-four Hundredths (226.44) acres, more or less, being known as "Jericho Plantation," being bordered on the north by Castle Hill Plantation, on the east by lands formerly of Judy P. Breland now of Harold A. Boney, on the south by Cotton Hall Road and lands of Simmons, and on the west by lands of Simmons, and being more particularly shown and described by courses, distances, metes and bounds by the plat of survey made thereof by David E. Gasque, R.L.S. No. 10506 dated May 12, 2017, and recorded in the Office of the Register of Deeds for Beaufort County in Plat Book 146 at Page 180.

The above described tract was acquired by the grantor by deed of S.A. deKock, trustee for the 1992 Joseph C. Harden and Allyson J. Harden Irrevocable Trust, dated December 31, 1992, which deed was dated June 9, 2017, and was recorded June 12, 2017, in Book 3581, Page 3188, Office of the Register of Deeds for Beaufort County, S.C.

This instrument was prepared in the Law Offices of Henri Ann Logan, 806 Charles Street, Beaufort, SC 29902, without title examination or certification and without a current survey.

Beaufort County Tax Identification: R700 012 000 0004 0000



Tax Map #: 700-12-4

Grantees Address: 916 Middle Street  
Sullivans Island, SC 29482

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 premises before mentioned unto the said Peak Media, LLC, its Successors and Assigns, forever, in fee simple.

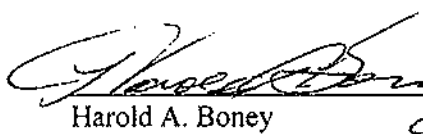
AND Grantor does hereby bind himself and his Heirs and Assigns, to warrant and forever defend all and singular the said premises unto the said Peak Media, LLC, its Successors and Assigns, forever, against Grantor and his Heirs and Assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF my Hand and Seal this 23 day of January, 2020.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:



1st Witness/Notary



Harold A. Boney

{L.S.}



2nd Witness/Notary

STATE OF SOUTH CAROLINA


COUNTY OF BEAUFORT

)  
)  
)  
)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he was present and saw the within Grantor sign, seal, and as his act and deed, deliver the within Warranty Deed; that deponent with the other witness whose name is subscribed above, witnessed the execution thereof.

SWORN to before me this 23 day of

  
Witness/Notary

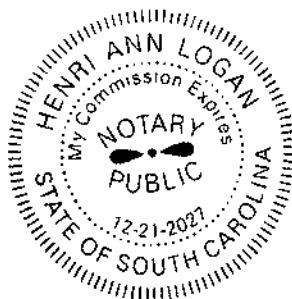
January, 2020.



Notary Public for South Carolina

My Commission Expires  
(SEAL)

12/21/2027



STATE OF SOUTH CAROLINA

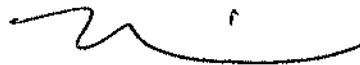
COUNTY OF BEAUFORT

)  
)  
)

**AFFIDAVIT**

PERSONALLY appeared before me the undersigned, who, being duly sworn, deposes and says:

1. The property being transferred is located at **143 Cotton Hall Road, Yemassee, SC, 29945**, bearing **Beaufort County** Tax Map Number **R700-012-000-0004-0000**, was transferred by **Harold A. Boney to Peak Media, LLC** on **January 24, 2020**.
2. ☒ an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$1,300,000.00\*.  
  
☐ **NOT** an arm's length real property transaction and the fair market value of the property is \$ @.
3. The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.*, because the Deed is: N/A
4. As required by Code § 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Seller
5. I further understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand and no/100 Dollars (\$1,000.00) or imprisoned not more than one year, or both.

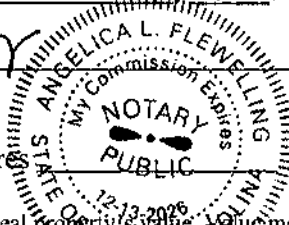
  
\_\_\_\_\_  
Purchaser, Seller, Legal Representative of the Purchaser or other  
Responsible Person Connected with this Transaction

SWORN to before me this 23

day of January 2020.

  
(Notary Public)

My commission expires



\* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a realty of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

4  
155mp  
Logan  
2026

ADD DMP Record 2/7/2020 09:30:42 AM  
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	012	000	0005	0000	00

RECORDED  
2020 Feb -28 12:23 PM

*[Signature]*  
BEAUFORT COUNTY AUDITOR

BEAUFORT COUNTY SC - ROD  
BK 3231 Pgs 656-659  
FILE NUM 2020004208  
01/24/2020 01:47:58 PM  
REC'D BY keoston RCPT# 961705  
RECORDING FEES \$15.00  
County Tax \$907.50  
State Tax \$2,145.00

(Please do not write above this line - Reserved for Register of Deeds Office)

Prepared by: Logan Law Firm  
Post Office Box 1008  
806 Charles Street (29902)  
Beaufort, SC 29901  
Our File No. 20-0060AHAL

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

)  
)

## WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that HAROLD A. BONEY, in the State aforesaid, for and in consideration of the sum of Eight Hundred Twenty-Five Thousand and 00/100 Dollars (\$825,000.00), unto me paid by PEAK MEDIA, LLC, in the State aforesaid, the receipt whereof is hereby acknowledged, subject to easements and restrictions of record and otherwise affecting the property, has granted, bargained, sold and released and by these presents does grant, bargain, sell, and release unto the said Peak Media, LLC, its Successors and Assigns, forever, in fee simple, the following described property, to wit

ALL those certain piece, parcels or tracts of land, together with improvements thereon, described as follows:

That certain tract of land situate, lying, and being in Sheldon Township, Beaufort County, South Carolina, having and containing eighty-seven and four tenths (87.4) acres, more or less, formerly a part of Tomotley Plantation, being shown and described by courses, distances, metes and bounds on a plat of survey made of Tomotley Plantation, dated March 31, 1981, revised November 29, 1990, by F. Steven Johnson RLS 10038, which plat was recorded December 18, 1990, in Plat Book 40, at page 41, Office of the Register of Deeds for Beaufort County. The subject 87.4 acre tract is identified on the referenced plat as "87.4 ACRES" bounded on the east by Charleston & Western Carolina Railroad, on the south by a state road, and on the west and north by Jericho Plantation.

ALSO

That certain piece, parcel or lot of land, situate, lying and being in Sheldon Township, Beaufort County, South Carolina, having and containing 0.92 acre, more or less, bounded on the east by the above-described 87.4 acre tract (formerly of George H. Bostwick and formerly a part of the Tomotley Plantation), on the south by State Highway 48, and on the west and north by lands formerly of Fender (Jericho Plantation), and said 0.92 acre parcel being more particularly shown

and described by the plat of survey made there by R.D. Trogdon, Jr., RLS 2712, recorded in Deed Book 424, at page 1324, Office of the Register of Deeds for Beaufort County, South Carolina.

SAVE AND EXCEPT AND EXCLUDING THEREFROM the following:

All that certain piece, parcel, or tract of land, together with all improvements thereon, situate, lying and being in Sheldon Township, Beaufort County, South Carolina, being identified as Parcel "B" having and containing 5.0 acres, and being described by courses, distances, metes, and bounds by the plat of survey made thereof by David E. Gasque, S.C.R.L.S. 10506, entitled "Plat Showing Parcels 'A' and 'B' Prepared for Judy P. Breland," which plat is dated April 7, 2017, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 146 at Page 92.

The above described tract was acquired by the grantor by deed of Judy P. Breland dated April 14, 2017, and recorded April 14, 2017, in Book 3567, Page 290, Office of the Register of Deeds for Beaufort County, South Carolina.

ALSO:

All that certain piece, parcel, or tract of land, together with all improvements thereon, situate, lying and being in Sheldon Township, Beaufort County, South Carolina, being identified as Parcel "B" having and containing 5.0 acres, and being described by courses, distances, metes, and bounds by the plat of survey made thereof by David E. Gasque, S.C.R.L.S. 10506, entitled "Plat Showing Parcels 'A' and 'B' Prepared for Judy P. Breland," which plat is dated April 7, 2017, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 146 at Page 92.

The above described tract was acquired by the grantor by deed of Judy P. Breland dated April 14, 2017, and recorded April 14, 2017, in Book 3567, Page 250, Office of the Register of Deeds for Beaufort County, South Carolina.

This instrument was prepared in the Law Office of Henri Ann Logan, 806 Charles Street, Beaufort, SC 29902, without title examination or certification and without a current survey.

Beaufort County Tax Identification: R700 012 000 0005 0000

Grantees Address: 916 Middle Street  
Sullivans Island, SC 29482

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 premises before mentioned unto the said Peak Media, LLC, its Successors and Assigns, forever, in fee simple.

AND Grantor does hereby bind himself and his Heirs and Assigns, to warrant and forever defend all and singular the said premises unto the said Peak Media, LLC, its Successors and Assigns, forever, against Grantor and his Heirs and Assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF my Hand and Seal this 23 day of January, 2020.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

1st Witness/Notary

{L.S.}

Harold A. Boney

2nd Witness/Notary

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)  
)  
)  
)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he was present and saw the within Grantor sign, seal, and as his act and deed, deliver the within Warranty Deed; that deponent with the other witness whose name is subscribed above, witnessed the execution thereof.

SWORN to before me this 23 day of

  
Witness/Notary

January, 2020.

Notary Public for South Carolina

My Commission Expires  
(SEAL)

12/21/2027



STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)  
)  
)

**AFFIDAVIT**

PERSONALLY appeared before me the undersigned, who, being duly sworn, deposes and says:

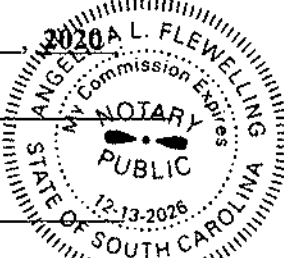
1. The property being transferred is located at **193 Cotton Hall Road, Yemassee, SC, 29945**, bearing **Beaufort County** Tax Map Number **R700-012-000-0005-0000**, was transferred by **Harold A. Boney to Peak Media, LLC on January 24, 2020**.
2. ☒ an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$825,000.00\*.
- ☐ NOT an arm's length real property transaction and the fair market value of the property is \$ @.
3. The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.*, because the Deed is: N/A
4. As required by Code § 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney for Seller
5. I further understand that a person required to furnish this Affidavit who willfully furnishes a false or fraudulent Affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than One Thousand and no/100 Dollars (\$1,000.00) or imprisoned not more than one year, or both.

\_\_\_\_\_  
Purchaser, Seller, Legal Representative of the Purchaser or other  
Responsible Person Connected with this Transaction

SWORN to before me this 23

day of January

\_\_\_\_\_  
(Notary Public)

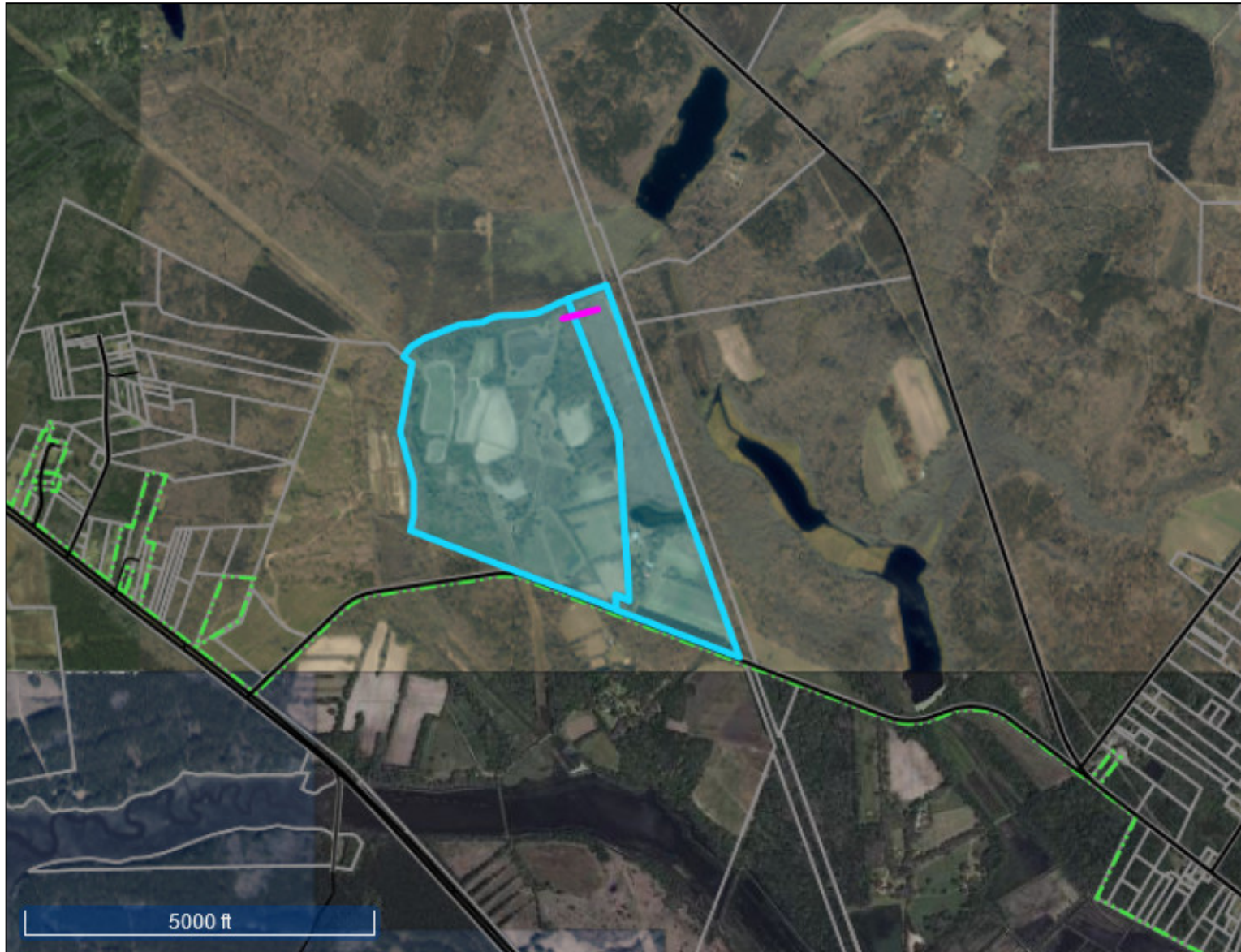


My commission expires \_\_\_\_\_

\* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or place on the realty as a realty of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.



# Jericho Plantation



## Legend

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



10 Jun, 2023

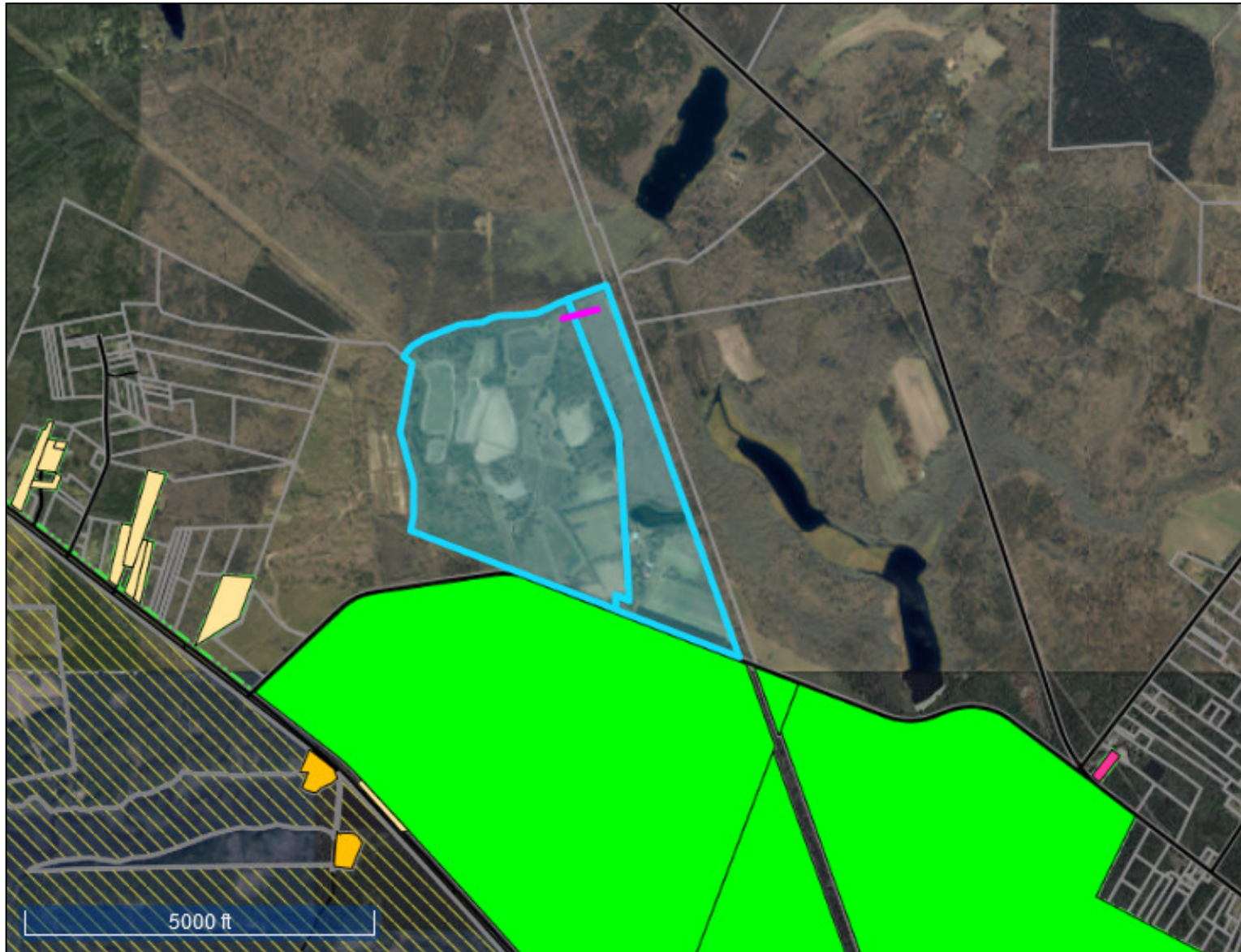
This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Jericho Plantation



## 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

## Beaufort Road Names

### Beaufort Roads

- Roads
- Major Roads

## Hampton Road Names

### Hampton Roads

- Roads
- Major Roads
- Interstate

## Jasper Road Names

...



10 Jun, 2023

This map is a user generated static output from [rightspot.spateng.com](https://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**



# Jericho Plantation



## 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
- Beaufort Road Names
- Beaufort Roads
  - Roads
  - Major Roads
- Hampton Road Names
- Hampton Roads
  - Roads
  - Major Roads
  - Interstate
- Jasper Road Names
- Jasper Roads
  - Roads
  - Major Roads
  - Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary



10 Jun, 2023

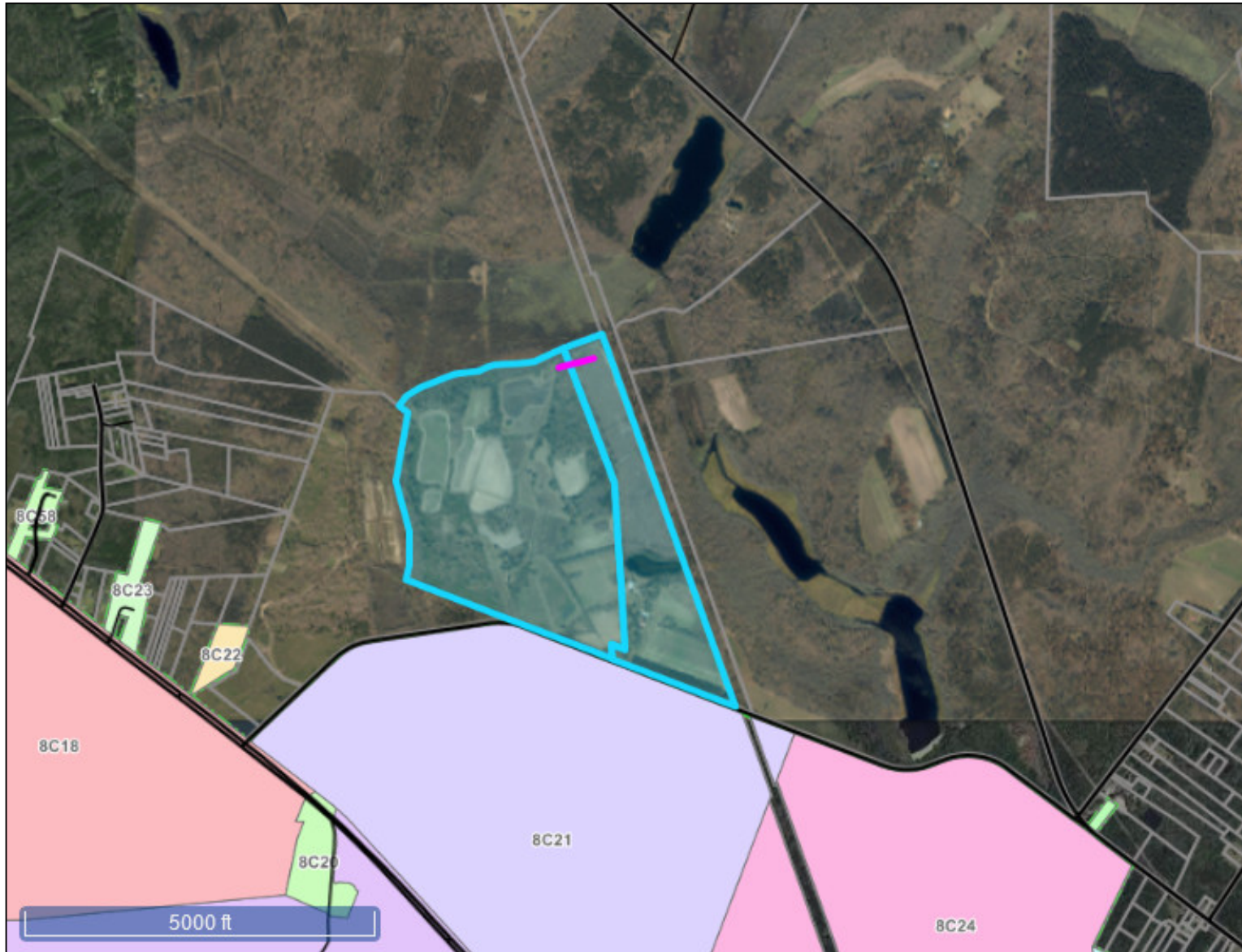
This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Jericho Plantation



## Legend

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



10 Jun, 2023

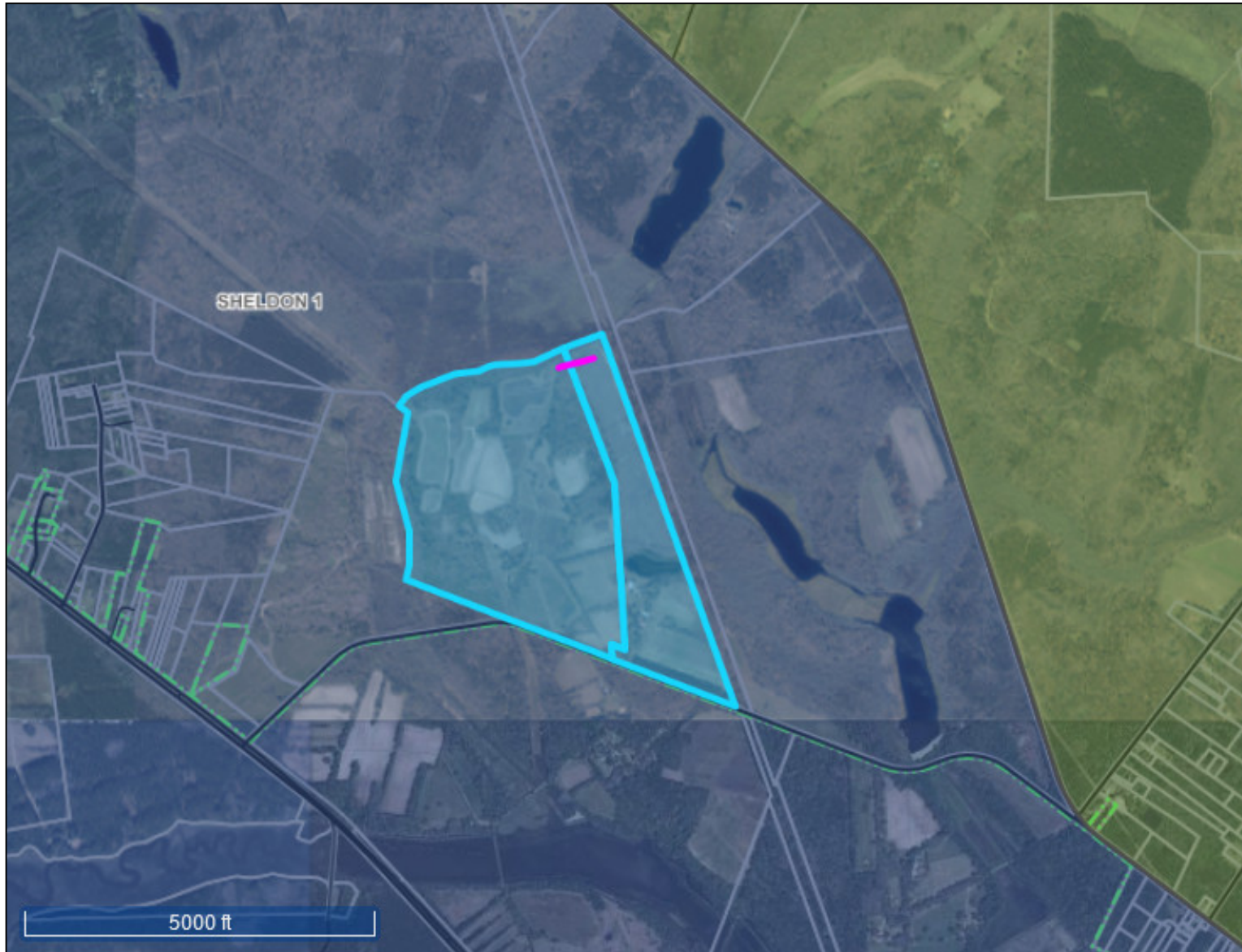
**Note:**  
**Police Patrol Grids**

This map is a user generated static output from [rightspot.spateng.com](https://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**



# Jericho Plantation



## Legend

- + Address Points Beaufort
- Parcels Beaufort
- + Address Points Hampton
- Parcels Hampton
- + Address Points Jasper
- Parcels Jasper
- Beaufort Road Names
- Beaufort Roads
  - Roads
  - Major Roads
- Hampton Road Names
- Hampton Roads
  - Roads
  - Major Roads
  - Interstate
- Jasper Road Names
- Jasper Roads
  - Roads
  - Major Roads
  - Interstate
- ✈ Railroads



10 Jun, 2023

**Note:**  
**Polling Precincts - Beaufort County**

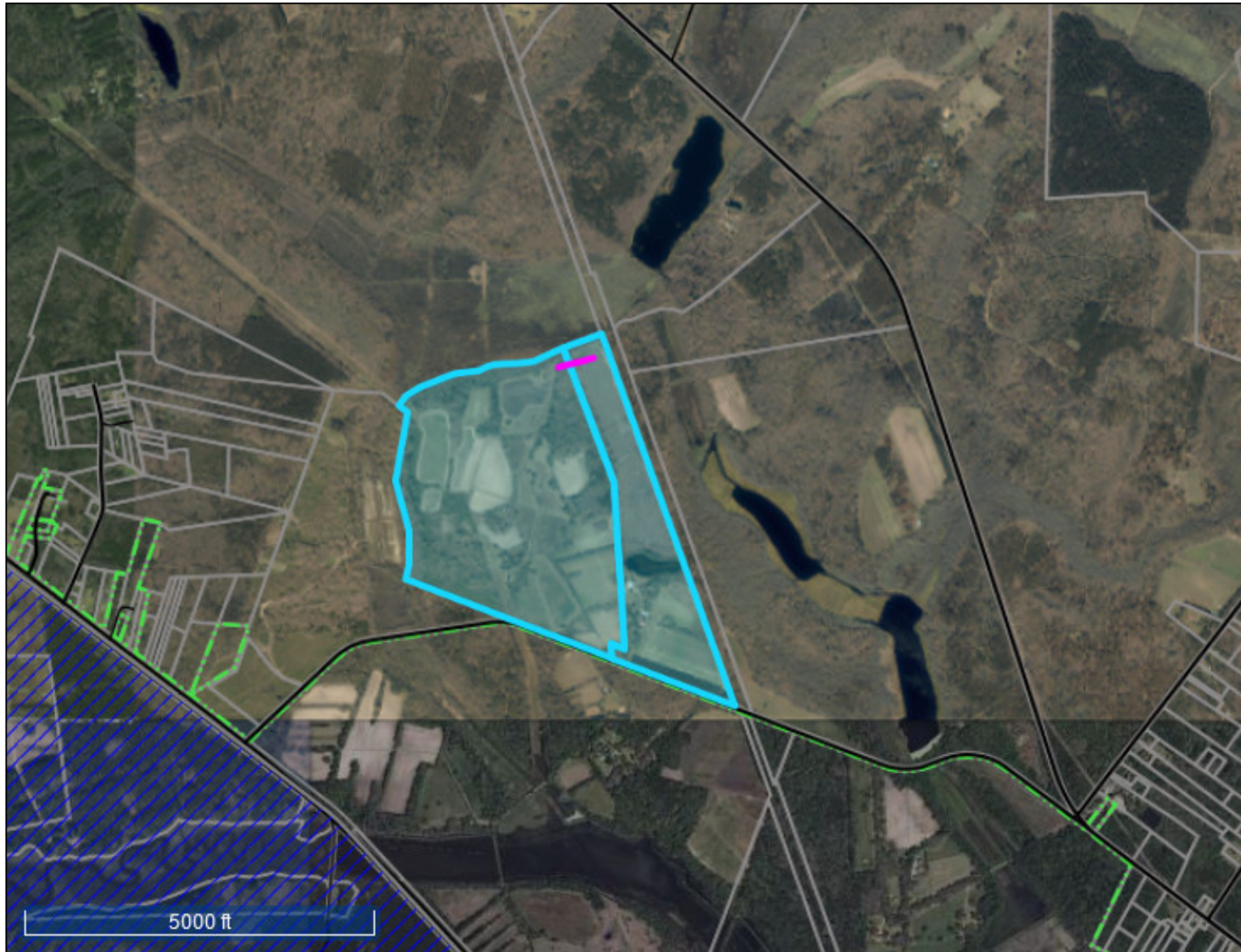
This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Jericho Plantation



## Legend

- Address Points Beaufort
- Parcels Beaufort
- Address Points Hampton
- Parcels Hampton
- Address Points Jasper
- Parcels Jasper
- River Protection Overlay District
- Beaufort Road Names
- Hampton Road Names
- Jasper Road Names
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

10 Jun, 2023

**Note:**  
Areas of the River Protection Overlay District

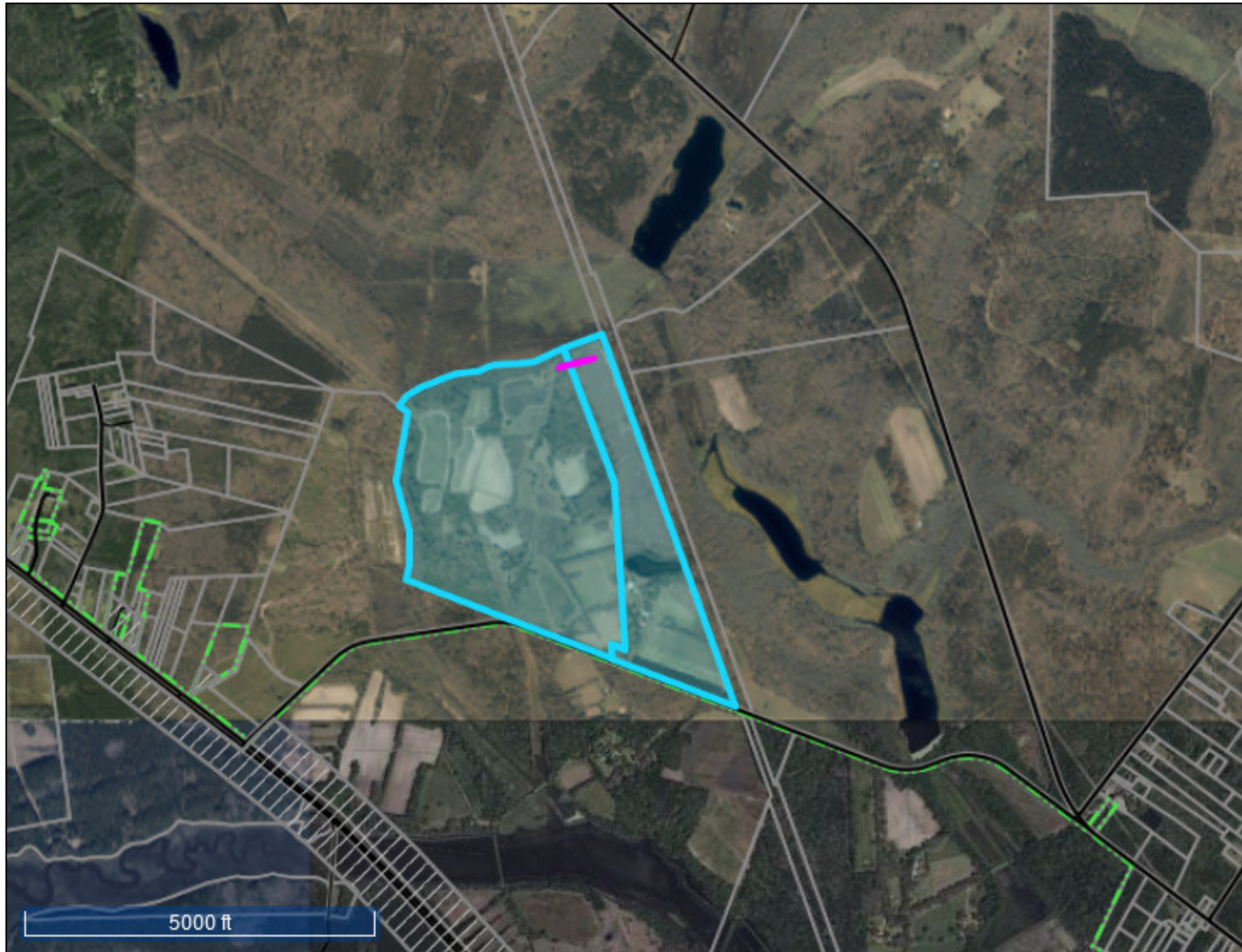
This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Jericho Plantation



## Legend

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



10 Jun, 2023

### Note:

Areas of the Highway Corridor Overlay District.

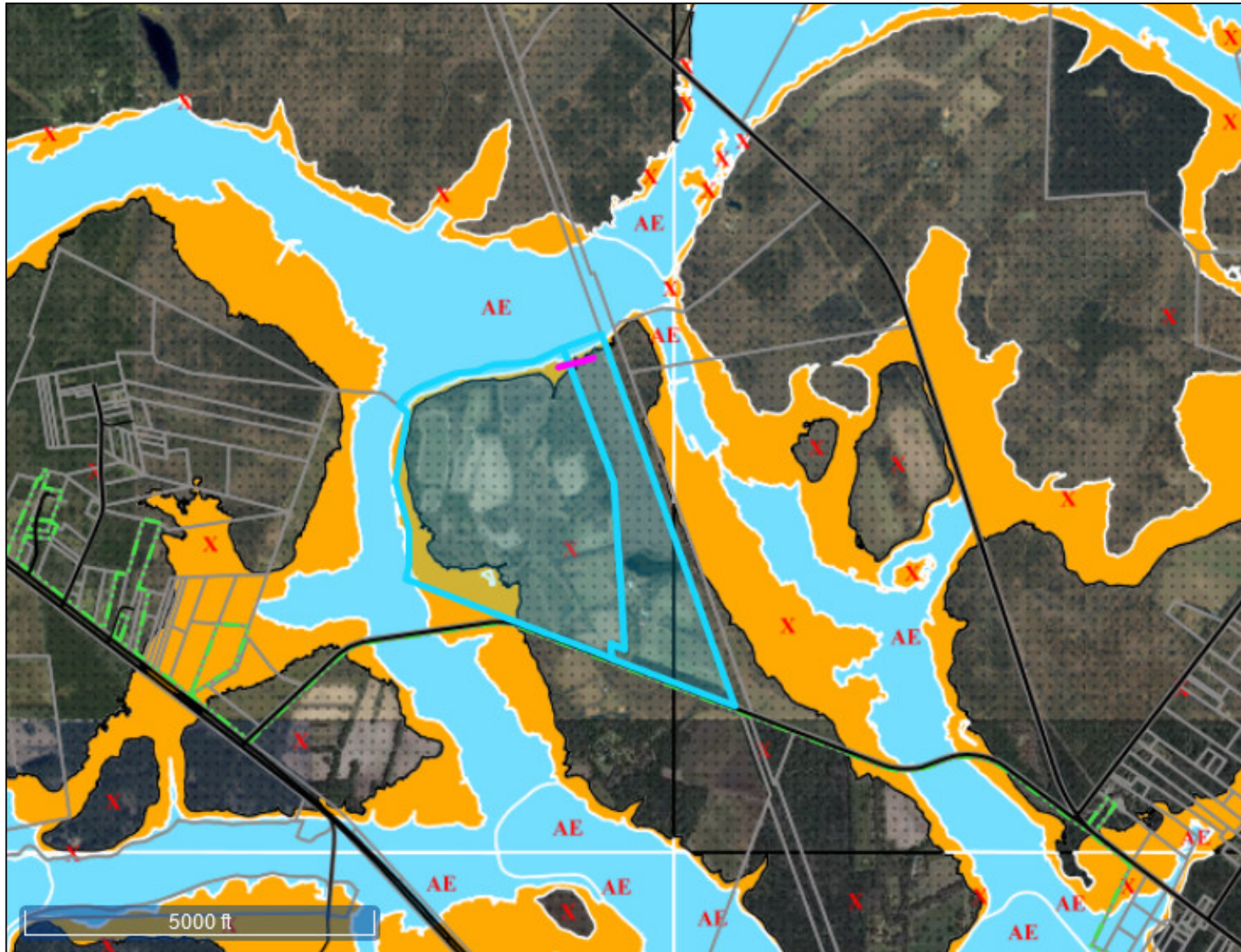
This map is a user generated static output from [rightspot.spateng.com](https://rightspot.spateng.com) website and is for reference use only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





# Jericho Plantation



## Legend

- + Address Points Beaufort
- Parcels Beaufort
- + Address Points Hampton
- Parcels Hampton
- + Address Points Jasper
- Parcels Jasper
- Beaufort Road Names
- Hampton Road Names
- Jasper Road Names
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary
- Base Flood Elevations Beaufort
- Base Flood Elevations Hampton
- Base Flood Elevations Jasper...

10 Jun, 2023

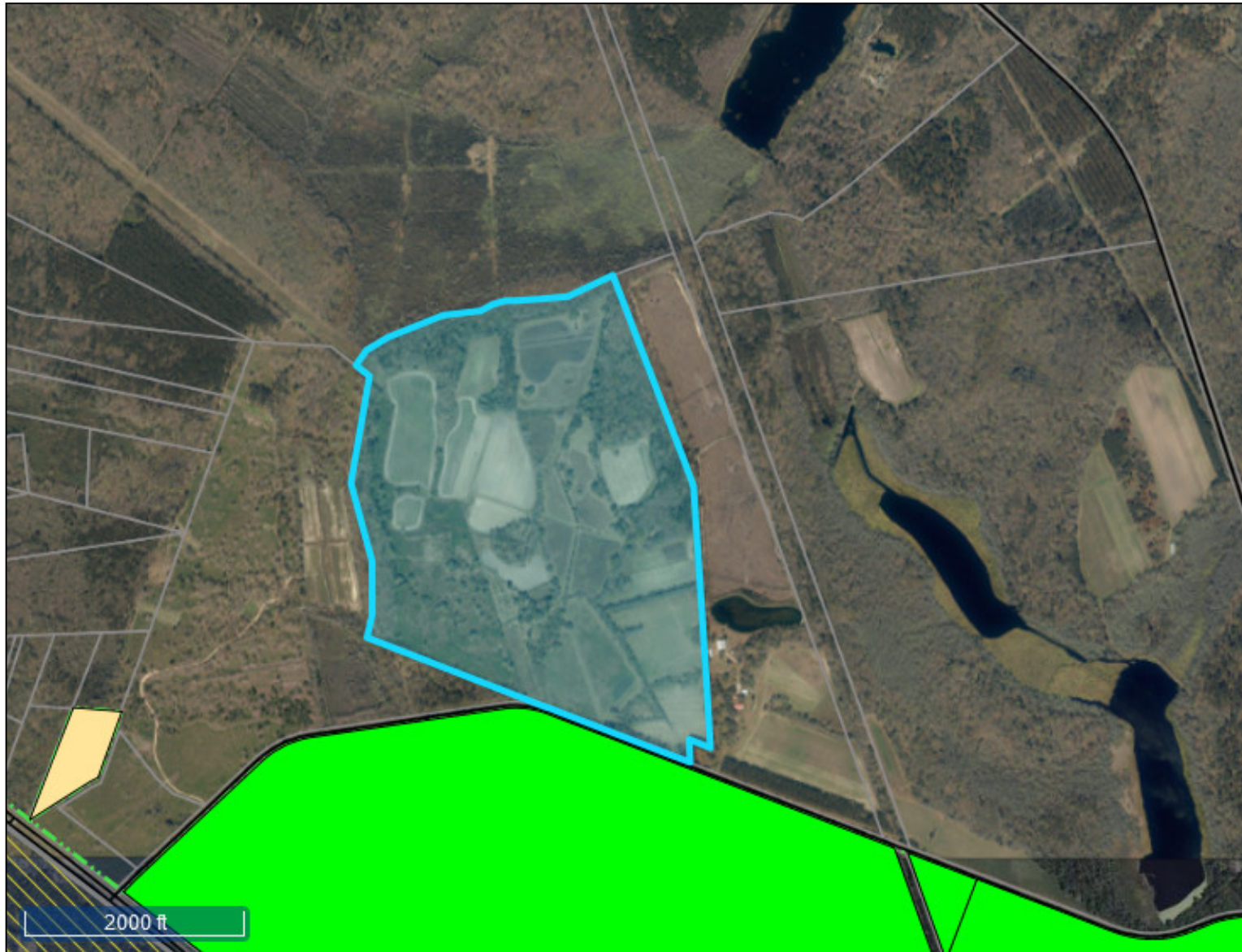
**Note:**  
**FEMA Floodplains**

This map is a user generated static output from [rightspot.spateng.com](https://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**





# 143 Cotton Hall Rd



## 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
- Sewer Lift Stations

...

This map is a user generated static output from [rightspot.spateng.com](https://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**

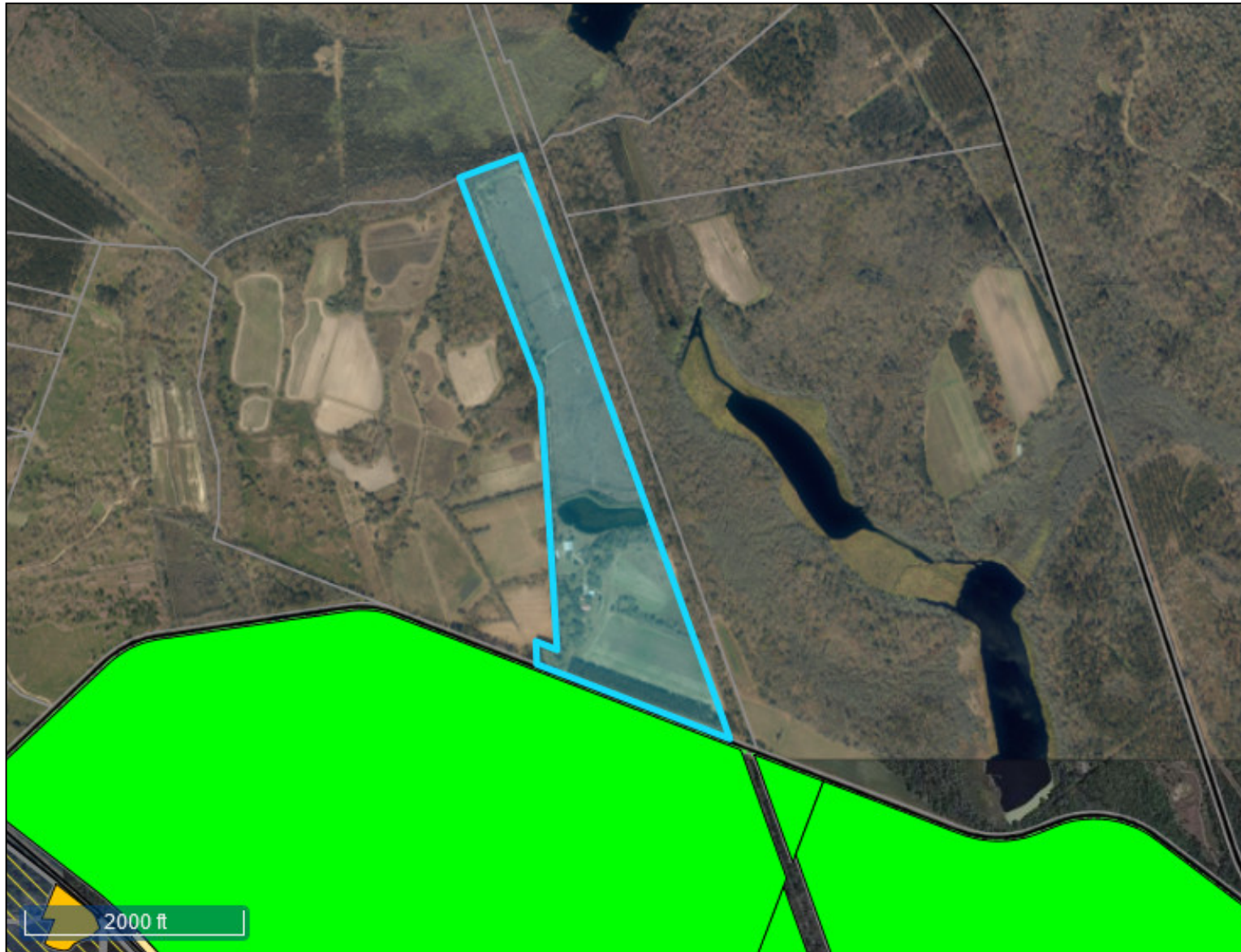


9 Jun, 2023





# 193 Cotton Hall Rd



## 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
- Sewer Lift Stations

...

# Town of Yemassee

## Flood Zone Report - Beaufort County

9 Jun 2023



### Parcels Beaufort

**PIN:** R700 012 000 0004 0000  
**Owner City State ZIP Code:** SULLIVANS ISLAND, SC 29482  
**Owner:** PEAK MEDIA LLC  
**Owner Street Address:** 916 MIDDLE ST  
**Parcel Street Address:** 143 COTTON HALL RD

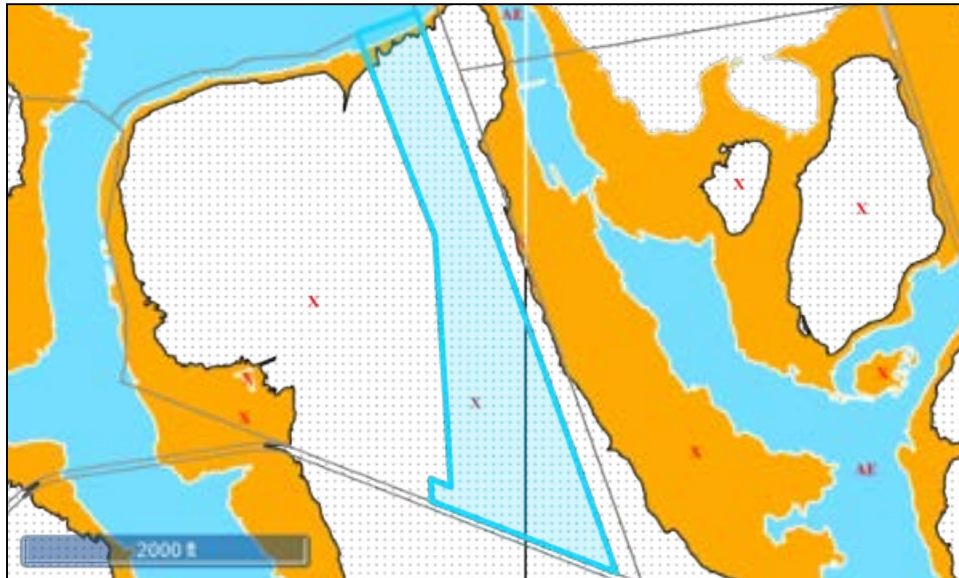
### Flood Zones Beaufort

Count Classification		Overlapping Quantities
1.	2 0.2% Annual Chance Flood Hazard	1,375,966.97sf (31.59acres)
2.	1 1% Annual Chance Flood Hazard	309,069.07sf (7.1acres)
3.	1 Area of Minimal Flood Hazard	8,645,321.69sf (198.47acres)

# Town of Yemassee

## Flood Zone Report - Beaufort

9 Jun 2023



### Parcels Beaufort

**PIN:** R700 012 000 0005 0000  
**Owner City State ZIP Code:** SULLIVANS ISLAND, SC 29482  
**Owner:** PEAK MEDIA LLC  
**Owner Street Address:** 916 MIDDLE ST  
**Parcel Street Address:** 193 COTTON HALL RD

### Flood Zones Beaufort

Count	Classification	Overlapping Quantities
1.	1 0.2% Annual Chance Flood Hazard	57,708.63sf (1.32acres)
2.	1 1% Annual Chance Flood Hazard	82,548.05sf (1.9acres)
3.	2 Area of Minimal Flood Hazard	4,015,827.6sf (92.19acres)



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  
Jericho Plantation (Beaufort County)**

**Applicant:** Peak Media, LLC.

**Owner:** Peak Media, LLC.

**Address(es):** 143 Cotton Hall Rd & 193 Cotton Hall Rd, Sheldon

**Tax Map Number(s):** R700 012 000 0004 0000 & R700 012 000 0005 0000

**County:** Beaufort

**Acreage:** 316.71 +/-

**Site Description:** The two parcels total approximately 316.71 acres containing some upland acreage, wetlands, and former rice fields. A lone single-family dwelling is the focal point of this property.

**Present Zoning and Existing Conditions:** As the parcel is currently located within unincorporated Beaufort County, the parcel is subject to the Beaufort County Community Development Code. This parcel is currently zoned "T2R" under the County code. The applicant seeks a zoning designation of General Residential (GR).

The parcels surrounding Jericho Plantation are large plantation tracts including Brewton, Castle Hill, Cotton Hall & Tomotley. Currently, Brewton, Cotton Hall and Tomotley are protected by Conservation Easements. Cotton Hall was recently split into three parcels, one of which has been procured by Open Space Institute who will transfer the property to Beaufort County for a passive park while the second parcel is an "option" property that the County could exercise an option to purchase. The third parcel (original) is the plantation house and is currently a Bed & Breakfast.

The property owner has expressed interest in engaging in discussions with land conservation groups to establish a conservation easement on portions of the property which the Town supports.

### **Surrounding Parcels:**

<b>Direction</b>	<b>Address &amp; TMS</b>	<b>Owner</b>	<b>Jurisdiction</b>
North	301 Cotton Hall Rd R700 013 000 001A 0000	Greedy Children Land, LLC <i>Brewton Plantation</i>	Beaufort County
North	Unaddressed R700 013 000 0038 0000	Greedy Children Land, LLC <i>Brewton Plantation</i>	Beaufort County
North	448 Old Sheldon Church Rd R700 006 000 0005 0000	Prodigal Son, LLC. C/O Stephen L Gavel	Beaufort County
North	300 Cotton Hall Rd R710 013 000 0001 0000	The Tomotley Crew, LLC. <i>Tomotley Plantation</i>	Town of Yemassee
East	200 Cotton Hall Rd R710 012 000 0001 0000	The Tomotley Crew, LLC. <i>Cotton Hall Plantation</i>	Town of Yemassee
East	Unaddressed R710 012 000 0070 0000	Open Space Institute <i>(Deveaux Hill Tract)</i>	Town of Yemassee
West	331 Castle Hall Rd R700 006 000 0001 0000	Castle Hill Plantation, LLC. <i>Castle Hill Plantation</i>	Beaufort County
South	59 Cotton Hall Rd R700 012 000 001B 0000	Marion R. Simmons III Trust <i>Bingham Plantation</i>	Beaufort County

## Utilities / Public Services:

- **Electric & Natural Gas:** Dominion Energy
- **Telecommunications:** Century Link
- **Fire Protection:** Sheldon Township Fire District
- **Emergency Medical Services:** Beaufort County Emergency Medical Services
- **Law Enforcement:** Currently Beaufort County Sheriff's Office, upon annexation primary response would become the Town of Yemassee Police Department while Beaufort 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. There is no existing infrastructure nor any plans for water or wastewater in this area. The existing residence is on a private well and septic.

## 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 Beaufort County will be subjected to the town tax rate imposed for FY2023 which is 69.60 mills in Beaufort County.

**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 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 will have 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 Beaufort County Sheriff's Office.

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.

**Staff Review:** Staff support the requested Annexation and believe this presents a unique opportunity to bring another historical property into the Town limits. Staff believe that great care must be taken to preserve the existing canopy and conditions along Cotton Hall Road and will work with the landowner to preserve the property for future generations. Staff will work with the landowner to establish land protection measures to ensure that the property is protected for future generations.

## ***Recommended Motion***

***(Ordinance 23-19)***

***“I make the motion to approve first reading of Ordinance 23-19, Annexing Two Parcels of land at 143 & 193 Cotton Hall Rd, Beaufort County into the Town of Yemassee corporate limits”.***



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 Repealing the existing Development Standards Ordinance (DSO) as a Standalone Manual and to Adopt and Incorporate the DSO into the new Code of Ordinances of the Town of Yemassee, South Carolina at Chapter 11 and Matters Related Thereto. [Ordinance 23-20]

**Department:** Administration

**Submitted by:** Matthew Garnes, Town Administrator

### Attachments:

✓	Ordinance		Resolution		Other
✓	Support Documents	✓	Motion		

---

**Summary:** The Town of Yemassee is set to adopt the updated Codified Code of Ordinances tonight. The Planning Commission has drafted updates to the Development Standards Ordinance (DSO) which is currently a standalone manual and proposes to incorporate it into the Code of Ordinances to minimize the number of accessory manuals for the Town. The Planning Commission recommended approval of the proposed updates to repeal the current DSO and adopt the updated DSO and codify the DSO at Chapter 11.

**Recommended Action:** Request 1<sup>st</sup> Reading on Ordinance 23-20.

---

### Council Action:

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



# Staff Report

## Administration



Meeting Date:	June 13, 2023
Project:	A request by the Town Administrator for a Zoning Text Amendment to Repeal the existing Town of Yemassee Development Standards Ordinance and to place the updated Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the new codified Ordinances.
Project Manager:	Matthew E. Garnes Town Administrator

**Request:** The Town Administrator requests that Town Council consider a Zoning Text Amendment to repeal the existing Town of Yemassee Development Standards Ordinance and to insert the Development Standards Ordinance into the Code of Ordinances for the Town of Yemassee, South Carolina at Chapter 11 of the soon-to-be codified Ordinances through Municode. The updated DSO also aligns chapter numbers within the DSO to match the new Zoning Ordinance numbering conventions.

**Background:** The to-be codified Ordinances left chapters reserved for potential future use. The DSO is currently a standalone manual that has not been updated since 1991 when it was adopted. Accordingly, portions of the Ordinance do not reflect current conditions within the Town of Yemassee. By incorporating the DSO into the Code of Ordinances with Municode, it will decrease the amount of accessory manuals and work towards Staffs' goal of having a single cohesive comprehensive Code of Ordinances.

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

### **Next Steps:**

Step	Date	Complete
Step 1. Planning Commission Recommendation	June 6, 2023	✓
Step 2. Town Council 1 <sup>st</sup> Reading	June 13, 2023	
Step 3. Town Council Public Hearing	July 11, 2023	
Step 4. Town Council 2 <sup>nd</sup> Reading	July 11, 2023	

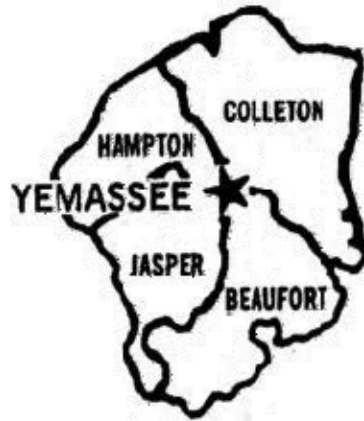
### **Attachments:**



# Staff Report Administration



- Existing Development Standards Ordinance
- Proposed Updated Development Standards Ordinance



# **DEVELOPMENT STANDARDS ORDINANCE**

**THE TOWN OF YEMASSEE, SOUTH CAROLINA**



## TOWN OF YEMASSEE DEVELOPMENT STANDARDS ORDINANCE

ARTICLE I.....	5
AUTHORITY AND ENACTMENT CLAUSE AND APPLICATION OF THE ORDINANCE..	5
Section 1.1 <i>Jurisdiction</i> .....	5
Section 1.2 <i>Definition of Development</i> .....	5
Section 1.3 <i>Exemptions and Repeal of Previous Ordinances</i> .....	8
Section 1.4 <i>Non-conforming Development</i> .....	8
ARTICLE II.....	10
ESTABLISHMENT OF DISTRICTS .....	10
Section 2.1 <i>Description and Definition of Special Districts</i> .....	10
Section 2.2 <i>Establishment of the District Map</i> .....	11
Section 2.3 <i>Interpretation of District Boundaries</i> .....	11
ARTICLE III .....	12
MINIMUM CONSTRUCTION STANDARDS.....	12
Section 3.1 <i>Introduction</i> .....	12
Section 3.2 <i>Minimum Construction Standard Applying Throughout Jurisdiction</i> .....	12
Section 3.3 <i>Minimum Construction Standards Applying to Special Districts</i> .....	13
ARTICLE IV .....	14
SITE DESIGN AND DEVELOPMENT STANDARDS .....	14
Section 4.1 <i>Applicability</i> .....	14
Section 4.2 <i>Purpose and Intent</i> .....	14
Section 4.3 <i>Addressing and Lot Numbering</i> .....	14
Section 4.4 <i>Public Access</i> .....	15
Section 4.5 <i>Street, Sidewalk, Pathway, and Bikeway Standards</i> .....	16
Section 4.6 <i>Off-Street Parking</i> .....	30
Section 4.7 <i>Off-Street Loading</i> .....	36
Section 4.8 <i>Traffic Impact Analysis</i> .....	37
Section 4.9 <i>Lot Design</i> .....	43
Section 4.10 <i>Infrastructure and Services</i> .....	44
Section 4.11 <i>Property Markers</i> .....	45
Section 4.12 <i>Stormwater</i> .....	45
Section 4.13 <i>Certified Plans</i> .....	46
Section 4.14      Native Vegetation and Tree Protection Ordinance.....	46

4.14.10	TREE REMOVAL PERMITS.....	55
Section 4.16	Site Density .....	69
Section 4.17	Buffers .....	71
Section 4.18	Open Space Standards.....	72
Section 4.19	Town Approvals Required.....	74
Section 4.20	Hazards Nuisances .....	74
Section 4.21	Special Nuisances .....	75
Section 4.22	Fire Safety Standards.....	76
Section 4.23	Site Design and Development Standards Applying to Special Districts.....	77
ARTICLE V	.....	96
SUBDIVISION REGULATIONS	.....	96
Section 5.1	General.....	96
Section 5.2	Subdivision Review.....	96
Section 5.3	Certificate of Compliance.....	103
Section 5.4	Subdivision Standards.....	104
Section 5.5	Development Sureties.....	108
Section 5.6	Open Space Standards.....	111
ARTICLE VI	.....	117
DEVELOPMENT PERMITS.....		117
Section 6.1	Permits Required .....	117
Section 6.2	Development Exempt From Permit.....	117
Section 6.3	Approval of Development .....	118
Section 6.4	Conditions for Development Plan Approval .....	118
Section 6.5	Variances .....	120
Section 6.6	Project Denial .....	120
Section 6.7	Rights Attaching to Development Permits .....	120
Section 6.8	Expiration of Development Permit.....	120
Section 6.9	Revocation of Development Permit .....	121
Section 6.10	Public Dedication of Improvements.....	121
ARTICLE VII	.....	123
ADMINISTRATION, APPEAL, COMPLAINTS, AND REMEDIES .....		123
Section 7.1	Administration .....	123
Section 7.2	Grant of Power to Administer and Enforce.....	123
Section 7.3	Approvals.....	123
Section 7.4	Permit Applications.....	124
Section 7.5	Documentation of Rulings.....	130
Section 7.6	Changes to Approved Plans.....	131
Section 7.7	Public Hearings .....	131
Section 7.8	Enforcement, Remedies, and Penalties .....	132
ARTICLE VIII	.....	134
AMENDMENTS.....		134
Section 8.1	Introduction .....	134

Section 8.2	<i>Review by Planning Commission</i> .....	134
Section 8.3	<i>Public Hearing Required</i> .....	134
ARTICLE IX	.....	135
LEGAL STATUS PROVISIONS	.....	135
Section 9.1	<i>Conflict with Other Laws</i> .....	135
Section 9.2	<i>Validity</i> .....	135
Section 9.3	<i>Repeal of Conflicting Ordinances</i> .....	135
Section 9.4	<i>Effective Date</i> .....	135
ARTICLE X	.....	136
DEFINITION OF TERMS	.....	136
Section 10.1	<i>Interpretation of Certain Terms or Words</i> .....	136
Section 10.2	<i>Definitions</i> .....	137

## ARTICLE I

### AUTHORITY AND ENACTMENT CLAUSE AND APPLICATION OF THE ORDINANCE

In pursuance of authority conferred by the General Statutes of *South Carolina Code of Laws, Section 6-29-330* and for promoting health, safety, or general welfare of the community; lessening congestion in the streets; securing safety from fire; providing adequate light and air; providing for adequate transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic and unique areas, in accordance with a *Comprehensive Plan*; the Town Council of the Town of Yemassee does ordain and enact into law the following Articles and Sections.

#### Section 1.1 Jurisdiction

This Ordinance and the provisions contained herein shall hereafter govern all land development within the Town of Yemassee as now or hereafter established.

#### Section 1.2 Definition of Development

- 1.2.1 Except where the context otherwise requires, and in the absence of a more limiting provision, "development" means the performance of any building or mining operation; the making of any material change in the use of any structure or land; or the division of land into two (2) or more parcels.
- 1.2.2 The following activities or uses shall be taken for the purposes of this Ordinance to involve development as defined in this Article unless expressly excluded by Ordinance:
  - A. A material change in type of use of a structure or land which would tangibly affect the area's natural environment, drainage, transportation patterns, public health, or economic values;
  - B. A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public health, or economic values;
  - C. A material increase in the intensity of land use, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land when such increase would tangibly affect the





area's natural environment, transportation patterns, public health, or economic values;

- D. Subdivision of a parcel or tract of land into two (2) or more lots, parcels, or pieces for the purpose of sale or transfer of title;
  - E. Commencement of any mining operation on a parcel of land;
  - F. In connection with the use of land, the making of any material, change in noise levels, thermal conditions, or emissions of waste materials;
  - G. Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake, or other natural water body;
  - H. Reestablishment of a use which has been abandoned for one (1) year; and
  - I. Construction of major electrical and telephone utility lines over three-fourths ( $\frac{3}{4}$ ) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.
- 1.2.3 The following operations or uses do not constitute development for the purpose of this Ordinance:
- A. The construction of any public street or other public way, grounds, buildings, structures, or facilities. Such public project Development Plans are submitted and reviewed for approval under a separate administrative procedure;
  - B. Work for the maintenance, renewal, improvement, or alteration, of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure;
  - C. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling;
  - D. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry product's, or for other agricultural purposes, including agriculture;
  - E. A transfer of title to land not involving the division of land into parcels;
  - F. The division of land into parcels of five (5) acres or more where no improvements are involved;



- G. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate;
  - H. The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures;
  - I. Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance; (*See Section 2.3.2 and Section 2.3.3*)
  - J. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;
  - K. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
    - 1. The creation or termination of mortgages, leases, easements, or liens;
    - 2. Lot line corrections on existing recorded properties;
    - 3. The creation, termination, or amendment of private covenants or restrictions on land;
    - 4. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record; and
    - 5. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.
- 1.2.4 Development as designated in this Ordinance includes all other activities customarily associated with it unless otherwise specified. Activities, which may result in development as defined herein, include erection, construction, redevelopment, alteration, or repair. When appropriate to the context, development refers to the act of developing or the result of development. Reference to any specific operation not involving development is not intended to mean that the operation or activity, when part of other operations or activities is not development.



- 1.2.5 “Material”, as contained herein, shall be construed to mean objective, substantive, tangible, or consequential.

### **Section 1.3 Exemptions and Repeal of Previous Ordinances**

- 1.3.1 The Beaufort and/or Hampton County Subdivision Regulations are hereby repealed.
- 1.3.2 Development Plans granted final plat approval under the provisions of any *Beaufort County Subdivision Regulations and/or any Hampton County Subdivision Regulations*, shall maintain that approval as platted and not be subject to the provisions of this Ordinance.
- 1.3.3 Development plats recorded prior to the effective date of the this Ordinance by the Town of Yemassee, shall be exempt from the provisions of this Ordinance as platted.
- 1.3.4 Development for which a valid application has been made for a Beaufort and/or Hampton County Building Permit, prior to the effective date of this Ordinance, and for which such permit is subsequently issued, shall be exempt from the requirements of this Ordinance as designed and permitted.
- 1.3.5 Development Plans declared “exempt” under the provisions of *Section 4.1* of the *Beaufort and/or Hampton County Subdivision Regulations* shall maintain that exemption and do not have to be re-filed for approval under the provisions of this Ordinance. Implementation of the various development tracts indicated on exempt Master Plans shall be submitted for approval under the provisions of this Ordinance.
- 1.3.6 Undesignated areas on any exempt Master Plans, plans, and plats governed by *Section 2.3* shall be considered as open space.
- 1.3.7 Administrative procedure for exempt Master Plans, plats, and plans shall be governed by *Section 2.3*. Such plans are exempt as filed or recorded and any changes in designated land use or increase in number of units or lots shall be submitted for approval.

### **Section 1.4 Non-conforming Development**

- 1.4.1 Existing development which does not comply with the provisions of this Ordinance shall be exempt from the provisions of this Ordinance except that non-conforming development shall not be:



- A. Changed to another non-conforming use;
- B. Reused or reoccupied after discontinuance of use or occupancy for a period of thirty (30) days or more, or completed season in the case of a seasonal non-conforming use;
- C. Reestablished, reoccupied, or replaced with the same or similar building, structure, or mobile home if physically removed or relocated from its specific site location after passage of this Ordinance;
- D. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred; and
- E. Enlarged or altered in excess of an additional twenty (20) percent of existing floor area in a way which increases its non-conformity.

Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition, any building or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- 1.4.2 Until such time that a Community Development /Town Administrator is employed all such functions and authority to be exercised by the Town Planning Commission.



## ARTICLE II

### ESTABLISHMENT OF DISTRICTS

#### Section 2.1 Description and Definition of Special Districts

For the purpose of this Ordinance, portions of the Town of Yemassee are hereby divided into Districts.

Conservation district: for the purposes of protecting and conserving sensitive environmental areas, discouraging growth in areas which pose undue hazards to man, and maintaining open space, the conservation district is established. It consists of all wetland areas delineated as part of the special conservation district on the *Town of Yemassee Official District Map* and specifically defined as:

- A. Any salt, brackish, or fresh water marsh, bog, swamp, lake, pond, meadow, flat, or other area subject to tidal flow, whether or not the tidewater reaches the area naturally or through artificial water courses;
  - B. Any other areas upon which exist a natural community of one (1) or more of the following marsh grass indications of tidal influence:
    - 1. *Spartina alterniflora*;
    - 2. *Spartina patens*;
    - 3. *Juncus roemerianus*; and
  - C. Any natural land-locked bogs, swamps, lakes, ponds, sinks, or low-lying areas determined to be unique or important wildlife habitats, or possess unique scenic and recreational value. The County may call upon the advice of various Federal or State agencies involved in wetlands preservation in making such determination.
- 2.1.1 Flood Hazard District: For the purpose of protecting future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard District is established. It consists of that area designated on the *Official District Map* as the Special Flood Hazard District and specifically defined by reference to indicate elevation figures measured from mean sea level for each designated flood hazard area.



## **Section 2.2 Establishment of the District Map**

- 2.2.1 The Town of Yemassee is hereby divided into Districts, as shown on the *Official District Map* which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the *Town of Yemassee Official District Map* shall be filed in the office of the Mayor and/or Planning Commission. This map shall bear the seal of the Town of Yemassee under the following words: "This is to certify that this is the *Official District Map* referred to in Article II of the *Development Standards Ordinance* adopted by the Town of Yemassee.

## **Section 2.3 Interpretation of District Boundaries**

Where any District boundary is indicated on the *Town of Yemassee Official District Map* as following approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a District boundary.

- 2.3.1 Unless otherwise indicated, the District boundaries follow natural features such as marsh edges and stream banks.
- 2.3.2 Where indicated, District boundaries are parallel to the centerlines of streets, highways, railroads, or the rights-of-way of same. Property lines, said streams, other bodies of water, or said lines extended at such distance therefrom as indicated on the *Official District Map*. If no distance is given, such distance shall be determined by the use of the scale of said map.

Where District boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines.

Where a District boundary line divided a parcel or lot, the location of any such District boundary line, unless indicated by dimensions shown on the *Official District Map*, shall be determined by the use of the scale on said map.



## ARTICLE III

### MINIMUM CONSTRUCTION STANDARDS

#### Section 3.1 Introduction

No structure may be erected or development undertaken except in conformance with the requirements of this Article.

#### Section 3.2 Minimum Construction Standard Applying Throughout Jurisdiction

The standard prescribed in this Section shall apply to all building or development hereafter undertaken within Beaufort and/or Hampton County.

- 3.2.1 Setbacks From Roads: No structure, except signs, shall be erected nearer than fifty (50) feet of the right-of-way line of a major thoroughfare so designated on the *Town of Yemassee Official District Map*. Setbacks from all other roadways to be one-half ( $\frac{1}{2}$ ) the right-of-way, (i.e., a fifty (50) foot road right-of-way shall require a setback of twenty-five (25) feet), unless otherwise provided with the Zoning Ordinance and applicable to a particular District.

Setbacks at Intersections: There shall be no interference with the vision clearance at any street intersection. No fence, wall, terrace, building, sign, shrubbery, hedge, planting, etc., above the height of three (3) feet measured from the finished street centerline level, shall be planted, placed, erected, or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines or the extension of said lines:

- A. At an intersection involving:
1. Driveway and a street: Ten (10) feet.
  2. An alley and a street: Ten (10) feet.
  3. A street and a street: Thirty (30) feet.
  4. Major thoroughfares: Fifty (50) feet.



Access to Major Thoroughfares: Street, driveway, or other access separation along State and Federal highways shall be in accordance with the South Carolina Department of Transportation's *Access and Roadside Management Standards*.

Sign Regulations: No sign shall be erected except in compliance with the *Town of Yemassee Sign Ordinance*. All signs shall be constructed of durable materials and maintained in good condition.

Alteration of Surface Runoff Prohibited: No site shall be developed or structure erected that will alter appreciably the quantity of surface water runoff to or from adjoining property.

- 3.2.2 Increase in Flood Hazard Prohibited: No site shaped or structure erected including dikes, dams, or levees that will result in any increase in flood hazard on adjoining or non-contiguous property.

### **Section 3.3 Minimum Construction Standards Applying to Special Districts**

#### **3.3.1 Conservation District**

- A. Water Related Development Activities: Special exception to the provisions of this Ordinance is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate state and federal agencies having permitting authority over such activities. Such uses will normally include docks, wharfs, piers, marinas, bulkhead, and erosion control devises. In granting this special exception, the Town of Yemassee does hereby reserve the right to impose the provisions where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of the Town aimed at preserving environmental quality.
- B. Site Alteration/Disturbance: The Town of Yemassee recognizes that not all wetlands may possess unique scenic, recreational, and wildlife habitat value. The Town may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the Town.

- 3.3.2 Flood Hazard District: All requirements of the *Beaufort and/or Hampton County Building Codes* related to construction in flood hazard areas must be met.





## **ARTICLE IV**

### **SITE DESIGN AND DEVELOPMENT STANDARDS**

#### **Section 4.1    Applicability**

No development shall be undertaken, except in conformance with the standards set forth in this Article, unless expressly exempt from obtaining a Development Permit as specified in Article VI, Section 6.2. The Standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the jurisdiction. All proposed development in the Town of Yemassee that meets the requirements for street, sidewalk, pathway, and bikeway standards shall comply with the provisions of this Article in order to receive approval of any Development Permit. The design and performance standards of this Article are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Planning Commission, or Town Council.

#### **Section 4.2    Purpose and Intent**

The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to the their reasonability and effectiveness in promoting these purposes. Developers are urged to present information, which may document a more applicable standard. Such information may be used to update this Article. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

#### **Section 4.3    Addressing and Lot Numbering**

Proposed street names and numbering will be obtained through Beaufort and/or Hampton County Office of Emergency Management. Every property and/or development shall have legible addresses posted on the property visible from the street with a minimum three (3) inch high letters in a color that contrasts the structure. Within subdivisions, blocks shall be numbered and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access.



#### **Section 4.4    Public Access**

- A. While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often times such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great, except that such proposed development may impact other property across which access to the development depends.
  
- B. It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers, have clear legal access to avoid potential legal litigation involving unsuspecting consumers. To this end, all Applicants for development approval on property not immediately contiguous to deeded public right-of-way, shall submit the following:
  - 1. Copies of recorded deeds, plats, and easements clearly documenting access to the development property; and
  - 2. In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent.
  
- C. Development involving the sale of lots, tracts, or units for which the provisions for public access cannot be met, must include on the face of recorded plats, surveys, and in the body of associated deeds, master deeds, and covenants and restrictions, the following disclosure:
  - 1. Disclosure Statement: "It has been determined by the Town of Yemassee, that access to all lots or units contained in this development, is not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public." and
  - 2. For development not involving the sale of lots or units which cannot meet the provisions of subpart C.1 of this section, the Community Development Department of the Planning Commission shall send notice of development intent by certified mail to all affected property owners, whose land over which access to the proposed development property is dependent, at least fourteen (14) days in advance of scheduled project review.



- D. The Community Development Director or the Planning Commission shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

#### **Section 4.5 Street, Sidewalk, Pathway, and Bikeway Standards**

##### **4.5.1 Layout of Circulation System**

- A. While it is the intent of this Section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.
- B. The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties. The layout shall also provide and aesthetically pleasing design.
- C. The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade and drainage, as well as aesthetic factors such as the visual impact of the street pattern and the highlighting of special site features.
- D. Streets shall be designed according to a hierarchy of functions with through traffic separated from residential access streets. Pathways may also be provided. They may be designed to be independent of the road system, but they may be required along roads in areas of high intensity of land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.
- E. Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Town Planning Commission will notify the adjacent property owner by registered mail of his/her findings and recommend that (s)he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.



- 4.5.2 General Street Design Standards: All streets shall incorporate, as applicable, the following:
- A. The arrangement of streets shall conform to the circulation requirements of the *Comprehensive Plan*;
  - B. For streets not shown on the *Comprehensive Plan*, the arrangement shall provide for the extension of existing streets where appropriate;
  - C. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic and should generally follow the guidelines of the latest South Carolina Department of Transportation Guidelines and any Federal Guidelines;
  - D. The road system for residential subdivisions shall be designed to serve the needs of the neighborhood;
  - E. Proposed streets, which are obviously in alignment with other existing and named streets, bear the assigned name of the existing street. Proposed street names and numbering shall be obtained through the Beaufort and/or Hampton County Office of Emergency Management;
  - F. Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the *Comprehensive Plan*, the Town may require (except in planned residential, resort, or commercial developments where a central access road has been provided or is included in the Master Plan for such area) minor access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;
  - G. Cross Access: Street access to adjoining property may be required by the Community Development Director, Planning Commission, or Town Council during the development review process. Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs in excess of two hundred fifty (250) feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall meet the requirements as specified in Section 4.5.6. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street;
  - H. The Community Development Director may require marginal access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties where a subdivision abuts or contains an



existing or proposed arterial, collector, or other major road. This requirement shall not apply in developments, such as a PUD, where a central access road has been provided;

- I. No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting, structure, or object capable of obstructing driver vision will be allowed at intersections;
- J. While finished paving of private streets is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes, and ditches prepared in conformance with the latest edition of the South Carolina Department of Transportation's *Access and Roadside Management Standards*;
- K. All costs involved in bringing road widths and/or rights-of-way to public street standards shall be borne by either the Developer, a Property Owners' Association, or affected property owners through the creation of a Special Tax District;
- L. All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation's *Access and Roadside Management Standards*, *but there is no requirement that the Town accepts title to any such streets*; and
- M. All streets shall meet the standards set forth above, whether publicly owned and/or maintained or privately owned and/or maintained.

#### 4.5.3 Street Hierarchy

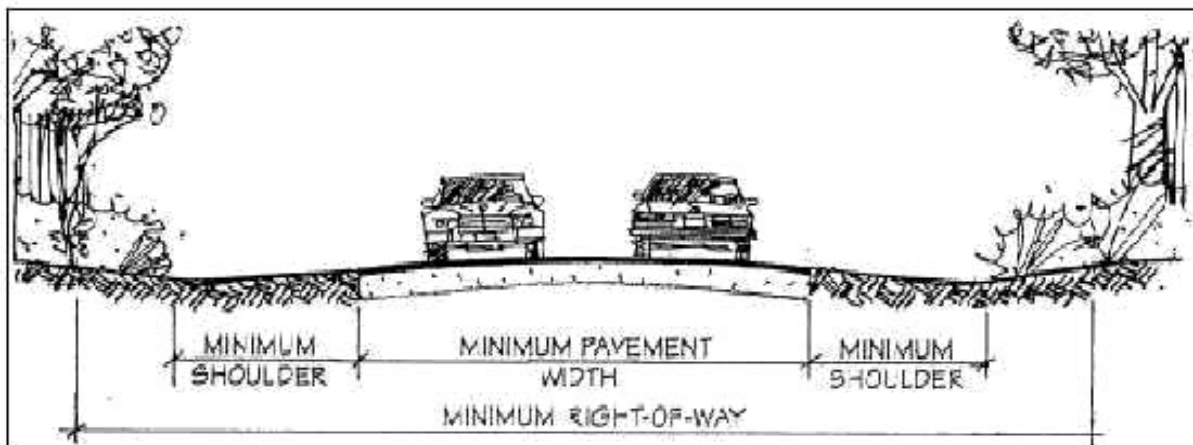
- A. Streets shall be classified in a street hierarchy system with design tailored to function.
- B. The street hierarchy shall be defined by road function and average daily traffic (ADT). Each street shall be classified and designed to meet or exceed the minimum standards for one (1) of the street types defined below.



#### 4.5.4 Design Standards by Street Type

A. Street Standards: The following standards shall apply to all streets.

Street Type	Maximum ADT	Minimum Pavement Width	Minimum Shoulder Width	Minimum Right-of-Way
Lane	Fifty (50)	Twenty (20) feet	Four (4) feet	Thirty (30) feet
Cul-de-sac	Two hundred fifty (250)	Twenty (20) feet	Four (4) feet	Forty (40) feet
	Five hundred (500)	Twenty (20) feet	Eight (8) feet	Fifty (50) feet
Local Access	Two thousand (2,000)	Twenty-two (22) feet	Eight (8) feet	Fifty (50) feet
Sub-collector	Four thousand (4,000)	Twenty-four (24) feet	Eight (8) feet	Sixty (60) feet
Collector	Six thousand (6,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Minor Arterial	Twenty-five thousand (25,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Major Arterial	Fifty thousand (50,000)	Twenty-four (24) feet	Twelve (12) feet	One hundred twenty (120) feet

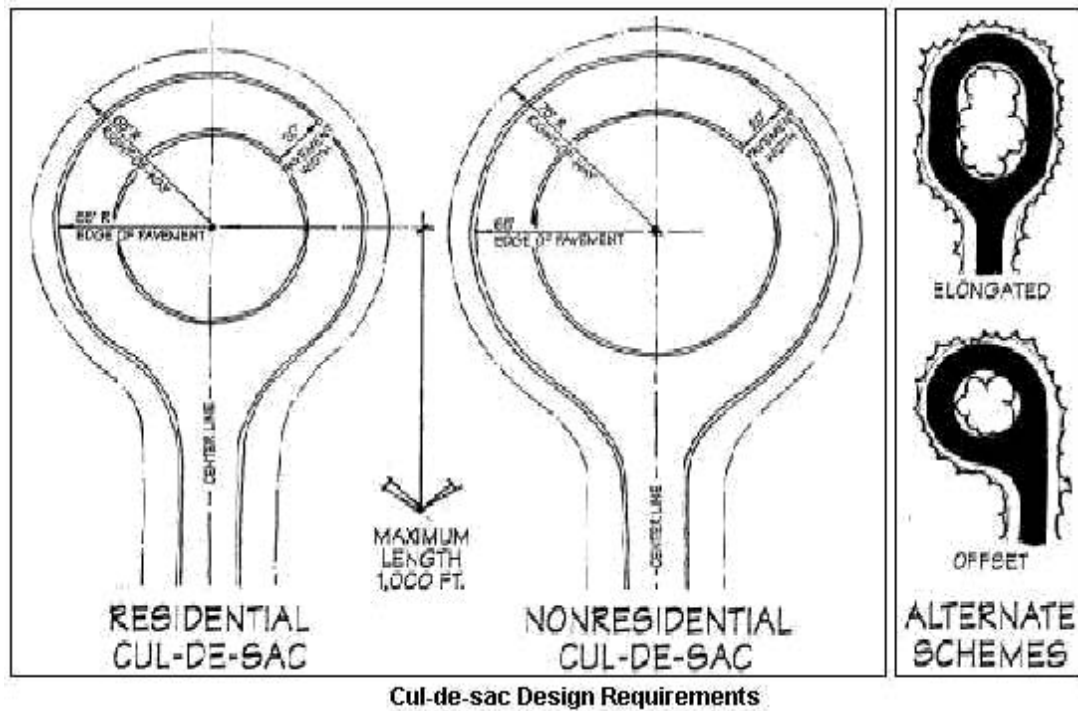


**Street Standards**



- B. Dead-End Streets: No dead-end streets shall be permitted, except those classified as a lane or cul-de-sac above.
  - C. Estimate of Average Daily Trips (ADT): If it is not possible to determine the maximum average daily trips to be served by a street at the time of street design due to uncertainty about the type or intensity of use to be served, then the Applicant shall estimate the probable uses, intensities, and probable ADT. If the Community Development Director determines that such estimates are unrealistic, (s)he shall state why and require more realistic estimates.
- 4.5.5 Right-of-Way: Right-of-way shall be measured from property line to property line and shall be sufficiently wide enough to contain the encompassing street elements of street pavement, shoulders, curbing, sidewalks, and median (if provided). In addition to a street, it may only contain utilities (including drainage), signs allowed by this Ordinance, and where applicable, pathways. The street elements required vary depending on intensity of development and street order. Minimum rights-of-way shall be provided as shown in Section 4.5.4.A.
- 4.5.6 Cul-de-Sacs
- A. Residential cul-de-sacs shall have a minimum right-of-way radius of sixty-five (65) feet and a minimum outside edge of pavement radius of fifty-five (55) feet.
  - B. Non-residential cul-de-sacs shall have a minimum right-of-way radius of seventy-five (75) feet and a minimum outside edge-of-pavement radius of sixty-five (65) feet.
  - C. A cul-de-sac shall have a minimum width of twenty (20) feet of unobstructed pavement.
  - D. The maximum length of a cul-de-sac shall be one thousand (1,000) feet.





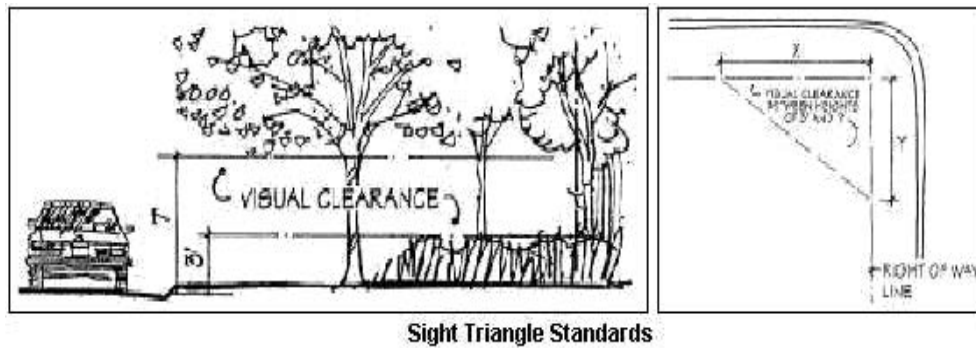
#### 4.5.7 Street Intersections

- A. Minimum Intersection Angle: Street intersections shall be as nearly at right angles as practical, and in no case, shall be less than seventy-five (75) degrees.
- B. Minimum Centerline Offset of Adjacent Intersections: New intersections along one (1) side of an existing street shall coincide with and, if practical, be directly opposite any existing intersections on the opposite side of each street. For all streets, the use of "T" intersections in subdivisions is encouraged. To avoid corner cutting when inadequate offsets exist between adjacent intersections, offsets shall be at least one hundred twenty-five (25) feet between centerlines of intersecting streets.
- C. Grade: Intersections shall be designed with a relatively flat grade wherever practical. Maximum grade within intersections shall be five (5) percent, but within collectors and lower order streets shall be three (3) percent.





## D. Sight Triangles

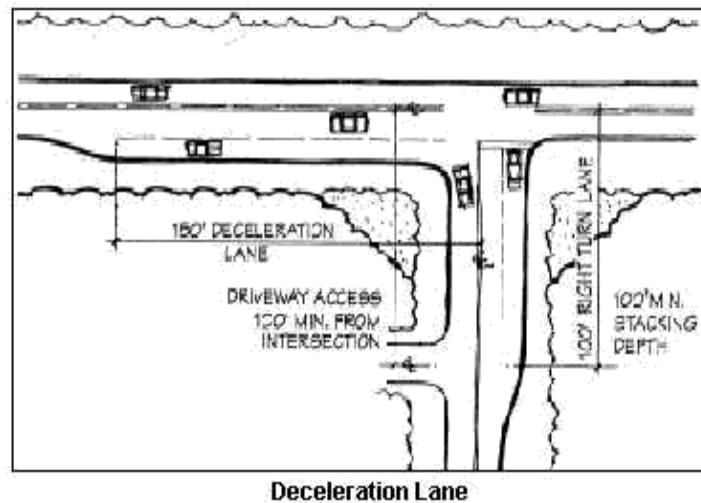


1. Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street.
2. No structure or plantings (at mature growth) that exceed three (3) feet in height above the street grade shall be permitted within the sight triangle. Exceptions are permitted for trees if the lower canopy of the trees allow a clear line of sight between three (3) feet and seven (7) feet above the street grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.
3. A public right-of-entry shall be reserved for the purpose of removing any object, material, or otherwise that obstructs the clear sight. The distances shown below between the connecting points and the intersection of the right-of-way lines shall be required.
4. Sight triangles shall have the dimensions shown in the following table.

Minimum Sign Distance (in feet)	Lane, Cul-de-sac, Local Access Street	Sub-Collector	Collector	Minor Arterial	Arterial
Lane, Cul-de-sac, Local Access Street	25/25	25/35	30/40	30/45	35/50
Sub-collector	35/25	35/35	40/40	40/45	45/50
Collector	40/30	40/40	40/40	45/45	50/50
Minor Arterial	45/30	45/40	45/45	45/45	50/50
Arterial	50/35	50/45	50/50	50/50	50/50



- E. **Curbing:** Curbing shall be required at the radials of intersections involving two (2) streets of sub-collector or higher order, unless the Community Development Director waives this requirement.
- F. **Deceleration Lane and Right Turn Lane:** Whenever an arterial or collector road intersects an arterial, the road having the right-of-way shall have a deceleration lane of at least one hundred fifty (150) feet, and the yielding road shall have a right-turn lane designed to allow stacking at least one hundred (100) feet in length. In any case, where neither road is obviously dominant, due to equal order hierarchy, signalization, or other similar factor, then both roads shall provide deceleration or right-turn lanes, as appropriate, of at least one hundred fifty (150) feet.



- G. **Stacking Depth:** New development on major arterials shall provide a drive aisle of not less than one hundred (100) feet from the arterial, measured from edge of pavement to edge of pavement (including deceleration lanes), so as to provide adequate stacking room for vehicles entering the development. Such drive aisles shall be free of any functions that may impede vehicle travel.

#### 4.5.8 Access to Streets

- A. A minimum distance of one thousand five hundred (1,500) feet shall be maintained between all access points along the Yemassee Highway Corridor Overlay District (HCOD) *See Zoning Ordinance*), including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have



discretion as to the placing of an alternative access point. However, no additional curb cuts on the subject parcel should result from having the alternative access point. This minimum distance applies with the following exceptions:

1. Access may be granted to a parcel of record existing at the time of adoption of the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to the following methods: joint access with adjoining properties, access from adjacent roads and the establishment of frontage roads; and
  - B. All Other Streets: Along the same side of all other streets no street, driveway, or other vehicle access point shall enter at a point nearer than one hundred (100) feet from the centerline of an existing or final approved street, driveway or other access point to the centerline of the proposed access.
  - C. Median Cuts: New median cuts on major arterials shall be at least one thousand (1,000) feet from existing or approved median cuts and shall have left-turn deceleration lanes in each direction at the median cut.
  - D. Frontage Required: All multi-family and non-residential development shall have frontage on and access directly onto a street meeting the standards in *Section 4.5.5*.
  - E. Waiver: For a lot of record which would be rendered unusable by the strict application of this Section or by demonstration that the access point is otherwise optimally located so as to provide acceptable turning radii, and minimize adverse impact, including turning movements and visual impact of "strip development" resulting from the less than minimum separation of access point from the roadway, relief may be requested in the form of a request for a waiver from the Community Development Director or Planning Commission, as appropriate, during the development review process.
- 4.5.9 Street Lighting: Lighting, if provided, shall comply with the standards recommended in the *IES Lighting Handbook (1981 or as revised)*, published by the Illuminating Society of North America, or other standards approved by the Community Development Director. All such lighting shall be hooded or directed, to the extent practical, to shield the light source from direct view from adjacent properties and streets. Development within the Yemassee Highway Corridor Overlay District (HCOD) shall also meet the lighting standards in *Section 5.15.11, Highway Corridor Overlay District, Lighting, in the Town of Yemassee Zoning Ordinance*.



#### 4.5.10 Traffic Signs and Street Name Signs

- A. Traffic signs shall be provided at the Developer's expense, and their design and placement shall be as required by the State of South Carolina's *Standards and Criteria* or those of the Town of Yemassee.
- B. Street name signs, on private internal streets, shall be provided at the developer's expense. At least two (2) street name signs shall be placed at each four (4) way street intersection and one (1) at each "T" intersection. Signs shall be reflective or installed under light standards and should be consistent of a style appropriate to the Town, of a uniform size and color, and erected on street posts of the same height set in concrete as established by the Town Engineer.
- C. Private Street Sign Design: Deviation from the strict standards will be allowable when approved by the Community Development Director in consideration of neighborhood character or special signage. The Town shall consider private street sign design.

#### 4.5.11 Reserved

#### 4.5.12 Reserved

#### 4.5.13 Street Furniture: Street furniture, which consists of the man-made elements of a streetscape generally associated with amenities for pedestrians, shall be placed where needed and not interfere with safe use of the sidewalk or roadway.

#### 4.5.14 Street Design and Construction Standards: Subject to the Town Engineer's approval, the following standards shall apply:

##### A. Shoulders, Side Slopes, and Ditches

- 1. All streets offered for public dedication shall have shoulders, curbs, side slopes, ditches, or alternative storm drainage systems, prepared in conformance with the latest edition of the *Standard Specifications for Highway Construction*, South Carolina Department of Transportation.
- 2. Shoulders shall be properly compacted and backfilled to safe edge. Stabilized turf shoulders are not required, but are recommended where proper irrigation is available. If curbs are used, shoulders may not be required.



- B. Paving Streets for Public Dedication: All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation's *Standard Specifications for Highway Construction*. Nothing contained herein shall obligate the Town to accept any offer to dedicate.
- C. Paving Private Streets: Private streets may be constructed without finished paving, provided that the finished surface and drainage system are approved by the Town Engineer.

4.5.15 Sidewalks, Pathways, and Bikeways: All new Planned Unit Development, major subdivision, or Highway Corridor Overlay District (HCOD) development must construct its portion of the Town's multi-modal transportation systems, unless an alternative system is approved by the Planning Commission. If a waiver to these provisions is granted by the Town, the owner/developer shall be required to contribute, in lieu of construction, an amount equal to the cost of construction of the required, sidewalk or bikeway for the Town to use in constructing or completing pedestrian/bikeway systems. Pathways and bikeways may be required at the Community Development Director's discretion, depending on the probable volume of use, in consideration of the site's location in relation to other populated areas, or its location with respect to an overall pathway and bikeway plan adopted by the Planning Commission. The following standards or substitutions, as well as the standards in *Section 4.5.14* approved by the Town Engineer or the Community Development Director, shall be followed:

A. Definitions

- 1. Bicycle: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term "bicycle" for this publication also includes three (3) and four (4) wheeled human-powered vehicles, but not tricycles for children.
- 2. Bicycle Facilities: A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways not specifically designated for bicycle use.
- 3. Bicycle Lane or Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.
- 4. Bicycle Path or Bike Path: See Pathway.



5. Bicycle Route System: A system of bikeways, designated by the jurisdiction having authority, with appropriate directional and informational route markers, with or without specific bicycle route numbers. Bike routes should establish a continuous routing, but may be a combination of any and all types of bikeways.
6. Bikeway: A generic term for any road, street, path, or way which in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.
7. Shared Roadway: A roadway, which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or road with paved shoulders.
8. Pathway: A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

4.5.16 Pathway, Sidewalk, Pedestrian System, and Bikeway Standards: Bicycle and pedestrian ways shall include sidewalks, bikeways, and pedestrian paths. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest; provided a grassed or landscaped area at least three (3) feet wide is retained to separate the pathway from the adjacent curb.

- A. Pathways: Dimensions and construction specifications of bicycle paths shall be determined by the number and type of users and the location and purpose of the bicycle path. A minimum eight (8) foot paved width shall be provided for two (2) way bicycle traffic and a five (5) foot width for one (1) way traffic.
  1. Choice of surface materials, including bituminous mixes, concrete, gravel, soil, cement, stabilized earth, and wood planking, shall depend on use and users of the path, as approved by the Town Engineer, or the Mayor's designee.
  2. Gradients of bike paths should generally not exceed a grade of five (5) percent, except for short distances.



- B. Pathway Designation: Any bikeway and/or pathway shall be restricted as part of the site's common open space when on a residential site. On a non-residential property, a permanent easement shall be reserved and maintenance assigned to a specific entity. The improvements, in either case, may also be offered for public dedication.
- C. Sidewalks: Sidewalks are normally to be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of five (5) feet, unless a reduced width or different location is approved by the Community Development Director or Planning Commission. Where this separation is not possible within the right-of-way, every effort will be made to locate the sidewalk on an easement on private property or otherwise achieve the desired separation. If it is not possible to maintain the minimum separation, sidewalks may be constructed adjacent to a vertical curb. Other items, which conflict with the sidewalk location, such as utility structures, shall be relocated at the developer's expense.
1. Sidewalks may abut the curb where the available right-of-way is constrained, when approved as part of a Special District Plan, or where necessary to maintain continuity with previously constructed sidewalks on adjacent properties.
  2. Sidewalks may be required in areas not specifically noted, where necessary, to continue a walk on an existing street, to link areas, or to provide access to pedestrian generators located in close proximity.
  3. Commercial and residential sidewalks shall be a minimum of five (5) feet in width and residential sidewalks shall be a minimum of five (5) feet in width. All sidewalks shall be a minimum of four (4) inches in thickness, except where crossing driveways in which case the minimum thickness shall be six (6) inches and will have a six (6) inch by six (6) inch #10 W. W. F. (or equivalent) reinforcement.
  4. All public sidewalks or pedestrian systems within the Town shall be constructed at the expense of the owner of the real estate along which such system is constructed. The owners of real estate within the Town shall construct, at their own expense, good and substantial walkways along abutting rights-of-way and easements dedicated specifically for pedestrian walkways, which shall always be the width prescribed by the Town. Upon failure to do so, the Town shall notify them of such neglect, and if the failure is not corrected by the abutting property owner within thirty (30) days of receipt of written notice from the Town, then the Town shall have the work done by the Town at the expense of the owner of the



property, which expense shall constitute a lien on the lot and be enforced in the same manner as a mechanic's lien. The notice shall be in writing and specify the kind of pedestrian system to be built.

5. Requirements for sidewalks when required for new Planned Unit Development, major subdivisions, or Highway Corridor Overlay District (HCOD) development are:
  - a. Arterial or Local Commercial Streets: Along the frontage of all properties abutting these streets;
  - b. Local Residential Streets: A connecting system of sidewalks on both side of each such street; and
  - c. Multi-Family Residential Streets: A connecting system of sidewalks on both sides of each such street and a sidewalk running from each building in the development to the street.
6. Sidewalks placed on both sides of the street shall not be required where one (1) or more of the following conditions exists, unless a lot has frontage on a road or road is classified as a collector, arterial, or local commercial street, or on a road which provides direct access to a public school, park, or other comparable public facility that is located within one (1) mile of the lot, to wit:
  - a. In subdivisions or developments where the minimum lot size is one and one half (1½) acres (65,340 square feet). In such subdivision or development, a pedestrian pathway system is still required;
  - b. In subdivisions or developments which are physically isolated by water, marsh, saltwater wetlands, or freshwater wetlands from other subdivisions or developments; and/or
  - c. In affordable housing projects where an alternate pedestrian pathway system is approved by the Planning Commission based on public access and inner connecting.

#### D. Bicycle Facilities

1. A bikeway providing for travel in two (2) directions shall be provided, if feasible along roadways which the Planning Commission, Town Council or Mayor or his designee determines, subject to review and approval of





the South Carolina Department of Transportation and the Town of Yemassee.

2. Bicycle facilities may also be required if a bicycle route system is addressed within an adopted plan, such as the *Comprehensive Plan*.
3. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street.
4. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.

Bicycle facilities shall be designed to meet the standards of the current version of the American Association of State Highway and Transportation Officials' *Guide for the Development of Bicycle Facilities*.

## **Section 4.6 Off-Street Parking**

### **4.6.1 Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded and improved space.

- A. If the off-street parking space required by this Article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or by shuttle bus, walkways, or similarly convenient service or access to a more distant remote parking site.
- B. The required parking space for any number of separate uses may be combined in one (1). But the required space assigned to one (1) use may not be assigned to another use, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theaters, or other uses may be assigned to a use which will be closed at night or on Sundays.
- C. All off-street parking in conjunction with development shall be designed to the criteria of the Beaufort and/or Hampton County Engineer. Parking areas shall be designed in such a manner as to completely eliminate the necessity of



utilizing any portion of adjacent street, road, or highway rights-of-way for maneuvering.

- D. The size of parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress, other than handicapped, which shall conform to required standards.
- E. Tandem parking spaces shall not be allowed.
- F. In planned resort, residential, and commercial developments where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required.
  - 1. Auditorium and Theater: 01 space for each spectator seat.
  - 2. Automobile Service: One (1) space for each vehicle stored or parked, plus one (1) space for each employee.
  - 3. Bank: One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
  - 4. Bus Terminal: One (1) space for each four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
  - 5. Child Care Center: One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.
  - 6. Church: One (1) space for each six (6) seats in the main assembly room.
  - 7. Driving Range: One (1) space for each two (2) tees.
  - 8. Elementary School: One (1) space for each vehicle owned or operated by the school, plus two (2) spaces for each faculty member and administrative office.
  - 9. Fire Station: One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
  - 10. Funeral Home: One (1) space for each four (4) seats in the chapel or parlor, plus one (1) space for each employee.



11. Golf Course: Four (4) spaces for each green, plus requirements for any other associated use, except in PUD.
12. Hospital: One (1) space for each six (6) patient beds, excluding bassinet, plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.
13. Hotel/Motel: One (1) space for each room to be rented, plus one (1) additional parking space for each three (3) employees, plus requirements for any other use associated with the establishment.
14. Indoor and Outdoor Commercial Recreation: Adequate parking facilities for contemplated use. The required parking spaces for any multiple use area shall be either of the following:
  - a. Number of spaces required for such single use having the greatest parking needs, plus ten (10) percent of the combined required for all other uses in the area; or
  - b. Number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
15. Industrial Manufacturing and Wholesale: One (1) space for each two (2) employees on the largest shift, plus one (1) space for each member of the managerial or office staff, plus one (1) visitor parking space for each ten (10) persons on the managerial staff, and one (1) space for each vehicle used directly in the conduct of the business.
16. Junior High School: One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member, plus one (1) space for each five (5) seats in the auditorium or gymnasium.
17. Mobile Home Park: Two (2) spaces for each mobile home.
18. Nursing Home: One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
19. Office and/or Professional: One (1) space for each two hundred (200) feet of gross floor space plus one (1) space for each two (2) employees.
20. Planned Shopping: Four (4) spaces for every one thousand (1,000) square feet of gross leasable floor area.



21. Public or Private Club: .02 spaces for each two hundred (200) square feet of gross floor space.
22. Public Utility: One (1) space for each employee.
23. Residential: One and one-half (1½) spaces per dwelling unit.
24. Restaurant: One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
25. Retail Business: Five (5) spaces for every one thousand (1,000) square feet of gross floor area, except as otherwise specified below.
26. Appliance and Furniture Store: Two (2) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
27. Automobile Dealership: One (1) space per one thousand (1,000) vehicle square feet of gross floor area, plus one (1) space for each employee.
28. Feed and Seed: Two (2) spaces per one thousand (1,000) square feet of gross area, plus one (1) space for each employee.
29. Building Supply: Three (3) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
30. Sales and Service: One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) space for each two (2) employees.
31. Senior High School: One (1) space for each vehicle owned or operated by the school, plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one (1) space for each four (4) students enrolled.
32. Stadium: One (1) space for each four (4) spectator seats.

A waiver of on-site parking spaces may be granted by the Town of Yemassee Planning Commission if required parking can be satisfied by the number of public parking spaces available along the lot line adjacent to the public street. The availability of parking shall be determined based on the accessibility of these parking areas to the proposed business activity as measured by distance and ease of pedestrian access, the amount of surplus parking over the current and projected demand for parking, and any other constraints that may affect the proposed

---

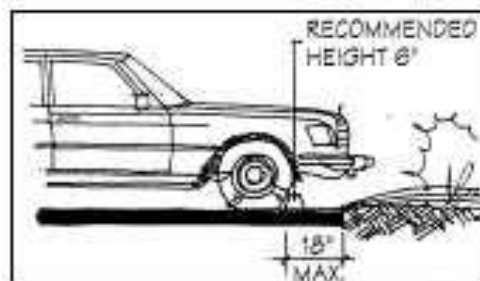


business activity's ability to benefit from the designated parking area. A waiver cannot be granted towards required on-site handicap parking spaces.

#### Section 4.6.2. Parking Area Design

- A. Access to parking facilities shall be designed so as not to obstruct free flow of traffic.
- B. There shall be adequate provision for ingress and egress to all parking spaces to insure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- C. In developments where vehicles may be expected to wait (including, but not limited to drive-through restaurants, banks, and gated parking facilities), adequate stacking space shall be required.
- D. The width of all driving aisles shall be in accordance with the requirements specified below unless a wider drive aisle is approved by the Community Development Director, or the Planning Commission to facilitate special vehicle requirements. Only one-way traffic shall be permitted in driving aisles serving parking spaces placed at an angle other than 90 degrees to the drive aisle unless the angle is placed so as to accommodate the direction of travel for each side of a two-way drive aisle.

Parking Angle	Minimum Driving Aisle Width
60 degrees	18 feet min. 22 feet max.
90 degrees	24 feet min. 30 feet max.
Driving Aisle without parking	20 feet min. 24 feet max.

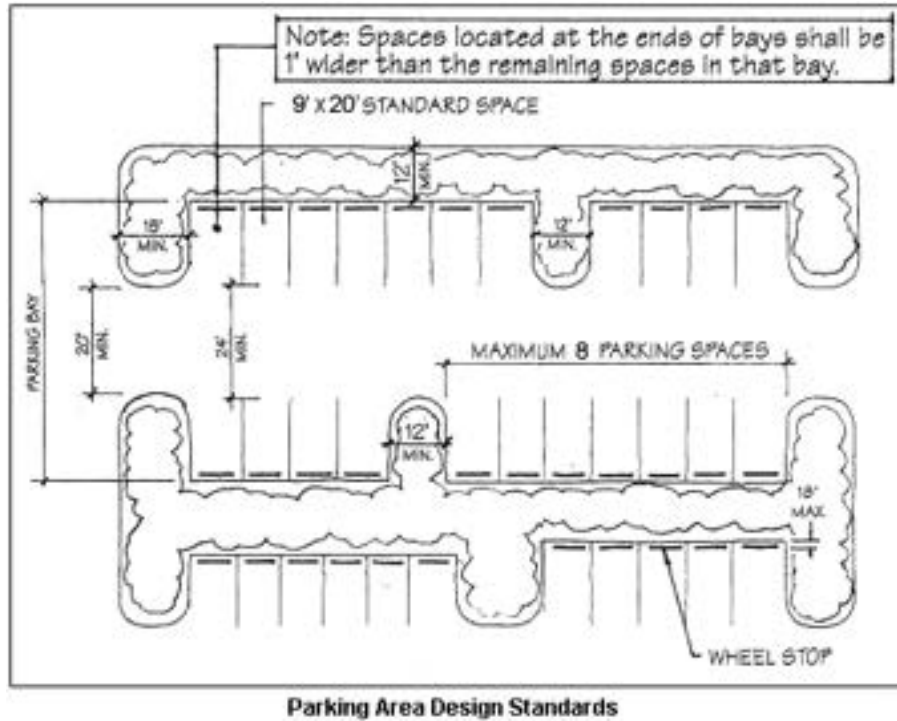


**Wheel Stop Detail**



- E. Wheel stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space. See illustration above.
- F. Where sidewalks occur in parking facilities, parked vehicles shall not overhang or extend over the sidewalk. In these parking facilities, wheel stops shall be provided even if the parking facility has curbing.
- G. Parking facilities shall contain appropriate plant material to minimize noise, glare, and other nuisances as well as to enhance the environment and ecology of the site and surrounding area. Existing trees and understory vegetation should be retained whenever possible, and supplemented with landscaping as appropriate.
- H. Each parking bay shall be separated from other parking bays by a median. Not more than eight (8) continuous parking spaces shall be allowed in a row of parking without separation by a median. All medians shall be at least twelve (12) feet wide unless specified otherwise. Shrubs and/or trees shall be installed in the median to provide for semi-continuous planting along the median. Shrubs shall be at least one (1) foot in height at installation and reasonably projected to grow at least two (2) feet in height within three (3) years. A median of at least fifteen (15) feet in width shall be provided at the ends of each parking bay. Each landscaped peninsula shall contain one (1) broad-leaved overstory tree with a minimum size of two and one half (2½) caliper inches at dbh and a minimum height of ten (10) feet. All medians/peninsulas shall contain appropriate plant material as identified in G. above. The Community Development Director or Planning Commission may allow modification of these provision in order to preserve trees and other native vegetation of for parking located under buildings.





- I. All parking facility lighting shall conform to the standards noted in Section 5.15, Highway Corridor Overlay District, of the Town of Yemassee Zoning Ordinance.

#### Section 4.7 Off-Street Loading

##### 4.7.1 Off-Street Loading Requirements

- A. Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
0 - 25,000	1
25,001 - 40,000	2
40,001 - 100,000	3
100,001 - 160,000	4
160,001 - 240,000	5
240,001 - 320,000	6
320,001 - 400,000	7
Each 90,000 over 400,000	1



1. All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area; and
2. Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

#### **Section 4.8    Traffic Impact Analysis**

- 4.8.1 Purpose: It is the purpose of this Article to guide development in accordance with the existing and future needs of the Town of Yemassee and in order to protect, promote and improve the public health, safety, convenience, order, appearance, prosperity and general welfare of the citizens of the Town, as these issues apply to the provisions of this Article.
- 4.8.2 Intent: The regulations of this Article are designed to:
- A. Enable the Town to conduct an appropriate review and evaluation of the traffic impact of the proposed developments, so that new development does not impair the Town's ability and obligation to provide adequate road facilities to all its citizens, and to prescribe necessary project-specific mitigation measures as outlined in professionally prepared traffic impact analysis plans;
  - B. Enable the Town to address the relationships between land use and the transportation system. The purpose of the Traffic Impact Analysis plan, hereinafter referred to as "TIA", is to identify and quantify transportation related impacts to the public transportation system, and to identify measures to mitigate such traffic impacts; and
  - C. Establish uniform procedures for traffic impact analysis.
- 4.8.3 Applicability: The traffic impact analysis plan guidelines shall apply to all land within the Town of Yemassee, except for that specifically exempted below. It is the responsibility of the applicant to submit all data required by the Town necessary for the TIA report.
- 4.8.4 Exemptions: The following types of development shall be exempt from the traffic impact analysis plan and mitigation requirements and procedures of this part:





- A. Activities and uses not constituting development, or exempt from development plan approval, as defined in Article I.
  - B. Town Planned Unit Developments with approved development agreements will be subject to traffic mitigation, including turn lanes, traffic signals and traffic impact analysis based on the terms of the Approved Development Agreements and Zoning Regulations.
  - C. Any development that would generate fewer than 50 a.m. or 50 p.m. peak hour trips. Trip generation rates shall be taken from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual), provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted to the Community Development Department of the Town Planning Commission in determining this alternative. Such trip generation study shall be undertaken by a qualified traffic-engineering firm (see Section 4.8.6.1), and is subject to a review and approval by the Town through the Town's development process. The Community Development Director shall determine the most appropriate trip generation rate for proposed uses not specifically listed in the ITE Manual. Input from the applicant may be necessary in making this decision.
    - 1. If the proposed development will be replacing on the same site a vacant or occupied structure, then for the purpose of determining exemptions, the number of ADT, a.m. and p.m. peak hour trips generated by the proposed land use shall be reduced by the number of ADT, a.m. and p.m. peak hour trips generated by the most recent legally established land use.
    - 2. Proof of the most recent principal land use of a site shall be the responsibility of the applicant and shall be submitted to the Community Development Department for approval. Absent such proof, the ADT, a.m. and p.m. peak hour trip rate will be based on the lowest trip generation of all the uses permitted by right in the site's zoning district.
  - D. Any residential development generating less than 200 Average Daily Trips in which at least twenty (20%) percent of its units will qualify as affordable housing as defined for Beaufort and/or Hampton County.
- 4.8.5 Traffic Impact Analysis Plan Approval Required: No development plan approval, with or without conditions or modifications, shall be granted without



the applicant for development plan approval first obtaining traffic impact analysis plan approval, unless the development is exempt subject to Section 4.8.4 above

#### 4.8.6 Traffic Impact Analysis Plan Requirements:

##### 4.8.6.1 Plan Preparation

- A. Responsibility. Applicants shall be responsible for preparing the complete Traffic Impact Analysis plan (TIA). The expense of preparing the TIA shall be borne solely by the applicant. If the Town determines that a Town Transportation consultant needs to review a TIA, the cost of this review shall also be borne solely by the applicant.
- B. All TIA's shall be prepared, signed and sealed by a professional engineer with a specialty in traffic and transportation and who is registered in South Carolina.
- C. Submittal Requirements. Three (3) copies of each TIA shall be submitted to the Community Development Department simultaneously and as part of the plan submittal package to the Town.
- D. Traffic Impact Plan Parameters. Prior to beginning the traffic impact analysis plan, the applicant shall submit the following to the Town:
  - 1. A written narrative describing the proposed land use(s), size and projected opening date of the project and any phases. The narrative must also identify the Beaufort and/or Hampton County Tax Map and Parcel numbers to be occupied by the proposed development;
  - 2. A site location map;
  - 3. A proposed site plan showing the location of the proposed development on the site and all points of access to public or private roads or any other development; and
  - 4. Based on this information, along with the ITE Trip Generation manual and available information on land use, travel patterns and traffic conditions, the applicant will schedule and attend a methodology meeting with the Community Development Director to determine the parameters to be followed in the study including the study area definition, directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any current intersection turning movements counts if available, and an identification of other primary assumptions. At



the methodology meeting, the Town may require that other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA. A review of needs for transit, bicycle and pedestrian features shall be discussed for inclusion in the traffic impact analysis.

4.8.6.2 Plan Contents: An acceptable traffic impact analysis shall include an accurate representation of the following elements. All phases of a development are subject to review; however, a traffic impact analysis plan shall be applicable to the phase of development under immediate review:

- A. Transit, Bicycle and Pedestrian Features. A review of needs for transit, bicycle and pedestrian features shall be included, where appropriate, as determined at the methodology meeting.
- B. A current site plan or subdivision plat identifying all access to and from existing or proposed streets and intersections. In addition, a vicinity map shall be provided.
- C. Description of the existing and proposed site land-uses, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed non-residential development and the amount of such development measured by gross floor area or other appropriate unit of measure, the general size and type of accessory development or facilities, and, for non-residential development, adequate information to identify the appropriate land use category for trip generation.
- D. Existing and proposed access including cross-access, cross-access easements with adjacent properties, adjacent access points and access across the street, frontage roads, etc.
- E. Development schedule (build out period and phasing).
- F. Existing Conditions. Traffic count data that is collected for the TIA will be included in an appendix to the TIA report. The Town may require at the methodology meeting, that other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA.
- G. Projected vehicular trips to and from the completed development during the a.m. and p.m. peak hour. Average Daily Trips (ADT's) shall also be included. Trip rates shall be taken from the ITE Manual, provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact



analysis plan. Such trip generation study shall be subject to the review and verification of the Town through its development process. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the Community Development Director shall determine, in consultation with the applicant's traffic engineer, the most appropriate trip generation rate. The Community Development Director shall make the determination of the appropriate trip generation rate, from whatever source. All assumptions, including the source of information, regarding trip generation, internal capture rates and passer-by rates shall be identified and justified.

- H. Development traffic assignment to the roadway network. The Town, through its development process, may require the use of a transportation model, if appropriate, in the determination of site trip distribution and assignment. Typically, the model will be used for large projects with long build out periods, or where major network or land use changes are anticipated.
- I. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan required under this part, is based. If the assumptions are derived from the ITE Manual, the materials shall be identified. If the assumptions are not from the ITE Manual, appropriate excerpts will be included in the study and the reasoning underlying the assumptions shall be stated in the narrative.
- J. The traffic impact analysis plan shall be based on intersection analysis procedures for signalized intersections as identified the *Transportation Research Board's 1997 Highway Capacity Manual Special Report 209* and/or last update thereof and utilize analyses/computer software which emulates these procedures and is acceptable to the Community Development Director.
- K. The TIA study area will include the following:
  - 1. Any intersection that serves as a development's point of access. This will include intersections of public and private roads with any arterials or collectors, as well as driveways offering direct access;
  - 2. The first major intersection identified by the Community Development Director on either side of the Development's primary point of access;
  - 3. Other intersections, including all signalized intersections, with existing or future signals, on arterials or collectors if within one (1) road mile of the development's primary point of access and when in the opinion of the Community Development Director there is a



potential for a significant impact to the intersections' level of service from site related traffic;

4. Intersection needs at all development's access intersections shall be determined. This operational evaluation shall include on-site circulation as it may affect access; on-site and off-site turn lanes, and required storage, potential for signalization and review of sight distance and other intersection safety aspects. Usage of joint access driveways and frontage roads are encouraged to reduce the total number of connections to a roadway network. On-site traffic circulation shall be reviewed and recommendations made regarding on-site and pavement marking; and
  5. A list of all roadway improvements, as well as planned improvements, which are not yet funded. The list shall identify the type, location, timing and responsible agency of each roadway improvement project.
- L. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections identified in 4.8.6.2.J, relative to the quantitative criteria for different levels of service provided in the Highway Capacity Manual. The analysis shall reflect existing and projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development if they can be reasonably determined shall be considered as well.
- M. Mitigation Plan. A reduction in existing intersection level of service standards makes the proposed development a candidate for mitigation. All proposed mitigation measures must meet guidelines established by the Town of Yemassee through its development review process and the South Carolina Department of Transportation (SCDOT), where applicable, and be submitted to the SCDOT District Office for approval.
- 4.8.6.3 Action on Traffic Impact Analysis Plan: Following review of the required traffic impact analysis plan, the Community Development Director shall recommend and/or approve through the development process, one of the following actions; which shall be accompanied by findings of fact supporting the action:
- A. Approve the traffic impact analysis plan as submitted by the applicant;
  - B. Approve the traffic impact analysis plan with conditions or modifications;



- C. Approve the traffic impact analysis plan with an acceptable traffic mitigation program.

4.8.6.4 Expiration of Approval: A traffic impact analysis plan approval shall expire after one year unless the applicant submits a complete development plan review application within one (1) year of the approval date of the traffic impact analysis plan.

4.8.6.5 Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, all approved traffic mitigation improvements must be implemented prior to receipt of a *Certificate of Compliance* or unless otherwise provided for as part of the approved traffic impact analysis plan. Traffic mitigation improvements may be bonded. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements in the area.

4.8.6.6 Responsibility for Costs of Improvement; Reimbursement: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant. If an applicant is required to provide an improvement that would otherwise be funded by Beaufort and/or Hampton County transportation impact fees, a transportation impact fee credit may be available from Beaufort and/or Hampton County as provided for under the Beaufort and/or Hampton County impact Fee Procedures Ordinance.

## **Section 4.9 Lot Design**

4.9.1 The Developer shall demonstrate through design and the use of private property restrictions and covenants adequate attention to the following aspects of lot design:

- A. Lot size, width, depth, shape, grade, and orientation to streets;
- B. Relationship of residential lots to adjoining non-residential development, existing or proposed;
- C. Building setback lines, front, side, and rear;
- D. Separation of residential lots from major thoroughfares and railroads and other possible incompatible land uses;
- E. Separation and proper screening of non-residential development from adjacent existing residential development. Suitable natural or commercial



grade materials of sufficient height shall be used in the construction of the required buffers; and

- F. For any subdivision of ten (10) or more lots, on ten (10) or more acres, or any institutional, industrial, or commercial development of ten (10) or more acres, designers who generate plats with computer-aided drafting procedures are requested to provide Beaufort and/or Hampton County with an electronic file copy to assist in maintenance of the County's Geographical Information Mapping System (GIS) used for Emergency 911, planning, engineering, and other activities.

#### **Section 4.10 Infrastructure and Services**

4.10.1 All development shall be provided with minimum services in conformance with the provisions of this Section. The property owner or Developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services as a prerequisite for development does not in any way obligate the Town Council or its departments or agents to furnish such services.

- A. No development shall be undertaken if provision has not been made for the following basic services:
1. Power supply, normally electric;
  2. Potable water supply of sufficient quantity to satisfy domestic needs;
  3. Water supply of acceptable quality and sufficient quantity to satisfy commercial and industrial demand;
  4. Means for treatment and disposal of domestic sewage and other liquid waste;
  5. Means for collection and disposal of solid wastes except for single-family residential subdivisions;
  6. Vehicle access to existing streets or highways; and
  7. All driveways shall be paved from the property line to the edge of pavement, except for private dirt roads.
- B. No development shall be undertaken, except in conformance with all applicable standards, regulations, specifications, and permitting procedures



established by any duly authorized governmental body or its authorized agents, for the purpose of regulating utilities and services. It shall be the responsibility of the Developer to show that the development is in conformance with all standards, regulations, specifications, and permitting procedures.

- C. No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities and drainage. The Developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.
- D. Where there are existing public or private community water and/or sewer systems within one thousand (1,000) feet of a proposed development, the Developer must show evidence that he has explored the possibility of tying into existing systems.
- E. All electrical, telephone, and gas utility lines in a development shall be installed according to plans and specifications approved by the respective utility companies providing such service. In addition, all such utility lines shall be installed underground unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of construction, undue and unreasonable hardship, or other conditions unique to the development.

#### **Section 4.11 Property Markers**

At all corners there shall be placed a concrete or other permanent marker of the type commonly used in the area. Concrete control monuments shall be placed on the lot property lines intersection with the road right-of-way lines as shown on a site-specific basis determined during the plan review process.

#### **Section 4.12 Stormwater**

All development will contain adequately designed stormwater management systems in accordance with the *Beaufort and/or Hampton County Stormwater Management Best Management Practices* in use at the time of development and implement necessary maintenance programs for the system, as necessary. Stormwater Management Plans will be reviewed by the Town's designated engineer prior to development approval.





### **Section 4.13 Certified Plans**

All Design, Grading, Drainage, and Construction Plans for roads and for site-related projects shall be prepared and certified by either an Engineer, Landscape Architect, or both where appropriate under State Law, who are registered for practice in South Carolina. However, all Design, Grading, Drainage, and Construction Plans for sanitary sewage systems, potable water systems, and other principal engineering systems, features, or structures shall be prepared and certified only by an Engineer who is registered for practice in South Carolina.

### **Section 4.14 Native Vegetation and Tree Protection Ordinance**

#### **4.14.1 Purpose and Intent**

This ordinance is enacted to provide policies and procedures for the preservation, maintenance, replacement, and removal of native vegetation and trees on property within the Town of Yemassee.

To preserve and enhance the natural history and character of Yemassee, emphasis shall be placed on preserving natural plant communities which play a critical role in the following:

- Purifying air and water;
- Providing wildlife habitat;
- Managing the natural drainage of stormwater;
- Controlling sediment erosion;
- Protecting and enhancing property values;
- Promoting commerce and tourism;
- Conserving energy by providing ambient cooling; and
- Mitigating the effects of externalities such as noise and glare.

#### **4.14.2 Applicability**

The provision of this Ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Single Family and General Residential; provided however this Ordinance shall apply to Single Family and General Residential Zoning districts to the extent parts of those districts are subject to the Olde Towne District and the Highway Corridor Overlay District.



#### 4.14.3 Prohibited Activities

No person, firm, organization, society, association or corporation, or any agent or representative thereof, shall directly or indirectly destroy or remove any tree, except as authorized under the provisions of this chapter.

#### 4.14.4 Site Design and Development Standards

For any proposed development, site planning and design shall be undertaken with the final placement of buildings, structures, roads, utilities, and other features minimizing the removal of existing trees. The following items shall be submitted with all applicable development plans:

1. A tree survey in accordance with Section 4.14.4.1 of this Ordinance;
2. A tree protection plan in accordance with Section 4.14.4.2 of this Ordinance; and
3. A mitigation plan in accordance with Section 4.14.4.3.A of this Ordinance.

##### 4.14.4.1 Tree Survey Requirements

Tree surveys shall be prepared and sealed by a registered land surveyor within two (2) years of the development plan submittal date. The survey shall be at the same scale as the development plan and include the following information within the area to be modified from its natural state and seventy-five (75) feet beyond in each direction or to the property lines, whichever is less:

1. The location of all hardwood trees and naturalized pines six (6") inches DBH and greater;
  2. The location of the following trees four (4") inches DBH and greater: Red Bay, Loblolly Bay, Longleaf Pine, Bluff Oak, American Elm, American Beech, and Spruce Pine;
  3. The species and DBH of all hardwood trees and naturalized pines;
  4. The location of contour lines at one-foot intervals; and
  5. The location of all waterways, wetlands, and buffers.
- In addition to the above information, the following shall be required:



6. For major residential subdivisions and commercial properties; the location of hardwood trees and naturalized pines twenty (20") inches and greater within the project area or proposed phase of construction.
7. In silviculture areas an aerial photograph of the property to include a boundary survey, the number of planted pines per acre, and the average size of planted pines per acre.

#### 4.14.4.2 Tree Protection Plan Requirements

The following shall be addressed on all site development plans:

1. Denotation of all trees 20" DBH and less proposed for removal with "X";
2. Denotation of all trees 20" DBH and greater proposed for removal with "X";
3. Denotation of all trees proposed for preservation in accordance with Section 4.14.3.3 of this Ordinance; and
4. Denotation and specifications of retaining walls and other structures required to preserve existing trees.

#### 4.14.4.3 Mitigation of Trees Approved for Removal

##### A. Mitigation Plan for Development Plans

1. Development plans shall include a mitigation plan for replacement of trees and vegetation approved for removal. A mitigation plan shall include the following:
  - a) The species, size, location, and number of trees proposed for removal;
  - b) The number of trees required for replacement, calculated as follows:
    - i. Existing hardwoods and naturalized pines: refer to Table 2, Indigenous Trees of Yemassee included in this ordinance, any trees identified in the Town of Yemassee Zoning Ordinance, or as determined by the Planning Commission and multiply the appropriate factor unit below by the total DBH of each species removed;

Table 1. Tree Unit Factors

---



Category	Unit Factor
Large Trees - N	1
Large Trees	.5
Medium Trees - N	.75
Medium Trees	.25
Small Trees	.25
Palms and Cycads - N	.5

- ii. Silviculture areas: factor one tree per twenty-five (25) trees removed. The selection of species for replacement shall be Longleaf, Loblolly, Slash, Pond, and Spruce Pine where appropriate.
  - iii. A minimum of 900 Adjusted Caliper Inches (ACI) of trees shall remain per acre of pervious area.
  - c) The selection of replacement trees shall be based on similar species and in accordance with Section 14.15.3 Indigenous Trees of Yemassee, of the Town of Yemassee Landscape Ordinance or the Planning Commission; and
  - d) The size and location of replacement trees in accordance with Section 14.15.7 of the Town of Yemassee Landscape Ordinance or the Planning Commission.
- 2. In order to promote diversity, no more than fifteen (15%) percent of the replacement trees shall be of the same species;
  - 3. A tree survival and maintenance bond shall be executed on all landscaping in accordance with the Town of Yemassee Zoning Ordinance or as specified by the Planning Commission;
  - 4. Where the Community Development Director determines that a site can not sustainably support the required replacement, due to the size and shape and/or structures and/or other viable site constraints, a fee shall be paid to the Town of Yemassee Tree Fund. This fee shall be the actual and verified cost of the required tree replacement and shall be submitted prior to the issuance of a Certificate of Occupancy; and
  - 5. If a property owner has preserved extensive overstory trees and clusters of native trees and vegetation, and these trees and clusters are located throughout the property in such a manner as to provide



extensive shading within the built environment, relief of the above replacement standards may be granted by Planning Commission. An exhibit depicting the aforementioned shall be drafted by a registered landscape architect using software that calculates the canopy spread based on DBH and species of a tree.

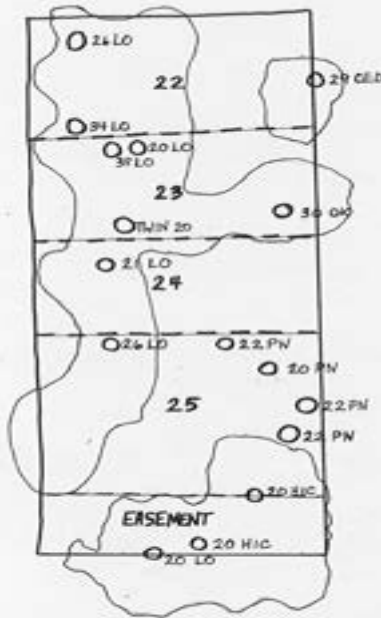


Diagram 1: Illustration of Extensive Shading

- A. Average Lot Size = 1/6 acre
- B. Limits of shading covers a one- third minimum area on each lot.
- C. Includes Understory Vegetation

#### B. Mitigation of Dead, Infested, Diseased, or Hazardous Trees

Trees located on any property listed below that are dead, infested, diseased, or hazardous and compromised by natural causes shall be replaced with one 2.5" caliper tree of the same species. The Community Development Director may alter the species removed if the property exhibits a number of similar healthy specimens. Any plantings shall be installed during the next appropriate planting season, September through June. Property owners facing a financial hardship with the provisions of this section may write a letter requesting assistance from the Town of Yemassee. The Town Manager, or the Mayor's designee shall review each situation and make a determination. Funds to support applicable cases shall be allocated from the Tree Fund.



1. Non-residential properties and/or any property with a non-residential element;
2. Any common areas within residential subdivisions;
3. Any properties within the Highway Corridor Overlay District as defined in the Town of Yemassee Zoning Ordinance;
4. Any properties within the Historic Preservation Overlay District as defined in the Town of Yemassee Zoning Ordinance; and
5. Any properties within the River Protection Overlay District as defined in the Town of Yemassee Zoning Ordinance.

#### 4.14.5 Site Design Elements

The following elements present a hierarchy to assist in the design of site plans:

1. Should a site contain a Historic Tree(s), the highest site design priority shall be implemented to preserve the historic tree(s);
2. For those properties not containing a Historic Tree(s), site design priority shall be given to the preservation of Grand Trees and clusters or groupings of smaller native trees (20" DBH and below) and existing vegetation. The removal of a Grand Tree is only permitted when, upon the determination of the Community Development Director, Historic Preservation Commission, and/or Planning Commission, the property owner provides proof in writing that all design alternatives have been explored and the removal cannot be avoided;
3. At the time of post development, all sites must contain a sufficient number of trees to insure a minimum of thirty (30) existing trees per disturbed acre or fifteen (15) existing trees ten (10") inches DBH and greater, per disturbed acre; and
4. Acknowledgment shall be given for clustering of trees and native vegetation when the locations of such provide shading throughout a property in accordance with Section 4.14.4.3.A.3 of this Ordinance.

#### 4.14.6 Establishing Tree Protection During Construction



The following standards shall be stated on all approved development plans and shall apply to trees, natural areas, and/or buffers proposed for preservation on a construction site.

A. Tree and Root Protection Zone

To protect the critical root zones, a Tree Protection Area (TPA) shall be established around each tree or group of trees to be retained, described as follows:

1. The TPA shall not include less than the total area beneath the tree canopy as defined by the drip line of the tree or group of trees collectively;
2. Project site utility and grading plans shall avoid disturbance in the TPA. Trenching shall not be permitted within the TPA, unless prior approval is received from the Community Development Director;
3. Construction site activities, including but not limited to parking, materials storage, concrete washout, and/or burnhole placement, shall not be allowed within the TPA;
4. Root disturbance due to cuts or fill shall not be allowed within the TPA. All exposed roots one (1) inch and greater in diameter at the edge of the TPA shall be pruned with a clean cut flush to the soil grade;
5. Soil compaction shall not be allowed within TPA. Erosion and sedimentation control measures shall be installed in a manner designed to prevent the accumulation of sediment within the TPA; and
6. In the event a tree is injured during construction activity, the wound shall be cut back to the bark leaving a smooth edge around the wound. If the tree receives a lethal injury, then a fine and replacement shall be required.

B. Protective Barriers

Protection barriers shall be installed as shown on the plans or otherwise completely surrounding the area to be protected as follows:

1. All protection barriers shall be installed and inspected by the Community Development Director prior to the land disturbance and construction process. The protective barrier shall not be removed until final landscaping is installed; and



2. Protection fencing shall consist of chain link, orange laminated plastic, wooden post and two-rail fencing, or other equivalent, visible restraining material.

C. Signage

Signs shall be posted that state "preservation area" in addition to the required protection fencing. Both English and Spanish translations shall be present on each sign. The Community Development Director shall issue an appropriate number of signs with the development permit. Signs requesting subcontractor cooperation and compliance with these protection standards are recommended for site entrances.

D. Pruning

Pruning of tree limbs to provide clearance for equipment and materials or for any other reason shall be done in accordance with the latest *International Society of Arboriculture Standards* and in accordance with the standards provided within.

E. Encroachment

If encroachment into a protection area occurs which causes irreparable damage to one or more trees, based on the assessment of a certified arborist the damaged tree(s) shall be replaced according to the violation table included in this ordinance, Section 4.14.10 Violations and Penalties.

#### 4.14.7 Tree Maintenance for Public Protected Trees

A. Pruning and Trimming

All trees designated for trimming shall be trimmed in accordance with the *International Society of Arboriculture Standards* and the following standards:

1. Trees trimmed for clearance from utility lines may be trimmed in such a manner as to provide clearance from lines for a designated period of time or cycle, not to exceed two (2) years. In all cases where conditions permit, drop crotch or side trimming methods shall be used to obtain necessary clearance. Topping is prohibited. The individual or business trimming the tree is responsible for the disposal of wood residue and trimmed parts of the tree to include chips, logs, and limbs;
2. Whenever trimming harms the visual shape of the tree, additional trimming shall be performed to achieve satisfactory shape and appearance. Where possible, all cuts shall be flush with the trunk of the tree, in order to eliminate





excessive sprouts and unsightly stubs. All cuts shall be made in a manner that prevents rips to the bark; and

3. Thinning and pruning of a mature tree that exceeds more than thirty (30) percent of the leaf surface, on both the lateral branch and the overall foliage that is pruned within a growing season, is prohibited. Limbing up shall be allowed to provide views of scenic resources.

#### **4.14.8 Silviculture and Selective Thinning**

Only properties twenty (20) acres and larger may conduct silviculture and selective thinning of Loblolly or Slash Pine. This activity shall comply with the following:

1. An application for a Silviculture Permit shall be submitted to the Town. The application shall include a plan signed by a Registered Forester and include the following:
  - a. A boundary survey of the property indicating the area to be harvested;
  - b. The size, number, and species of existing trees per acre; and
  - c. Tree protection and silt fencing devices for preservation of hardwoods and buffer areas in accordance with Section 4.14.5 of this Ordinance;
2. The silviculture activity shall be in compliance with the latest South Carolina Best Management Practices Manual for Forestry;
3. All sites shall retain a sufficient number of trees to insure a minimum of thirty (30) existing trees per harvested acre or fifteen (15) existing trees ten (10") inches DBH and greater, per harvested acre; and
4. No development is to take place on a parcel that has been clear-cut within two (2) years of cutting, unless the property owner has completed a replanting plan in compliance with this Section, 4.14.8.3.



#### 4.14.9 Wildlife Management

For properties where forestry management practices are utilized for wildlife enhancement and creation of unique, rare habitat to attract endangered species, the owner may request relief from Section 4.14.8. Relief shall be granted on a case-by-case basis when documentation such as a South Carolina DNR and/or US Fish and Wildlife endorsed wildlife management plan is submitted to the Community Development Department.

#### 4.14.10 Tree Removal Permits

- A. Where applicable, a Town tree removal permit shall be issued to remove any tree six (6") inches DBH and greater, and/or any of the following four (4") inches DBH and greater: Red Bay, Loblolly Bay, Longleaf Pine, Pond Pine, Pond Cypress, Bald Cypress, Basswood, Red Mulberry, Beech, Ironwood, Hop Hornbeam, Tulip Poplar, Swamp Cottonwood, Swamp Chestnut, American Elm, Spruce Pine, Swamp Tupelo, Ogeechee Lime, Hawthorn, Devilwood;
- B. Tree removal permit applications shall be submitted to the Community Development Department, or the Mayor, or his designee, no less than two business days prior to the work to be performed;
- C. Permits expire thirty (30) days after date of issuance and shall be null and void if its terms are violated;
- D. If replacement trees are required according to the conditions in this Ordinance, the property owner shall have ninety (90) calendar days or until the next suitable planting season, September thru May, to install the appropriate specimen;
- E. For dead, diseased, infested, or hazardous trees, written justification signed by a certified arborist may be required. The additional justification shall be required upon determination by the Community Development Director; and



#### 4.14.10 Natural Emergency

In case of emergencies the requirements for a Tree Removal Permit shall be waived so that the requirements of this chapter would in no way hinder private or public work to recover from natural hazards or disasters and restore function to property within the Town of Yemassee.

#### 4.14.11 Violations and Penalties

Property in violation of this Ordinance shall be subject to a stop work order and/or fines and penalties until such time as the Town determines remedial actions have been satisfied as follows:

- A. Where trees have been removed in violation of this Ordinance, the Town shall require mitigation in one or more options in accordance with Table 2. Tree Replacement and Fines for Violations:

1. Plant replacement trees on site; and/or
2. Plant replacement trees on Town Mitigation Sites; and/or
3. Pay a fine to the Town of Yemassee which shall be allocated to the Tree Fund.

**Table 2**  
**TREE REPLACEMENT AND FINES FOR VIOLATIONS**

Diameter of Tree Removed (DBH)	Number of Replacement	Caliper of Replacement	Fine
4 through 6	Two for One	4"	Current nursery market value for required replacement plus associated costs of installation and maintenance.
7 through 12	Three for One	6"	Same as Above
13 through 20	Four for One	8"	Same as Above
21 inches or greater	Four for One	8"	Same as Above



- B. No more than fifteen (15%) percent of any one species shall be permitted for replacement trees. Species must be indigenous or native and comply with the Town Landscape Ordinance.

## **Section 4.15 Landscape Ordinance**

### **4.15.1 Purpose and Intent.**

- To preserve and protect the local, native vegetation in order to maintain Yemassee's Lowcountry character.
- To acknowledge that landscaped areas of Yemassee provide much needed shade and oxygen for the local residents.
- To assert that the existence of landscaping enhances property values in the community.
- To implement landscape design plans which encourage natural vegetation areas, tree preservation, efficient irrigation, soil health, and proper plant selection.
- To eradicate or control certain exotic and invasive plant species that have become nuisances because of their tendencies to destroy native ecosystems and damage public works projects.
- To acknowledge that regional wildlife will thrive as a result of a properly maintained, native ecosystem.
- To provide critical habitat with designated natural and safe transportation corridors.
- To encourage efficient usage of water with native landscaping and effectively maintaining irrigation systems vital to the reduction of landscaping and maintenance costs of residential and commercial properties.
- To recognize that stormwater management is a critical need for the Yemassee community and landscaping with native vegetation allows for natural percolation and nutrient intake.

### **4.15.2 Applicability**

The provisions of this ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Single Family and General Residential.



#### 4.15.3 Landscape Plan Requirements

The following shall be submitted with all applicable development plans.

A. Landscape Plan Elements.

Landscape plans shall indicate on a tree and topographic survey drawing or map the proposed natural vegetation areas to be preserved on the site and the proposed areas to be cleared. Applicants are strongly encouraged to utilize existing native landscaping in lieu of new landscape plantings. All (100%) landscaping shall be specified on the survey drawing or map. Additional requirements of a submitted landscape plan are as follows:

- 1) An engineering scale and north arrow.
- 2) The legal description and address of the property.
- 3) The property lines and buffers.
- 4) All existing and proposed site features, such as structures, paved areas, streets, stormwater infrastructure management, and utility easements.
- 5) Existing soil characteristics and classifications.
- 6) The location, scientific and common names of plants, estimated planting width and height of plants, and the quantity of plants provided shall be listed in a key on the landscape plan.
- 7) Irrigation plan in accordance with Section 4.15.4, Water and Irrigation Systems.

B. Bonding

The survival of all tree and landscaped areas planted or replanted shall be guaranteed with a tree and landscape maintenance and replacement bond for a period of one (1) year from the date installed. The required bond amount shall equal one hundred twenty-five (125%) percent to replace each tree and landscaped area that is planted, replanted, or relocated on the development site.

C. Vehicular Use Areas.

Since parking lots are a major source of heat, leading to a reduction in air quality, the emphasis on tree and landscaped plantings is vital. The minimum sized planting area with irrigation methods to support growth shall be 240 square feet. Clustering of certain species of trees and other landscaping elements within an island shall be allowed and shall be equidistant if islands are being utilized.



D. Stormwater Retention and Detention Areas.

Installation of detention areas and lagoons to retain stormwater runoff is imperative within the Town of Yemassee. Plant material shall be installed within the littoral shelf area in accordance with the latest Beaufort and/or Hampton County Best Management Practice Manual. Table 1: Appropriate Plants for Stormwater Ponds shall assist the community in selecting these plants.

E. Buffers.

1) Land Use Buffers.

If existing vegetation is not present within a buffered area, then supplemental plantings shall be installed to provide an opaque buffer. Overstory and understory trees and a combination of herbaceous species shall be utilized.

2) Riparian Buffers.

The vegetation within riparian buffers shall remain undisturbed to prevent soil erosion and to protect water quality.

F. Urban Environments.

Root barriers shall be installed within tree lawns less than seven feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure. The root barrier may be installed in either continuous, linear patterns or segments to achieve maximum protection of infrastructure and maintain healthy tree and root growth. Specifications for the root barrier system shall be detailed in the landscape plan.

#### 4.15.4 Plant Selection

The following steps shall be utilized respectfully:

- A. Critical Resource Map. The Yemassee Critical Resource Map shall serve as a resource outlining the historical native vegetative species of a particular ecosystem. The Critical Resource Map shall be used as an initial guide for a person, firm, or corporation when landscape plantings are added to the site.



- B. Existing Vegetation Evaluation. An evaluation of existing vegetation on the site shall assist in the selection of appropriate plant installations.
- C. Published Resources. A list of indigenous and native trees is provided in Table 2: Indigenous Trees of Yemassee of this ordinance. Additional sources include:
  - 1. South Carolina Coast A Syst, published by the SC Grant Consortium and Clemson Extension Office;
  - 2. Manual of the Vascular Flora of the Carolinas, published by the University of North Carolina Press
- D. Yemassee Landscaping. The Yemassee “Lowcountry look” emphasizes native trees and heavier vegetative understory in lieu of a larger grass lawn landscape. In turn, trees, herbaceous species, and ground covers shall be given greater emphasis than grass placements.
- E. Exotic and Invasive Species. Exotic and invasive species are strictly prohibited and shall not be used. Please refer to the list in Table 3: Exotic and Invasive Species List of this ordinance.

#### 4.15.5 Watering and Irrigation Systems

Permanent built-in or temporary irrigation systems shall be installed to ensure the plants will survive the critical establishment period. Irrigation systems shall be equipped with rain sensors and timers. Timers shall be set to begin irrigating after 12:00 midnight and end irrigating before 6:00 AM.

#### 4.15.6 Tree and Plant Specifications

All plant material shall be maintained in good condition at all times. All plantings that die or are destroyed within two (2) years of planting must be replaced, during the next suitable planting season of September through May.

- A. Plant and Tree Standards. All plant and tree material shall meet the American Standard of Nursery Stock standards (ANSI Z60.1-1996). These standards are published by and available from the American Association of Nurserymen (AAN).
- B. Quality of Tree and Landscape Materials. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.



- C. Height and Caliper Minimums for Large and Medium Trees. Large and Medium Maturing (Canopy) Tree species shall be a minimum of twelve (12') feet in height and have a caliper of at least two and a half (2.5") inches at planting. See Table 2: Indigenous Trees of Yemassee for suitable species choices.
- D. Height and Caliper Minimums for Small Trees. Small Maturing (Understory) Tree species shall be a minimum of five (5) feet in height and have a caliper of at least one and one-half (1 1/2) inches at planting. See Table 2: Indigenous Trees of Yemassee.
- E. Shrub and Hedge Height and Spread Requirements. Height requirements for shrubs and hedges shall in be in general a minimum of eighteen (18) inches and a spread of fifteen (15) inches at the time of planting depending on type and growth structure. Rare allowances shall be made for native selections.

#### 4.15.7 Tree and Plant Installation

- A. All planting installations shall comply with the following:
  - 1. The diameter of the planting hole shall be a minimum of two (2) times the diameter of the root ball.
  - 2. The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
  - 3. If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well spaced lines around the root ball with a sharp knife.
  - 4. The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball on level with the natural ground level or slightly raised (not to exceed a height of two (2) inches above the natural ground level).
  - 5. Any tree planted with the top of the root ball below natural ground level shall be replanted to the correct elevation.
  - 6. The soil used to backfill around the root ball shall be uncompacted, native soil free of rocks, trash, or any construction debris.





7. Stakes and guy wires shall be installed. Supporting devices shall not interfere with vehicular or pedestrian movement and shall be removed after twelve (12) months.

**B. Mulch Requirements**

Mulch in the form of pine straw, pine bark, or wood chips shall be a minimum of four (4) inches of mulch and shall be distributed evenly over the tree planting hole and at least four (4) inches away from the base of the tree trunk. If mulch contains an exotic or invasive species within its contents, the mulch must be non-seeded. Fertilizer should be supplemented in the mulch to reduce the intake of nitrogen away from the tree roots during natural decomposition.

**4.15.8 Residential Developments**

In order for new development subdivisions to meet the minimum tree cover required within the Section 4.14.4 of the Native Vegetation and Tree Protection Ordinance, the following shall be applied:

<i>Lot Size</i>	<i>Number of Trees</i>	<i>Type of Tree*</i>
4,719 square feet	3	1 Large, 2 Small
5,662.8 square feet	4	1 Large, 1 Medium, 2 Small
7,078.5 square feet	5	1 Large, 2 Medium, 2 Small
9,428.56 square feet	6	2 Large, 1 Medium, 3 Small

\*Denotes a recommended combination of large, medium, and small trees.

See Table 2: Indigenous Trees of Yemassee for a tree listing.

**4.15.9 Commercial/Mixed Use Developments**

Side and rear vegetative areas and buffers shall remain undisturbed unless supplemental plantings are required in accordance with section 4.15.2.D: Landscape Plan Requirements Buffers. Waivers from this section shall be discouraged.



**Table 1: Appropriate Plants for Stormwater Ponds**

<b><i>Common</i></b>	<b><i>Scientific</i></b>
Smooth Cord Grass	<i>Spartina alterniflora</i>
Golden Canna	<i>Canna flaccida</i>
Blue Flag Iris	<i>Iris virginica</i>
St. Johns Wort	<i>Hypericum perforatum</i>
Duck Potato	<i>Sagittaria latifolia</i>
Arrowhead	<i>Sagittaria lancifolia</i>
Bulrush	<i>Scirpus californicus</i>
Soft Rushes	<i>Juncus sp</i>
Giant/Soft-Stem Rushes	<i>Scirpus californicus</i>
Gulf Coast Spikerush	<i>Eleocharis cellulosa</i>
Water Lily	<i>Nymphaea odorata</i>
Tape or Eelgrass	<i>Vallisneria sp</i>
Pondweed	<i>Sagittaria stagnorum</i>
American Lotus	<i>Nelumbo lutea</i>
Pickerelweed	<i>Pontederia cordata</i>
Swamp Lily	<i>Crinum americanum</i>
Bald Cypress	<i>Taxodium distichum, var. distichum</i>
Pond Cypress	<i>Taxodium distichum, var. imbricarium</i>

**Table 2: Indigenous Trees of Yemassee**  
**Native (N) and Urban-Friendly (U)**

**Large Canopy Trees**

(Trees with a mature height of 40' and greater and display a canopy width of at least 30'.)

<b>Genus and Common Name</b>		
<i>Acer barbatum</i> , Southern Sugar Maple	N	U
<i>Acer negundo</i> , Box elder	N	
<i>Acer rubrum</i> , Red Maple	N	U
<i>Betula nigra</i> , River Birch	N	U
<i>Carya aquatica</i> , Water hickory	N	
<i>Carya cordiformis</i> , Bitternut Hickory	N	
<i>Carya glabra</i> , Pignut hickory	N	U
<i>Carya illinoensis</i> , Pecan		
<i>Carya myristiciformis</i> , Nutmeg hickory	N	U
<i>Carya ovata</i> , Shagbark Hickory	N	U
<i>Carya pallida</i> , Sand hickory		
<i>Carya tomentosa</i> , Mockernut hickory	N	
<i>Celtis occidentalis</i> , Hackberry		U



<i>Celtis laevigata</i> , Sugarberry	N	
<i>Fagus grandifolia</i> , American beech		U
<i>Ginkgo biloba</i> , Maidenhair tree		
<i>Gleditsia triacanthos</i> , Honey locust		U
<i>Juglans nigra</i> , Black walnut		
<i>Juniperus virginiana</i> , Red cedar	N	
<i>Liquidambar styraciflua</i> 'Rotundiloba', Fruitless or roundleaf sweetgum		U
<i>Liquidambar styraciflua</i> , Sweetgum	N	U
<i>Liriodendron tulipifera</i> , Tulip tree	N	U
<i>Magnolia ashei</i> , Ash magnolia		
<i>Magnolia grandiflora</i> , Southern magnolia	N	U
<i>Morus rubra</i> , Red mulberry		
<i>Nyssa 'biflora'</i> , Swamp black gum	N	
<i>Nyssa aquatica</i> , Water tupelo	N	
<i>Nyssa ogeche</i> , Ogeechee Lime		
<i>Nyssa sylvatica</i> , Black Gum or Black Tupelo	N	U
<i>Pinus echinata</i> , Shortleaf pine	N	
<i>Pinus elliottii</i> , Slash pine	N	
<i>Pinus glabra</i> , Spruce pine	N	U
<i>Pinus palustris</i> , Longleaf pine	N	U
<i>Pinus serotina</i> , Pond pine	N	
<i>Pinus taeda</i> , Loblolly pine	N	U
<i>Platanus occidentalis</i> , American Sycamore	N	U
<i>Populus alba</i> , White poplar		
<i>Prunus serotina</i> , Black Cherry		
<i>Quercus acutissima</i> , Sawtooth oak		
<i>Quercus alba</i> , White oak	N	U
<i>Quercus coccinea</i> , Scarlet oak	N	U
<i>Quercus falcata</i> , Southern red oak	N	U
<i>Quercus glauca</i> , Ringcupped oak		U
<i>Quercus incana</i> , Bluejack oak	N	
<i>Quercus laurifolia</i> , Laurel oak	N	U
<i>Quercus lyrata</i> , Overcup oak	N	U
<i>Quercus marilandica</i> , Blackjack oak	N	
<i>Quercus michauxii</i> , Swamp chestnut oak	N	U
<i>Quercus nigra</i> , Water oak	N	
<i>Quercus phellos</i> , Willow Oak	N	U
<i>Quercus shumardii</i> , Shumard's red oak	N	U
<i>Quercus stellata</i> , Post oak	N	
<i>Quercus velutina</i> , Black oak	N	



<i>Quercus virginiana</i> , Live oak	N	U
<i>Robina pseudoacacia</i> , Black locust	N	
<i>Taxodium ascendens</i> , Pond cypress	N	U
<i>Taxodium distichum</i> , Bald cypress	N	U
<i>Tilia caroliniana</i> , Carolina basswood		
<i>Ulmus alata</i> , Winged elm	N	
<i>Ulmus americana</i> , American elm	N	U
<i>Ulmus rubra</i> , Slippery elm	N	

**Medium Trees**  
**(Trees which can reach a height of 25-40'.)**

<b>Genus and Common Name</b>		
<i>Carpinus caroliniana</i> , American hornbeam	N	U
<i>Cercis canadensis</i> , Eastern redbud	N	U
<i>Cladrastis kentukea</i> , American Yellowwood	N	U
<i>Fraxinus pennsylvanica</i> , Green ash	N	U
<i>Gordonia lasianthus</i> , Loblolly bay	N	U
<i>Halesia carolina</i> , Carolina silverbell	N	U
<i>Ilex attenuata</i> 'East Palatka', East Palatka holly		U
<i>Ilex attenuata</i> 'Fosteri', Foster holly		U
<i>Ilex attenuata</i> 'Savannah', Savannah Holly		U
<i>Ilex opaca</i> , American Holly	N	U
<i>Magnolia virginiana</i> , Sweet bay magnolia	N	U
<i>Ostrya virginiana</i> , Eastern hophornbeam	N	U
<i>Prunus caroliniana</i> , Carolina cherry laurel	N	U
<i>Sassafras albidum</i> , Sassafras	N	U
<i>Acer Oliveranum</i> , Olive Maple		
<i>Amelanchier arborea</i> , Downy Serviceberry	N	
<i>Amelanchier Canadensis</i> , Shadblow serviceberry	N	
<i>Broussonetia papyrifera</i> , Paper mulberry		
<i>Bumelia lycioides</i> , Buckthorn bumelia	N	
<i>Bumelia tenax</i> , Tough bumelia	N	
<i>Carpinus caroliniana</i> , Ironwood		
<i>Castanea pumila</i> , Chinquapin	N	
<i>Catalpa bignonioides</i> , Common catalpa	N	
<i>Davidia involucrate</i> , Dove Tree		
<i>Diospyros virginiana</i> , Persimmon	N	
<i>Ficus carica</i> , Sweet fig		
<i>Fraxinus caroliniana</i> , Carolina ash	N	
<i>Fraxinus profunda</i> , Pumpkin ash	N	
<i>Gleditsia aquatica</i> , Water locust	N	



<i>Halesia diptera</i> , Two-winged silverbell	N	
<i>Ilex attenuata</i> 'Hume', Hume Holly		
<i>Ilex latifolia</i> , Lusterleaf Holly		
<i>Juniperus silicicola</i> , Southern Red Cedar	N	U
<i>Maclura pomifera</i> , Osage Orange		
<i>Magnolia pyramidata</i> , Pyramid magnolia		
<i>Osmanthus americanus</i> , Devil wood	N	
<i>Parkinsonia aculeate</i> , Jerusalem Thorn		
<i>Persea borbonia</i> , Red bay	N	
<i>Populus deltoides</i> , Eastern cottonwood	N	
<i>Populus heterophylla</i> , Swamp cottonwood	N	
<i>Pyrus communis</i> , Common pear		
<i>Salix babylonica</i> , Weeping willow		
<i>Salix nigra</i> , Black willow	N	U

**Small Trees**  
(Trees less than 25' in height at maturity.)

<b>Genus and Common Name</b>		
<i>Acer griseum</i> , Paperbark maple		
<i>Aesculus pavia</i> , Red buckeye	N	U
<i>Alnus serrulata</i> , Common alder	N	
<i>Aralia spinosa</i> , Devil's walking stick	N	
<i>Arbutus unedo</i> , Strawberry tree		
<i>Asimina triloba</i> , Pawpaw	N	
<i>Bumelia lanuginosa</i> , Gum bumelia	N	
<i>Carya floridana</i> , Scrub hickory	N	
<i>Celtis tenuifolia</i> , Hackberry	N	U
<i>Chionanthus virginicus</i> , Fringetree	N	U
<i>Cliftonia monophylls</i> , Buckwheat tree	N	
<i>Cornus alternifolia</i> , Dogwood	N	U
<i>Cornus florida</i> , Dogwood	N	U
<i>Cornus foemina</i> , Stiff dogwood	N	
<i>Crataegus aestivalis</i> , May haw	N	
<i>Crataegus marshallii</i> , Parsley hawthorn	N	
<i>Crataegus viridis</i> , Green hawthorn	N	
<i>Cudrania tricuspidata</i> , Cudrania		
<i>Cyrilla racemiflora</i> , Swamp cyrilla	N	
<i>Eriobotrya japonica</i> , Loquat	N	U
<i>Erythrina herbacea</i> , Eastern coralbean		
<i>Eucalyptus polyanthemos</i> , Silver dollar tree		
<i>Forestiera acuminata</i> , Swamp privet	N	



<i>Franklinia altamaha</i> , Franklinia	N	
<i>Hamamelis virginiana</i> , Witch hazel	N	
<i>Ilex cassine</i> , Dahoon holly	N	
<i>Ilex decida</i> , Possumhaw	N	
<i>Ilex myrtifolia</i> , Myrtle-leaf holly	N	
<i>Ilex pernyi</i> , Perny holly	N	
<i>Ilex vomitoria</i> 'Pendula', Weeping holly	N	U
<i>Ilex vomitoria</i> , Yaupon holly	N	U
<i>Juniperus virginiana</i> , Red cedar		U
<i>Koelreuteria bipinnata</i> , Goldenraintree		U
<i>Lagerstroemia indica faurei</i> , Cherokee, Muskogee, Natchez crape myrtle		U
<i>Lagerstroemia indica</i> , Crape myrtle		U
<i>Crataegus spathulata</i> , Littlehip hawthorn		
<i>Malus angustifolia</i> , Southern crabapple		
<i>Malus prunifolia</i> 'Callaway', Callaway crabapple		
<i>Morus alba</i> , White mulberry		
<i>Myrica cerifera</i> , Wax myrtle	N	U
<i>Osmanthus fortunei</i> , Fortune's Tea olive		
<i>Osmanthus fragrans</i> , Fragrant Tea Olive		
<i>Osmanthus heterophyllus</i> , Hollyleaf osmanthus		
<i>Oxydendrum arboreum</i> , Sourwood	N	U
<i>Pinckneya bracteata</i> , Pinckneya, feverbark	N	
<i>Planera aquatica</i> , Planetree	N	
<i>Prunus angustifolia</i> , Chicksaw plum	N	
<i>Prunus cerasifera</i> 'Atropurpurea', Purple-leafed plum		
<i>Prunus cerasifera</i> 'Newport', Cherry plum		
<i>Prunus granatum</i> , Hog plum	N	
<i>Prunus mume</i> , Flowering apricot		
<i>Prunus persica</i> , Flowering peach		
<i>Prunus umbellata</i> , Flatwoods plum		
<i>Punica granatum</i> , Pomegranate		
<i>Quercus laevis</i> , Turkey oak	N	U
<i>Quercus myrtifolia</i> , Myrtle oak	N	
<i>Quercus virginiana</i> 'Maritima', Sand live oak	N	
<i>Rhamnus carolinianus</i> , Buckthorn	N	
<i>Rhus copallina</i> , Shiny or winged sumac	N	
<i>Salix caroliniana</i> , Coastal plain willow	N	
<i>Sapindus marginatus</i> , Soapberry	N	
Southern plum		



<i>Stewartia malacodendron</i> , Silky stewartia	N	
<i>Styrax americanus</i> , American snowbell	N	
<i>Symplocos tinctoria</i> , Horsesugar sweetleaf	N	
<i>Vaccinium arboreum</i> , Sparkleberry	N	U
<i>Vitex agnus-castus</i> , Lilic chastetree		U
<i>Zanthoxylum clava-herculis</i> , Hercules club	N	

### Palms and Cycad

Genus and Common Name		
<i>Cycas revolute</i> , Sago cycas		
<i>Rapidophyllum hystrix</i> , Needle palm	N	U
<i>Sabal etonia</i> , Scrub palmetto	N	
<i>Sabal minor</i> , Dwarf palmetto	N	
<i>Sabal palmetto</i> , Cabbage palmetto	N	U
<i>Serenoa repens</i> , Saw palmetto	N	U
<i>Zamia pumila</i> , Sago cycas		

**Table 3: Exotic and Invasive Species**

This list includes species which are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.

<i>Albizia julibrissin</i>	Mimosa tree
<i>Ardisia crenata</i>	Coral adrisia
<i>Bahia grass</i>	
<i>Cinnamomum camphora</i>	Camphor tree
<i>Colocasia esculenta</i>	Wild taro
<i>Dioscorea alata</i>	Winged yam
<i>Dioscorea bulbifera</i>	Air-potato
<i>Eichhornia crassipes</i>	Water-hyacinth
<i>Elaeagnus pungens</i>	Thorny elaeagnus
<i>Firmiana simplex</i>	Parasol tree
<i>Hedera helix</i>	English ivy
<i>Hydrilla verticillata</i>	Hydrilla
<i>Hygrophila polysperma</i>	Green hygro
<i>Imperata cylindrical</i>	Cogon grass
<i>Lantana camara</i>	Lantana, Shrub verbena
<i>Ligustrum lucidum</i>	Glossy privet
<i>Ligustrum sinense</i>	Chinese privet, Hedge privet
<i>Ligustrum japonica</i>	
<i>Lonicera japonica</i>	Japanese honeysuckle



<i>Lygodium microphyllum</i>	Old World climbing fern
<i>Melia azedarach</i>	Chinaberry
<i>Nandina domestica</i>	Nandina, Heavenly bamboo
<i>Nephrolepis cordifolia</i>	Sword fern
<i>Paederia foetida</i>	Skunk vine
<i>Panicum repens</i>	Torpedo grass
<i>Pistia stratiotes</i>	Waterlettuce
<i>Pueraria Montana</i>	Kudzu
<i>Ruellia brittoniana</i>	Mexican petunia
<i>Sapium sebiferum</i>	Chinese tallow, Popcorn tree
<i>Solanum viarum</i>	Tropical soda apple
<i>Tradescantia fluminensis</i>	White flowered wandering jew
<i>Vinca major</i>	
<i>Wisteria sinensis</i>	

#### **Section 4.16 Site Density**

Site design and density standards prescribed herein, shall apply to all development activity. For purposes of this Section, density is expressed in terms of dwelling units per gross acre of land. The acreage established upon which density is based must be under deed to the developer.

##### **A. Setbacks**

1. For purposes of determining required setbacks, all development is classified as follows:
  - a. Light Residential (LR): One (1) to four (4) du/acre;
  - b. Moderate Residential (MR): Five (5) to eight (8) du/acre;
  - c. Intense Residential (IR): Nine (9) to Fifteen (15) du/acre;
  - d. High Intense Residential (HIR): Sixteen (16) du/acre and greater;
  - e. Commercial/Industrial (C/I): Any establishment included in the buying, selling, or manufacturing of goods or services, except as provided for under institutional development; and





- f. Institutional (INST): Includes schools, churches, medical, rehabilitative, correctional, and/or charitable shelters or other public buildings or grounds.
2. Required setbacks are determined by relationship of proposed development to existing development on contiguous property. Adjacent vacant property shall be classified as Light Residential, except where preliminary approved or final approved plans indicate another classification, or where the County considers that the development of the surrounding area is such to warrant lesser setback distances applying to commercial development. For each habitable story over two (2), one (1) setback is computed by adding base figure as shown in chart to the initial setback.

**Table 1: Feet of Setback for one (1) or two (2) habitable stories**

Proposed Use	Existing Adjacent Use					
	LR	MR	IR	HIR	CI	INST
LR	10	10	15	15	20	15
MR	10	10	10	15	20	15
IR	20	15	15	10	20	20
HIR/Hotel	20	20	15	10	20	20
CI	30	30	30	30	10	30
INST	20	25	25	30	30	20

3. The required setback shall be measured inward from the property line to the first vertical wall, excluding fences, lampposts, and the like. Exception to this standard is made for any recreational amenity ancillary to the approved project. Such recreational amenities may be constructed in the non-buffer portion of the setback area.
4. The setback requirements of this Section shall not apply to the separation of patio homes within a specific patio home development. However, in no case shall the separation between such patio homes be less than three (3) feet from the property line of the adjacent lots.
5. When road rights-of-way and easements, or dedicated recreation or open space exists between the property lines of existing and proposed land uses, the setback for the proposed use shall be measured from the property line of the existing use. However, in no case shall side, rear, and front yard setbacks of the proposed use be less than ten (10) feet measured from its property line, except for patio lot sidelines. Such rights-of-way,



easements, or dedicated open space shall be construed as being a part of the required setback.

6. Adjacent landowners may choose to waive the required setbacks where common party wall development is desired by doing the following:
  - a. Filing with the Town Administrator a statement of mutual agreement prior to Development Plan approval for one (1) or both tracts; and
  - b. Recording the agreement as a Property Deed Covenant in the deed of affected properties prior to Development Plan approval for one (1) or both tracts.

#### **Section 4.17 Buffers**

##### **Buffer Requirements**

- A. To provide protection for potential incompatibility between neighboring land uses of different type and/or intensity, the following buffer requirements shall apply to the setback areas prescribed in *Section 4.15*.

Table 2: Percentage of Table 1 Setback Standards

Proposed Use	Existing Adjacent Use					
	LR	MR	IR	HIR	CI	INST
LR	0	0	0	0	0	0
MR	50	50	50	50	50	50
IR	60	50	50	50	50	50
HIR/Hotel	70	50	50	50	50	50
CI	80	50	50	50	50	50
INST	50	50	50	50	50	50

- B. Buffer standards are computed as a percentage of required setbacks established in *Section 4.15* and measured inward from the property line of the proposed use.
- C. Buffer areas must be left undisturbed, except that underbrush may be cleared and the area landscaped. Nothing herein shall be construed as preventing removal of junk, debris, or abandoned structures, fences and the like from the buffer area in the interest of aesthetic improvement.



- D. In the absence of adequate natural vegetation to effect the buffer required herein, the Developer shall be required to plant trees, bushes, or shrubs for a minimum depth of fifty (50) percent of the setback from Table 1 or ten (10) feet, whichever is greater, inward from the development property line to achieve the required buffer. The type, height, and density of planted vegetation shall be approved by the Town.
- E. When roads, dedicated or covenanted open space, or passive recreation areas exist between the property lines of existing and proposed land uses, no buffer area shall be required.
- F. In the case of Planned Unit Developments, the specific requirements for setbacks and buffering shall apply to the perimeter of the PUD only, and does not apply to individual development sites or tracts within the overall PUD consistent with the intent and spirit of these provisions.
- G. The balance of the setback area required in *Section 4.15*, not reserved as buffer area, may be utilized in the site development for roads, parking, drainage facilities, and recreational amenities ancillary to the development.
- H. Electrical, telephone, gas, water supply, sewage disposal, and other utilities may be constructed in the required buffer area, and after installation of such services, to meet the requirements of this Section, the Developer shall be required to restore the buffer area as approved by the Town.

## **Section 4.18 Open Space Standards**

### **Open Space Requirements**

- A. Open space as required herein, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas, lagoons, ponds, lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.
- B. Required open space as shown in Table 3 shall be computed as a percentage of the total development tract size.
- C. In the case of Planned Unit Developments, required open space shall be computed as the aggregate sum of the respective open space percentages



computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within the boundaries of the PUD.

- D. In the case of development fronting on tidal wetlands, the Developer may utilize a portion of the wetlands for which title is held, to meet up to seventy-five (75) percent of the open space required in Table 3. The Open space credit may not exceed the total amount of the wetlands for which title is held.

**Table 3: Percent Open Space Required by Land Use and Density**

Land Use	Percent Open Space
Residential	
Single-family < 10 Acres	NA
Single-family > 10 Acres	10
Multi-family 2 du/acre	20
Multi-family 3 - 8 du/acre	30
Multi-family 9 - 15 du/acre	40
Multi-family 16 du/acre and above	50
Institutional	15
Commercial	15
Industrial	20

Example: Development Tract Size (including wetlands) equals seven (7) acres.  
High Ground = Three (3) acres  
Wetlands = Four (4) acres  
Proposed Density = Nine (9) du/acres  
Required Open Space from Table 3 = Sixty (60) percent x seven (7) acres = 4.2 acres  
Open Space Required on High Ground = 4.2 acres  
-3.15 acres  
1.05 acres

- E. For hotels and motels (with an equivalent of forty (40) percent of a residential unit), required open space percentage is computed by dividing the hotel/motel units per acre by two and one half (2½) and applying the resultant residential density requirement.



#### **Section 4.19 Town Approvals Required**

No development shall be undertaken except where Master Plans, Site Plans, or plats have been submitted to and approved by the Town, clearly denoting all proposed use of the land and the maximum density or size of such use thereon. Such declared uses, density, and size shall not be deviated from until such proposed changes are submitted to and approved by the Town. Undesignated areas on Master Plans, Site Plans, or plats shall be considered as open space, and any proposed use thereof, other than open space, shall be submitted to and approved by the Town.

#### **Section 4.20 Hazards Nuisances**

The following uses of land, buildings, and structures within the Town are deemed to constitute special nuisances which would endanger the health, safety, and welfare of residents and property owners in the Town and shall only be permitted in accordance with the provisions of this Ordinance:

- A. Other than normal, acceptable businesses which have a history of safety and regulation; such uses which create a risk of fire, explosion, noise, radiation, injury, damage, or other physical detriment to any person, structure, or plant growth beyond the boundaries of the premises on which such use is located;
- B. Racing tracks for automobiles, motorcycles, grand prix midget racers, go-carts, and similar activities;
- C. Commercial amusement parks, ferris wheels, roller coasters, water slides, carnival rides, and carnival-like activities, except those non-profit organizations, agricultural or institutional fairs, displays, and games in place and operated at special times of the year for thirty (30) days or less;
- D. Commercial wild animal parks, alligator farms, and other animal displays and use activities requiring admission for entry; provided, however, that this provision shall not apply to a marine ecology center, aquarium, animal protection shelter, kennels, dog or horse training facilities, boarding and riding stables, or similar educational facilities, provided they do not create a nuisance beyond the property boundary;



- E. Businesses such as junkyards, salvage material yards, open storage yards, supplies and equipment in disarray, solid waste landfill areas, depositories for nuclear waste, chemicals, or other industrial or agricultural wastes;
- F. Any use causing or resulting in the emission of toxic or corrosive gases, radiation, interference with television or radio reception, or other physical or electronic disturbance perceptible beyond the boundaries of the premises on which such use is conducted;
- G. Any light or source illumination, either interior or exterior, that casts disturbing rays or creates glare so as to constitute a nuisance to nearby residences or creates a hazard by impairing vehicular driver vision;
- H. Such special nuisances as defined above, which result in the production or discharge of smoke or other air contaminants as dark or darker in shade than as designated as Number two (2) on the latest edition *Ringlemann Chart* as published by the United States Bureau of Mines for a period or periods aggregating more than three (3) minutes in any one (1) hour;
- I. Such special nuisances as defined above, which result in the production or discharge or offensive odors exceeding the standards established in the latest edition of the Manufacturing Chemists Associates, *Air Pollution Abatement Manual* or related federal and/or state guidelines; and
- J. Such special nuisances as defined above, which result in the production of noise levels in excess of sixty (60) (dba) measured at the property line.

#### **Section 4.21 Special Nuisances**

##### **Special Nuisance Standards**

- A. All land uses and land use activities outlined in *Section 4.20.1.A through Sections 4.20.1.J*, shall be screened from view from any public highway, street or road, adjacent, existing, and approved residential uses and institutional uses, such as churches, schools, cemeteries, and libraries. Required screening and buffering may be accomplished with natural and/or landscaped plantings or combination thereof, including berms, walls, or fencing that effectively prevent from view the nuisance. Approved residential uses as described herein, shall mean those residential uses shown on plans on file in the offices of the Beaufort and/or Hampton County Development Administrator or the Town Planning Commission having either preliminary



(including Master Plan approval) or final plan approval under the provisions of this Ordinance.

- B. The Applicant shall demonstrate, through design and the use of plantings, walls, buffers, setbacks and the like, compliance with radiation, light, smoke, odor, and noise provisions as established in this Ordinance.
- C. Exception to the smoke, odor, and noise standards prescribed, is hereby made for certain temporary activities, such as construction, land clearing, special events, and the like, where owing to the nature of such activity, temporary nuisance is unavoidable.
- D. Exception to the noise level prescribed herein is hereby made for publicly owned airfields and landing strips.

#### **Section 4.22 Fire Safety Standards**

The Fire Safety Standards prescribed herein shall apply to all development activity.

- A. All proposed development site review shall be reviewed by the local Fire Official having jurisdiction over fire and life safety standards contained in this Ordinance. Prior to the final plan approval, the local Fire Official shall make written recommendations to the Town administration indicating approval of the design submitted or delineating needed design changes consistent with fire and life safety standards and practices.
- B. The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the Town administration prior to issuance of a Certificate of Zoning Compliance.
- C. All occupancies, excluding one (1) or two (2) family dwellings that exceed thirty-five (35) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (gpm) as referenced in the Insurance Service Organization's (ISO) *Requirements For Specialized Equipment*, must have adjustments to plans approved by the Fire District Fire Chief and the Town's designated Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and Town Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for the Sheldon/Yemassee Fire District.



- D. No development shall be constructed so as to obstruct emergency vehicular access to the development property or associated buildings and structures. To ensure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping, alleys, and maintenance of roads. Where buildings are over twenty thousand (20,000) square feet in area, a wall is more than three hundred (300) feet from a fire hydrant or over thirty-five (35) feet in height, special all-weather fire access may be required to meet the Fire Official's approval.
- E. For all subdivisions and land developments of property except single-family subdivisions of four (4) lots or less, prior to bringing any combustibles to a site, the landowner shall get a determination as to whether they are in quantities deemed hazardous by the Fire Official. The Fire Official shall notify the Town if a temporary or permanent water supply and adequate access is required for these materials prior to the start of construction, as approved by the Fire Official.
1. A combustible material is one that is made of wood, compressed paper, plant fibers, plastics, or other materials that can ignite and burn, whether flameproof or not, or whether plastered or unplastered, and not meet the definition of noncombustible material.
  2. A noncombustible material is one that, in the form in which it is used and under the conditions anticipated, does not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.

#### **Section 4.23 Site Design and Development Standards Applying to Special Districts**

Conservation District: The standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Conservation District. No structures, which impede natural tidal flow and have the effect of reducing the quantity and frequency of water reaching marsh areas, will be permitted, except approved in conjunction with nature and related uses.

- 4.23.1 Flood Hazard District: All standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Flood Hazard District. (The Flood Hazard District corresponds to special flood hazard areas officially designated by the Federal Insurance Administration).





- A. Plats of development lying in a flood hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the one hundred (100) year flood elevation shown on the *Official County Flood Plain Maps*.
- B. Engineering Plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:
  - 1. Water supply systems will be constructed to preclude infiltration by flood waters;
  - 2. Waste water disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and
  - 3. Types and construction of fill materials used for building foundations are such so as to minimize settlement, slope erosion, siltation, and facilitates drainage of potential surrounding flood waters.
- C. Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:
  - 1. Construction of a residential structure (or commercial structure in the case of a commercial business subdivision) on that lot lying within a flood hazard area, shall have, as a minimum first floor elevation, the level of the one hundred (100) year flood or above as designated on the *Official County Flood Plain Map*;
  - 2. Construction on lots within what is defined and designated as "coastal high hazard areas" velocity, shall be elevated and securely anchored to well-anchored piles or columns and have the level of the bottom of the lowest horizontal support member at or above the level of the one hundred (100) year flood. Space below the level of the first floor level shall be free of obstruction or covered by break away façade material capable of producing free obstruction for the impact of abnormally high tides or wind driven water; and
  - 3. All other requirements of the *Beaufort and/or Hampton County Building Code* related to construction in flood hazard areas must be met.

On all plats of development, for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible. "The areas indicated on this plat as flood hazard areas have been identified

---



as having at least a one (1) percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas.” Reference shall be made to the development covenants and restrictions of this development and requirements of the Beaufort and/or Hampton County Building Code Department. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

#### 4.24 Flood Damage Prevention Ordinance

##### 4.24.1 Statutory Authorization, Findings of Fact, Purpose and Objectives

###### A. Statutory Authorization

The Legislature of the State of South Carolina has in South Carolina Code of Laws, (1976), as amended 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:

###### B. Findings of Fact

- (1) The flood hazard areas of Yemassee, South Carolina are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

###### C. Statement of Purpose

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

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



- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increases in flood heights, velocities, or erosion;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) 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;
- (7) to insure that potential home buyers are notified that property is in a flood area.

E. Definitions

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.



**"Addition" (to an existing building)** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "new constructions".

**"Appeal"** means a request for a review of the Yemassee Board of Appeals ("DRB") interpretation of any provision of this ordinance or a request for a variance.

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

**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor sub grade (below ground level) on all sides.

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

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and permanent storage of materials or equipment.

**"Elevated building"** means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls.

**"Existing Construction"** Any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance based upon specific technical base flood elevation data which establishes the area of special flood hazard..

**"Existing 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 pads) is completed before (a specific date, i.e., the effective date of the first floodplain management regulations adopted by a community).

**"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 pads.



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

- (a.) the overflow of inland or tidal waters; or
- (b.) the unusual and rapid accumulation or runoff of surface waters from any source,

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**"Flood Insurance Study"** the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** means any land area susceptible to flooding.

**"Functionally dependent facility"** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for cargo loading, shipbuilding, or ship repair. The term does not include storage, manufacture, sales, or service facilities.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

**"Historic Structure"** means any structure that is;

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) 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 in states with historic preservation programs which have been approved by the Secretary of the Interior (see note at end); or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (see note at end)



- a. By an approved state program as determined by the Secretary of the Interior,  
or
- b. Directly by the Secretary of the Interior in states without approved programs.

**“Lowest floor”** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, 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 provisions of this code.

**“Manufactured home”** means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**“Mean Sea Level”** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with national Geodetic Vertical Datum (NGVD).

**“National Geodetic Vertical Datum (NGVD)”** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**“New construction”** means any structure for which the “start of construction” commenced after (a specific date, i.e., the effective date of the first floodplain management code or ordinance based upon specific technical base flood elevation data which establishes the area of special flood hazard, i.e. first FIRM). The term also includes any subsequent improvements to such a 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 pads) is completed on or after (a specific date, i.e., the effective date of the first floodplain management regulations adopted by a community).

**“Recreational vehicle”** means 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.



**“Start of construction”** means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial 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 a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“Structure”** means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**“Substantial damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**“Substantial improvement”** means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure prior to the improvement. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affected the external dimensions of the building. The term does not, however, include the improvement of a building required to comply with existing health, sanitary, of safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official and not solely triggered by an improvement or repair project.

**“Substantially improved existing manufactured home parks or subdivisions”** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads before the repair, reconstruction or improvement commenced.



**"Variance"** is a grant of relief from the requirements of this ordinance which permits construction in manner otherwise prohibited by this ordinance.

4.24.2.      General Provisions

- (1) This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Yemassee.
- (2) This ordinance shall be applicable to all newly annexed lands and as part of the annexation process, if needed, additional Flood Insurance Rate Map (FIRM) panels shall be adopted to provide complete coverage.

A.      Basis for area of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Insurance Study (FIS), dated December 18, 1986, with accompanying maps and other supporting data, and any revisions thereto, are adopted by reference and declared a part of this ordinance. For those land areas, acquired by the Town through annexation, the current effective FIS and maps for unincorporated Beaufort and Hampton County are hereby adopted by reference.

B.      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 (see definition) activities.

C.      Compliance

No structure or land shall hereafter be located, extended, concerted or altered without full compliance with the terms of this ordinance and other applicable regulations.

D.      Abrogation and Greater Restrictions

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

E.      Interpretation

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

F.      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. Persons developing any structure are advised to carefully consider the chance of flooding when designing and building any structure.

G. 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 thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Yemassee from taking such other lawful actions as is necessary to prevent or remedy any violation.

4.24.3. Administration

A. Designation of Yemassee Development Review Board ("DRB")

The DRB is hereby appointed to administer and implement the provisions of this ordinance provided however until all such authority shall be exercised by the YPC; provided further that the YPC shall have the right to designate one person to act as the Administrator.

B. Permit Procedures

Application for a Development Permit shall be made to the DRB on forms furnished by it prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.



- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures;
- (b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (c) Certificate from a registered professional engineer or architect that any non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, Section B (2) and Section D (2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

(2) Construction Stage:

For all new construction and substantial improvements, provide a regulatory floor elevation or flood-proofing certification after the lowest floor/flood-proofing is completed. Upon placement of the lowest floor, or for non-residential structures, after flood-proofing, whichever is applicable, it shall be the duty of the permit holder to submit to the Planning Commission a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Lowest floor certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a non-residential structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

The DRB shall review the above referenced elevation certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C Duties and Responsibilities of the Administrator

Duties of the DRB shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B(2).



- (3) Verify and record the actual elevation, in relation to mean sea level, to which new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (2).
- (4) When flood-proofing is utilized for a structure, the DRB shall obtain design certification from a registered professional engineer or architect, in accordance with Article 5(B) (2).
- (5) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the DRB shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.
- (6) Notify adjacent communities and the South Carolina Water Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) For any altered or relocated portion of any watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency indicating changes. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (8) 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) the DRB shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file.
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the DRB and shall be open for public inspection.

#### 4.24.4. Provisions for Flood Hazard Reduction

##### A. General Standards

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



- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (9) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

#### B. Specific Standards

In all areas of special Flood Hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (5), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter



- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Structures located in AE or AH zones, may be flood proofed in lieu of elevation provided that all areas of the structure below one (1) foot above the base flood elevation, together with attendant utility and sanitary facilities, are designed to be water tight, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, Section C (4).
- (3) Elevated Buildings. New construction or substantial improvements of existing structures that include any fully enclosed area located below the base flood elevation which is formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters.
- (a) Designed for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii The bottom of all openings shall be no higher than one foot above grade; and,
  - iii Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the lowest floor criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- 



(4) Standards for Manufactured Homes and Recreational Vehicles.

- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in new or substantially improved manufactured home parks or subdivisions, must have the lowest floor including basement, elevated no lower than one (1) foot above base flood elevation.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, and no less than 36 inches in height above grade.
  - (iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
  - (iv) On a site in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved on that site must meet the
  - (v) standards of Article 5, Section B (4) (b) (i) and (iii) above.
- (c) All recreational vehicles placed on sites must either:
  - (i) Be fully licensed and ready for highway use, or
  - (ii) The recreational vehicle must meet all the requirements for "new construction", including anchoring and elevation requirements of Article 5, Section B (4) (a) and 5 (B) (4) (b) (iii), above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

C. Standards for Streams without Established Base Flood Elevation and/or Floodways

---



Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where no base flood data have been provided (A-Zones) or where base flood data have been provided without floodways, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the DRB shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article 5. If data are not available from outside sources, then the following provisions (2&3) shall apply:
- (2) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to one (1) times the width of the stream at the top of the bank or twenty feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (3) In Special Flood Hazard Areas without Base Flood Elevation Date, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than (3) feet above the highest adjacent grade at the building site. The DRB shall record the lowest floor elevation level and the record shall become a permanent part of the permit file.

D. Standards for Subdivision Proposals

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;



- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

#### 4.24.5. Variance Procedures

- (A) The Yemassee Zoning Board of Appeals as established by Yemassee Town Council shall hear and decide any appeals or requests for variances from the requirements of the ordinance.
- (B) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the DRB in the enforcement or administration of this ordinance.
- (C) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the court of Common Pleas, as provided in South Carolina Code of Laws, (1976), as amended.
- (D) Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continue designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- (E) 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 solution exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (G) In reviewing such requests, the Yemassee Zoning board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (H) Conditions for Variances:
- (1) A variance shall only be issued when there is
- (i) a finding of good and sufficient cause,





- (ii) a determination that failure to grant the variance would result in exceptional hardship, and;
  - (iii) 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.
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- (2) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (3) The Yemassee Zoning Board of Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (I) Upon consideration of the factors listed above and the purposes of this ordinance, the Yemassee Zoning board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

#### 4.24.6 Severability

If any section, clause, sentence, or phase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of the Ordinance.

#### 4.24.7 Historic Structures

State and local inventories of historic structures and historic districts in the State of South Carolina are generally compilations of inventories prepared by various individuals and groups. The inventories include many structures and districts which have been determined to be "Historic" as defined by criteria of the U.S. Department of the Interior (DOI) National Park



Service. These structures are individually listed on the Register of Historic Places, or individually listed as contributing structures to a registered historic district, or preliminarily determined by the DOI as meeting the criteria above. These structures meet the historic structure criteria of the National Flood Insurance Program

Some structures and districts listed on 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 of districts have the **potential** for meeting the "Historic" criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated that the structure has been **individually determined** by the South Carolina Department of Archives and History, and that the structure or district meets DOI historic structure criteria.



## ARTICLE V

### SUBDIVISION REGULATIONS

#### Section 5.1 General

**Applicability:** All proposed development in the Town of Yemassee that meets the definition of a subdivision shall comply with the provisions of this Article in order to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat. The design and performance standards of this Section are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Community Development Director.

- 1.1.1 **Purpose and Intent:** The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information, which may document a more applicable standard. Such information may be used to update this Section. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

#### Section 5.2 Subdivision Review

**Applicability:** All proposed development defined as a subdivision under this Section, shall comply with the provisions of this Article in order to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat.

- 5.2.1 **Authority:** The Planning Commission may review, make recommendations on, and delegate ultimate approval authority of all major subdivisions to the Town Council.



- 5.2.2 Definition of Major and Minor Subdivision: A minor subdivision is a division of land into Eight (8) or fewer residential lots. All other divisions shall be considered major subdivisions.

Major Subdivision Submission Requirements: All applications for subdivision approval shall include the following:

- A. Application Form and Fee: An application form as published by the Community Development Department, including the names and addresses of the owner(s) of record and the Applicant, if different from the owner, other information as stated on the application, and appropriate subdivision review fee;
- B. Subdivision Plan: The subdivision site plan shall constitute the totality of the land the subdivider proposes to record and develop. When a subdivision is being developed in phases, the final subdivision plan shall constitute only that portion, which the subdivider proposed to develop and record, with a sketch of the entire subdivision included (also see Subdivision Plan requirements below). Twelve (12) black line prints of a subdivision site plan in standard sheet of twenty-four (24) by thirty-six (36) inches and at a scale of one (1) foot equals fifty (50) feet or, other scale acceptable to the Community Development Department. Plans must be certified and prepared by and/or under the direct supervision of a Professional Engineer qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession in the State of South Carolina;
- C. Subdivision Plat: Twelve (12) black line prints of a subdivision plat in standard sheet size of twenty-four (24) inches by thirty-six (36) inches and at a scale of one (1) inch equals one hundred (100) feet, or other scale acceptable to the Community Development Department. Plans must be prepared by a Registered Surveyor, showing:
  - 1. Date (including any revision dates), proposed subdivision name and location, name of owner, north arrow, graphic scale, and reference meridian;
  - 2. A legal description of the property and current boundary survey prepared and sealed by a registered, licensed Land Surveyor, and certified to the Town of Yemassee, and showing the following:
    - a. Town limit lines (if any);



- b. Property lines;
  - c. Right-of-way easements;
  - d. Streets;
  - e. Utility transmission lines;
  - f. Storm sewers;
  - g. Ditches and culverts;
  - h. Water bodies;
  - i. Sanitary sewers;
  - j. Water mains;
  - k. Bridges;
  - l. Buildings;
  - m. Bulkheads and bulkhead fines;
  - n. Fuel storage tanks;
  - o. Names and locations of adjoining developments and streets;
  - p. Names of abutting property owners;
  - q. Zoning classifications of abutting properties;
  - r. Tract boundaries and total acreage in tract;
- 3. The proposed name of the subdivision;
  - 4. Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed or a Development Permit has been obtained;
  - 5. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all



dimensions, angles, bearings, distances, block numbers, and similar data shall be referred;

6. Existing and proposed tract boundary lines, right-of-way lines, proposed street names, easements and other rights-of-way, all lot lines and other site lines with accurate dimensions, bearing or deflecting angles or radii, arcs, and central angles of all curves;
7. The proposed use of lots shall be noted and the purpose of any easement or land reserved or dedicated to public or utility use shall be designated;
8. Each block shall be numbered, and the lots within each block shall be numbered consecutively;
9. Notation of specific reference plats, if applicable;
10. Computed acreage of each lot created by the subdivision;
11. Minimum building setback or buffer lines as required by the *Development Standards Ordinance* or *Town of Yemassee Zoning Ordinance*;
12. Certification by a South Carolina professional Land Surveyor as to the accuracy of the details of the plat, with seal and signature affixed;
13. Notation of the one hundred year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V);
14. Surveyed delineation as appropriate of any wetland area within or contiguous to the subdivision;
15. A map or site plan showing:
  - a. The location, dimensions, descriptions, and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts;
  - b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
  - c. Vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the location of the proposed site, relationship to surrounding areas within five hundred (500) feet, and



including surrounding streets and thoroughfares with access roads referenced to the intersection of the nearest state primary or secondary paved road, existing zoning on the site and surrounding areas, and existing land uses on the site and surrounding areas;

- d. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries;
  - e. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract;
  - f. Soil Survey based on most recent Soil Survey of Beaufort and Hampton Counties, USDA;
- 16. Proposed lot layout, street design, and street right-of-way widths;
  - 17. Proposed street names;
  - 18. Proposed drainage system layouts;
  - 19. Proposed water system layout, except where individual wells are proposed;
  - 20. Proposed sewer system layout, except where individual septic tanks are proposed;
  - 21. Proposed open space areas;
  - 22. Where applicable, surveyed line delineating the extent of any special district boundary on the development property;
  - 23. Topographic survey, including flood prone delineations. The most recent topographic survey and USGA flood prone mapping may be utilized;
  - 24. Tree survey (*See Section 4.14*)
  - 25. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority;



26. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity);
27. The Town may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like;
28. A narrative addressing:
  - a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements;
  - b. Proposed phasing and time schedule if development is to be done in phases;
- D. Certification of Owner's Consent: Certification that the owner of the land has given consent to the proposed subdivision;
- E. Certification of Title Source: Certification, signed by the surveyor, setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner;
- F. Open Space and Public Dedication Narrative: A detailed narrative explaining how the subdivision will meet the open space and public dedication requirements, as applicable, of *Section 5.6*. The narrative should include:
  1. Description of the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owners Associations, or the equivalent;
  2. Identification of how the open space and facilities relate to existing and proposed open space areas, bikeways and recreational facilities in Yemassee, envisioned in the *Comprehensive Plan*, or more detailed plans adopted by the Town Council, such as Planned Unit Developments; and





- G. Subdivision in Phases: Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.
- 5.2.3 Minor Subdivision Submission Requirements: A minor subdivision plat shall be submitted with each of the items set forth in *Section 5.2.4, Major Subdivisions*, with the exception of the following:
- A. Open Space Standards in *Section 5.6: Development of individual lots in minor subdivisions* shall comply with the *Open Space Standards* in the *Town of Yemassee Zoning Ordinance or Development Standards Ordinance (DSO)*, whichever is greater; and
  - B. *Sidewalk and Pathway Standards in Section 4.5, Development Standards Ordinance*, unless the property is a new Planned Unit Development or within the Highway Corridor Overlay District.

#### Maximum Review Period for Plat or Plan

- A. Once an application for review of a subdivision plat or other land development plan is considered complete, failure to act within sixty (60) days, shall constitute approval of the plat or plan, as set forth in *Section 6-29-1150 of the Code of Laws of South Carolina*.
  - B. A letter of approval or authorization to proceed shall be sent by the Community Development Director to the Applicant within this sixty (60) day period. If the plat or plan is not approved, a written statement detailing the deficiencies shall be sent to the Applicant.
  - C. The sixty (60) day time period may be extended by mutual agreement between the Town and the Applicant.
- 5.2.4 Review and Action by Town: If a proposed subdivision is determined by the Town in conformance with all applicable provisions of this Section and is approved by the Town, the Community Development Director shall so advise the Applicant in writing. A determination by the Town that all applicable provisions have not been satisfied shall result in disapproval of the subdivision and notice of such disapproval shall be given to the Applicant in writing.



### 5.2.5 Appeals

- A. Minor Subdivisions: Appeals of administrative decisions on minor subdivisions, made by the Community Development Director, shall be made to the Zoning Board of Appeals within thirty (30) days of the date the appealing party has received actual notice from the Community Development Director, in accordance with the procedures in *Article VIII, Appeals and Procedures, Town of Yemassee Zoning Ordinance*.
- B. Major Subdivisions: Appeals of Town Council decisions on major subdivisions, made by the Community Development Director, shall be made to the South Carolina Circuit Court.

- 5.2.6 Expiration of Approval: A subdivision approval shall expire unless a Certificate of Compliance is obtained within two (2) years of the approval, or unless recorded at the Beaufort and/or Hampton County Register of Mesne Conveyances.

### Section 5.3 Certificate of Compliance

Applicability: The regulations set forth in this Article shall apply to any development, which has previously obtained subdivision or development plan approval pursuant to the provisions of this Section, or a prior Development Permit.

- 5.3.1 Certificate of Compliance Required: The development, or approved phase thereto, may not be occupied or used until a Certificate of Compliance has been obtained from the Town of Yemassee. Approved phases for purposes of this Article, shall be an approved phase through the subdivision or development plan approval process, or a phase thereof approved by the Community Development Director, or the Mayor's designee prior to a request for an inspection for a Certificate of Compliance. In order for a phase to receive a Certificate of Compliance, that approved phase must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.



## Determination of Compliance

- A. Upon completion of all development work and simultaneous with the Applicant's request to the Town for a final site inspection, the Applicant shall submit the applicable documents to the Community Development Department for review and approval.
- B. Following the review of the materials submitted above, the Community Development Director shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this Section, requirements of subdivision approval, development plan approval or permit, and any other applicable approval.
- C. Upon determination of compliance, the Town shall complete a Certificate of Compliance and forward it to the Applicant.

### 5.3.2 Temporary Certificate of Compliance

- A. At the discretion of the Town, a Temporary Certificate of Compliance may be issued for a period to be determined by the Town, up to a maximum of six (6) months, for a subdivision, site, or structure.
- B. No Temporary Certificate of Compliance shall be issued for a development, or approved phase thereof, unless:
  - 1. Development is substantially complete and the site is in a safe, accessible, and useable condition; and/or
  - 2. Development surety has been provided to the Town.

## Section 5.4 Subdivision Standards

Purpose and Intent: The purpose of subdivision layout is to create a functional and attractive development with infrastructure and lots appropriately sized and located to minimize adverse impacts. The intent of this Section is to provide clear requirements and guidelines for subdivision design for both major and minor subdivisions.



#### 5.4.1 General Requirements

- A. Layout of the development shall be based on complete site analysis. Streets and lots shall be designed and situated to minimize alteration of natural and historical site features to be preserved.
- B. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots, including the environmental characteristics, size of the site, and the requirements of this Ordinance.
- C. Unique and fragile elements including, but not limited to, wetlands, significant stands of trees, and individual trees of significant size shall be preserved, where practical, with development reserved for environmentally stable areas.
- D. Open space and recreational areas shall be planned in accordance with *Section 5.6*.
- E. Street, sidewalk, and pathways shall be planned in accordance with *Article IV, Section 4.5*.
- F. To the extent practical, the proposed development shall be coordinated with all existing and officially approved plans for the surrounding community.
- G. Lots shall be situated so that stormwater may be easily directed away from buildings. In subsequent site-specific development, lots shall be configured so that buildings and general flood sensitive site facilities can be located out of drainage ways.
- H. All subdivisions shall be served by central water and sewer service unless the Town and the utility service provided agree that service is not feasible.

#### Layout of Lots and Blocks

- A. Subdivisions may be laid out in conventional, cluster, or a combination of block/lot designs.
- B. The lot configuration and shape shall provide satisfactory sites for buildings, be property related to topography, natural elements, access, drainage and utilities, and conform to all requirements of this Ordinance.



- C. Lots shall be as nearly rectangular in shape as practical, given consideration of environmental features. Side lot lines shall be perpendicular to straight streets, and radial to curved streets and cul-de-sac turnarounds as practical. The dimensions of corner lots shall permit the required building setbacks from streets and site triangles. Lots shall not be designated with irregular shapes for the purpose of access or to obtain street frontage.
- D. The number of lots within a block shall be as appropriate for the location and the type of development contemplated as practical. Visual monotony created by excessive blocks of lots that are not interrupted by intersections, open space, buffers, and/or features shall be avoided.
- E. Pathways are encouraged throughout the subdivision. Pathways may be required by the Community Development Director to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways is also desirable.

#### Street Access

- A. All major subdivisions shall have direct access to a public street.
- B. Minor subdivisions shall be permitted to provide alternative access in accordance with *Section 4.4.B and C*.

#### Miscellaneous Standards

- A. Applicability: Subdivisions shall comply with all applicable design and performance standards of this Ordinance. Setback and buffer standards shall apply to the perimeter of all subdivisions. Setback and buffer areas may be within individual lots if shown on the plat to be recorded. Any question of applicability shall be determined by the Community Development Director.
- B. Monuments and Markers: At all lot corners there shall be placed, a concrete marker installed per standard surveying techniques. Horizontal control monuments shall be placed in the pavement of subdivision streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monument shall be placed in a manner satisfactory to the Town Engineer. As an alternate to the above requirement, control monuments may be placed in open space areas, park areas and the like, and may be of the type commonly used in the area and installed according to the common practice,



as approved by the Town Engineer. The overall survey control system may be one established by the Planning Commission.

- C. Subdivision Name: Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same, or in any way so, similar to any name appearing on any recorded plat in Beaufort and/or Hampton County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same Developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision.
  - D. Addressing and Lot Numbering: Each block shall be numbered, and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. Proposed street names and numbering will be obtained through Beaufort and/or Hampton County Office of Emergency Management. Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same, or in any way so, similar to any name appearing on any recorded plat in Beaufort and/or Hampton County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same Developer or his successors in title. Every subdivision's name shall have legible lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision. Addresses shall be indicated in parentheses on each lot on one (1) separate, eleven (11) inch by seventeen (17) inch reduced copy of the final plat submitted to the Community Development Department. Addresses will be obtained by the Beaufort and/or Hampton County Office of Emergency Management.
  - E. Lot Size and Septic System: Subdivisions creating lots where the Town and utility provider agree that public sanitary sewer is unavailable, shall demonstrate that all lots are seized to accommodate septic systems. Clearance of said systems from property line is mandatory, and septic easements shall be recorded with the subdivision plat. SCDHEC review of the subdivision shall be required.
- 5.4.2 Issuance of Certificate of Occupancy: A Certificate of Occupancy shall not be issued by the Town's Community Development Department until either a Certificate of Compliance has been issued by the Town for the site or phase thereof in which the building is located.



## Section 5.5    Development Sureties

### Applicability

- A.    Development sureties as set forth herein shall be required for:
  - 1. Any development for which a Temporary Certificate of Compliance is being issued pursuant to *Section 5.3.4*; and
  - 2. Any development involving the division of land or buildings into single or multiple ownership lots or units, where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this Section and all conditions of approval.
- B. Development surety shall not be required for any development involving the division of land or buildings into single or multiple ownership lots or units, where sale of such lots or units will not occur prior to the completion of all development work required by this Section and all applicable approvals. Any related plat or plan shall be stamped “for construction only, no recording authorized”.

### Types of Surety

- C. The following types of development sureties may be accepted by the Town:
  - 1. Cash;
  - 2. A bank certified check payable to “Town of Yemassee”;
  - 3. An irrevocable letter of credit naming the Town of Yemassee as beneficiary; and
  - 4. A performance bond by a surety firm, approved by the Town Attorney, naming the Town of Yemassee as beneficiary.
- A. A letter of credit or performance bond shall be approved by the Town Attorney for content, format, and conditions. The approved original shall be held in the Town safe.



- 5.5.1 Acceptance of Surety: Prior to the Town's acceptance of any such development surety, the Applicant shall submit to the Community Development Director a copy of a contract signed by both the Developer and Licensed Contractor or an itemized and certified cost estimate prepared by a Licensed Contractor, Registered Engineer, Registered Architect, Registered Landscape Architect, or any combination thereof, which will cover the costs for completion of all required improvements.

#### Amount of Surety

- A. The amount of any such development surety shall be the aggregate amount of the contract or cost estimate approved by the Town that equals at least one hundred twenty-five (125) percent of the improvement costs, plus a fifteen (15) percent contingency fee and an additional ten (10) percent administrative fee. This aggregate amount shall be considered to be the face amount/value of the development surety for determining the appropriate amount of the non-refundable filing fee.
- B. The contingency fee is required to ensure completion of work which may have been underestimated or unanticipated. The administrative fee is required to cover any potential cost incurred by the Town in administering completion of any unfinished portion of the work and may include, but shall not be limited to, staff time and expenses, and/or possible professional consultant fees.

#### Release of Surety

- A. Subsequent to final on-site inspection and issuance of a final Certificate of Compliance by the Community Development Department that all secured work has been completed, the surety, or any remaining balance thereof, shall be released. In the case of a cash or certified check surety, any interest earned during the time of deposit of such surety in a Town account, shall be included in the total amount due at the time of final release.
- B. A release of an appropriate portion of a development surety, which has been accepted by the Town in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter a "markdown") that has previously been accepted by the Town may be permitted provided that:





1. Prior to a request for a drawdown or markdown, the Applicant shall submit, to the Community Development Director, the contractor's itemized list of work completed and work remaining as secured by the surety, which has been certified by the project engineer or owner;
2. The Community Development Department has inspected the work site and has verified in writing that, to the best of his/her knowledge, all such respective work has been completed;
3. The requested drawdown or markdown shall be at least twenty (20) percent of the original face value of the approved surety, but not less than ten thousand (10,000) dollars;
4. No more than one (1) such drawdown or markdown shall be approved during any thirty (30) day period, except for the request for a final drawdown or markdown; and
5. In all cases where a drawdown or markdown is requested, the contingency fee and the administrative fee shall remain intact until the work secured by the development surety is verified by the Administrator to have been completely finished and a final drawdown or markdown has been requested.

Time Limits on Surety: Time limits on development sureties shall be as follows:

- A. The maximum length of time for which a development surety may be held by the Town shall be twelve (12) months, except as provided for below. Any development surety submitted as a letter of credit or performance bond shall state on its face that, subsequent to the date of expiration, the Town as beneficiary shall have thirty (30) days from the date of expiration to make demand upon the issuing bank or agency for the honoring of such surety, if the respective work has not been fully completed; and
- B. Any development surety submitted as a letter of credit or performance bond shall also state, that written notice of the imminent expiration of such surety shall be given to the Town by the surety issuer or Developer not less than thirty (30) days prior to the date of expiration.

Failure to Complete Work: If all secured development work has not been completed as of the stated date for such completion, the Town shall contract to complete the remaining work following normal Town bidding procedures.



- A. In the case of a cash or certified check surety, take possession of the full amount or remaining balance of such surety.
- B. In the case of a letter of credit or performance bond surety, make demand upon the issuer of such surety for immediate payment to the Town of the full or amended face value of such surety.

## **Section 5.6    Open Space Standards**

### **General Open Space Standards**

- A. All development shall include open space areas as part of the site development plan. Open space as required herein shall generally mean all areas not utilized for buildings, roads and parking, loading areas, or accessory structures. Areas qualifying as open space include, but are not limited to, natural undisturbed areas, landscaped areas, lagoons, ponds, and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.
- B. Open space for a given development shall be a minimum of thirty-five (35) percent.
- C. Minor subdivisions (less than five (5) lots) shall be exempt from the provisions of this Section; however, development of individual lots in minor subdivisions shall comply with the *Open Space Standards* in the *Town of Yemassee Zoning Ordinance*, or *Development Standards Ordinance (DSO)*, whichever is greater. In addition, expansion of a minor subdivision onto adjacent parcels, such that the total number of lots in the subdivision is greater than five (5), shall require the provision of open space calculated based upon the entire subdivision. Evidence of expansion of a subdivision shall include, but not be limited to, contiguous ownership of the tracts to be developed, or extension of existing streets to serve additional area.



## Common Open Space Standards

- A. Common Open Space Required: In major residential subdivisions, a percentage of the required general open space shall be specifically restricted to use as common open space through deed restrictions, covenants, public dedication, or other method acceptable to the Community Development Director. The percentage of required general open space needed to satisfy this standard, is in accordance with the area regulations for the base district the site lies.
- B. Requirement: Common open space shall be a minimum of twenty-five (25) percent of total open space required by the area regulations of the base district the development lies within, but not less than fifteen (15) percent of gross acreage, whichever is greater, and shall be legally described and depicted on the subdivision plat to be recorded.
- C. Depiction: The common open space shall be depicted on any plat of the development submitted for approval to record. In rental apartment developments or other residential developments not requiring subdivision of land and subsequent recording of a plat, no recording of a plat depicting common open space shall be required, but the restricted area shall be identified on the approved Development Plan. The restricted area shall be referred to in this Section as "common open space".
- D. Types of Land Included: Lands included as common open space may include historic sites or lands planned for active recreational uses, such as golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian trails, plaza areas for crowd congregating, playfields, picnic areas, horse stables, or passive recreation areas.
- E. Environmental Land Included: Common open space may also include areas subject to environmental restrictions, such as wetlands, which shall be planned for limited use and access and appropriate protection, in accordance with other sections of this Ordinance pertaining to each environmentally sensitive feature. However, these areas shall not be more than fifty (50) percent of the total required common open space.
- F. Accessibility Required: Required common open space shall be reasonably accessible from all parts of the development, especially by pathways. Wherever feasible, the common open space shall connect into existing town parks, recreation, or conservation lands, historic sites, or lands proposed for park, recreation, or conservation in the *Comprehensive Plan*, or lands in



adjacent developments that are set aside, or proposed to be set aside, for common open space.

### Common Recreational Open Space

#### A. Common Recreational Space Required

1. In major residential subdivisions, at least twenty-five (25) percent of the common restricted or dedicated open space required above shall be reserved for common recreational uses for the development such as those described in *Section 5.6.2* above. The purpose shall be to insure a reasonable level of accessible recreational facilities for the residents of the development, thereby minimizing the need for expenditure of public funds to provide such recreational facilities.
2. At the time of submission of an application for a Development Plan approval, the Applicant shall specify the location of the common recreational open space and the type of recreational uses and facilities to be located therein.

#### B. Alternatives: As an alternative to meeting the common recreational open space requirements set forth above and based on documented hardship with no other options available, the Applicant may, at the Planning Commission's discretion, either contribute recreational, conservation, or open space land, or provide a payment in lieu of such contribution, as set forth below. Any contribution or payment in lieu thereof is due prior to recording the plat.

1. **Contribution of Recreational Land:** The Applicant may contribute comparable land as an expansion to existing or proposed common recreational open space area for a Planned Unit Development, Homeowners Association, or similar neighborhood entity of which residents of the development will be a part. Such common recreational open space area shall be reasonably accessible, in the opinion of the Community Development Director, and funded in a manner adequate to maintain it.
2. **Contribution of Conservation or Open Space Land:**
  - a. The Applicant may contribute land that has been designated Conservation Preservation District (CPD) to the Town, or such entity as the Community Development Director may approve.



- b. Such contributed land shall be at least equal in size to that, which would otherwise be designated common recreational open space for the residential development, or one-half (½) acre, whichever is greater in size.
  - c. The Community Development Director, or the Mayor's designee shall determine whether the land to be conveyed is appropriate for use as common recreational open space for the public or residents of the residential development. Among the factors to be considered by the Community Development Director in making such determination, shall be the accessibility of the land to be conveyed and, whether the size and physical characteristics are appropriate.
3. Reduction of Common Open Space: When a contribution of other land occurs or payment is made, the amount of common open space required may be reduced by the developer in an amount equal to that, which would otherwise have been required for common recreational open space.

#### 5.6.1 Ownership and Maintenance

- A. Maintenance: Common open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open-space areas shall be owned permanently, preserved and maintained by any of the following mechanisms or combinations thereof:
- 1. Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication;
  - 2. Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the Community Development Director, which assumes full responsibility for its maintenance; and/or
  - 3. Deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the common open-space land and provide for the maintenance responsibility.
- B. Organization Responsible: Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its common open space without first offering to dedicate the same to the Town or an appropriate public agency.



1. If the organization established to own and maintain common open space or any successor organization shall fail to maintain the common open space in reasonable order and condition and in accordance with reasonable health, safety, and welfare standards, the Town may serve written notice upon such organization or upon the residents and owners setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.
2. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof. If such deficiencies are not corrected within such time, the Town shall serve written notice of a hearing on the matter, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of that notice.
3. At such hearing, the Town may modify the terms of the original notice as to the deficiencies and may give a reasonable extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the thirty (30) days, or any extension thereof, the Town in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one (1) year.
4. The entry and maintenance shall not vest in the public any rights to use the common open space, except when the same is voluntarily dedicated to the public by the owners.
5. Before the expiration of the year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization and to the owners of the development, to be held by the Town.
6. At said hearing, such organization and the owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for the succeeding year.
7. If the Town shall determine such organization is not ready and able to maintain the common open space in a reasonable condition, the Town may, in its discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.



8. The decision of the Town in any such case shall constitute a final administrative decision subject to judicial review.

Costs May Be Assessed: The cost of such maintenance and any administrative costs by the Town shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and, if not paid, shall become a tax lien on the properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property, which is subject to such assessments or charges regardless of when the mortgage or mortgages were created, or when such assessments or charges accrued. The Town, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Mesne Conveyances upon the properties within the development affected by such lien.



## ARTICLE VI

### DEVELOPMENT PERMITS

#### Section 6.1    Permits Required

No development shall be undertaken within the Town of Yemassee except in accordance with the procedures established in this Ordinance.

#### Section 6.2    Development Exempt From Permit

The following types of development shall be exempt from obtaining a Development Permit under the provisions of this Article. These developments are, however, subject to the provisions of Article IV of this Ordinance. Compliance with the provisions of Article IV for this Code is checked off as part of the administrative process of obtaining a Town Building Permit from the Town Department of Building Inspections.

- A. Any single-family residential structure, including a mobile home, on an individual parcel, tract, lot of record, or on a lot within a platted subdivision existing prior to the adoption of this Ordinance or approved under this Ordinance;
- B. The construction or addition of single-family residential units on family property for occupancy by members of the same family. Applications must be accompanied by a signed statement indicating that the property is family land and existing or proposed occupancy by family members only;
- C. Accessory uses incidental to the enjoyment of a single-family residential structure (i.e. detached garage, swimming pool, pump house, and private use fish ponds where no materials are removed from the property);
- D. Home occupations confined within a residential structure;
- E. All farm and farm related structures (*See Section 10.2.29, Article X, Definitions*); and
- F. Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this Article.





### **Section 6.3    Approval of Development**

The Town administration shall be responsible for issuance of Development Permits under the provisions of this Ordinance.

### **Section 6.4    Conditions for Development Plan Approval**

If the conditions set forth in this Section are satisfied, the Planning Commission shall approve the Development Plan and direct the issuance of a permit. Said permit shall authorize the Applicant to:

Record a Subdivision Plat, where appropriate;

Commence all improvements to the land and the construction of all support facilities as specified by the permit; and

Commence the construction of all buildings and facilities shown by the Development Plan and specified by the permit.

6.4.1    The following conditions shall be met prior to Development Plan approval (Phased planned developments shall be treated, insofar as this Section is concerned, by phases, not withstanding general approval of the entire plan):

- A. The Applicant has complied with the procedures of this Ordinance and has furnished all information and data expressly required by this Ordinance;
- B. The Development Plan complies as a whole, or in the case of phased planned developments in relevant part, with the provisions of *Article IV and Article V* of this Ordinance;
- C. The Applicant has satisfactorily demonstrated his ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance, within a reasonable time period and in accordance with all conditions of the permit;
- D. The Applicant has established adequate legal safeguards to ensure compliance with the approved Development Plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon;
- E. The Applicant has given legal guarantee (where applicable) of the installation and maintenance of water systems, sewer systems, drainage systems, street



systems, open space areas, and any other improvements indicated on the final plat in lieu of actual construction of improvements prior to final approval. Such guarantees are applicable only to residential developments involving the sale or other transfer of lots, building sites, or buildings. Guarantees may be in the form of:

1. Letter of commitment from a public agency providing service (such as municipality or public service district providing the water or sewer systems);
  2. Dedication to and acceptance by the County of permanent public-maintenance of streets and/or drainage systems or open space areas;
  3. Establishment of an automatic homeowners association;
  4. Performance bond underwritten by an acceptable South Carolina licensed corporate surety;
  5. County government lien against the development property;
  6. Escrow account;
  7. Irrevocable bank letter of credit;
  8. Cashiers check payable to the Town of Yemassee;
  9. Any other means acceptable to the Town Council;
- F. For all time sharing (internal ownership) units, the Developer must show, prior to commencement of sales, a Financial Plan demonstrating its capacity to fund maintenance and other preferred services;
- G. Prior to submitting plans for preliminary plan approval on a project containing an element critical to that development involving other agencies including, but not limited to, the South Carolina Coastal Council, Army Corps of Engineers, and DHEC, the Applicant shall seek preliminary comments from such agencies regarding:
1. Protection of water quality in adjacent waterways and wetlands; and
  2. The long-term operating viability of any mechanism or process associated with the element. Comments from the respective agencies will be required in writing at the time of preliminary plan submission.



## **Section 6.5     Variances**

See the *Town of Yemassee Zoning Ordinance, Article VII*.

## **Section 6.6     Project Denial**

The Town Administration has the right to request approval from the Planning Commission on any project. Town Administration and Planning Commission shall deny approval of a Development Permit only if they find that the proposed development does not comply with the expressed provisions of this Ordinance.

## **Section 6.7     Rights Attaching to Development Permits**

Changes to this Ordinance, which become effective after an application for a Development Permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the ordinance change would place a unique hardship on the Applicant in having to modify the application to conform with the change.

- 6.7.1     A change in this Ordinance, which becomes effective after a Development Permit has been granted, shall not apply to the permitted development unless such permit shall have expired as provided for in *Section 6.8* of this Ordinance.
- 6.7.2     A Development Permit is assignable, but an assignment does not discharge any assignor or assignee from the requirements of the approved permit or from any obligation owed to the County in connection with the development unless the Planning Commission approves the discharge of obligations.

## **Section 6.8     Expiration of Development Permit**

Any permit approved under the provisions of this Article shall become invalid one (1) calendar year from the date of its issue unless:

- A. Otherwise specified by the permit;
- B. The Subdivision Plat has been recorded; and/or
- C. An appreciable amount of improvement or development of the land has commenced in accordance with the approved permit, as determined by the Development Review committee, which in the case of phased developments shall be understood as improvement or development of the permitted phase of such development.



- 6.8.1 The Planning Commission may grant one (1) extension for a period of one (1) calendar year upon request of the Applicant.

#### **Section 6.9 Revocation of Development Permit**

Any permit approved under the provisions of this Ordinance may be revoked by the County upon determination that conditions related to a development activity permitted have changed or been altered from that which was approved for the particular permitted development, or which is not in compliance with the provisions of this Ordinance.

- 6.9.1 Revocation of a Development Permit immediately ceases all authorized construction, work, or sales associated with the development activity.
- 6.9.2 The Developer shall be notified in writing of permit revocation and may apply for reinstatement of the permit by correcting the deficiency for which revocation action was taken.

#### **Section 6.10 Public Dedication of Improvements**

A Developer may, at his option, choose to dedicate, for permanent public ownership and maintenance, road, drainage, water and sewer systems within developments involving the sale of lots, units, or building sites to consumers.

- 6.10.1 Upon the filing of any plan, all intended offers of public dedication must be formally expressed in writing, setting forth clearly the improvements to be dedicated and government body or agency to which dedication is to be made. The Development Administrator will forward such notices of intent to the appropriate agency for which dedication is intended and advise the Applicant of persons to contact regarding required specifications and conditions to be met prior to formal acceptance.
- 6.10.2 With the filing of a final plan application, the Developer shall submit final plans and design specifications required by agencies to which dedication is intended, and receive final design approval from such agencies.
- 6.10.3 Following final plan approval by the Development Review Committee, construction of required improvements may commence and upon completion of construction, the Developer shall contact the agencies to which dedication is intended for final inspection prior to acceptance.



- 6.10.4 Upon certification for acceptance by the appropriate agency official, the Developer shall prepare necessary plats, easements, or deeds, as required, and obtain final acceptance by the Town Council of the dedicated improvement.
- 6.10.5 In the event of non-acceptance of the completed improvement for public ownership and maintenance, the Developer shall submit and obtain approval of an alternate method of ownership and maintenance of improvements.
- 6.10.6 No lot, unit, or building site may be sold until offers of public dedication have been formally accepted or alternate methods of ownership and maintenance of required improvements have been approved and legally established except that the Developer may, at his option, post a maintenance bond with the Town, in an amount sufficient to maintain the improvements as determined by the Town Administrator.

With the posting of such bond, the Developer may record appropriate plats and sell platted lots, units, or building sites while completing the process of public dedication or establishment of alternate methods of ownership and maintenance of required improvements.

#### Section 6.11 Private Roadways

The Town of Yemassee does not accept title to roads within a subdivision for maintenance and upkeep. Any deviations from this policy must be done by the Town Council by Ordinance.



## ARTICLE VII

### ADMINISTRATION, APPEAL, COMPLAINTS, AND REMEDIES

#### **Section 7.1    Administration**

This Article defines the department officer responsible for the overall administration of this Ordinance; specifies the powers of that department officer; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and set forth remedies and penalties for violation.

#### **Section 7.2    Grant of Power to Administer and Enforce**

The Town of Yemassee Town Council delegates the responsibility and authority for administration of this Ordinance to the Town Mayor and the Planning Commission as described in this Ordinance until such time or a Town Administrator or Community Development Director is employed. They shall:

- A. Prepare and publish rules and procedures relating to the administration of this Ordinance;
- B. Review and approve or disapprove all permit applications in accordance with Article VI of this Ordinance;
- C. Issue permits in accordance with the provisions of this Ordinance;
- D. Review and recommend action, when applicable, to the Town Council and the Yemassee Zoning Board of Appeals;
- E. All other responsibilities and powers granted explicitly by this Ordinance; and
- F. All other authority lawfully delegated to it by Town Council legislation.

#### **Section 7.3    Approvals**

The Yemassee Planning Commission hereby delegates all permitting responsibilities to the Building Inspector or other designee.



## **Section 7.4    Permit Applications**

**Pre-application Conference:** Although not mandatory, prior to the filing of a formal application, the Applicant is encouraged to consult with Town Administration or Planning Commission for comments and advice on the procedures, specifications, and applicable standards required by this Ordinance. The Town's Planner, or a designated representative, shall be available for such purposes at the request of the Applicant at a time mutually agreeable to both parties.

**Application Process:** The Owner, Developer, or otherwise responsible agent initiates the permit procedure by filing a final application with the Town in accordance with the provisions of this Section.

- A. To defray some of the administrative cost associated with processing development applications, a filing fee must accompany each application according to the schedule contained in the *Town of Yemassee Municipal Code*. No action by Town Administration shall be taken until the filing fee is paid. This fee shall not be refunded should the Applicant fail to file a final application for a Development Permit or should a preliminary application be disapproved. Re-filing of a previously disapproved application shall be subject to a filing fee equal to one and one half (1½) of the initial filing fee, provided such re-filing occurs within one (1) year of the initial filing.
- B. To notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of impending development activity, Applicants for Development Plan approval shall post a notice of development at least two (2) weeks prior to the scheduled review meeting at which the development application is to be reviewed. The notice sign shall be obtained from Town Administration and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. Cost of the sign will be borne by the Applicant. The Town will not review applications for which the prescribed notice sign has not been posted in accordance with the provisions of this Section.

### **Application Format and Content**

- A. Subdivision of Land: The application for subdivision of land shall contain:
  - 1. Twelve (12) black or blue line prints of the subdivision layout;



2. The names and addresses of the owner(s) of record and the Applicant, if different from the owner;
3. A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a Registered Land Surveyor;
4. The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
5. The proposed name of the subdivision;
6. Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed, or a Development Permit has been obtained;
7. A map or Site Plan showing:
  - a. The location, dimensions, descriptions, and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts;
  - b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
  - c. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000) feet and in miles or tenths of a mile if greater than one thousand (1,000) feet;
  - d. Topographic survey when required by the Town;
  - e. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries;





- f. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract;
8. Proposed lot layout, street design, and street right-of-way widths;
9. Proposed street names;
10. Proposed drainage system layouts;
11. Proposed water system layout, except where individual wells are proposed;
12. Proposed sewer system layout, except where individual septic tanks are proposed;
13. Proposed open space areas (where applicable);
14. Where applicable, surveyed line delineating the extent of any special District boundary on the development property;
15. Where applicable, topographic contour line corresponding to the one hundred (100) year flood elevation affecting the proposed development property;
16. Tree survey as specified in *Section 5.2.1; 4.24; and 4.14*;
17. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority;
18. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity);
19. The Planning Commission may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like;



20. A narrative addressing:

- a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements;
- b. Proposed phasing and time schedule if development is to be done in phases; and
- c. In a Beach Development District, a plan to preserve sand dunes and shore vegetation.

B. Other Development: The application for other development shall contain:

1. Six (6) black or blue line prints of the development Site Plan;
2. Name and address of owner of record (Developer/ Applicant);
3. Name of development, north point, graphic scale, and date;
4. Name of county, project location, tax map, and parcel number;
5. Bearings and distances of all property lines, tract acreage, location of property markers, and seal of Registered Land Surveyor;
6. Location, size, and type of all existing easements on or immediately adjacent to the development property;
7. Existing railroads, streets, drainage ditches, watercourses, city limit lines, and utility lines on or adjacent to the development property;
8. Names of all contiguous land owners and indication of all contiguous property land uses (residential, commercial, industrial, institutional, agricultural, wooded/ vacant, etc);
9. Tree survey as described in this Ordinance and indication of trees proposed for removal. (Note: It is the expressed intent of this Ordinance that every effort be made in the design and layout of development projects to conserve as many trees as possible;
10. Proposed building locations, ingress/ egress, circulation/ maneuvering facilities and areas, parking areas, loading/ unloading areas, storage areas,



work and other activity areas, and facilities properly dimensioned and labeled;

11. Stormwater Drainage Plan;
12. Water and sewer system layouts, or well and septic tank locations, where applicable;
13. Underground electric, telephone, and gas service layouts by the respective utility companies, signed and dated with reference to the nearest point of existing utility lines;
14. Existing and proposed fire hydrant locations (where applicable);
15. Location, size, and type of all proposed easements;
16. Proposed setbacks, buffer, and screening (where applicable);
17. Proposed open space and landscaped areas;
18. Fire Official and other required agency permits or approvals;
19. Solid Waste Disposal Plan or letter of intent to provide contract service by a private refuse collection agency or the like;
20. Agreements, contracts, or letters of intent to provide water supply or sewage disposal service by a municipality, other government authority, public service district, or private utility company, where applicable; and
21. For development projects on property which is not immediately contiguous to a public road, street, or highway and where such proposed project involves the sale of residential, commercial, industrial, or institutional condominium, townhouse, or other such unit or space, the Applicant shall submit copies of recorded deeds, plats, or easements clearly documenting access to the development property.

Approval Process: Upon receipt of the preliminary application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall, within ten (10) working days, notify the Applicant of all discrepancies and return the application for correction.



- A. If the Town Administrator finds that the preliminary application conforms to the format and content provisions of *Section 7.4.2* (s)he shall record the application and the date of its receipt, and shall submit the application for review.
  - B. The Town Administration or Planning Commission shall review all preliminary applications within thirty (30) days of the application filing date and take one (1) of the following actions:
    - 1. Approve the application;
    - 2. Approve the application with conditions; or
    - 3. Disapprove the application.
  - C. The Applicant shall be notified in writing of Development Review Committee action by the Development Administrator. If the application is disapproved, the written notice to the Applicant shall specify the reasons for disapproval.
  - D. Approval, where granted by the Town, shall be two (2) years from date of such approval.
- 7.4.1 Approval of the application shall be deemed an expression of approval of the development concept and preliminary site design submitted, and invites the Applicant to proceed with more detailed planning and design prior to submission of a final application. Preliminary application approval does not authorize the recording of a Subdivision Plat nor the sale or transfer of subdivided property except as provided for *Section 7.4.6*.

In addition, the Town shall act on the posted bond and cause the improvements to be completed on behalf of lot purchasers in the development. Extension to the twelve (12) month time period afforded for completion of improvements may be granted one (1) time by the Town.

- A. Such requests must be submitted in writing prior to the expiration date and accompanied by:
  - 1. An explanation of why the extension is necessary;
  - 2. Signed/dated agreement with the extension by all lot owners in the subdivision to date;



3. Amount of work completed and costs remaining for incomplete work; and
  4. Amended bond or surety for incomplete work.
- B. Upon receipt of the final application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall within ten (10) working days notify the Applicant of all discrepancies and return the application for correction.
- C. If the Administrator finds that the final application conforms to the format and content provisions of this Section, (s)he shall record the application and the date of its receipt, and shall submit the application to the Planning Commission.
- D. The Planning Commission shall review all final applications and may, at its discretion, call a public hearing in accordance with the provisions of this Article. Within sixty (60) days of the application filing date, Planning Commission shall take one (1) of the following actions:
1. Approve the application; or
  2. Disapprove the application
- E. In the event the application is approved, the Administrator shall issue a permit authorizing the Applicant to commence development or file a Subdivision Plat (where appropriate).
- F. If the permit is denied, the Administrator shall notify the Applicant of such action in writing specifying the reasons for such denial.
- G. In the event, the Planning Commission does not take action within sixty (60) calendar days of the filing date of the application, the application shall be deemed to have been approved and a certificate to that effect shall be issued by the Administrator upon demand.

#### **Section 7.5    Documentation of Rulings**

Any ruling made by the Development Review Committee under the provision of this Ordinance, shall be issued in writing, and shall include written findings of fact and conclusions, together with the reasons therefore to the extent practicable. Conclusions based on any provision of this Ordinance shall contain a reference to the provision on which the decision was based.



## **Section 7.6    Changes to Approved Plans**

Changes to approved plans involving, but not limited to, street and parking layouts, water, sewer, drainage, density, access, setbacks, buffer zones, and tree removal shall be submitted to and approved by the Planning Commission.

## **Section 7.7    Public Hearings**

Public hearings required or called under the provisions of this Ordinance shall proceed in accordance with this Section. Other than, those expressly provided for in the Ordinance, public hearings may be called only when the issues raised by the proposed development, in the judgment of the Planning Commission, have sufficient impact as to warrant public discussion.

At least fifteen (15) days in advance of a hearing, the Town Administrator shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:

- A. The Developer, Property Owner, or Applicant; and
- B. Any other person, agency, or organization that may be designated by this Ordinance.

The notice shall:

- A. Give the time and place of the hearing;
- B. Contain a statement describing the subject matter of the hearing; and
- C. Specify the officer or employee of the County from whom additional information can be obtained.

- 7.7.1    The notice shall specify the governmental authority, commission, agency, or officer responsible for conduct of the hearing and before which the hearing shall be held, and shall designate the presiding officer.

A written statement giving the name and address of the person making the appearance, signed by him or his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who have entered an appearance



of record, either prior to commencement of the hearing or when permitted by the presiding officer:

- A. A person entitled to notice under *Section 7.7.3*;
- B. The representative of any department or agency of the Town; and
- C. A person who satisfied the presiding officer that he has significant interest in the subject matter of the hearing.

7.7.2 The Town Administrator shall make a record of the hearing.

#### **Section 7.8 Enforcement, Remedies, and Penalties**

It shall be unlawful for any person, firm, or corporation to sell or transfer lots of subdivided land until such subdivision or Development Plan has been approved and a Development Permit issued under the provisions of this Ordinance and approved Subdivision Plat duly recorded with the Registrar of Deeds or Clerk of Court for Beaufort and/or Hampton County.

- 7.8.1 No Building, Plumbing, or Electrical Permit shall be issued by the Town unless a valid Development Permit has been approved under the provisions of this Ordinance for those developments for which a Development Permit is required.
- 7.8.2 No agency, public or private, shall modify, install, or provide any streets or public utility services to any development unless a preliminary application approval and improvement design approval has been granted under the provisions of this Ordinance.
- 7.8.3 No agency, public or private, shall sell or supply any water, gas, electricity, or sewer services within any development unless a valid Development Permit has been approved under the provisions of this Ordinance.

The responsibility for the enforcement of this Ordinance is delegated to the Yemassee Town provided however until a Town Administrator is employed .

- A. If the Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, setting forth the nature of the violation and order the action necessary to correct it.



- B. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Town Administrator. Such complaint shall state fully the causes and basis thereof.
  - C. The Development Administrator shall properly record such complaint, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.
  - D. In the event any development is undertaken in violation of this Ordinance, the Administrator, the Town Council or its agent, or any person aggrieved, may, in addition to other remedies provided by law, institute an injunction, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful development.
- 7.8.4 Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall pay such penalties as the court may decide, as prescribed by South Carolina law, not to exceed Five hundred (500) dollars or thirty (30) days imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation, which shall subject the offender to liability prescribed in this Section. Furthermore, any violation of the provisions of this Ordinance dealing with subdivision of land, by any person, firm, corporation, owner, or agents of owners of land to be subdivided, shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract, parcel, building site, or building interior structure, rescindable at the purchaser's option.
- 7.8.5 In the event any development activity is undertaken prior to approval and issuance of a Development Permit, or if the Developer is declared guilty by a magistrate in accordance with the provisions of this Ordinance, in addition to other prescribed remedies in this Section, the Planning Commission shall not consider the Developer's application for Development Plan approval and subsequent issuance of a Development Permit for that project for a period of ninety (90) days from the date of determination of violation.

Nothing herein shall prevent the Town of Yemassee from taking such other lawful action, as is necessary, to prevent or remedy any violation.





## ARTICLE VIII

### AMENDMENTS

#### Section 8.1 Introduction

This Ordinance, including the *Official District Map*, may be amended from time to time by the Town Council in accordance with the provisions of this Article.

#### Section 8.2 Review by Planning Commission

Under the General Statutes of *South Carolina Code Section 6-29-330*, the Planning Commission is charged with development of ordinances for land use within the Town of Yemassee. The Commission is also the agency designated for initial review and approval of amendments to this Ordinance proposed by residents. After a decision by the Planning Commission, the proposed amendment is passed to the Town Council for consideration.

#### Section 8.3 Public Hearing Required

The Town Council shall not adopt any amendment to this Ordinance until at least one (1) public hearing has been held.



## **ARTICLE IX**

### **LEGAL STATUS PROVISIONS**

#### **Section 9.1 Conflict with Other Laws**

Whenever the provisions of this Ordinance impose more restrictive standards than are required under other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

#### **Section 9.2 Validity**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

#### **Section 9.3 Repeal of Conflicting Ordinances**

All Ordinances and parts of Ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

#### **Section 9.4 Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Town Council.



## ARTICLE X

### DEFINITION OF TERMS

#### **Section 10.1 Interpretation of Certain Terms or Words**

Except as specifically defined herein, all words in this Ordinance have the customary dictionary definitions. For the purpose of this Ordinance, certain words or terms used herein are defined as follows:

Where the ordinance contains the phrase “Beaufort and/or Hampton” Counties the county where the structure is located will apply to its construction, in addition to this ordinance and all other Town of Yemassee laws.

The Mayor may appoint a designee where a position, board, title, or staff member is not currently staffed or does not currently exist in the Town of Yemassee.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

- 10.1.1 The word “shall” is always mandatory.
- 10.1.2 The word “may” is permissive.
- 10.1.3 The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- 10.1.4 The word “Planning Commission” refers to the Town of Yemassee Planning Commission.
- 10.1.5 The words “used” or “occupied”, as applied to any land or building shall be construed to include the words intended, arranged, designed to be used, or occupied.
- 10.1.6 The word “Map”, “District Map”, or “Official District Map” shall mean the *Town of Yemassee Official District Map*.
- 10.1.7 The word “Development Administrator” refers to the person designated by the Town of Yemassee to enforce this Ordinance and until such position is filled the Mayor or his designee shall fulfill such duties.



## Section 10.2 Definitions

- 10.2.1 Access: The right and/or ability of pedestrians and vehicles to enter and leave property.
- 10.2.2 Accessory Dwelling Unit/Dependency Unit: A second dwelling unit, either added to or in a single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. The accessory dwelling unit can also be located on the second floor of a retail or office building. The maximum size for an accessory dwelling unit/dependency unit is eight hundred (800) square feet.
- 10.2.3 Buffers: A piece of land of specific width, free from man-made structures (including driveways and parking areas), permanently set aside by the owner and his assignees, and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Sufficient density may be achieved by, but is not limited to, the planting of such shrubs as Ligustrum, Red-Tip, or Cherry Laurel at intervals of three (3) feet on center. These may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.
- 10.2.4 Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure for any person, process, equipment, or goods.
- 10.2.5 Building Alteration: Any change in the supporting members of a building (such as bearing walls, columns, or girders), addition or reduction to a building, change in use, increase in use intensity, or relocation of a building from one (1) location or position to another.
- 10.2.6 Building, Principle: A building in which the principle use of the lot is conducted.
- 10.2.7 Canal: Those main drainage canals and additions thereto throughout Beaufort and/or Hampton County and studied in the *Feasibility Study of Requirements for Main Drainage Canals*.
- 10.2.8 Coastal High Hazard Areas/Velocity Areas: A flood hazard area subject to high velocity waters.
- 10.2.9 Coefficient of Runoff: A number used as a multiple in measuring change in stormwater runoff.



- 10.2.10 Density: The number of dwelling units per acre of land, developed or used, for residential purposes expressed in units per gross acre.
- 10.2.11 Detention: The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow.
- 10.2.12 Development: Except where the context otherwise requires, and in the absence of a more limiting provision, “development” means the performance of any building or mining operation, the making of any material change in the use of any structure or land, or the division of land into two (2) or more parcels, lots, building sites, or building units. (*See Section 1.2.4 of the this Ordinance*)
- 10.2.13 Development, Industrial: Development for the purpose of converting natural resources into marketable products, the assembly of parts into wholly or partially finished products, the physical or chemical processing of materials, the extraction of minerals and other substances, and other activities normally considered industrial in nature.
- 10.2.14 Development, Institutional: Development involving quasi-public, eleemosynary, religious, philanthropic, or other activity undertaken for the purpose of providing for the social, cultural, educational, or physical betterment of the community.
- 10.2.15 Development, Non-Conforming: Existing development not in conformance with one (1) or more provisions of this Ordinance.
- 10.2.16 Development, Office: Development providing space and facilities for the conduct of business, administrative, professional activities, or services not involving the movement, storage, or sale of goods on the premises.
- 10.2.17 Development, Residential: Provision of the structures and facilities to permanently house the population.
- 10.2.18 Development, Retail Commercial: Structures and activity involving the sale of goods on the premises to the public.
- 10.2.19 Development, Transportation: Structures and facilities for the movement and distribution of goods and people.
- 10.2.20 Development, Warehousing: Structure, facilities, and activities for the sole purpose of storing goods.



- 10.2.21 Development, Wholesale: Structures and activities involving the sale of goods primarily to the retailer.
- 10.2.22 Drainage Basin: A drainage area or watershed contributing to the flow of water into a receiving body of water.
- 10.2.23 Drainage Facility: Any component of the drainage system.
- 10.2.24 Dwelling Unit: A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 10.2.25 Easement: An interest in land of another that entitles the holder to a specified limited use.
- 10.2.26 Existing Grade: The existing or natural slope of land expressed in terms of vertical drop per horizontal distance of land.
- 10.2.27 Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.
- 10.2.28 Family, Immediate: A property owner's heirs at law, who would succeed to his/her estate or inheritance, under the *South Carolina Statute of Descent and Distribution*.
- 10.2.29 Farm: Any tract or real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or other animals, including agriculture operations useful to man, including the preparation of the products raised thereon, for man's use and disposed of by marketing or other means, including agriculture.
- 10.2.30 Finished Grade: The resultant slope of land following alteration as part of a development activity expressed in terms of vertical drop per horizontal distance of land, streets, embankments, etc.
- 10.2.31 Flood: A general and temporary condition of partial or complete inundation or normally dry land areas from the overflow of inland or tidal waters.
- 10.2.32 Flood Hazard District: That area assigned by the Federal Flood Insurance Administration of *Official Flood Hazard Area Maps*, subject to a one (1) percent or greater chance of flooding in any given year.



- 10.2.33 Grade: The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.
- 10.2.34 Gross Acre: All land under title or ownership and recorded with the property deed.
- 10.2.35 Gross Floor Space: Computed as the footprint of the space times the number of floors.
- 10.2.36 Habitable Space (Room): Habitable space is space in a structure for living, sleeping, eating, or cooking. Maintenance or utility space, parking garages, and similar areas are not considered as habitable space.
- 10.2.37 Home Occupation: Any use of principal and accessory buildings clearly incidental to their uses for dwelling purposes and conducted for compensation by a resident hereof within a residential area.
- 10.2.38 Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.
- 10.2.39 Improvement: The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited to, streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, and recreation facilities, (i.e., lakes, swimming pools, tennis courts, golf courses, riding stables, club houses, cabanas, marinas, docks and the like).
- 10.2.40 Inverted Crown: A road or street cross where the center of the road or street profile is lower than the edges of the profile to allow for stormwater to drain toward the center of the road or street for removal through a stormwater drainage system.
- 10.2.41 Lined Channels: The use of plastics, concrete, stone, asphalt, or similar material to define a drainage channel.
- 10.2.42 Littoral Vegetation: Vegetation found off, or along a shore of surface water.
- 10.2.43 Loading Space, Off-Street: Space logically and conveniently located for pickups and deliveries, off public rights-of-way, scaled to delivery vehicles expected to be used and accessible to such vehicles.
- 



- 10.2.44 Local Fire Official: The duly appointed or employed Fire Chief of a County, Municipal, Public Service District, Special Tax District, Fire Protection Service Agency, or department of other designated individual.
- 10.2.45 Lot: A small developed or undeveloped tract or parcel of land suitable for building purposes and legally transferable as a single unit of land.
- 10.2.46 Lot of Record: A separate lot, parcel, piece, or tract of land that existed and was described and defined as part of the public record prior to adoption of the Ordinance on September 11, 1978.
- 10.2.47 Material: As contained herein, shall be construed to mean objective, substantive, tangible, and consequential.
- 10.2.48 Mining: The act or process of digging, excavating, or tunneling for the purpose of removing some natural material for sale or trade.
- 10.2.49 On-Site: On or within the area contained in the Development Permit Application, or within other areas which, pursuant to this Ordinance, may be included in defining the site's said referenced purpose.
- 10.2.50 One Hundred (100) Year Flood: Means the flood or level of floodwater measured from mean sea level that has a one (1) percent chance of being equaled or exceeded in any given year.
- 10.2.51 Open Space: Land area not covered by buildings, parking areas, or other accessory structures. Open space does not include utility easements, street rights-of-way, drain ditches, and the like.
- 10.2.52 Owner: An owner of property, or the authorized agent of an owner.
- 10.2.53 Parking Lot: Any public or private open area used for the express purpose of parking automobiles and other vehicles.
- 10.2.54 Parking Space, Off-Street: The Storage space for one (1) automobile of not less than nine (9) feet by twenty (20) feet, plus the necessary access space, and located outside the dedicated street right-of-way, other than handicapped spaces.
- 10.2.55 Peak Flow (For Runoff): At the time of greatest runoff concentration, volume, or velocity in cubic feet per second (cfs) being discharged at a given point.





- 10.2.56 Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- 10.2.57 Pre-Development Conditions: Those conditions, which existed before alteration, resulting from human activity of the natural topography, vegetation and rate, volume, or direction of surface or ground water, flow as indicated by the best available historical data.
- 10.2.58 Premises: A lot or other tract of land including the buildings or structures thereon.
- 10.2.59 Planned Development: A tract of land master planned or developed in phases whether or not consisting of several different types and densities of land use.
- 10.2.60 Planned Unit Development (PUD): A tract of land master planned or developed in phases consisting of several different types and densities of land use.
- 10.2.61 Primary Dune: The major front dune immediately behind the beach.
- 10.2.62 Property: An area designated as a separate and distinct parcel of land on a legally recorded Subdivision Plat or in a legally recorded deed as filed in the official records of the County.
- 10.2.63 Quasi-Public (Also Quasi-Governmental): Commissions, Boards, Authorities, and Public Service Districts created by local or state legislation to serve a limited and specific public purpose.
- 10.2.64 Receiving Waters: Any water bodies, watercourses, or wetlands in of which surface waters flow either naturally in man-made ditches or in a closed conduit system.
- 10.2.65 Retention: The collection and storage of runoff without subsequent discharge to surface waters.
- 10.2.66 Sediment: Fine particulate material, whether mineral or organic, that is temporarily in suspension or has settled in a water body.
- 10.2.67 Sign: Any form of publicity, which is visible from any public way, directing attention to an individual, business, commodity, service, activity, or product by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, or emblems.



10.2.68 Site: A space or piece of ground occupied or planned for occupation by structures or a set of structures and support improvements.

10.2.69 Streets:

- A. Street, Private: A right-of-way, which has not been dedicated or publicly accepted by the State or County.
- B. Street, Public: A dedicated public right-of-way, which affords means access to abutting property and which has been accepted for maintenance by the County or the State Highway Department. For the purposes of these regulations, the term "street" or "streets" shall also mean avenues, boulevards, roads, lanes, and other public ways.
- C. Street, Local: A public or private way used primarily for providing direct access to abutting property.
- D. Street, Collector: A public or private way designed primarily to connect residential service streets with arterial streets or to provide a direct connection between two (2) arterial streets and may be expected to carry a significant volume of traffic having neither origin nor destination on the street.
- E. Major Thoroughfare: A Federal or State Highway designated for the movement of large volumes of traffic or recognized for purposes of this Ordinance as a result of long-range planning study to possess such potential.

10.2.70 Structure: Anything constructed, erected, or established including, but not limited to the following:

- A. Buildings;
- B. Signs;
- C. Seawalls;
- D. Mobile homes;
- E. Fences;
- F. Screen enclosures; and
- G. Patio walls.



- 10.2.71 Structure, Alteration: Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
- 10.2.72 Subdivision: The term “subdivision” shall mean all divisions of a tract or parcel of land into two (2) or more lots, building units, or other division, for the purpose, whether immediate or future, of sale, lease, transfer, or resale and involves all division of land involving a new street or change in existing streets and includes the act or re-subdividing previously subdivided property.
- 10.2.73 Tandem Parking: An arrangement for parking two (2) vehicles in a straight line (bumper to bumper) in which ingress and egress to the space is provided at only one (1) end so that the second vehicle parked blocks the exit way of the first.
- 10.2.74 Town: The Town of Yemassee
- 10.2.75 Tract: A defined area or piece of land, the term itself not importing any precise dimension.
- 10.2.76 Tree: Any self-supporting, woody perennial plant, which has a diameter of eight (8) inches or more (twenty-five (25) inch circumference) measured three (3) feet up from the base and which normally attains a height of at least ten (10) feet at maturity and usually has one (1) main stem or trunk and many branches.
- 10.2.77 Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended for which it is occupied and maintained.
- 10.2.78 Utility, Private: Any privately owned company or corporation, which provides the general public, or residents within a private development, with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.
- 10.2.79 Utility, Public: Any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other services.
- 10.2.80 Variance: A departure from the strict terms or expressed provisions of this Ordinance where such departure will not be contrary to the public interest and where, owing to condition peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.



- 10.2.81 Vegetation: All plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.
- 10.2.82 Water Body, Man-Made: Any man-made pond, lake, lagoon, channel, wetland, marina, or basin which ordinarily or intermittently contains water and which has a discernible shoreline.
- 10.2.83 Water Body, Natural: Any natural pond, lake, channel, wetland, marsh, creek, sound, or ocean which ordinarily or intermittently contains water and which has a discernible shoreline.
- 10.2.84 Wetlands: Any salt, brackish, or fresh water marsh, bog, swamp, meadow, flat, or other area subject to flooding or tidal flow, as defined by the United States Army Corps of Engineers.

Attest By:

\_\_\_\_\_  
Clerk of Council

1<sup>st</sup> reading \_\_\_\_\_

2<sup>nd</sup> reading \_\_\_\_\_

Public Hearing \_\_\_\_\_

Final Reading \_\_\_\_\_

\_\_\_\_\_  
Approved as to Form and Content

Roberts Vaux, Town Attorney



## CHAPTER 11

### DEVELOPMENT STANDARDS ORDINANCE

#### ARTICLE I. IN GENERAL

**Secs. 11-1 – 11.50. Reserved**

#### ARTICLE II. AUTHORITY

##### **Sec. 11-51. Authority and Enactment Clause**

In pursuance of authority conferred by the General Statutes of South Carolina Code of Laws, Section 6-29-330 and for promoting health, safety, or general welfare of the community. By lessening congestion in the streets; securing safety from fire; providing adequate light and air, providing for adequate transportation, water, sewerage, schools, parks, and other public improvements; protecting scenic and unique areas, in accordance with the Comprehensive Plan.

##### **Sec. 11-52. Jurisdiction.**

This Ordinance and the provisions contained herein shall govern all land development within the Town of Yemassee as now or hereafter established.

##### **Sec. 11-53. Definition of Development**

The following activities or uses shall be taken for the purposes of this Ordinance to involve development as defined in this Article unless expressly excluded by Ordinance:

- a) A material change in the type of use of a structure or land which would tangibly affect the area's natural environment, drainage, transportation patterns, public health, or economic values.
- b) A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public health, or economic values.
- c) Material increases in the intensity of land use, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land when such increase would tangibly affect the area's natural environment, transportation patterns, public health, or economic values.
- d) Subdivision of a parcel of tract of land into two (2) or more lots, parcels, or pieces for the purpose of sale or transfer of title.
- e) Commencement of any mining operation on a parcel of land.

- f) In connection with the use of land, the making of any material, change in noise levels, thermal conditions, or emissions of waste materials.
- g) Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake, or other natural water body.
- h) Reestablishment of a permitted use which has been abandoned for one (1) year.
- i) Construction of major electrical and telephone utility lines over three-fourths (3/4) of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

The following operations or uses do not constitute development for the purpose of this Ordinance:

- A. The construction of any public street or other public way, grounds, buildings, structures, or facilities. Such public project Development Plans are submitted and reviewed for approval under a separate administrative procedure.
- B. Work for the maintenance, renewal, improvement, or alteration, of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure.
- C. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling.
- D. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products, or for other agricultural purposes, including agriculture.
- E. A transfer of title to land not involving the division of land into parcels.
- F. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate.
- G. The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures.
- H. Any subdivision, construction, changes, or improvements approved by the County or its delegated authorities prior to adoption of this Ordinance.
- I. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- J. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:
  - a. The creation or termination of mortgages, leases, easements, or liens.
  - b. Lot line corrections on existing recorded properties.
  - c. The creation, termination, or amendment of private covenants or restrictions on land.
  - d. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record.

- e. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.

Development as designated in this Ordinance includes all other activities customarily associated with it unless otherwise specified. Activities, which may result in development as defined herein, include erection, construction, redevelopment, alteration, or repair. When appropriate to the context, development refers to the act of developing or the result of development. Reference to any specific operation not involving development is not intended to mean that the operation or activity when part of other operations or activities is not development.

"Material", as contained herein, shall be construed to mean objective, substantive, tangible, or consequential.

#### **Sec. 11-54. Exemptions and Repeal of Previous Ordinances**

The previous Development Standards Ordinance (DSO) as approved April 24, 2007, is hereby repealed and replaced and incorporated into the Town of Yemassee Code of Ordinances.

#### **Sec. 11-55. Non-Conforming Development**

Existing development which does not comply with the provisions of this Ordinance shall be exempt from the provisions of this Ordinance except that non-conforming development shall not be:

- A. Changed to another non-conforming use.
- B. Reused or reoccupied after discontinuance of use or occupancy for a period of thirty (30) days or more or completed season in the case of a seasonal nonconforming use.
- C. Reestablished, reoccupied, or replaced with the same or similar building, structure, or mobile home if physically removed or relocated from its specific site location after passage of this Ordinance.
- D. Repaired, rebuilt, or altered after damage exceeding fifty (50) percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within six (6) months after damage is incurred.
- E. Enlarged or altered more than an additional twenty (20) percent of existing floor area in a way which increases its non-conformity.

Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition, any building or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

The Town Administrator, or if the position of Zoning Administrator is employed, shall have the authority to enforce the provisions of this Ordinance in conjunction with the Planning Commission.

#### **Secs 11-55 – 11.59 - Reserved**

### **CHAPTER 11 – DEVELOPMENT STANDARDS**

## **ARTICLE III. ESTABLISHMENT OF DISTRICTS**

### **Sec. 11-60. Description and Definition of Special Districts**

Portions of the Town of Yemassee are hereby divided into Districts.

Conservation district: for the purposes of protecting and conserving sensitive environmental areas, discouraging growth in areas which pose undue hazards to man, and maintaining open space, the conservation district is established. It consists of all wetland areas delineated as part of the special conservation district on the Town of Yemassee Official District Map and specifically defined as:

- a) Any salt, brackish, or freshwater marsh, bog, swamp, lake, pond, meadow, flat, or other area subject to tidal flow, whether the tidewater reaches the area naturally or through artificial water courses.
- b) Any other areas upon which exist a natural community of one (1) or more of the following marsh grass indications of tidal influence:
  - a. *Spartina alterniflora*
  - b. *Spartina patens*
  - c. *Juncus roemerianus*
- c) Any natural land-locked bogs, swamps, lakes, ponds, sinks, or low-lying areas determined to be unique or important wildlife habitats or possess unique scenic and recreational value. The County may call upon the advice of various Federal or State agencies involved in wetlands preservation in making such a determination.

Flood Hazard District: To protect future development from the effects of rising tidal waters associated with probable future hurricanes, the Flood Hazard District is established. That consists of that area designated on the Official Zoning Map as the Special Flood Hazard District and specifically defined by reference to indicate elevation figures measured from mean sea level for each designated flood hazard area.

### **Sec. 11-61. Establishment of Zoning District Map**

The Town of Yemassee is hereby divided into Zoning Districts, as shown on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this Ordinance.

An official copy of the Town of Yemassee Zoning Map shall be filed in the office of the Town Administrator. This map shall bear the seal of the Town of Yemassee under Copies of the Zoning Map shall be furnished to the Beaufort County Planning Department and the Hampton County Building Department on a regular basis.

### **Sec. 11-62. Interpretation of District Boundaries**

Where any District boundary is indicated on the Town of Yemassee Zoning Map as following



approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a District boundary.

Where any District boundary is indicated on the Town of Yemassee Official District Map as following approximately the corporate limits line of any incorporated place within the County, then such County boundary line or corporate limits line shall be construed to be such a District boundary.

- a) Unless otherwise indicated, the district boundaries follow natural features such as marsh edges and stream banks.
- b) Where indicated, District boundaries are parallel to the centerlines of streets, highways, railroads, or the rights-of-way of same. Property lines, said streams, other bodies of water, or said lines extended at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such distance shall be determined by the use of the scale of said map.
- c) Where District boundary lines are so indicated that they approximately follow property or lot lines, such property or lot lines shall be construed to be such boundary lines.
- d) Where a District boundary line divided a parcel or lot, the location of any such District boundary line, unless indicated by dimensions shown on the Official Zoning Map, shall be determined using the scale on said map.

#### **Sec. 11-63. Town Planning Districts**

The Town of Yemassee has adopted “Planning Districts” within the Town which coincides with the Police Patrol Zones. The following Planning Districts are established which aid in identifying growth patterns in various areas of Town.

**Zone A [Cochran/Riley/Bing Residential]** – All properties in Town south of SC-68 (Yemassee Hwy), from the western Town limit on SC-68 (Yemassee Hwy) east to Willis St S and to Riley Street to the south.

**Zone B [Salkehatchie West]** – All properties in Town north of SC-68 (Yemassee Hwy) from the western Town limits on SC-68 (Yemassee Hwy) and on Old Salkehatchie Hwy near Early Branch, east to Willis St N and including Ponderosa Subdivision and Interstate 95 from Exit 38, north to Colleton County.

**Zone C [Yemassee Core]** – All properties in Town south of SC-68 (Yemassee Hwy), from Willis St S in Hampton County, east to the intersection of Old Sheldon Church Rd & Castle Hall Rd in Beaufort County, to include all properties in Town limits on Pocotaligo Road to the south.

**Zone D [Downtown]** – All properties in Town north of SC-68 (Yemassee Hwy), from Willis St N in Hampton County, east to the intersection of River Road and Le Creuset Dr in Beaufort County.

**Zone E [Sheldon/Seabrook]** – All properties in Town within Beaufort County south of the intersection of Castle Hall Rd & Old Sheldon Church Rd and all annexed properties within the Sheldon & Seabrook communities of Beaufort County.

**Secs. 11-64 – 11.70 Reserved**

## ARTICLE IV. MINIMUM CONSTRUCTION STANDARDS

### Sec. 11-70. Introduction

No structure may be erected, or development undertaken except in conformance with the requirements of this Article.

### Sec. 11-71. Minimum Construction Standard Applying Throughout Jurisdiction

The standard prescribed in this Section shall apply to all buildings and/or development hereafter undertaken within the Town of Yemassee:

Setbacks From Roads: No structure, except signs, shall be erected nearer than fifty (50) feet of the right-of-way line of a major thoroughfare so designated on the Town of Yemassee Zoning Map. Setbacks from all other roadways to be one-half (½) the right-of-way, (i.e., a fifty (50) foot road right-of-way shall require a setback of twenty-five (25) feet), unless otherwise provided with the Zoning Ordinance and applicable to a particular District.

Setbacks at Intersections: There shall be no interference with the vision clearance at any street intersection. No fence, wall, terrace, building, sign, shrubbery, hedge, planting, etc., above the height of three (3) feet measured from the finished street centerline level, shall be planted, placed, erected, or maintained within the triangular area created by a line connecting points of the front and side lot lines at a distance from the intersection of said lines or the extension of said lines:

At an intersection involving:

1. Driveway and a street: Ten (10) feet.
2. An alley and a street: Ten (10) feet.
3. A street and a street: Thirty (30) feet.
4. Major thoroughfares: Fifty (50) feet.

Access to Major Thoroughfares: Street, driveway, or other access separation along State and Federal highways shall be in accordance with the South Carolina Department of Transportation's Access and Roadside Management Standards.

Sign Regulations: No sign shall be erected except in compliance with the Town of Yemassee Sign Ordinance. All signs shall be constructed of durable materials and maintained in good condition.

Alteration of Surface Runoff Prohibited: No site shall be developed, or structure erected that will alter appreciably the quantity of surface water runoff to or from adjoining property.

Increase in Flood Hazard Prohibited: No site shaped or structure erected including dikes, dams, or levees that will result in any increase in flood hazard on adjoining or non-contiguous property.

## **Sec. 11-72. Minimum Construction Standards Applying to Special Districts**

### **Conservation District**

- a) Water Related Development Activities: Special exception to the provisions of this Ordinance is hereby given for the construction of certain water-related development activities in the Conservation District for which valid permits have been issued by appropriate state and federal agencies having permitting authority over such activities. Such uses will normally include docks, wharfs, piers, marinas, bulkhead, and erosion control devises. In granting this special exception, the Town of Yemassee does hereby reserve the right to impose the provisions where it is determined that the permitting of such activity by another agency is inconsistent with adopted goals and regulations of the Town aimed at preserving environmental quality.
- b) Site Alteration/Disturbance: The Town of Yemassee recognizes that not all wetlands may possess unique scenic, recreational, and wildlife habitat value. The Town may approve alteration of wetlands as a special permit condition, specifying the manner and extent of alteration permitted, based on evaluation of the affected wetland by agencies and experts deemed appropriate by the Town.
- c) Flood Hazard District: Local Ordinance regarding Flood Control must be adhered to during construction.

## **Sec. 11-73 – 11.79. Reserved**

### **ARTICLE V. SITE DESIGN AND DEVELOPMENT STANDARDS**

#### **Sec. 11-80. Applicability**

No development shall be undertaken, except in conformance with the standards set forth in this Article, unless expressly exempt from obtaining a Development Permit as specified in Section 11-121. The Standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the jurisdiction. All proposed development in the Town of Yemassee that meets the requirements for street, sidewalk, pathway, and bikeway standards shall comply with the provisions of this Article to receive approval of any Development Permit. The design and performance standards of this Article are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Planning Commission, or Town Council.

#### **Sec. 11-81. Purpose and Intent**

The purpose of this Article is to establish design and performance standards for all development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may

document a more applicable standard. Such information may be used to update this Article. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

#### **Sec. 11-82. Addressing and Lot Numbering**

Proposed street names and numbering will be obtained by completing an E-911 Addressing Application and/or a Street Naming Request Application. Every property and/or development shall have legible addresses posted on the property visible from the street with a minimum three (3) inch high letters in a color that contrasts the structure. Within subdivisions, blocks shall be numbered and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. The Town shall provide a reflective E-911 Address marker with each residence for which a permit is procured with no extra cost for the initial marker. The marker shall be installed by the Town of Yemassee Public Works.

#### **Sec. 11-83. Public Access**

While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great, except that such proposed development may impact other property across which access to the development depends. It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers. To this end, all Applicants for development approval on property not immediately contiguous to deeded public right-of-way, shall submit the following:

- a) Copies of recorded deeds, plats, and easements clearly documenting access to the development property; and
- b) In the absence of such recorded documents, evidence that reasonable effort has been made to acquire necessary easements from property owners whose lands over which access is dependent.
- c) Development involving the sale of lots, tracts, or units for which the provisions for public access cannot be met, must include on the face of recorded plats, surveys, and in the body of associated deeds, master deeds, and covenants and restrictions, the following disclosure:
  - i. Disclosure Statement: "It has been determined by the Town of Yemassee, that access to all lots or units contained in this development, is not clearly and legally established or defined at the time of approval of this development for construction and sale of lots or units to the general public." and
  - ii. For development not involving the sale of lots or units which cannot meet the provisions of subpart C.1 of this section, the Community Development Department of the Planning Commission shall send notice of development intent by certified mail to all affected property owners, whose land over which access to the proposed development property is dependent, at least fourteen (14) days in advance of scheduled project review.

- d) The Town Administrator and the Planning Commission shall review all applications for physical adequacy of access on a case-by-case basis and may deny development approval where access is inadequate for emergency vehicles or users may experience unwarranted inconvenience.

## **Sec. 11-84. Street, Sidewalk, Pathway and Bikeway Standards**

### Layout of Circulation System

While it is the intent of this Section to provide ample flexibility in the layout of streets, and most design standards are not specifically required herein, proposed street systems will be reviewed as to its design, safety, and convenience of users as well as adjacent property owners; provided, such review shall be conducted in accordance with reasonable street design standards and with generally accepted engineering and development practices. Emphasis should be placed on safety at curves and intersections.

The layout of the circulation system shall be designed to provide access and to accommodate vehicular traffic and pedestrians safely and efficiently with a minimum impact on adjacent properties. The layout shall also provide an aesthetically pleasing design.

The layout of the circulation system shall be adapted to the site, taking into consideration physical factors such as natural elements, grade, and drainage, as well as aesthetic factors such as the visual impact of the street pattern and the highlighting of special site features.

Streets shall be designed according to a hierarchy of functions with through traffic separated from residential access streets. Pathways may also be provided. They may be designed to be independent of the road system, but they may be required along roads in areas of high intensity land use, provided there is some physical separation from the edge of street pavement, such as curbs or green strips.

Upon determination that reasonable access to adjoining property(s) would be seriously affected by a proposed subdivision design, the Town Planning Commission will notify the adjacent property owner by registered mail of his/her findings and recommend that (s)he take whatever action deemed necessary based on that finding. This provision is merely for the purpose of notifying an adjacent property owner and in no way obviates existing laws regarding access to properties by right of necessity.

General Street Design Standards: All streets shall incorporate, as applicable, the following:

- a) The arrangement of streets shall conform to the circulation requirements of the Comprehensive Plan.
- b) For streets not shown on the Comprehensive Plan, the arrangement shall provide for the extension of existing streets where appropriate.
- c) The road system shall be designed to permit the safe, efficient, and orderly movement of traffic and should generally follow the guidelines of the latest South Carolina Department of Transportation Guidelines and any Federal Guidelines.
- d) The road system for residential subdivisions shall be designed to serve the needs of the neighborhood.
- e) Proposed streets, which are obviously in alignment with other existing and named streets, bear the assigned name of the existing street. Proposed street names shall be obtained by submitting a

New Street Naming Application and E-911 addresses may be obtained by completing an E-911 Addressing Application.

Street Naming Regulations – Staff shall review the completed application as prepared by the applicant and verify that the following criteria are satisfied:

- 1) New Street Names should not be existing and in use within Beaufort, Colleton, Hampton, or Jasper Counties.
- 2) Are not street types with the same primary name, such as Main Street and Main Avenue.
- 3) Are not name (s) which sound alike, or which might be confused with one another.
- 4) Does not use frivolous or complicated words including unconventional spellings.
- 5) Are not numbers (such as 1<sup>st</sup> Street) or alphabetical letters (such as A Street).
- 6) Could not be perceived as offensive.
- 7) Are simple, logical, easy to pronounce, clear and brief.
- 8) Are associated with the history of Yemassee or the character of the Lowcountry when possible.
- 9) May represent a common theme within residential developments.
- 10) The application must comply with the applicable requirements as detailed on the application.

Where a subdivision abuts or contains an existing or proposed major thoroughfare as designated on the Comprehensive Plan, the Town may require (except in planned residential, resort, or commercial developments where a central access road has been provided or is included in the Master Plan for such area) minor access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic;

Cross Access: Street access to adjoining property may be required by the TOWN ADMINISTRATOR, Planning Commission, or Town Council during the development review process. Street stubs to adjoining areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs more than two hundred fifty (250) feet shall be provided with a temporary cul-de-sac turnaround. This temporary cul-de-sac shall meet the requirements as specified in Section 4.5.6. The developer of the adjoining area shall pay the cost of restoring the street to its original design cross section and extending the street.

The Town Administrator may require marginal access, frontage streets, or other such treatment as may be necessary for adequate protection of residential properties where a subdivision abuts or contains an existing or proposed arterial, collector, or other major road. This requirement shall not apply in developments, such as a PUD, where a central access road has been provided.

No fence, wall, tree, terrace, building, sign, shrubbery, hedge, other planting, structure, or object capable of obstructing driver vision will be allowed at intersections.

While finished paving of private streets is encouraged, private streets may be constructed without finished paving; provided, however, that all private streets shall have shoulders, side slopes, and ditches prepared in conformance with the latest edition of the South Carolina Department of Transportation's Access and Roadside Management Standards.

All costs involved in bringing road widths and/or rights-of-way to public street standards shall be borne by either the Developer, a Property Owners' Association, or affected property owners through the creation of a Special Tax District.

All streets shall meet the standards set forth above, whether publicly owned and/or maintained or privately owned and/or maintained.

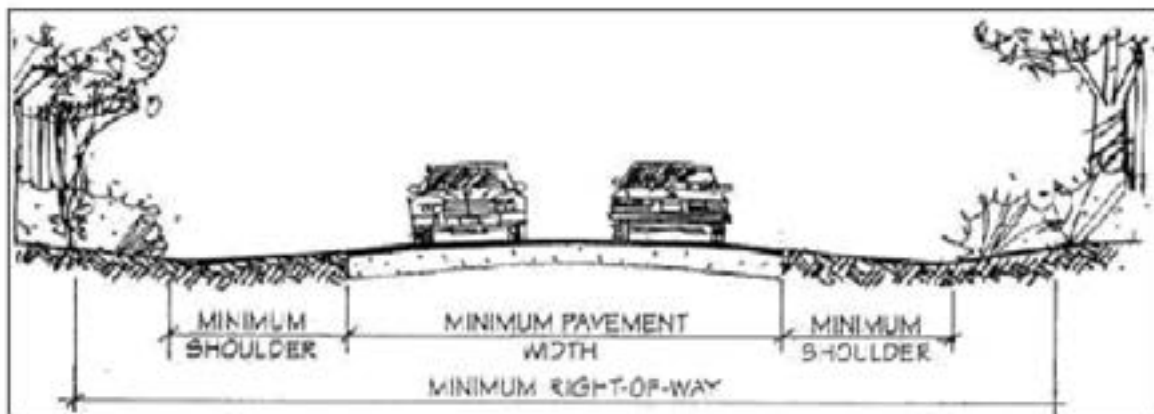
### Street Hierarchy

- a) Streets shall be classified in a street hierarchy system with design tailored to function.
- b) The street hierarchy shall be defined by road function and average daily traffic (ADT). Each street shall be classified and designed to meet or exceed the minimum standards for one (1) of the street types defined below.

### Design Standards by Street Type

Street Standards: The following standards shall apply to all streets.

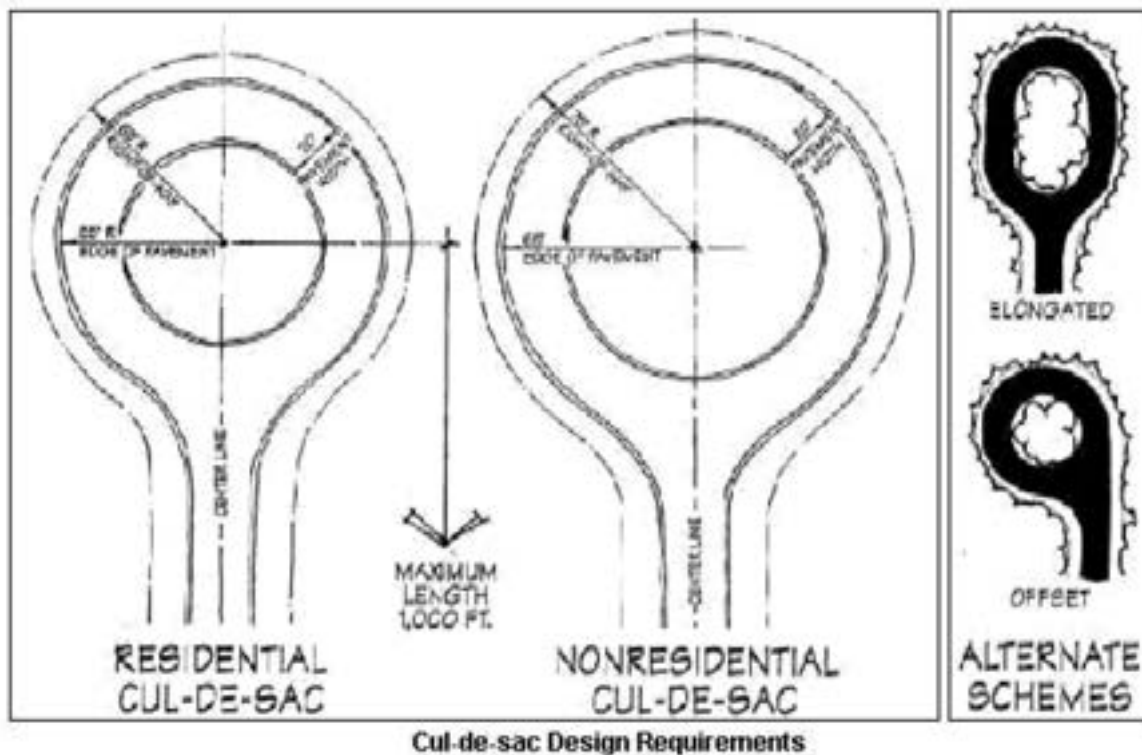
<i>Street Type</i>	<i>Maximum ADT</i>	<i>Minimum Pavement Width</i>	<i>Minimum Shoulder Width</i>	<i>Minimum Right-of-Way</i>
Lane	Fifty (50)	Twenty (20) feet	Four (4) feet	Thirty (30) feet
Cul-de-sac	Two hundred fifty (250)	Twenty (20) feet	Four (4) feet	Forty (40) feet
	Five hundred (500)	Twenty (20) feet	Eight (8) feet	Fifty (50) feet
Local Access	Two thousand (2,000)	Twenty-two (22) feet	Eight (8) feet	Fifty (50) feet
Sub-collector	Four thousand (4,000)	Twenty-four (24) feet	Eight (8) feet	Sixty (60) feet
Collector	Six thousand (6,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Minor Arterial	Twenty-five thousand (25,000)	Twenty-four (24) feet	Ten (10) feet	Seventy (70) feet
Major Arterial	Fifty thousand (50,000)	Twenty-four (24) feet	Twelve (12) feet	One hundred twenty (120) feet



**Street Standards**

- A. Dead-End Streets: No dead-end streets shall be permitted, except those classified as a lane or cul-de-sac above.
- B. Estimate of Average Daily Trips (ADT): If it is not possible to determine the maximum average daily trips to be served by a street at the time of street design due to uncertainty about the type or intensity of use to be served, then the Applicant shall estimate the probable uses, intensities, and probable ADT. If the TOWN ADMINISTRATOR determines that such estimates are unrealistic, (s)he shall state why and require more realistic estimates.
- C. Right-of-Way: Right-of-way shall be measured from property line to property line and shall be sufficiently wide enough to contain the encompassing street elements of street pavement, shoulders, curbing, sidewalks, and median (if provided). In addition to a street, it may only contain utilities (including drainage), signs allowed by this Ordinance, and where applicable, pathways. The street elements required vary depending on intensity of development and street order. Minimum rights-of-way shall be provided as shown in Section 4.5.4.A.
- D. Cul-de-Sacs: Residential cul-de-sacs shall abide by the following regulations:
  - i. Residential cul-de-sacs shall have a minimum right-of-way radius of sixty-five (65) feet and a minimum outside edge of pavement radius of fifty-five (55) feet.
  - ii. Non-residential cul-de-sacs shall have a minimum right-of-way radius of seventy-five (75) feet and a minimum outside edge-of-pavement radius of sixty-five (65) feet.
  - iii. A cul-de-sac shall have a minimum width of twenty (20) feet of unobstructed pavement.
  - iv. The maximum length of a cul-de-sac shall be one thousand (1,000) feet.

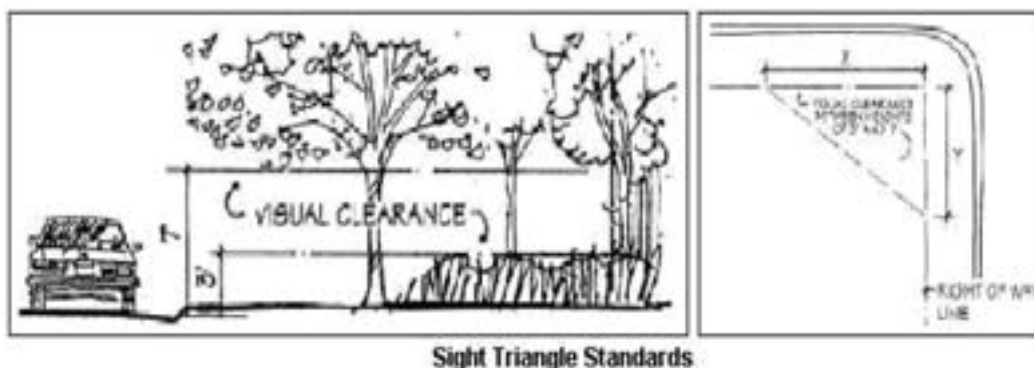




#### E. Street Intersections

- Minimum Intersection Angle:** Street intersections shall be as nearly at right angles as practical, and in no case, shall be less than seventy-five (75) degrees.
- Minimum Centerline Offset of Adjacent Intersections:** New intersections along one (1) side of an existing street shall coincide with and, if practical, be directly opposite any existing intersections on the opposite side of each street. For all streets, the use of "T" intersections in subdivisions is encouraged. To avoid corner cutting when inadequate offsets exist between adjacent intersections, offsets shall be at least one hundred twenty-five (25) feet between centerlines of intersecting streets.
- Grade:** Intersections shall be designed with a relatively flat grade wherever practical. The maximum grade within intersections shall be five (5) percent, but within collectors and lower order streets shall be three (3) percent.

#### F. Sight Triangle Standards



Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street.

2. No structure or plantings (at mature growth) that exceed three (3) feet in height above the street grade shall be permitted within the sight triangle. Exceptions are permitted for trees if the lower canopy of the trees allow a clear line of sight between three (3) feet and seven (7) feet above the street grade and the trunks of such trees are sufficiently spaced or are so located as to be unlikely to substantially interrupt the line of sight.
3. A public right-of-entry shall be reserved for the purpose of removing any object, material, or otherwise that obstructs the clear sight. The distances shown below between the connecting points and the intersection of the right-of-way lines shall be required.
4. Sight triangles shall have the dimensions shown in the following table.

<i>Minimum Sign Distance (in feet)</i>	<i>Lane, Cul-de-sac, Local Access Street</i>	<i>Sub-Collector</i>	<i>Collector</i>	<i>Minor Arterial</i>	<i>Arterial</i>
Lane, Cul-de-sac, Local Access Street	25/25	25/35	30/40	30/45	35/50
Sub-collector	35/25	35/35	40/40	40/45	45/50
Collector	40/30	40/40	40/40	45/45	50/50
Minor Arterial	45/30	45/40	45/45	45/45	50/50
Arterial	50/35	50/45	50/50	50/50	50/50

- E. Curbing: Curbing shall be required at the radials of intersections involving two (2) streets of sub-collector or higher order unless the Town Administrator waives this requirement.
- F. Deceleration Lane and Right Turn Lane: Whenever an arterial or collector road intersects an arterial, the road having the right-of-way shall have a deceleration lane of at least one hundred fifty (150) feet, and the yielding road shall have a right-turn lane designed to allow stacking at least one hundred (100) feet in length. In any case, where neither road is obviously dominant, due to equal order hierarchy, signalization, or other similar factor, then both roads shall provide deceleration or right-turn lanes, as appropriate, of at least one hundred fifty (150) feet.
- G. Stacking Depth: New development on major arterials shall provide a drive aisle of not less than one hundred (100) feet from the arterial, measured from edge of pavement to edge of pavement (including deceleration lanes), so as to provide adequate stacking room for vehicles entering the development. Such drive aisles shall be free of any functions that may impede vehicle travel.

#### Access to Streets

- i. Access may be granted to a parcel of record existing at the time of adoption of the HCOD provided that the property owner demonstrates that (s)he has made significant but unsuccessful efforts to establish alternative access, including, but not limited to the following methods: joint

access with adjoining properties, access from adjacent roads and the establishment of frontage roads; and

- ii. All Other Streets: Along the same side of all other streets no street, driveway, or other vehicle access point shall enter at a point nearer than one hundred (100) feet from the centerline of an existing or final approved street, driveway, or other access point to the centerline of the proposed access.
- iii. Median Cuts: New median cuts on major arterials shall be at least one thousand (1,000) feet from existing or approved median cuts and shall have left-turn deceleration lanes in each direction at the median cut.
- iv. Frontage Required: All multi-family and non-residential development shall have frontage on and access directly onto a street meeting the standards set forth within this Chapter.
- v. Waiver: For a lot of record which would be rendered unusable by the strict application of this Section or by demonstration that the access point is otherwise optimally located so as to provide acceptable turning radii, and minimize adverse impact, including turning movements and visual impact of "strip development" resulting from the less than minimum separation of access point from the roadway, relief may be requested in the form of a request for a waiver from the TOWN ADMINISTRATOR or Planning Commission, as appropriate, during the development review process.

#### Street Lighting:

Lighting, if provided, shall comply with the standards recommended in the IES Lighting Handbook (1981 or as revised), published by the Illuminating Society of North America, or other standards approved by the TOWN ADMINISTRATOR. All such lighting shall be hooded or directed, to the extent practical, to shield the light source from direct view from adjacent properties and streets. Development within the Yemassee Highway Corridor Overlay District (HCO) shall also meet the lighting standards in Section 5.15.11, Highway Corridor Overlay District, Lighting, in the Town of Yemassee Zoning Ordinance.

#### Traffic Signs and Street Name Signs

- a) Traffic signs shall be provided at the Developer's expense, and their design and placement shall be as required by the State of South Carolina's Standards and Criteria or those of the Town of Yemassee.
- b) Street name signs, on private internal streets, shall be provided at the developer's expense. At least two (2) street name signs shall be placed at each four (4) way street intersection and one (1) at each "T" intersection. Signs shall be reflective or installed under light standards and should be consistent of a style appropriate to the Town, of a uniform size and color, and erected on street posts of the same height set in concrete as established by the Town Engineer.
- c) Private Street Sign Design: Deviation from the strict standards will be allowable when approved by the TOWN ADMINISTRATOR in consideration of neighborhood character or special signage. The Town shall consider private street sign design.

Street Furniture: Street furniture, which consists of the man-made elements of a streetscape generally associated with amenities for pedestrians, shall be placed where needed and not interfere with safe use

of the sidewalk or roadway.

Street Design and Construction Standards: Subject to the Town Building Official's approval, the following standards shall apply:

- a) All streets offered for public dedication shall have shoulders, curbs, side slopes, ditches, or alternative storm drainage systems, prepared in conformance with the latest edition of the Standard Specifications for Highway Construction, South Carolina Department of Transportation.
- b) Shoulders should be properly compacted and backfilled to safe edge. Stabilized turf shoulders are not required but are recommended where proper irrigation is available. If curbs are used, shoulders may not be required.
- c) Paving Streets for Public Dedication: All streets offered for public dedication shall be constructed and surfaced with finished paving in conformance with the latest edition of the South Carolina Department of Transportation's Standard Specifications for Highway Construction. Nothing contained herein shall obligate the Town to accept any offer to dedicate.
- d) Paving Private Streets: Private streets may be constructed without finished paving, provided that the finished surface and drainage system are approved by the Town Engineer.
- e) Sidewalks, Pathways, and Bikeways: All new Planned Unit Development, major subdivision, or Highway Corridor Overlay District (HCOD) development must construct its portion of the Town's multi-modal transportation systems, unless an alternative system is approved by the Planning Commission. If a waiver to these provisions is granted by the Town, the owner/developer shall be required to contribute, in lieu of construction, an amount equal to the cost of construction of the required, sidewalk or bikeway for the Town to use in constructing or completing pedestrian/bikeway systems. Pathways and bikeways may be required at the TOWN ADMINISTRATOR's discretion, depending on the probable volume of use, in consideration of the site's location in relation to other populated areas, or its location with respect to an overall pathway and bikeway plan adopted by the Planning Commission. The following standards or substitutions, as well as the standards established within this Ordinance and approved by the Town Administrator shall be followed:

### Definitions

Bicycle: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices. The term "bicycle" for this publication also includes three (3) and four (4) wheeled human-powered vehicles, but not tricycles for children.

Bicycle Facilities: A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways not specifically designated for bicycle use.

Bicycle Lane or Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path or Bike Path: See Pathway.

Bicycle Route System: A system of bikeways, designated by the jurisdiction having authority, with appropriate directional and informational route markers, with or without specific bicycle

route numbers. Bike routes should establish a continuous routing, but maybe a combination of all types of bikeways.

*Bikeway:* A generic term for any road, street, path, or way which in some manner is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

*Shared Roadway:* A roadway, which is open to both bicycle and motor vehicle travel. This may be an existing roadway, street with wide curb lanes, or road with paved shoulders.

*Pathway:* A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

*Pathway, Sidewalk, Pedestrian System, and Bikeway Standards:* Bicycle and pedestrian ways shall include sidewalks, bikeways, and pedestrian paths. Except as provided below, bicycle and pedestrian ways may meander between the curb and right-of-way line where necessary to preserve topographical or natural features or to provide visual interest; provided a grassed or landscaped area at least three (3) feet wide is retained to separate the pathway from the adjacent curb.

*Pathways:* Dimensions and construction specifications of bicycle paths shall be determined by the number and type of users and the location and purpose of the bicycle path. A minimum eight (8) foot paved width shall be provided for two (2) way bicycle traffic and a five (5) foot width for one (1) way traffic.

- a) Choice of surface materials, including bituminous mixes, concrete, gravel, soil, cement, stabilized earth, and wood planking, shall depend on use and users of the path, as approved by the Town Building Official.
- b) Gradients of bike paths should generally not exceed a grade of five (5) percent, except for short distances.

*Pathway Designation:* Any bikeway and/or pathway shall be restricted as part of the site's common open space when on a residential site. On a non-residential property, a permanent easement shall be reserved, and maintenance assigned to a specific entity. The improvements, in either case, may also be offered for public dedication.

*Sidewalks:* Sidewalks are normally to be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of five (5) feet, unless a reduced width or different location is approved by the TOWN ADMINISTRATOR or Planning Commission. Where this separation is not possible within the right-of-way, every effort will be made to locate the sidewalk on an easement on private property or otherwise achieve the desired separation. If it is not possible to maintain the minimum separation, sidewalks may be constructed adjacent to a vertical curb. Other items, which conflict with the sidewalk location, such as utility structures, shall be relocated at the developer's expense.

- a) Sidewalks may abut the curb where the available right-of-way is constrained, when approved as part of a Special District Plan, or where necessary to maintain continuity with previously constructed sidewalks on adjacent properties.

- b) Sidewalks may be required in areas not specifically noted, where necessary, to continue a walk on an existing street, to link areas, or to provide access to pedestrian generators located in proximity.
- c) Commercial and residential sidewalks shall be a minimum of five (5) feet in width and residential sidewalks shall be a minimum of five (5) feet in width. All sidewalks shall be a minimum of four (4) inches in thickness, except where crossing driveways in which case the minimum thickness shall be six (6) inches and will have a six (6) inch by six (6) inch #10 W. W. F. (or equivalent) reinforcement.
- d) All public sidewalks or pedestrian systems within the Town shall be constructed at the expense of the owner of the real estate along which such system is constructed. The owners of real estate within the Town shall construct, at their own expense, good and substantial walkways along abutting rights-of-way and easements dedicated specifically for pedestrian walkways, which shall always be the width prescribed by the Town. Upon failure to do so, the Town shall notify them of such neglect, and if the failure is not corrected by the abutting property owner within thirty (30) days of receipt of written notice from the Town, then the Town shall have the work done by the Town at the expense of the owner of the property, which expense shall constitute a lien on the lot and be enforced in the same manner as a mechanic's lien. The notice shall be in writing and specify the kind of pedestrian system to be built.
- e) Requirements for sidewalks when required for new Planned Unit Development, major subdivisions, or Highway Corridor Overlay District (HCOD) development are:
  - Arterial or Local Commercial Streets: Along the frontage of all properties abutting these streets.
  - Local Residential Streets: A connecting system of sidewalks on both side of each such street; and
  - Multi-Family Residential Streets: A connecting system of sidewalks on both sides of each such street and a sidewalk running from each building in the development to the street.
  - Sidewalks placed on both sides of the street shall not be required where one (1) or more of the following conditions exists, unless a lot has frontage on a road or road is classified as a collector, arterial, or local commercial street, or on a road which provides direct access to a public school, park, or other comparable public facility that is located within one (1) mile of the lot, to wit:
    - i. In subdivisions or developments where the minimum lot size is one and one half (1 ½) acres (65,340 square feet). In such subdivision or development, a pedestrian pathway system is still required.
  - In subdivisions or developments which are physically isolated by water, marsh, saltwater wetlands, or freshwater wetlands from other subdivisions or developments; and/or
  - In affordable housing projects where an alternate pedestrian pathway system is approved by the Planning Commission based on public access and inner connecting.

### Bicycle Facilities

- i. A bikeway providing for travel in two (2) directions shall be provided, if feasible along roadways which the Planning Commission & Town Council determines, subject to review and approval of the South Carolina Department of Transportation and the Town of Yemassee. Consideration shall be given to allow for interconnectivity to existing bikeways or planned bikeway projects outlined in the Beaufort County “Beaufort Connects” plan.
- ii. Bicycle facilities may also be required if a bicycle route system is addressed within an adopted plan, such as the Comprehensive Plan.
- iii. Bicycle lanes shall be constructed of the same materials and specifications as the adjacent street.
- iv. Bicycle-safe drainage grates shall be used in the construction of streets with bicycle lanes.
- v. Bicycle facilities shall be designed to meet the standards of the current version of the American Association of State Highway and Transportation Official's Guide for the Development of Bicycle Facilities.

### **Sec. 11-85. Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area or before conversion from one (1) type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded and improved space.

- A. If the off-street parking space required by this Article cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or by shuttle bus, walkways, or similarly convenient service or access to a more distant remote parking site.
- B. The required parking space for any number of separate uses may be combined in one (1). But the required space assigned to one (1) use may not be assigned to another use, except that one-half ( $\frac{1}{2}$ ) of the parking space required for churches, theaters, or other uses may be assigned to a use which will be closed at night or on Sundays.
- C. All off-street parking in conjunction with development shall be designed to the criteria of the Beaufort and/or Hampton County Engineer. Parking areas shall be designed in such a manner as to eliminate the necessity of utilizing any portion of adjacent street, road, or highway rights-of-way for maneuvering.
- D. The size of parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet, plus adequate area for ingress and egress, other than handicapped, which shall conform to required standards.
- E. Tandem parking spaces shall not be allowed.

- F. In planned resort, residential, and commercial developments where a substantial number of visitors are presumed to arrive by public transportation, the parking spaces noted below will be required.
- i. Auditorium and Theater: One (1) space for each spectator seat.
  - ii. Automobile Service: One (1) space for each vehicle stored or parked, plus one (1) space for each employee.
  - iii. Bank: One (1) space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
  - iv. Bus Terminal: One (1) space for each of the four (4) seats in the waiting room, plus one (1) space for each two (2) employees.
  - v. Child Care Center: One (1) space for each adult attendant, plus two (2) off-street spaces for loading and unloading.
  - vi. Church: One (1) space for each six (6) seats in the main assembly room.
  - vii. Driving Range: One (1) space for each two (2) golf tees.
  - viii. Elementary School: One (1) space for each vehicle owned or operated by the school, plus two (2) spaces for each faculty member and administrative office.
  - ix. Fire Station: One (1) space for each employee and one (1) space for each three (3) volunteer personnel on a normal shift.
  - x. Funeral Home: One (1) space for each of the four (4) seats in the chapel or parlor, plus one (1) space for each employee.
  - xi. Golf Course: Four (4) spaces for each green, plus requirements for any other associated use, except in PUD.
  - xii. Hospital: One (1) space for each of the six (6) patient beds, excluding bassinet, plus one (1) space for each medical staff member or visiting doctor, plus one (1) space for each four (4) employees.
  - xiii. Hotel/Motel: One (1) space for each room to be rented, plus one (1) additional parking space for each of the three (3) employees, plus requirements for any other use associated with the establishment.
  - xiv. Indoor and Outdoor Commercial Recreation: Adequate parking facilities for contemplated use. The required parking spaces for any multiple use area shall be either of the following:
    - a. Number of spaces required for such single use having the greatest parking needs, plus ten (10) percent of the combined required for all other uses in the area; or
    - b. The number of spaces shown to be necessary and reasonable by data submitted by the developer, whichever is less.
  - xv. Industrial Manufacturing and Wholesale: One (1) space for each two (2) employees on the largest shift, plus one (1) space for each member of the managerial or office staff, plus one (1) visitor parking space for each ten (10) persons on the managerial staff, and one (1) space for each vehicle used directly in the conduct of the business.
  - xvi. Junior High School: One (1) space for each vehicle owned or operated by the school, plus three (3) spaces for each faculty member, plus one (1) space for each of the five (5) seats in the auditorium or gymnasium.



- xvii. Mobile Home Park: Two (2) spaces for each mobile home.
- xviii. Nursing Home: One (1) space for each five (5) beds intended for patient use, plus one (1) space for each shift employee.
- xix. Office and/or Professional: One (1) space for each two hundred (200) feet of gross floor space plus one (1) space for each two (2) employees.
- xx. Planned Shopping: Four (4) spaces for every one thousand (1,000) square feet of gross leasable floor area.
- xxi. Public or Private Club: .02 spaces for each two hundred (200) square feet of gross floor space.
- xxii. Public Utility: One (1) space for each employee.
- xxiii. Residential: One and one-half (1 ½) spaces per dwelling unit.
- xxiv. Restaurant: One (1) space for each three (3) seats, plus one (1) space for each two (2) employees.
- xxv. Retail Business: Five (5) spaces for every one thousand (1,000) square feet of gross floor area, except as otherwise specified below.
- xxvi. Appliance and Furniture Store: Two (2) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
- xxvii. Automobile Dealership: One (1) space per one thousand (1,000) vehicle square feet of gross floor area, plus one (1) space for each employee.
- xxviii. Feed and Seed: Two (2) spaces per one thousand (1,000) square feet of gross area, plus one (1) space for each employee.
- xxix. Building Supply: Three (3) spaces per one thousand (1,000) square feet of gross floor area, plus one (1) space for each employee.
- xxx. Sales and Service: One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) space for each two (2) employees.
- xxxi. Senior High School: One (1) space for each vehicle owned or operated by the school, plus seven (7) spaces for each faculty member, plus one (1) space for each administrative office, plus one (1) space for each four (4) students enrolled.
- xxxii. Stadium: One (1) space for each of the four (4) spectator seats.

A waiver of on-site parking spaces may be granted by the Town of Yemassee Planning Commission if required parking can be satisfied by the number of public parking spaces available along the lot line adjacent to the public street. The availability of parking shall be determined based on the accessibility of these parking areas to the proposed business activity as measured by distance and ease of pedestrian access, the amount of surplus parking over the current and projected demand for parking, and any other constraints that may affect the proposed business activity's ability to benefit from the designated parking area. A waiver cannot be granted towards the required on-site handicap parking spaces.

#### **Sec. 11-86. Off-Street Loading Requirements**

- A. Any industrial operation and wholesale building shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be

designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
0 - 25,000	1
25,001 - 40,000	2
40,001 - 100,000	3
100,001 - 160,000	4
160,001 - 240,000	5
240,001 - 320,000	6
320,001 - 400,000	7
Each 90,000 over 400,000	1

- B. All retail uses and office buildings with a total floor area of twenty thousand (20,000) square feet shall have one (1) loading berth or parking space for each twenty thousand (20,000) square feet of floor area; and
- C. Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

#### **Sec. 11-87. Traffic Impact Analysis**

It is the purpose of this Article to guide development in accordance with the existing and future needs of the Town of Yemassee and to protect, promote and improve the public health, safety, convenience, order, appearance, prosperity, and general welfare of the citizens of the Town, as these issues apply to the provisions of this Article. The regulations of this Article are designed to:

- A. Enable the Town to conduct an appropriate review and evaluation of the traffic impact of the proposed developments, so that new development does not impair the Town's ability and obligation to provide adequate road facilities to all its citizens, and to prescribe necessary project-specific mitigation measures as outlined in professionally prepared traffic impact analysis plans.
- B. Enable the Town to address the relationships between land use and the transportation system. The purpose of the Traffic Impact Analysis plan, hereinafter referred to as "TIA", is to identify and quantify transportation related impacts to the public transportation system, and to identify measures to mitigate such traffic impacts; and
- C. Establish uniform procedures for traffic impact analysis.

**Applicability:** The traffic impact analysis plan guidelines shall apply to all land within the Town of Yemassee, except for that specifically exempted below. It is the responsibility of the applicant to submit all data required by the Town necessary for the TIA report.

**Exemptions:** The following types of development shall be exempt from the traffic impact analysis plan

and mitigation requirements and procedures of this part:

- A. Activities and uses not constituting development, or exempt from development plan approval, as defined in Article I.
- B. Town Planned Unit Developments with approved development agreements will be subject to traffic mitigation, including turn lanes, traffic signals and traffic impact analysis based on the terms of the Approved Development Agreements and Zoning Regulations.
- C. Any development that would generate fewer than 50 a.m. or 50 p.m. peak hour trips. Trip generation rates shall be taken from the most current edition of the Institute of Transportation Engineers' Trip Generation Manual (ITE Manual), provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted to the Town Administrator and the Town Planning Commission in determining this alternative. Such a trip generation study shall be undertaken by a qualified traffic-engineering firm and is subject to review and approval by the Town through the Town's development process. The TOWN ADMINISTRATOR shall determine the most appropriate trip generation rate for proposed uses not specifically listed in the ITE Manual. Input from the applicant may be necessary in making this decision.
- D. If the proposed development will be replacing on the same site a vacant or occupied structure, then for the purpose of determining exemptions, the number of ADT, a.m. and p.m. peak hour trips generated by the proposed land use shall be reduced by the number of ADT, a.m. and p.m. peak hour trips generated by the most recent legally established land use.
- E. Proof of the most recent principal land use of a site shall be the responsibility of the applicant and shall be submitted to the Town Administrator for approval. Absent such proof, the ADT, a.m., and p.m. peak hour trip rate will be based on the lowest trip generation of all the uses permitted by right in the site's zoning district.
- F. Any residential development generating less than 200 Average Daily Trips in which at least twenty (20%) percent of its units will qualify as affordable housing as defined for Beaufort and/or Hampton County.

*Traffic Impact Analysis Plan Approval Required:* No development plan approval, with or without conditions or modifications, shall be granted without the applicant for development plan approval first obtaining traffic impact analysis plan approval, unless the development is exempt subject to the provisions listed previously in this Section.

*Traffic Impact Analysis Plan Requirements:*

#### Plan Preparation

- A. Responsibility. Applicants shall be responsible for preparing the complete Traffic Impact Analysis plan (TIA). The expense of preparing the TIA shall be borne solely by the applicant. If the Town determines that a Town Transportation consultant needs to review a TIA, the cost of this review shall also be borne solely by the applicant.

- B. All TIA's shall be prepared, signed, and sealed by a professional engineer with a specialty in traffic and transportation and who is registered in South Carolina.
- C. Submittal Requirements: Three (3) copies of each TIA shall be submitted to the Community Development Department simultaneously and as part of the plan submittal package to the Town.
- D. Traffic Impact Plan Parameters. Prior to beginning the traffic impact analysis plan, the applicant shall submit the following to the Town:
  - a. A written narrative describing the proposed land use(s), size and projected opening date of the project and any phases. The narrative must also identify the Beaufort and/or Hampton County Tax Map and Parcel numbers to be occupied by the proposed development.
  - b. A site location map.
  - c. A proposed site plan showing the location of the proposed development on the site and all points of access to public or private roads or any other development; and
- E. Based on this information, along with the ITE Trip Generation manual and available information on land use, travel patterns and traffic conditions, the applicant will schedule and attend a methodology meeting with the Town Administrator to determine the parameters to be followed in the study including the study area definition, directional split of driveway traffic, trip distribution, background traffic growth rate, previously approved but not completed projects and the intersections to be analyzed along with any current intersection turning movements counts if available, and an identification of other primary assumptions. At the methodology meeting, the Town may require that other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA. A review of needs for transit, bicycle and pedestrian features shall be discussed for inclusion in the traffic impact analysis.

Plan Contents: An acceptable traffic impact analysis shall include an accurate representation of the following elements. All phases of a development are subject to review; however, a traffic impact analysis plan shall be applicable to the phase of development under immediate review:

- A. Transit, Bicycle and Pedestrian Features. A review of needs for transit, bicycle and pedestrian features shall be included, where appropriate, as determined at the methodology meeting.
- B. A current site plan or subdivision plat identifying all access to and from existing or proposed streets and intersections. In addition, a vicinity map shall be provided.
- C. Description of the existing and proposed site land-uses, including the type of proposed land use, the number of residential units by type, the number of existing and proposed lots, the type of proposed non-residential development and the amount of such development measured by gross floor area or other appropriate unit of measure, the general size and type of accessory development or facilities, and, for non-residential development, adequate information to identify the appropriate land use category for trip generation.
- D. Existing and proposed access including cross-access, cross-access easements with adjacent properties, adjacent access points and access across the street, frontage roads, etc.
- E. Development schedule (build out period and phasing).

- F. Existing Conditions. Traffic count data that is collected for the TIA will be included in an appendix to the TIA report. The Town may require at the Pre-Application meeting those other existing conditions, such as roadway widths and right-of-way, signal locations, and existing roadway capacity conditions be included in the TIA.
- G. Projected vehicular trips to and from the completed development during the a.m. and p.m. peak hour. Average Daily Trips (ADT's) shall also be included. Trip rates shall be taken from the ITE Manual, provided, however, that an applicant may elect to perform, at his own expense, a trip generation study which may be submitted as part of the traffic impact analysis plan. Such trip generation study shall be subject to the review and verification of the Town through its development process. For proposed uses not specifically listed in the ITE Manual, and for which a trip generation study has not been performed, the Town Administrator shall determine, in consultation with the applicant's traffic engineer, the most appropriate trip generation rate. The Town Administrator shall make the determination of the appropriate trip generation rate, from whatever source. All assumptions, including the source of information, regarding trip generation, internal capture rates and passer-by rates shall be identified and justified.
- H. Development traffic assignment to the roadway network. The Town, through its development process, may require the use of a transportation model, if appropriate, in the determination of site trip distribution and assignment. Typically, the model will be used for large projects with long build out periods, or where major network or land use changes are anticipated.
- I. A written narrative setting forth the assumptions upon which any projection, made in developing the traffic impact analysis plan required under this part, is based. If the assumptions are derived from the ITE Manual, the materials shall be identified. If the assumptions are not from the ITE Manual, appropriate excerpts will be included in the study and the reasoning underlying the assumptions shall be stated in the narrative.
- J. The traffic impact analysis plan shall be based on intersection analysis procedures for signalized intersections as identified in the South Carolina Department of Transportation Access & Roadside Management Standards (ARMS) manual.

The TIA study area will include the following:

- A. Any intersection that serves as a development's point of access. This will include intersections of public and private roads with any arterials or collectors, as well as driveways offering direct access.
- B. The first major intersection identified by the Town Administrator on either side of the Development's primary point of access.
- C. Other intersections, including all signalized intersections, with existing or future signals, on arterials or collectors if within one (1) road mile of the development's primary point of access and when in the opinion of the Town Administrator there is a potential for a significant impact to the intersections' level of service from site related traffic.
- D. Intersection needs at all development's access intersections shall be determined. This operational evaluation shall include on-site circulation as it may affect access; on-site and off-site turn lanes, and required storage, potential for signalization and review of sight distance and other intersection safety aspects. Usage of joint access driveways and frontage roads are encouraged to

reduce the total number of connections to a roadway network. On-site traffic circulation shall be reviewed, and recommendations made regarding on-site and pavement marking; and

- E. A list of all roadway improvements, as well as planned improvements, which are not yet funded. The list shall identify the type, location, timing, and responsible agency of each roadway improvement project.
- F. The plan must include the results of an analysis of the operating conditions of critical intersections and/or all intersections relative to the quantitative criteria for different levels of service provided in the Highway Capacity Manual. The analysis shall reflect the existing and projected condition of these intersections and movements, based on the scheduled opening date of the development. Other phases of the development, if they can be reasonably determined, shall be considered as well.
- G. Mitigation Plan. A reduction in existing intersection level of service standards makes the proposed development a candidate for mitigation. All proposed mitigation measures must meet guidelines established by the Town of Yemassee through its development review process and the South Carolina Department of Transportation (SCDOT), where applicable, and be submitted to the SCDOT District Office for approval.

Action on Traffic Impact Analysis Plan: Following review of the required traffic impact analysis plan, the Town Administrator shall recommend and/or approve through the development process, one of the following actions: which shall be accompanied by findings of fact supporting the action:

- A. Approve the traffic impact analysis plan as submitted by the applicant.
- B. Approve the traffic impact analysis plan with conditions or modifications.
- C. Approve the traffic impact analysis plan with an acceptable traffic mitigation program.

Expiration of Approval: A traffic impact analysis plan approval shall expire after one year unless the applicant submits a complete development plan review application within one (1) year of the approval date of the traffic impact analysis plan.

Timing of Implementation: If a traffic mitigation program is part of an approved traffic impact analysis plan, all approved traffic mitigation improvements must be implemented prior to receipt of a Certificate of Compliance or unless otherwise provided for as part of the approved traffic impact analysis plan. Traffic mitigation improvements may be bonded. This requirement may arise if the timing of the improvements needs to be synchronized with other scheduled improvements in the area.

Responsibility for Costs of Improvement; Reimbursement: The costs of implementation of an approved mitigation program shall be the responsibility of the applicant.

## **Sec. 11-88. Lot Design**

The Developer shall demonstrate through design and the use of private property restrictions and covenants adequate attention to the following aspects of lot design:

- a) Lot size, width, depth, shape, grade, and orientation to streets
- b) Relationship of residential lots to adjoining non-residential development, existing or proposed.

- c) Building setback lines, front, side, and rear.
- d) Separation of residential lots from major thoroughfares and railroads and other possible incompatible land uses.
- e) Separation and proper screening of non-residential development from adjacent existing residential development. Suitable natural or commercial grade materials of sufficient height shall be used in the construction of the required buffers.

## **Sec. 11-89. Infrastructure and Services**

All development shall be provided with minimum services in conformance with the provisions of this Section. The property owner or Developer, his agents or his assignees shall assume responsibility for the provision of basic services within the proposed development. The requirement of services as a prerequisite for development does not in any way oblige the Town Council or its departments or agents to furnish such services.

- A. No development shall be undertaken if provision has not been made for the following basic services:
  - a. Power supply, normally electric.
  - b. Potable water supply of sufficient quantity to satisfy domestic needs.
  - c. Water supply of acceptable quality and enough to satisfy commercial and industrial demand.
  - d. Means for treatment and disposal of domestic sewage and other liquid waste.
  - e. Means for collection and disposal of solid wastes except for single-family residential subdivisions.
  - f. Vehicle access to existing streets or highways; and
  - g. All driveways shall be paved from the property line to the edge of pavement, except for private dirt roads.
- B. No development shall be undertaken, except in conformance with all applicable standards, regulations, specifications, and permitting procedures established by any duly authorized governmental body or its authorized agents, for the purpose of regulating utilities and services. It shall be the responsibility of the Developer to show that the development is in conformance with all standards, regulations, specifications, and permitting procedures.
- C. No development shall be undertaken unless adequate easements are provided to accommodate all required or planned utilities and drainage. The Developer shall also demonstrate that adequate provisions have been made for access to and maintenance of all easements.
- D. Where there are existing public or private community water and/or sewer systems within one thousand (1,000) feet of a proposed development, the Developer must show evidence that he has explored the possibility of tying into existing systems.
- E. All electrical, telephone, and gas utility lines in the development shall be installed according to plans and specifications approved by the respective utility companies providing such a service. In addition, all such utility lines shall be installed underground unless it is determined that a variance to allow for overhead facilities is warranted due to exigencies of

construction, undue and unreasonable hardship, a conservation easement that restricts the burying of utilities, or any other conditions unique to the development and approved by the Town Administrator.

#### **Sec. 11-90. Property Markers**

At all corners there shall be placed a concrete or other permanent marker of the type commonly used in the area. Concrete control monuments shall be placed on the lot property lines intersection with the road right-of-way lines as shown on a site-specific basis determined during the plan review process.

#### **Sec. 11-91. Stormwater**

All development will contain adequately designed stormwater management systems in accordance with the Beaufort and/or Hampton County Stormwater Management Best Management Practices in use at the time of development and implement necessary maintenance programs for the system, as necessary. Stormwater Management Plans will be reviewed by the Town's designated engineer prior to development approval.

#### **Sec. 11-92. Certified Plans**

All Design, Grading, Drainage, and Construction Plans for roads and for site-related projects shall be prepared and certified by either an Engineer, Landscape Architect, or both where appropriate under State Law, who are registered for practice in South Carolina. However, all Design, Grading, Drainage, and Construction Plans for sanitary sewage systems, potable water systems, and other principal engineering systems, features, or structures shall be prepared and certified only by an Engineer who is registered for practice in South Carolina.

#### **Sec. 11-93. Landscaping Requirements**

##### *Purpose and Intent*

- A. To preserve and protect the local, native vegetation to maintain Yemassee's Lowcountry character.
- B. To acknowledge that landscaped areas of Yemassee provide much needed shade and oxygen for the residents.
- C. To assert that the existence of landscaping enhances property values in the community.
- D. To implement landscape design plans which encourage natural vegetation areas, tree preservation, efficient irrigation, soil health, and proper plant selection.
- E. To eradicate or control certain exotic and invasive plant species that have become nuisances because of their tendencies to destroy native ecosystems and damage public works projects.
- F. To acknowledge that regional wildlife will thrive because of a properly maintained, native ecosystem.
- G. To provide critical habitat with designated natural and safe transportation corridors.
- H. To encourage efficient usage of water with native landscaping and effectively maintaining irrigation systems is vital to the reduction of landscaping and maintenance costs of residential and commercial properties.



- I. To recognize that stormwater management is a critical need for the Yemassee community and landscaping with native vegetation allows for natural percolation and nutrient intake.

### Applicability

The provisions of this ordinance shall apply in all areas of the Town except those areas of the Town which are zoned as Residential 1 Acre (R1A), Residential ½ Acre (R2A), Residential ¼ Acre (R4A) and General Residential (GR).

### Landscape Plan Requirements

The following shall be submitted with all applicable development plans:

- A. Landscape Plan Elements.
- B. Landscape plans shall indicate on a tree and topographic survey drawing or map the proposed natural vegetation areas to be preserved on the site and the proposed areas to be cleared. Applicants are strongly encouraged to utilize existing native landscaping in lieu of new landscape plantings. All (100%) landscaping shall be specified on the survey drawing or map. Additional requirements of a submitted landscape plan are as follows:
  - i. An engineering scale and north arrow.
  - ii. The legal description and address of the property.
  - iii. The property lines and buffers.
  - iv. All existing and proposed site features, such as structures, paved areas, streets, stormwater infrastructure management, and utility easements.
  - v. Existing soil characteristics and classifications.
  - vi. The location, scientific and common names of plants, estimated planting width and height of plants, and the quantity of plants provided shall be listed in a key on the landscape plan.
  - vii. Irrigation plan
- C. Bonding
  - i. The survival of all tree and landscaped areas planted or replanted shall be guaranteed with a tree and landscape maintenance and replacement bond for a period of one (1) year from the date installed. The required bond amount shall equal one hundred twenty-five (125%) percent to replace each tree and landscaped area that is planted, replanted, or relocated on the development site.
- D. Vehicular Use Areas
  - i. Since parking lots are a major source of heat, leading to a reduction in air quality, the emphasis on tree and landscaped plantings is vital. The minimum sized planting area with irrigation methods to support growth shall be 240 square feet. Clustering of certain species of trees and other landscaping elements within an island shall be allowed and shall be equidistant if islands are being utilized.
- E. Stormwater Retention and Detention Areas
  - i. Installation of detention areas and lagoons to retain stormwater runoff is imperative within the Town of Yemassee. Plant material shall be installed within the littoral shelf

area in accordance with the latest Beaufort and/or Hampton County Best Management Practice Manual. Table 1: Appropriate Plants for Stormwater Ponds shall assist the community in selecting these plants.

F. Buffers

a. Land Use Buffers

- i. If existing vegetation is not present within a buffered area, then supplemental plantings shall be installed to provide an opaque buffer. Overstory and understory trees and a combination of herbaceous species shall be utilized.

b. Riparian Buffers

- i. The vegetation within riparian buffers shall remain undisturbed to prevent soil erosion and to protect water quality.

G. Urban Environments

- i. Root barriers shall be installed within tree lawns less than seven feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure. The root barrier may be installed in either continuous, linear patterns or segments to achieve maximum protection of infrastructure and maintain healthy tree and root growth. Specifications for the root barrier system shall be detailed in the landscape plan.

### Plant Selection

The following steps shall be utilized respectfully:

- A. Critical Resource Map. The Yemassee Critical Resource Map shall serve as a resource outlining the historical native vegetative species of a particular ecosystem. The Critical Resource Map shall be used as an initial guide for a person, firm, or corporation when landscape plantings are added to the site.
- B. Existing Vegetation Evaluation. An evaluation of existing vegetation on the site shall assist in the selection of appropriate plant installations.
- C. Published Resources. A list of indigenous and native trees is provided in Table 2: Indigenous Trees of Yemassee of this ordinance. Additional sources include:
  - i. South Carolina Coast A Syst, published by the SC Grant Consortium and Clemson Extension Office.
  - ii. Manual of the Vascular Flora of the Carolinas, published by the University of North Carolina Press
- D. Yemassee Landscaping. The Yemassee "Lowcountry look" emphasizes native trees and heavier vegetative understory in lieu of a larger grass lawn landscape. In turn, trees, herbaceous species, and ground covers shall be given greater emphasis than grass placements.
- E. Exotic and Invasive Species. Exotic and invasive species are strictly prohibited and shall not be used. Please refer to the list in Table 3: Exotic and Invasive Species List of this ordinance.

### Watering and Irrigation Systems

Permanent built-in or temporary irrigation systems shall be installed to ensure the plants will survive the

critical establishment period. Irrigation systems shall be equipped with rain sensors and timers and with backflow prevention as required by the Lowcountry Regional Water System.

### Tree and Plant Specifications

All plant material shall always be maintained in good condition. All plants that die or are destroyed within two (2) years of planting must be replaced, during the next suitable planting season of September through May.

- A. Plant and Tree Standards. All plant and tree material shall meet the American Standard of Nursery Stock standards (ANSI Z60.1-1996). These standards are published by and available from the American Association of Nurserymen (AAN).
- B. Quality of Tree and Landscape Materials. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor to assure a reasonable expectation of survivability.
- C. Height and Caliper Minimums for Large and Medium Trees. Large and Medium Maturing (Canopy) Tree species shall be a minimum of twelve (12') feet in height and have a caliper of at least two and a half (2.5") inches at planting. See Table 2: Indigenous Trees of Yemassee for suitable species choices.
- D. Height and Caliper Minimums for Small Trees. Small Maturing (Understory) Tree species shall be a minimum of five (5) feet in height and have a caliper of at least one and one-half (1 1/2) inches at planting. See Table 2: Indigenous Trees of Yemassee.
- E. Shrub and Hedge Height and Spread Requirements. Height requirements for shrubs and hedges shall in be in general a minimum of eighteen (18) inches and a spread of fifteen (15) inches at the time of planting depending on type and growth structure. Rare allowances shall be made for native selections.

### Tree and Plant Installation

- All planting installations shall comply with the following:
  - i. The diameter of the planting hole shall be a minimum of two (2) times the diameter of the root ball.
  - ii. The planting hole sidewalls shall be scored or roughened to eliminate the smooth, slick surface caused by the shovel or auger.
  - iii. If containerized material is to be planted, any circling roots shall be cut by slicing the root ball vertically from top to bottom in two to three well-spaced lines around the root ball with a sharp knife.
  - iv. The root ball shall rest on undisturbed soil in the planting hole with the top of the root ball on level with the natural ground level or slightly raised (not to exceed a height of two (2) inches above the natural ground level).
  - v. Any tree planted with the top of the root ball below natural ground level shall be replanted to the correct elevation.
  - vi. The soil used to backfill around the root ball shall be uncompacted, native soil free of rocks, trash, or any construction debris.

- vii. Stakes and guy wires shall be installed. Supporting devices shall not interfere with vehicular or pedestrian movement and shall be removed after twelve (12) months.
- **Mulch Requirements**
  - i. Mulch in the form of pine straw, pine bark, or wood chips shall be a minimum of four (4) inches of mulch and shall be distributed evenly over the tree planting hole and at least four (4) inches away from the base of the tree trunk. If mulch contains an exotic or invasive species within its contents, the mulch must be non-seeded. Fertilizer should be supplemented in the mulch to reduce the intake of nitrogen away from the tree roots during natural decomposition.

### Residential Developments

For new development subdivisions to meet the minimum tree cover required within this Chapter, the Native Vegetation and Tree Protection Ordinance, the following shall be applied:

<i>Lot Size</i>	<i>Number of Trees</i>	<i>Type of Tree*</i>
4,719 square feet	3	1 Large, 2 Small
5,662.8 square feet	4	1 Large, 1 Medium, 2 Small
7,078.5 square feet	5	1 Large, 2 Medium, 2 Small
9,428.56 square feet	6	2 Large, 1 Medium, 3 Small
*Denotes a recommended combination of large, medium, and small trees. See Table 2: Indigenous Trees of Yemassee for a tree listing.		

### Commercial/Mixed Use Developments

Side and rear vegetative areas and buffers shall remain undisturbed unless supplemental plantings are required in accordance within this Chapter. Landscape Plan Requirements Buffers. Waivers from this section shall be discouraged.

*Table 1: Appropriate Plants for Stormwater Ponds*

Common	Scientific
Smooth Cord Grass	<i>Spartina alterniflora</i>
Golden Canna	<i>Canna flaccida</i>
Blue Flag Iris	<i>Iris virginica</i>
St. Johns Wort	<i>Hypericum perforatum</i>
Duck Potato	<i>Sagittaria latifolia</i>
Arrowhead	<i>Sagittaria lancifolia</i>
Bulrush	<i>Scirpus californicus</i>
Soft Rushes	<i>Juncus sp</i>
Giant/Soft-Stem Rushes	<i>Scirpus californicus</i>
Gulf Coast Spikerush	<i>Eleocharis cellulosa</i>
Water Lily	<i>Nymphaea odorata</i>

Tape or Eelgrass	Vallisneria sp
Pondweed	Sagittaria stagnorum
American Lotus	Nelumbo lutea
Pickeralweed	Pontederia cordata
Swamp Lily	Crinum americanum
Bald Cypress	Taxodium distichum, var. distichum
Pond Cypress	Taxodium distichum, var. imbricarium

Table 2: Indigenous Trees of Yemassee Native (N) and Urban-Friendly (U)

### Large Canopy Trees

(Trees with a mature height of 40' and greater and display a canopy width of at least 30'.)

Genus and Common Name		
Acer barbatum, Southern Sugar Maple	N	U
Acer negundo, Box elder	N	
Acer rubrum, Red Maple	N	U
Betula nigra, River Birch	N	U
Carya aquatica, Water hickory	N	
Carya cordiformis, Bitternut Hickory	N	
Carya glabra, Pignut hickory	N	U
Carya illinoensis, Pecan		
Carya myristiciformis, Nutmeg hickory	N	U
Carya ovata, Shagbark Hickory	N	U
Carya pallida, Sand hickory		
Carya tomentosa, Mockernut hickory	N	
Celtis occidentalis, Hackberry		U
Celtis laevigata, Sugarberry	N	
Fagus grandifolia, American beech		U
Ginkgo biloba, Maidenhair tree		
Gleditsia triacanthos, Honey locust		U
Juglans nigra, Black walnut		
Juniperus virginiana, Red cedar	N	
Liquidambar styraciflua 'Rotundiloba', Fruitless or roundleaf sweetgum		U
Liquidambar styraciflua, Sweetgum	N	U
Liriodendron tulipifera, Tulip tree	N	U
Magnolia ashei, Ash magnolia		
Magnolia grandiflora, Southern magnolia	N	U
Morus rubra, Red mulberry		
Nyssa 'biflora', Swamp black gum	N	
Nyssa aquatica, Water tupelo	N	
Nyssa ogeche, Ogeechee Lime		
Nyssa sylvatica, Black Gum or Black Tupelo	N	U
Pinus echinata, Shortleaf pine	N	
Pinus elliottii, Slash pine	N	
Pinus glabra, Spruce pine	N	U
Pinus palustris, Longleaf pine	N	U

Pinus serotina, Pond pine	N	
Pinus taeda, Loblolly pine	N	U
Platanus occidentalis, American Sycamore	N	U
Populus alba, White poplar		
Prunus serotina, Black Cherry		
Quercus acutissima, Sawtooth oak		
Quercus alba, White oak	N	U
Quercus coccinea, Scarlet oak	N	U
Quercus falcata, Southern red oak	N	U
Quercus glauca, Ringcupped oak		U
Quercus incana, Bluejack oak	N	
Quercus laurifolia, Laurel oak	N	U
Quercus lyrata, Overcup oak	N	U
Quercus marilandica, Blackjack oak	N	
Quercus michauxii, Swamp chestnut oak	N	U
Quercus nigra, Water oak	N	
Quercus phellos, Willow Oak	N	U
Quercus shumardii, Shumard's red oak	N	U
Quercus stellata, Post oak	N	
Quercus velutina, Black oak	N	
Quercus virginiana, Live oak	N	U
Robina pseudoacacia, Black locust	N	
Taxodium ascendens, Pond cypress	N	U
Taxodium distichum, Bald cypress	N	U
Tilia caroliniana, Carolina basswood		
Ulmus alata, Winged elm	N	
Ulmus americana, American elm	N	U
Ulmus rubra, Slippery elm	N	

#### Medium Trees

(Trees which can reach a height of 25-40'.)

Genus and Common Name		
Carpinus caroliniana, American hornbeam	N	U
Cercis canadensis, Eastern redbud	N	U
Cladrastis kentukea, American Yellowwood	N	U
Fraxinus pennsylvanica, Green ash	N	U
Gordonia lasianthus, Loblolly bay	N	U
Halesia carolina, Carolina silverbell	N	U
Ilex attenuata 'East Palatka', East Palatka holly		U
Ilex attenuata 'Fosteri', Foster holly		U
Ilex attenuata 'Savannah', Savannah Holly		U
Ilex opaca, American Holly	N	U
Magnolia virginiana, Sweet bay magnolia	N	U
Ostrya virginiana, Eastern hophornbeam	N	U
Prunus caroliniana, Carolina cherry laurel	N	U
Sassafras albidum, Sassafras	N	U
Acer Oliveranum, Olive Maple		

Amelanchier arborea, Downy Serviceberry	N	
Amelanchier Canadensis, Shadblow serviceberry	N	
Broussonetia papyrifera, Paper mulberry		
Bumelia lycioides, Buckthorn bumelia	N	
Bumelia tenax, Tough bumelia	N	
Carpinus caroliniana, Ironwood		
Castanea pumila, Chinquapin	N	
Catalpa bignonioides, Common catalpa	N	
Davidia involucrate, Dove Tree		
Diospyros virginiana, Persimmon	N	
Ficus carica, Sweet fig		
Fraxinus caroliniana, Carolina ash	N	
Fraxinus profunda, Pumpkin ash	N	
Gleditsia aquatica, Water locust	N	
Halesia diptera, Two-winged silverbell	N	
Ilex attenuata 'Hume', Hume Holly		
Ilex latifolia, Lusterleaf Holly		
Juniperus silicicola, Southern Red Cedar	N	U
Maclura pomifera, Osage Orange		
Magnolia pyramidata, Pyramid magnolia		
Osmanthus americanus, Devil wood	N	
Parkinsonia aculeate, Jerusalem Thorn		
Persea borbonia, Red bay	N	
Populus deltoides, Eastern cottonwood	N	
Populus heterophylla, Swamp cottonwood	N	
Pyrus communis, Common pear		
Salix babylonica, Weeping willow		
Salix nigra, Black willow	N	U

## Small Trees

(Trees less than 25' in height at maturity.)

Genus and Common Name		
Acer griseum, Paperbark maple		
Aesculus pavia, Red buckeye	N	U
Alnus serrulata, Common alder	N	
Aralia spinosa, Devil's walking stick	N	
Arbutus unedo, Strawberry tree		
Asimina triloba, Pawpaw	N	
Bumelia lanuginosa, Gum bumelia	N	
Carya floridana, Scrub hickory	N	
Celtis tenuifolia, Hackberry	N	U
Chionanthus virginicus, Fringetree	N	U
Cliftonia monophylls, Buckwheat tree	N	
Cornus alternifolia, Dogwood	N	U
Cornus florida, Dogwood	N	U
Cornus foemina, Stiff dogwood	N	
Crataegus aestivalis, May haw	N	

Crataegus marshallii, Parsley hawthorn	N	
Crataegus viridis, Green hawthorn	N	
Cudrania tricuspidata, Cudrania		
Cyrilla racemiflora, Swamp cyrilla	N	
Eriobotrya japonica, Loquat	N	U
Erythrina herbacea, Eastern coralbean		
Eucalyptus polyanthemos, Silver dollar tree		
Forestiera acuminata, Swamp privet	N	
Franklinia altamaha, Franklinia	N	
Hamamelis virginiana, Witch hazel	N	
Ilex cassine, Dahoon holly	N	
Ilex decidua, Possumhaw	N	
Ilex myrtifolia, Myrtle-leaf holly	N	
Ilex pernyi, Perny holly	N	
Ilex vomitoria 'Pendula', Weeping holly	N	U
Ilex vomitoria, Yaupon holly	N	U
Juniperus virginiana, Red cedar		U
Koelreuteria bipinnata, Goldenraintree		U
Lagerstroemia indica faurei, Cherokee, Muskogee, Natchez crape myrtle		U
Lagerstroemia indica, Crape myrtle		U
Crataegus spathulata, Littlehip hawthorn		
Malus angustifolia, Southern crabapple		
Malus prunifolia 'Callaway', Callaway crabapple		
Morus alba, White mulberry		
Myrica cerifera, Wax myrtle	N	U
Osmanthus fortunei, Fortune's Tea olive		
Osmanthus fragrans, Fragrant Tea Olive		
Osmanthus heterophyllus, Hollyleaf osmanthus		
Oxydendrum arboreum, Sourwood	N	U
Pinckneya bracteata, Pinckneya, feverbark	N	
Planera aquatica, Planetree	N	
Prunus angustifolia, Chicksaw plum	N	
Prunus cerasifera 'Atropurpurea', Purple-leafed plum		
Prunus cerasifera 'Newport', Cherry plum		
Prunus granatum, Hog plum	N	
Prunus mume, Flowering apricot		
Prunus persica, Flowering peach		
Prunus umbellata, Flatwoods plum		
Punica granatum, Pomegranate		
Quercus laevis, Turkey oak	N	U
Quercus myrtifolia, Myrtle oak	N	
Quercus virginiana 'Maritima', Sand live oak	N	
Rhamnus carolinianus, Buckthorn	N	
Rhus copallina, Shiny or winged sumac	N	
Salix caroliniana, Coastal plain willow	N	
Sapindus marginatus, Soapberry	N	
Southern plum		



Stewartia malacodendron, Silky stewartia	N	
Styrax americanus, American snowbell	N	
Symplocos tinctoria, Horsesugar sweetleaf	N	
Vaccinium arboreum, Sparkleberry	N	U
Vitex agnus-castus, Lilic chastetree		U
Zanthoxylum clava-herculis, Hercules club	N	
Palms and Cycad		
Genus and Common Name		
Cycas revolute, Sago cycas		
Rapidophyllum histrix, Needle palm	N	U
Sabal etonia, Scrub palmetto	N	
Sabal minor, Dwarf palmetto	N	
Sabal palmetto, Cabbage palmetto	N	U
Serenoa repens, Saw palmetto	N	U
Zamia pumila, Sago cycas		

*Table 3: Exotic and Invasive Species*

*This list includes species which are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.*

Albizia julibrissin	Mimosa tree
Ardisia crenata	Coral adrisia
Bahia grass	
Cinnamomum camphora	Camphor tree
Colocasia esculenta	Wild taro
Dioscorea alata	Winged yam
Dioscorea bulbifera	Air-potato
Eichhornia crassipes	Water-hyacinth
Elaeagnus pungens	Thorny elaeagnus
Firmiana simplex	Parasol tree
Hedera helix	English ivy
Hydrilla verticillata	Hydrilla
Hygrophila polysperma	Green hygro
Imperata cylindrical	Cogon grass
Lantana camara	Lantana, Shrub verbena
Ligustrum lucidum	Glossy privet
Ligustrum sinense	Chinese privet, Hedge privet
Ligustrum japonica	
Lonicera japonica	Japanese honeysuckle
Lygodium microphyllum	Old World climbing fern
Melia azedarach	Chinaberry
Nandina domestica	Nandina, Heavenly bamboo
Nephrolepis cordifolia	Sword fern
Paederia foetida	Skunk vine

Panicum repens	Torpedo grass
Pistia stratiotes	Waterlettuce
Pueraria Montana	Kudzu
Ruellia brittoniana	Mexican petunia
Sapium sebiferum	Chinese tallow, Popcorn tree
Solanum viarum	Tropical soda apple
Tradescantia fluminensis	White flowered wandering jew
Vinca major	
Wisteria sinensis	

### Sec. 11-95. Site Density

Maximum Density is determined by the base zoning of the parcel and varies based on Zoning District. Refer to Zoning Ordinance for specific requirements.

### Sec. 11-96. Open Space Standards

Open space as required herein, shall mean all areas not utilized for buildings, sidewalks, roads, and parking. Areas qualifying as open space are landscaped areas, lagoons, ponds, lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

The Required open space as shown in Table 3 shall be computed as a percentage of the total development tract size.

In the case of Planned Unit Developments, required open space shall be computed as the aggregate sum of the respective open space percentages computed for the various designated land uses and densities within the overall PUD. The total open space required may be provided anywhere within the boundaries of the PUD.

In the case of development fronting on tidal wetlands, the Developer may utilize a portion of the wetlands for which title is held, to meet up to seventy-five (75) percent of the open space required in Table 3. The Open space credit may not exceed the total amount of the wetlands for which title is held.

*Table 3: Percent Open Space Required by Land Use and Density*

Land Use	Percent Open Space
Residential	
Single-family < 10 Acres	NA
Single-family > 10 Acres	10
Multi-family 2 du/acre	20
Multi-family 3 - 8 du/acre	30
Multi-family 9 - 15 du/acre	40
Multi-family 16 du/acre and above	50
Institutional	15
Commercial	15
Industrial	20

Example: Development Tract Size (including wetlands) equals seven (7) acres.

High Ground = Three (3) acres

Wetlands = Four (4) acres

Proposed Density = Nine (9) du/acres

Required Open Space from Table 3 = Sixty (60) percent x seven (7) acres = 4.2 acres

Open Space Required on High Ground = 4.2 acres

-3.15 acres

1.05 acres

For hotels and motels (with an equivalent of forty (40) percent of a residential unit), required open space percentage is computed by dividing the hotel/motel units per acre by two and one half (2 ½) and applying the resultant residential density requirement.

#### **Sec. 11-98. Town Approvals Required**

No development shall be undertaken except where Master Plans, Site Plans, or plans have been submitted to and approved by the Town, clearly denoting all proposed use of the land and the maximum density or size of such use thereon. Such declared uses, density, and size shall not be deviated from until such proposed changes are submitted to and approved by the Town. Undesignated areas on Master Plans, Site Plans, or plans shall be considered as open space, and any proposed use thereof, other than open space, shall be submitted to and approved by the Town.

#### **Sec. 11-99. Fire Safety Standards**

The Fire Safety Standards prescribed herein shall apply to all development activities. All proposed development site review shall be reviewed by the local Fire Official having jurisdiction over fire and life safety standards contained in this Ordinance. Prior to the final plan approval, the local Fire Official shall make written recommendations to the Town administration indicating approval of the design submitted or delineating needed design changes consistent with fire and life safety standards and practices.

The Authority having Jurisdiction (AHJ) shall inspect the completed development site for compliance with the approved plans and submit his/her findings to the Town Administrator prior to issuance of a Certificate of Zoning Compliance.

All occupancies, excluding one (1) or two (2) family dwellings that exceed thirty-five (35) feet in height or exceed a total fire flow demand of three thousand five hundred (3,500) gallons per minute (gpm) as referenced in the Insurance Service Organization's (ISO) Requirements For Specialized Equipment, must have adjustments to plans approved by the Fire District Fire Chief and the Town's designated Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and Town Council which provide assistance in purchasing the appropriate firefighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for the Sheldon

Township Fire District or Hampton County Fire Rescue.

No development shall be constructed so as to obstruct emergency vehicular access to the development property or associated buildings and structures. To ensure that access will not be impaired in any emergency, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping, alleys, and maintenance of roads. Where buildings are over twenty thousand (20,000) square feet in area, a wall is more than three hundred (300) feet from a fire hydrant or over thirty-five (35) feet in height, special all-weather fire access may be required to meet the Fire Official's approval.

For all subdivisions and land developments of property except single-family subdivisions of four (4) lots or less, prior to bringing any combustibles to a site, the landowner shall get a determination as to whether they are in quantities deemed hazardous by the Fire Official. The Fire Official shall notify the Town if a temporary or permanent water supply and adequate access is required for these materials prior to the start of construction, as approved by the Fire Official.

1. A combustible material is one that is made of wood, compressed paper, plant fibers, plastics, or other materials that can ignite and burn, whether flameproof or not, or whether plastered or unplastered, and not meet the definition of noncombustible material.
2. A noncombustible material is one that, in the form in which it is used and under the conditions anticipated, does not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat.

#### **Sec. 11-100. Site Design and Development Standards Applying to Special Districts**

**Conservation District:** The standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Conservation District. No structures, which impede natural tidal flow and have the effect of reducing the quantity and frequency of water reaching marsh areas, will be permitted, except approved in conjunction with nature and related uses.

**Flood Hazard District:** All standards prescribed in this Section shall apply to all site design and development hereafter undertaken within the Flood Hazard District. (The Flood Hazard District corresponds to special flood hazard areas officially designated by the Federal Insurance Administration).

- A. Plats of development lying in a flood hazard area shall have such areas clearly delineated on the plat by indication of the topographic contour line corresponding to the one hundred (100) year flood elevation shown on the Official County Flood Plain Maps.
- B. Engineering Plans and specifications shall be submitted showing that adequate design has been incorporated to assure to the maximum extent possible that:
  - i. Water supply systems will be constructed to preclude infiltration by flood waters.
  - ii. Wastewater disposal systems, including septic tanks, will be constructed to preclude infiltration by flood waters; and

- iii. The types and construction of fill materials used for building foundations are such to minimize settlement, slope erosion, siltation, and facilitate drainage of potential surrounding flood waters.
- B. Covenant or deed restrictions shall be placed in the deeds to all lots of a development lying within a flood hazard area stipulating to the owner that:
- i. Construction of a residential structure (or commercial structure in the case of a commercial business subdivision) on that lot lying within a flood hazard area, shall have, as a minimum first floor elevation, the level of the one hundred (100) year flood or above as designated on the Official County Flood Plain Map.
  - ii. Construction on lots within what is defined and designated as "coastal high hazard areas" velocity, shall be elevated and securely anchored to well-anchored piles or columns and have the level of the bottom of the lowest horizontal support member at or above the level of the one hundred (100) year flood. Space below the level of the first-floor level shall be free of obstruction or covered by break away façade material capable of producing free obstruction for the impact of abnormally high tides or wind driven water; and
  - iii. All other requirements of the Beaufort and/or Hampton County Building Code related to construction in flood hazard areas must be met.

On all plats of development, for which lots, sites, or structures are to be sold or leased, the following statement shall be clearly affixed to the plat(s) and readily visible. "The areas indicated on this plat as flood hazard areas have been identified as having at least a one (1) percent chance of being flooded in any given year by rising tidal waters associated with possible hurricanes. Local regulations require that certain flood hazard protective measures be incorporated in the design and construction of structures in these designated areas." Reference shall be made to the development covenants and restrictions of this development and requirements of the Beaufort and/or Hampton County Building Code Department. In addition, federal law requires mandatory purchase of flood insurance as a prerequisite to mortgage financing in these designated flood hazard areas.

**Secs 11-101 – 109. Reserved**

## **ARTICLE VI. SUBDIVISION REGULATIONS**

### **Sec. 11-110. In General**

Applicability: All proposed development in the Town of Yemassee that meets the definition of a subdivision shall comply with the provisions of this Article to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat. The design and performance standards of this Section are generally applicable to all development in the Town. In the review of any proposed development, on a site-specific basis, some of the design and performance standards may be deemed inapplicable as determined by the Town Administrator.

Purpose and Intent: The purpose of this Article is to establish design and performance standards for all

**CHAPTER 11 – DEVELOPMENT STANDARDS**

development in the Town. The standards promote good site design and planning that produces development that is functional, an asset to the community, and in keeping with the general nature of the Town. The standards allow for and promote design integration of the man-made improvements to the land with the natural elements of the land. Due to ever accumulating knowledge about site design, the design and performance standards will be monitored and reviewed on an on-going basis as to their reasonability and effectiveness in promoting these purposes. Developers are urged to present information which may document a more applicable standard. Such information may be used to update this Section. Town adoption of neighborhood plans or Planned Unit Developments (PUD) may result in neighborhood or PUD standards supplementing or replacing these standards.

### **Sec. 11-111. Subdivision Review**

Applicability: All proposed development defined as a subdivision under this Section shall comply with the provisions of this Article to receive approval of the subdivision plat as a prerequisite to the recording of the approved subdivision plat.

Definition of Major and Minor Subdivision: A minor subdivision is a division of land into Eight (8) or fewer residential lots. All other divisions shall be considered major subdivisions.

Major Subdivision Submission Requirements: All applications for subdivision approval shall include the following:

- i. Application Form and Fee: An application form as published by the Administration Department, including the names and addresses of the owner(s) of record and the Applicant, if different from the owner, other information as stated on the application, and required subdivision application fee.
- ii. Subdivision Plan: The subdivision site plan shall constitute the totality of the land the subdivider proposes to record and develop. When a subdivision is being developed in phases, the final subdivision plan shall constitute only that portion, which the subdivider proposed to develop and record, with a sketch of the entire subdivision included (also see Subdivision Plan requirements below). Twelve (12) black line prints of a subdivision site plan in standard sheet of twenty-four (24) by thirty-six (36) inches and at a scale of one (1) foot equals fifty (50) feet or, other scale acceptable to the Administration Department. Plans must be certified and prepared by and/or under the direct supervision of a Professional Engineer qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession in the State of South Carolina.
- iii. Subdivision Plat: Twelve (12) black line prints of a subdivision plat in standard sheet size of twenty-four (24) inches by thirty-six (36) inches and at a scale of one (1) inch equals one hundred (100) feet, or other scale acceptable to the Administration Department. Plans must be prepared by a Registered Surveyor, with a valid Town of Yemassee Business License, showing:
  - a. Date (including any revision dates), proposed subdivision name and location, name of owner, north arrow, graphic scale, and reference meridian.
  - b. A legal description of the property and current boundary survey prepared and sealed by a registered, licensed Land Surveyor, and certified to the Town of Yemassee, and showing the following:
  - c. Town limit lines (if any)

- d. Property lines
- e. Right-of-way easements
- f. Streets
- g. Utility transmission lines
- h. Stormwater Infrastructure
- i. Ditches and culverts
- j. Water bodies
- k. Sanitary sewers
- l. Water mains
- m. Bridges
- n. Buildings
- o. Bulkheads and bulkhead fines
- p. Fuel storage tanks
- q. Names and locations of adjoining developments and streets
- r. Names of abutting property owners
- s. Zoning classifications of abutting properties
- t. Tract boundaries and total acreage in tract
- u. The proposed name of the subdivision
- v. Names of the owners of contiguous parcels and an indication of whether contiguous parcels are developed, or a Development Permit has been obtained.
- w. Location and description of all primary control points and monuments used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers, and similar data shall be referred.
- x. Existing and proposed tract boundary lines, right-of-way lines, proposed street names, easements and other rights-of-way, all lot lines and other site lines with accurate dimensions, bearing or deflecting angles or radii, arcs, and central angles of all curves.
- y. The proposed use of lots shall be noted and the purpose of any easement or land reserved or dedicated to public or utility use shall be designated.
- z. Each block shall be numbered, and the lots within each block shall be numbered consecutively.
- aa. Notation of specific reference plats, if applicable.
- bb. The computed acreage of each lot created by the subdivision that satisfies the minimum lot size requirements as defined in the Zoning Ordinance.
- cc. Minimum building setback or buffer lines as required by the Zoning Ordinance.
- dd. Certification by a South Carolina professional Land Surveyor as to the accuracy of the details of the plat, with seal and signature affixed.
- ee. Notation of the one-hundred-year storm flood elevation MSL and Flood Disclosure Statement (if in FEMA Zone A or V);
- ff. Surveyed delineation as appropriate of any wetland area within or contiguous to the subdivision.
  - i. A map or site plan showing:

1. The location, dimensions, descriptions, and flow line of existing watercourses and drainage structures within the tract or on contiguous tracts.
  2. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary.
- gg. Vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the location of the proposed site, relationship to surrounding areas within five hundred (500) feet and including surrounding streets and thoroughfares with access roads referenced to the intersection of the nearest state primary or secondary paved road, existing zoning on the site and surrounding areas, and existing land uses on the site and surrounding areas.
- hh. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries.
- ii. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract.
- jj. A Soil Survey based on the most recent Soil Survey of Beaufort and Hampton Counties, USDA.
- kk. Proposed lot layout, street design, and street right-of-way widths.
- ll. Proposed street names.
- mm. Proposed drainage system layouts.
- nn. Proposed water system layout, except where individual wells are proposed.
- oo. Proposed sewer system layout, except where individual septic tanks are proposed.
- pp. Proposed open space areas.
- qq. Where applicable, surveyed line delineating the extent of any special district boundary on the development property.
- rr. Topographic survey, including flood prone delineations. The most recent topographic survey and USGA flood prone mapping may be utilized.
- ss. Tree survey
- tt. Other affected agencies provide preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority.
- uu. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity).
- iv. The Town may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education, and the like.



- v. A narrative addressing:
  - a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements.
  - b. Proposed phasing and time schedule if development is to be done in phases.
  - c. Certification of Owner's Consent: Certification that the owner of the land has given consent to the proposed subdivision.
  - d. Certification of Title Source: Certification, signed by the surveyor, setting forth the source of title of the owners of the land subdivided or a copy of the deed by which the property was conveyed to the owner.
- vi. Open Space and Public Dedication Narrative: A detailed narrative explaining how the subdivision will meet the open space and public dedication requirements, as applicable, of Section 5.6. The narrative should include:
  - a. Description of the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owners Associations, or the equivalent. Identification of how the open space and facilities relate to existing and proposed open space areas, bikeways, and recreational facilities in Yemassee, envisioned in the Comprehensive Plan, or more detailed plans adopted by the Town Council, such as Planned Unit Developments.
- vii. Subdivision in Phases: Whenever part of a tract is proposed for platting and it is intended to subdivide additional parts in the future, or abutting land is in the same ownership, a sketch plan for the entire tract shall be submitted with the plat.

Minor Subdivision Submission Requirements: A minor subdivision plat shall be submitted with each of the items set forth in this Section, Major Subdivisions, except for the following:

- Open Space Standards: Development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Yemassee Zoning Ordinance or Development Standards Ordinance (DSO), whichever is greater.
- Sidewalk and Pathway Standards within this Ordinance unless the property is a new Planned Unit Development or within the Highway Corridor Overlay District.

#### Maximum Review Period for Plat or Plan

Once an application for review of a subdivision plat or other land development plan is considered complete, failure to act within sixty (60) days, shall constitute approval of the plat or plan, as set forth in Section 6-29-150 of the Code of Laws of South Carolina.

A letter of approval or authorization to proceed shall be sent by the TOWN ADMINISTRATOR to the Applicant within this sixty (60) day period. If the plat or plan is not approved, a written statement detailing the deficiencies shall be sent to the Applicant.

The sixty (60) day time period may be extended by mutual agreement between the Town and the

Applicant.

*Review and Action by Town:* If a proposed subdivision is determined by the Town in conformance with all applicable provisions of this Section and is approved by the Town, the TOWN ADMINISTRATOR shall advise the Applicant in writing. A determination by the Town that all applicable provisions have not been satisfied shall result in disapproval of the subdivision and notice of such disapproval shall be given to the Applicant in writing.

### Appeals

A. Minor Subdivisions: Appeals of administrative decisions on minor subdivisions, made by the Town Administrator shall be made to the Zoning Board of Appeals within thirty (30) days of the date the appealing party has received actual notice from the Town Administrator, in accordance with the procedures in Article VIII, Appeals and Procedures, Town of Yemassee Zoning Ordinance.

B. Major Subdivisions: Appeals of Town Council decisions on major subdivisions, made by the Town Administrator, shall be made to the South Carolina Circuit Court.

*Expiration of Approval:* A subdivision approval shall expire unless a Certificate of Compliance is obtained within two (2) years of the approval, or unless recorded at the Beaufort and/or Hampton County Register of Mesne Conveyances.

### **Sec. 11-112. Certificate of Compliance**

**Applicability:** The regulations set forth in this Article shall apply to any development, which has previously obtained subdivision or development plan approval pursuant to the provisions of this Section, or a prior Development Permit.

**Certificate of Compliance Required:** The development, or approved phase thereto, may not be occupied or used until a Certificate of Compliance has been obtained from the Town of Yemassee. Approved phases for purposes of this Article, shall be an approved phase through the subdivision or development plan approval process, or a phase thereof approved by the Town Administrator prior to a request for an inspection for a Certificate of Compliance. In order for a phase to receive a Certificate of Compliance, that approved phase must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.

### Determination of Compliance

A. Upon completion of all development work and simultaneous with the Applicant's request to the Town for a final site inspection, the Applicant shall submit the applicable documents to the Community Development Department for review and approval.

B. Following the review of the materials submitted above, the Town Administrator shall schedule and conduct a final inspection for the purpose of verifying compliance with all applicable provisions of this Section, requirements of subdivision approval, development plan approval or permit, and any other applicable approval.

C. Upon determination of compliance, the Town shall complete a Certificate of Compliance and forward it to the Applicant.

### Temporary Certificate of Compliance

- A. At the discretion of the Town, a Temporary Certificate of Compliance may be issued for a period to be determined by the Town, up to a maximum of six (6) months, for a subdivision, site, or structure.
- B. No Temporary Certificate of Compliance shall be issued for a development, or approved phase thereof, unless:
  - 1. Development is substantially complete, and the site is in a safe, accessible, and useable condition; and/or
  - 2. Development surety has been provided to the Town.

### **Sec. 11-113. Subdivision Standards**

Purpose and Intent: The purpose of subdivision layout is to create a functional and attractive development with infrastructure and lots appropriately sized and located to minimize adverse impacts. The intent of this Section is to provide clear requirements and guidelines for subdivision design for both major and minor subdivisions.

#### General Requirements

- A. Layout of the development shall be based on complete site analysis. Streets and lots shall be designed and situated to minimize alteration of natural and historical site features to be preserved.
- B. The subdivision layout shall consider the practicality and economic feasibility of development of individual lots, including the environmental characteristics, size of the site, and the requirements of this Ordinance.
- C. Unique and fragile elements including, but not limited to, wetlands, significant stands of trees, and individual trees of significant size shall be preserved, where practical, with development reserved for environmentally stable areas.
- D. Open space and recreational areas shall be planned in accordance with this Ordinance.
- E. Street, sidewalk, and pathways shall be planned in accordance with this Ordinance.
- F. To the extent practical, the proposed development shall be coordinated with all existing and officially approved plans for the surrounding community.
- G. Lots shall be situated so that stormwater may be easily directed away from buildings. In subsequent site-specific development, lots shall be configured so that buildings and general flood sensitive site facilities can be located out of drainage ways.
- H. All subdivisions shall be served by central water and sewer service unless the Town and the utility service provided agree that service is not feasible.

#### Layout of Lots and Blocks

### **CHAPTER 11 – DEVELOPMENT STANDARDS**

- A. Subdivisions may be laid out in conventional, cluster, or a combination of block/lot designs.
- B. The lot configuration and shape shall provide satisfactory sites for buildings, be property related to topography, natural elements, access, drainage, and utilities, and conform to all requirements of this Ordinance.
- C. Lots shall be as nearly rectangular in shape as practical, given consideration of environmental features. Side lot lines shall be perpendicular to straight streets, and radial to curved streets and cul-de-sac turnarounds as practical. The dimensions of corner lots shall permit the required building setbacks from streets and site triangles. Lots shall not be designated with irregular shapes for the purpose of access or to obtain street frontage.
- D. The number of lots within a block shall be as appropriate for the location and the type of development contemplated as practical. Visual monotony created by excessive blocks of lots that are not interrupted by intersections, open space, buffers, and/or features shall be avoided.
- E. Pathways are encouraged throughout the subdivision. Pathways may be required by the Town Administrator to provide circulation or access to schools, playgrounds, shopping, or other community facilities. Interconnection with other pathways is also desirable.

#### Street Access

- A. All major subdivisions shall have direct access to a public street.
- B. Minor subdivisions shall be permitted to provide alternative access in accordance with this Ordinance.

#### Miscellaneous Standards

- A. **Applicability:** Subdivisions shall comply with all applicable design and performance standards of this Ordinance. Setback and buffer standards shall apply to the perimeter of all subdivisions. Setback and buffer areas may be within individual lots if shown on the plat to be recorded. Any question of applicability shall be determined by the Town Administrator.
- B. **Monuments and Markers:** At all lot corners there shall be placed, a concrete marker installed per standard surveying techniques. Horizontal control monuments shall be placed on the pavement of subdivision streets so that no lot is more than two thousand (2,000) feet from a control monument. The control monument shall be placed in a manner satisfactory to the Town Engineer. As an alternative to the above requirement, control monuments may be placed in open space areas, park areas and the like, and may be of the type commonly used in the area and installed according to the common practice, as approved by the Town Engineer. The overall survey control system may be one established by the Planning Commission.
- C. **Subdivision Name:** Every subdivision shall be given a name by which it shall be legally known. Such a name shall not be the same, or in any way so, similar to any name appearing on any recorded plat in Beaufort and/or Hampton County as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section of the subdivision by the same Developer or his successors in title. Every subdivision's name shall have legible

lettering of the same size and type. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision.

D. Addressing and Lot Numbering: Each block shall be numbered, and the lots within each block shall be numbered consecutively and in a logical manner to allow easy emergency access. Proposed street names and numbering will be obtained through submitting an E-911 Addressing Application to the Town Administrator.

E. Lot Size and Septic System: Subdivisions creating lots where the Town and utility provider agree that public sanitary sewer is unavailable, shall demonstrate that all lots are seized to accommodate septic systems. Clearance of said systems from property line is mandatory, and septic easements shall be recorded with the subdivision plat. SCDHEC review of the subdivision shall be required.

Issuance of Certificate of Occupancy: A Certificate of Occupancy shall not be issued by the Town's Community Development Department until either a Certificate of Compliance has been issued by the Town for the site or phase thereof in which the building is located.

#### **Sec. 11-114. Development Sureties**

Development sureties as set forth herein shall be required for:

- A. Any development for which a Temporary Certificate of Compliance is being issued pursuant to Section:
- B. Any development involving the division of land or buildings into single or multiple ownership lots or units, where the actual sale of such lots or units may commence prior to the fulfillment of all requirements of this section and all conditions of approval.
- C. Development surety shall not be required for any development involving the division of land or buildings into single or multiple ownership lots or units, where sale of such lots or units will not occur prior to the completion of all development work required by this Section and all applicable approvals. Any related plat or plan shall be stamped "for construction only, no recording authorized".

#### Types of Sureties

- Cash.
- A bank certified check payable to "Town of Yemassee"
- An irrevocable letter of credit naming the Town of Yemassee as beneficiary; and
- A performance bond by a surety firm, approved by the Town Attorney, naming the Town of Yemassee as beneficiary.
- A letter of credit or performance bond shall be approved by the Town Attorney for content, format, and conditions. The approved original shall be held in the Town safe.

Acceptance of Surety: Prior to the Town's acceptance of any such development surety, the Applicant shall submit to the Town Administrator a copy of a contract signed by both the Developer and Licensed Contractor or an itemized and certified cost estimate prepared by a Licensed Contractor, Registered Engineer, Registered Architect, Registered Landscape Architect, or any combination thereof, which will cover the costs for completion of all required improvements.

### Amount of Surety

- The amount of any such development surety shall be the aggregate amount of the contract or cost estimate approved by the Town that equals at least one hundred twenty-five (125) percent of the improvement costs, plus a fifteen (15) percent contingency fee and an additional ten (10) percent administrative fee. This aggregate amount shall be considered to be the face amount/value of the development surety for determining the appropriate amount of the non-refundable filing fee.
- The contingency fee is required to ensure completion of work which may have been underestimated or unanticipated. The administrative fee is required to cover any potential cost incurred by the Town in administering completion of any unfinished portion of the work and may include, but shall not be limited to, staff time and expenses, and/or possible professional consultant fees.

### Release of Surety

- After final on-site inspection and issuance of a final Certificate of Compliance by the Administration Department that all secured work has been completed, the surety, or any remaining balance thereof, shall be released. In the case of a cash or certified check surety, any interest earned during the time of deposit of such surety in a Town account shall be included in the total amount due at the time of final release.
- A release of an appropriate portion of a development surety, which has been accepted by the Town in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter a "markdown") that has previously been accepted by the Town may be permitted provided that:
  - Prior to a request for a drawdown or markdown, the Applicant shall submit, to the Town Administrator, the contractor's itemized list of work completed and work remaining as secured by the surety, which has been certified by the project engineer or owner.
  - The Administration Department has inspected the work site and has verified in writing that, to the best of his/her knowledge, all such respective work has been completed.
  - The requested drawdown or markdown shall be at least twenty (20) percent of the original face value of the approved surety, but not less than ten thousand (10,000) dollars.
  - No more than one (1) such drawdown or markdown shall be approved during any thirty (30) day period, except for the request for a final drawdown or markdown; and
  - In all cases where a drawdown or markdown is requested, the contingency fee and the administrative fee shall remain intact until the work secured by the development surety is verified by the Administrator to have been finished and a final drawdown or markdown has been requested.

Time Limits on Surety: Time limits on development sureties shall be as follows:

- A. The maximum length of time for which a development surety may be held by the Town shall be twelve (12) months, except as provided for below. Any development surety submitted as a letter of credit or performance bond shall state on its face that, after the date of expiration, the Town as beneficiary shall have thirty (30) days from the date of expiration to make demand upon

the issuing bank or agency for the honoring of such surety, if the respective work has not been fully completed; and

B. Any development surety submitted as a letter of credit or performance bond shall also state, that written notice of the imminent expiration of such surety shall be given to the Town by the surety issuer or Developer not less than thirty (30) days prior to the date of expiration.

**Failure to Complete Work:** If all secured development work has not been completed as of the stated date for such completion, the Town shall contract to complete the remaining work following normal Town bidding procedures.

- In the case of a cash or certified check surety, take possession of the full amount or remaining balance of such surety.
- In the case of a letter of credit or performance bond surety, make demand upon the issuer of such surety for immediate payment to the Town of the full or amended face value of such surety.

## **Sec. 11-115. Open Space Standards for Subdivisions**

### **General Open Space Standards**

A. All development shall include open space areas as part of the site development plan. Open space as required herein shall generally mean all areas not utilized for buildings, roads, and parking, loading areas, or accessory structures. Areas qualifying as open space include, but are not limited to, natural undisturbed areas, landscaped areas, lagoons, ponds, and lakes, natural freshwater wetlands, dedicated wildlife preserves, buffer areas, and ancillary recreational amenities such as swimming pools, tennis courts, and golf courses.

B. Open space for a given development shall be a minimum of thirty-five (35) percent.

C. Minor subdivisions (less than five (5) lots) shall be exempt from the provisions of this Section; however, development of individual lots in minor subdivisions shall comply with the Open Space Standards in the Town of Yemassee Zoning Ordinance, or Development Standards Ordinance (DSO), whichever is greater. In addition, expansion of a minor subdivision onto adjacent parcels, such that the total number of lots in the subdivision is greater than five (5), shall require the provision of open space calculated based upon the entire subdivision. Evidence of expansion of a subdivision shall include, but not be limited to, contiguous ownership of the tracts to be developed, or extension of existing streets to serve additional area.

### **Common Open Space Standards**

A. Common Open Space Required: In major residential subdivisions, a percentage of the required general open space shall be specifically restricted to use as common open space through deed restrictions, covenants, public dedication, or other method acceptable to the Town Administrator. The percentage of required general open space needed to satisfy this standard is in accordance with the area regulations for the base district the site lies.

B. Requirement: Common open space shall be a minimum of twenty-five (25) percent of total open space required by the area regulations of the base district the development lies within, but not less than

fifteen (15) percent of gross acreage, whichever is greater, and shall be legally described and depicted on the subdivision plat to be recorded.

C. Depiction: The common open space shall be depicted on any plat of the development submitted for approval to record. In rental apartment developments or other residential developments not requiring subdivision of land and subsequent recording of a plat, no recording of a plat depicting common open space shall be required, but the restricted area shall be identified on the approved Development Plan. The restricted area shall be referred to in this Section as "common open space".

D. Types of Land Included: Lands included as common open space may include historic sites or lands planned for active recreational uses, such as golf courses, tennis courts, areas for other court games, pedestrian, bike and equestrian trails, plaza areas for crowd congregating, playfields, picnic areas, horse stables, or passive recreation areas.

E. Environmental Land Included: Common open space may also include areas subject to environmental restrictions, such as wetlands, which shall be planned for limited use and access and appropriate protection, in accordance with other sections of this Ordinance pertaining to each environmentally sensitive feature. However, these areas shall not be more than fifty (50) percent of the total required common open space.

F. Accessibility Required: Required common open space shall be reasonably accessible from all parts of the development, especially by pathways. Wherever feasible, the common open space shall connect into existing town parks, recreation, or conservation lands, historic sites, or lands proposed for park, recreation, or conservation in the Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

#### Common Recreational Open Space

##### A. Common Recreational Space Required

In major residential subdivisions, at least twenty-five (25) percent of the common restricted or dedicated open space required above shall be reserved for common recreational uses for the development such as those described in Section 5.6.2 above. The purpose shall be to ensure a reasonable level of accessible recreational facilities for the residents of the development, thereby minimizing the need for expenditure of public funds to provide such recreational facilities.

2. At the time of submission of an application for a Development Plan approval, the Applicant shall specify the location of the common recreational open space and the type of recreational uses and facilities to be located therein.

B. Alternatives: As an alternative to meeting the common recreational open space requirements set forth above and based on documented hardship with no other options available, the Applicant may, at the Planning Commission's discretion, either contribute recreational, conservation, or open space land, or provide a payment in lieu of such contribution, as set forth below. Any contribution or payment in lieu thereof is due prior to recording the plat.

1. Contribution of Recreational Land: The Applicant may contribute comparable land as an expansion to existing or proposed common recreational open space area for a Planned Unit Development, Homeowners Association, or similar neighborhood entity of which residents of the development will be a part. Such common recreational open space area shall be reasonably accessible, in



the opinion of the Town Administrator, and funded in a manner adequate to maintain it.

Contribution of Conservation or Open Space Land:

- a. The Applicant may contribute land that has been designated Conservation Preservation District (CPD) to the Town, or such entity as the Town Council may approve.
- b. Such contributed land shall be at least equal in size to that, which would otherwise be designated common recreational open space for the residential development, or one-half (½) acre, whichever is greater in size.
- c. The Town Administrator, or his designee shall determine whether the land to be conveyed is appropriate for use as a common recreational open space for the public or residents of the residential development. Among the factors to be considered by the TOWN ADMINISTRATOR in making such a determination shall be the accessibility of the land to be conveyed and whether the size and physical characteristics are appropriate.

Reduction of Common Open Space: When a contribution of other land occurs or payment is made, the amount of common open space required may be reduced by the developer in an amount equal to that, which would otherwise have been required for common recreational open space.

Ownership and Maintenance

- Maintenance: Common open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open-space areas shall be owned permanently, preserved, and maintained by any of the following mechanisms or combinations thereof:
- Dedication of common open space to an appropriate public agency if there is a public agency willing to accept the dedication.
- Common ownership of the open space by a Property Owner's or Homeowner's Association or a similar entity approved by the Town Council, which assumes full responsibility for its maintenance; and/or
- Deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the common open-space land and provide for the maintenance responsibility.

Organization Responsible: Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its common open space without first offering to dedicate the same to the Town or an appropriate public agency.

1. If the organization established to own and maintain common open space or any successor organization shall fail to maintain the common open space in reasonable order and condition and in accordance with reasonable health, safety, and welfare standards, the Town may serve written notice upon such organization or upon the residents and owners setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.

2. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof. If such deficiencies are not corrected within such time, the Town shall serve written notice of a hearing on the matter and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of that notice.
3. At such a hearing, the Town may modify the terms of the original notice as to the deficiencies and may give a reasonable extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within the thirty (30) days, or any extension thereof, the Town in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one (1) year.
4. The entry and maintenance shall not vest in the public any rights to use the common open space, except when the same is voluntarily dedicated to the public by the owners.
5. Before the expiration of the year, the Town shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization and to the owners of the development, to be held by the Town.
6. At said hearing, such an organization and the owners of the development shall show cause why such maintenance by the Town shall not, at the election of the Town, continue for the succeeding year.
7. If the Town shall determine such organization is not ready and able to maintain the common open space in a reasonable condition, the Town may, in its discretion, continue to maintain the common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter.
8. The decision of the Town in any such case shall constitute a final administrative decision subject to judicial review.

Costs May Be Assessed: The cost of such maintenance and any administrative costs by the Town shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and, if not paid, shall become a tax lien on the properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property, which is subject to such assessments or charges regardless of when the mortgage or mortgages were created, or when such assessments or charges accrued. The Town, at the time of entering upon the common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Mesne Conveyances upon the properties within the development affected by such lien.

## **ARTICLE VII. DEVELOPMENT PERMITS**

### **Sec. 11-120. Permits Required**

No development shall be undertaken within the Town of Yemassee except in accordance with the procedures established in this Ordinance.

### **Sec. 11-121. Development Exempt from Permit**

The following types of development shall be exempt from obtaining a Development Permit under the provisions of this Article. These developments are, however, subject to the provisions of Article IV of this Ordinance and require a Building Permit. Compliance with the provisions of Article IV for this Code is checked off as part of the administrative process of obtaining a Town Building Permit from the Town Department of Building Inspections.

- a) Any single-family residential structure, including a mobile home, on an individual parcel, tract, lot of record, or on a lot within a platted subdivision existing prior to the adoption of this Ordinance or approved under this Ordinance.
- b) The construction or addition of single-family residential units on family property for occupancy by members of the same family. Applications must be accompanied by a signed statement indicating that the property is family land and existing or proposed occupancy by family members only.
- c) Accessory uses incidental to the enjoyment of a single-family residential structure (i.e., detached garage, swimming pool, pump house, and private use fishponds where no materials are removed from the property).
- d) Home occupations confined within a residential structure.
- e) All farm and farm related structures (See Definitions)
- f) Any structure or use expressly approved as integral to a development permitted in accordance with the provisions of this Article.

### **Sec. 11-122. Approval of Development**

The Town Administrator shall be responsible for the issuance of Development Permits under the provisions of this Ordinance.

### **Sec. 11-123. Conditions for Development Plan Approval**

If the conditions set forth in this Section are satisfied, the Planning Commission shall approve the Development Plan and direct the issuance of a permit. Said permit shall authorize the Applicant to:

Record a Subdivision Plat, where appropriate.

Commence all improvements to the land and the construction of all support facilities as specified by the permit; and

Commence the construction of all buildings and facilities shown by the Development Plan and specified by the permit.

The following conditions shall be met prior to Development Plan approval (Phased planned developments shall be treated, insofar as this Section is concerned, by phases, notwithstanding general approval of the entire plan):

- A. The Applicant has complied with the procedures of this Ordinance and has furnished all information and data expressly required by this Ordinance.

B. The Development Plan complies, or in the case of phased planned developments in relevant part, with the provisions of Article IV and Article V of this Ordinance.

C. The Applicant has satisfactorily demonstrated his ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance, within a reasonable time period and in accordance with all conditions of the permit.

D. The Applicant has established adequate legal safeguards to ensure compliance with the approved Development Plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon.

E. The Applicant has given legal guarantee (where applicable) of the installation and maintenance of water systems, sewer systems, drainage systems, street systems, open space areas, and any other improvements indicated on the final plat in lieu of actual construction of improvements prior to final approval. Such guarantees are applicable only to residential developments involving the sale or other transfer of lots, building sites, or buildings. Guarantees may be in the form of:

1. Letter of commitment from a public agency providing service (such as municipality or public service district providing the water or sewer systems);
2. Dedication to and acceptance by the County of permanent public-maintenance of streets and/or drainage systems or open space areas;
3. Establishment of an automatic homeowners association;
4. Performance bond underwritten by an acceptable South Carolina licensed corporate surety;
5. County government lien against the development property;
6. Escrow account;
7. Irrevocable bank letter of credit;
8. Cashiers check payable to the Town of Yemassee;
9. Any other means acceptable to the Town Council;

F. For all time sharing (internal ownership) units, the Developer must show, prior to commencement of sales, a Financial Plan demonstrating its capacity to fund maintenance and other preferred services;

G. Prior to submitting plans for preliminary plan approval on a project containing an element critical to that development involving other agencies including, but not limited to, the South Carolina Coastal Council, Army Corps of Engineers, and DHEC, the Applicant shall seek preliminary comments from such agencies regarding:

1. Protection of water quality in adjacent waterways and wetlands; and

## CHAPTER 11 – DEVELOPMENT STANDARDS

2. The long-term operating viability of any mechanism or process associated with the element. Comments from the respective agencies will be required in writing at the time of preliminary plan submission.

#### **Sec. 11-124. Project Denial**

The Town Administration has the right to request approval from the Planning Commission on any project. Town Administration and Planning Commission shall deny approval of a Development Permit only if they find that the proposed development does not comply with the expressed provisions of this Ordinance.

#### **Sec. 11-125. Rights Attaching to Development Permits**

Changes to this Ordinance, which become effective after an application for a Development Permit has been filed, but before the permit has been granted, apply to the pending application unless it is determined that the ordinance change would place a unique hardship on the Applicant in having to modify the application to conform with the change.

A change in this Ordinance, which becomes effective after a Development Permit has been granted, shall not apply to the permitted development unless such permit shall have expired as provided earlier in this Ordinance.

A Development Permit is assignable, but an assignment does not discharge any assignor or assignee from the requirements of the approved permit or from any obligation owed to the County in connection with the development unless the Planning Commission approves the discharge of obligations.

#### **Sec. 11-127. Expiration of Development Permits**

Any permit approved under the provisions of this Article shall become invalid one (1) calendar year from the date of its issue unless:

- A. Otherwise specified by the permit.
- B. The Subdivision Plat has been recorded; and/or
- C. An appreciable amount of improvement or development of the land has commenced in accordance with the approved permit, as determined by the Development Review committee, which in the case of phased developments shall be understood as improvement or development of the permitted phase of such development.

The Planning Commission may grant one (1) extension for a period of one (1) calendar year upon request of the Applicant.

#### **Sec. 11-128. Revocation of Development Permits**

Any permit approved under the provisions of this Ordinance may be revoked by the County upon determination that conditions related to a development activity permitted have changed or been altered from that which was approved for the permitted development, or which is not in compliance with the provisions of this Ordinance.

Revocation of a Development Permit immediately ceases all authorized construction, work, or sales associated with the development activity.

The Developer shall be notified in writing of permit revocation and may apply for reinstatement of the permit by correcting the deficiency for which revocation action was taken.

#### **Sec. 11-129. Public Dedication of Improvements**

The State of South Carolina, the County of Hampton, nor the Town of Yemassee accept public dedication of improvements. Improvements remain the responsibility of the developer through development and shall turn over maintenance responsibilities to the Homeowners Association or Property Owners Association.

**Secs. 130 – 139. Reserved.**

### **ARTICLE VIII. ADMINISTRATION, APPEAL, COMPLAINTS AND REMEDIES**

#### **Sec. 11-140. Administration**

This Article defines the department officer responsible for the overall administration of this Ordinance; specifies the powers of that department officer; sets forth procedures for the filing of development applications and the issuance of permits including the establishment of time limits; establishes the foundation and procedures for the appeal of rulings made under this Ordinance; and set forth remedies and penalties for violation.

#### **Sec. 11-141. Grant of Power to Administer and Enforce**

The Town of Yemassee Town Council delegates the responsibility and authority for administration of this Ordinance to the Town Administrator and the Planning Commission. They shall:

- A. Prepare and publish rules and procedures relating to the administration of this Ordinance.
- B. Review and approve or disapprove all permit applications in accordance with Article VI of this Ordinance.
- C. Issue permits in accordance with the provisions of this Ordinance.
- D. Review and recommend action, when applicable, to the Town Council and the Yemassee Zoning Board of Appeals.
- E. All other responsibilities and powers granted explicitly by this Ordinance; and
- F. All other authority lawfully delegated to it by Town Council legislation.

#### **Sec. 11-142. Approvals**

The Yemassee Planning Commission hereby delegates all permitting responsibilities to the Town Administrator or his designee.

#### **Sec. 11-143. Development Permit Applications**

Pre-Application Meeting: Although not mandatory, prior to the filing of a formal application, the Applicant is encouraged to consult with Town Administration or Planning Commission for comments and advice on the procedures, specifications, and applicable standards required by this Ordinance. The Town's Planner, or a designated representative, shall be available for such purposes at the request of the Applicant at a time mutually agreeable to both parties.

Application Process: The Owner, Developer, or otherwise responsible agent initiates the permit procedure by filing a final application with the Town in accordance with the provisions of this Section.

A. To defray some of the administrative costs associated with processing development applications, a filing fee must accompany each application according to the schedule contained in the Town of Yemassee Municipal Code. No action by the Town Administration shall be taken until the filing fee is paid. This fee shall not be refunded should the Applicant fail to file a final application for a Development Permit or should a preliminary application be disapproved. Re-filing of a previously disapproved application shall be subject to a filing fee equal to one and one half (1 ½) of the initial filing fee, provided such re-filing occurs within one (1) year of the initial filing.

B. To notify adjacent property owners, landowners, and residents in the immediate vicinity and the general public of impending development activity, Applicants for Development Plan approval shall post a notice of development at least two (2) weeks prior to the scheduled review meeting at which the development application is to be reviewed. The notice sign shall be obtained from the Town Administration and erected on the development property readily visible from the most traveled thoroughfare adjacent to the property. The cost of the sign will be borne by the Applicant. The Town will not review applications for which the prescribed notice sign has not been posted in accordance with the provisions of this Section.

#### Application Format and Content

A. Subdivision of Land: The application for subdivision of land shall contain:

1. Twelve (12) black or blue line prints of the subdivision layout;
2. The names and addresses of the owner(s) of record and the Applicant, if different from the owner;
3. A legal description of the property and a boundary survey with the computed acreage of the tract bearing the seal of a Registered Land Surveyor;
4. The location of primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers, and similar data shall be referred;
5. The proposed name of the subdivision;
6. Names of the owners of contiguous parcels and an indication of whether or not contiguous parcels are developed, or a Development Permit has been obtained;
7. A map or Site Plan showing:
  - a. The location, dimensions, descriptions, and flow line of existing watercourses and drainage

structures within the tract or on contiguous tracts;

- b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary;
- c. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved road. Reference distances shall be shown in feet if less than one thousand (1,000) feet and in miles or tenths of a mile if greater than one thousand (1,000) feet;
- d. Topographic survey when required by the Town;
- e. The location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries;
- f. The location, dimensions, descriptions, and names of all existing or recorded residential lots, parks, public areas, permanent structures, and other sites within or contiguous with the tract;
8. Proposed lot layout, street design, and street right-of-way widths;
9. Proposed street names;
10. Proposed drainage system layouts;
11. Proposed water system layout, except where individual wells are proposed;
12. Proposed sewer system layout, except where individual septic tanks are proposed.
13. Proposed open space areas (where applicable).
14. Where applicable, surveyed line delineating the extent of any special District boundary on the development property.
15. Where applicable, topographic contour line corresponding to the one hundred (100) year flood elevation affecting the proposed development property.
16. Tree survey
17. Other affected agencies preliminary comments or approvals on elements of the proposed subdivision over which such agencies have approval or permitting authority.
18. Letters of capability and intent to serve community water supply and sewage disposal (where applicable from the affected agency or entity);
19. The Planning Commission may require submission of additional data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size, and location of the proposed development, particular elements critical to the health, safety, and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to,



hurricane evacuation, other emergency preparedness and response, environmental preservation, historical preservation, shoreline erosion, public access, community linkages, public education and the like.

20. A narrative addressing:

- a. Proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements.
  - b. Proposed phasing and time schedule if development is to be done in phases; and
  - c. In a Beach Development District, a plan to preserve sand dunes and shore vegetation.
- B. Other Development: The application for other development shall contain:
1. Six (6) black or blue line prints of the development Site Plan.
  2. Name and address of owner of record (Developer/Applicant).
  3. Name of development, north point, graphic scale, and date.
  4. Name of county, project location, tax map, and parcel number.
  5. Bearings and distances of all property lines, tract acreage, location of property markers, and seal of Registered Land Surveyor.
  6. Location, size, and type of all existing easements on or immediately adjacent to the development property.
  7. Existing railroads, streets, drainage ditches, watercourses, city limit lines, and utility lines on or adjacent to the development property.
  8. Names of all contiguous landowners and indication of all contiguous property land uses (residential, commercial, industrial, institutional, agricultural, wooded/vacant, etc);
  9. Tree survey as described in this Ordinance and indication of trees proposed for removal. (Note: It is the expressed intent of this Ordinance that every effort be made in the design and layout of development projects to conserve as many trees as possible.
  10. Proposed building locations, ingress/egress, circulation/maneuvering facilities and areas, parking areas, loading/unloading areas, storage areas, work and other activity areas, and facilities properly dimensioned and labeled.
  11. Stormwater Drainage Plan.
  12. Water and sewer system layouts, or well and septic tank locations, where applicable.
  13. Underground electric, telephone, and gas service layouts by the respective utility companies, signed and dated with reference to the nearest point of existing utility lines.

14. Existing and proposed fire hydrant locations (where applicable).
15. Location, size, and type of all proposed easements.
16. Proposed setbacks, buffer, and screening (where applicable);
17. Proposed open space and landscaped areas.
18. Fire Official and other required agency permits or approvals.
19. Solid Waste Disposal Plan or letter of intent to provide contract service by a private refuse collection agency or the like.
20. Agreements, contracts, or letters of intent to provide water supply or sewage disposal service by a municipality, other government authority, public service district, or private utility company, where applicable; and
21. For development projects on property which is not immediately contiguous to a public road, street, or highway and where such proposed project involves the sale of residential, commercial, industrial, or institutional condominium, townhouse, or other such unit or space, the Applicant shall submit copies of recorded deeds, plats, or easements clearly documenting access to the development property.

Approval Process: Upon receipt of the preliminary application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall, within ten (10) working days, notify the Applicant of all discrepancies and return the application for correction.

- A. If the Town Administrator finds that the preliminary application conforms to the format and content provisions in this Ordinance shall record the application and the date of its receipt and shall submit the application for review.
- B. The Town Administration or Planning Commission shall review all preliminary applications within thirty (30) days of the application filing date and take one (1) of the following actions:
  1. Approve the application.
  2. Approve the application with conditions; or
  3. Disapprove the application.
- C. The Applicant shall be notified in writing of Planning Commission action by the Development Administrator. If the application is disapproved, the written notice to the Applicant shall specify the reasons for disapproval.
- D. Approval, where granted by the Town, shall be two (2) years from the date of such approval.

Approval of the application shall be deemed an expression of approval of the development concept and

preliminary site design submitted and invites the Applicant to proceed with more detailed planning and design prior to submission of a final application. Preliminary application approval does not authorize the recording of a Subdivision Plat nor the sale or transfer of subdivided property except as provided for in this Ordinance.

In addition, the Town shall act on the posted bond and cause the improvements to be completed on behalf of lot purchasers in the development. Extension to the twelve (12) month time period afforded for completion of improvements may be granted one (1) time by the Town.

- A. Such requests must be submitted in writing prior to the expiration date and accompanied by:
  - 1. An explanation of why the extension is necessary.
  - 2. Signed/dated agreement with the extension by all lot owners in the subdivision to date.
  - 3. Amount of work completed and costs remaining for incomplete work; and
  - 4. Amended bond or surety for incomplete work.
- B. Upon receipt of the final application, the Town Administrator shall review the application for conformity with the format and content requirements of this Section. If discrepancies are found, the Administrator shall within ten working days notify the Applicant of all discrepancies and return the application for correction.
- C. If the Administrator finds that the final application conforms to the format and content provisions of this Section, (s)he shall record the application and the date of its receipt and shall submit the application to the Planning Commission.
- D. The Planning Commission shall review all final applications and may, at its discretion, call a public hearing in accordance with the provisions of this Article. Within sixty (60) days of the application filing date, Planning Commission shall take one (1) of the following actions:
  - 1. Approve the application; or
  - 2. Disapprove the application
- E. In the event the application is approved, the Administrator shall issue a permit authorizing the Applicant to commence development or file a Subdivision Plat (where appropriate).
- F. If the permit is denied, the Administrator shall notify the Applicant of such action in writing specifying the reasons for such denial.
- G. In the event, the Planning Commission does not act within sixty (60) calendar days of the filing date of the application, the application shall be deemed to have been approved and a certificate to that effect shall be issued by the Administrator upon demand.

#### **Sec. 11-144. Documentation of Rulings**

Any ruling made by the Planning Commission under the provision of this Ordinance shall be issued in

**CHAPTER 11 – DEVELOPMENT STANDARDS**

writing, and shall include written findings of fact and conclusions, together with the reasons therefore to the extent practicable. Conclusions based on any provision of this Ordinance shall contain a reference to the provision on which the decision was based.

#### **Sec. 11-145. Changes to Approved Plans**

Changes to approved plans involving, but not limited to, street and parking layouts, water, sewer, drainage, density, access, setbacks, buffer zones, and tree removal shall be submitted to and approved by the Planning Commission.

#### **Sec. 11-146. Public Hearings**

Public hearings required or called under the provisions of this Ordinance shall proceed in accordance with this Section. Other than those expressly provided for in the Ordinance, public hearings may be called only when the issues raised by the proposed development, in the judgment of the Planning Commission, have sufficient impact as to warrant public discussion.

At least fifteen (15) days in advance of a hearing, the Town Administrator shall publish notice of the hearing in a newspaper of general circulation, and shall give notice individually to the following:

- A. The Developer, Property Owner, or Applicant; and
- B. Any other person, agency, or organization that may be designated by this Ordinance.

The notice shall:

- A. Give the time and place of the hearing.
- B. Contain a statement describing the subject matter of the hearing; and
- C. Specify the officer or employee of the County from whom additional information can be obtained.

7.7.1 The notice shall specify the governmental authority, commission, agency, or officer responsible for conducting the hearing and before which the hearing shall be held and shall designate the presiding officer.

A written statement giving the name and address of the person making the appearance, signed by him or his attorney, and filed with the presiding officer, constitutes appearance of record. The parties to a hearing shall be any of the following persons who have entered an appearance of record, either prior to commencement of the hearing or when permitted by the presiding officer:

- A. A person entitled to notice
- B. The representative of any department or agency of the Town; and
- C. A person who satisfied the presiding officer that he has significant interest in the subject matter of the hearing.

The Town Administrator shall make a record of the hearing.

#### **Sec. 11-147. Enforcement, Remedies, and Penalties**

It shall be unlawful for any person, firm, or corporation to sell or transfer lots of subdivided land until such subdivision or Development Plan has been approved and a Development Permit issued under the provisions of this Ordinance and approved Subdivision Plat duly recorded with the Registrar of Deeds or Clerk of Court for Beaufort and/or Hampton County.

No Building, Plumbing, or Electrical Permit shall be issued by the Town unless a valid Development Permit has been approved under the provisions of this Ordinance for those developments for which a Development Permit is required.

No agency, public or private, shall modify, install, or provide any streets or public utility services to any development unless a preliminary application approval and improvement design approval has been granted under the provisions of this Ordinance.

No agency, public or private, shall sell or supply any water, gas, electricity, or sewer services within any development unless a valid Development Permit has been approved under the provisions of this Ordinance.

The responsibility for the enforcement of this Ordinance is delegated to the Yemassee Town provided however until a Town Administrator is employed.

A. If the Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, setting forth the nature of the violation and order the action necessary to correct it.

B. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a signed written complaint with the Town Administrator. Such complaint shall state fully the causes and basis thereof.

C. The Development Administrator shall properly record such complaints, immediately investigate to determine the validity of the charge, and take whatever action is necessary to assure compliance with this Ordinance.

D. In the event any development is undertaken in violation of this Ordinance, the Administrator, the Town Council or its agent, or any person aggrieved, may, in addition to other remedies provided by law, institute an injunction, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful development.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon the conviction thereof, shall pay such penalties as the court may decide, as prescribed by South Carolina law, not to exceed Five hundred (500) dollars or thirty (30) days imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation, which shall subject the offender to liability prescribed in this Section. Furthermore, any violation of the provisions of this Ordinance dealing with subdivision of land, by any person, firm, corporation, owner, or agents of owners of land to be subdivided, shall make the transfer, sale, agreement for sale, or negotiation for sale of any lot, part, tract, parcel, building site, or building interior structure, rescindable at the purchaser's

option.

In the event any development activity is undertaken prior to approval and issuance of a Development Permit, or if the Developer is declared guilty by a magistrate in accordance with the provisions of this Ordinance, in addition to other prescribed remedies in this Section, the Planning Commission shall not consider the Developer's application for Development Plan approval and subsequent issuance of a Development Permit for that project for a period of ninety (90) days from the date of determination of violation.

Nothing herein shall prevent the Town of Yemassee from taking such other lawful action, as is necessary, to prevent or remedy any violation.

## **ARTICLE IX. AMENDMENTS**

### **Sec. 11-150. Review by Planning Commission**

Under the General Statutes of South Carolina Code Section 6-29-330, the Planning Commission is charged with the development of ordinances for land use within the Town of Yemassee. The Commission is also the agency designated for initial review and approval of amendments to this Ordinance proposed by residents. After a decision by the Planning Commission, the proposed amendment is passed to the Town Council for consideration.

### **Sec. 11-151. Public Hearing Required**

The Town Council shall not adopt any amendment to this Ordinance until at least one (1) public hearing has been held.



**SCDOT**



**ARMS**

*Access & Roadside Management  
Standards*



**This page intentionally left blank**



Revision Date
April 25, 2008
June 20, 2008
July 28, 2008
August 18, 2008
November 13, 2009
August 18, 2011
Sept 26, 2012
April 27, 2015



# ACCESS AND ROADSIDE MANAGEMENT STANDARDS

## 2008 Edition

*Access and Roadside Management Standards* (ARMS Manual) is published by the South Carolina Department of Transportation (SCDOT) Traffic Engineering Division. This manual is not intended to present all of the information that is needed by a permittee or designer; however, this document does provide a majority of the information needed for encroachments onto the right-of-way of the SCDOT. For specific projects or specific design elements, the permittee or designer may need to reference other SCDOT or national publications to perform a fully comprehensive analysis of the project.

As the need arises, this publication is revised, updated, and distributed within the Department. All parties are responsible for obtaining the most current edition.

South Carolina Department of Transportation  
Traffic Engineering  
955 Park Street, PO Box 191  
Columbia, SC 29202-0191  
[www.scdot.org](http://www.scdot.org)

---

**This page intentionally left blank**



## ACCESS AND ROADSIDE MANAGEMENT STANDARDS 2008 EDITION

---

### Summary of Significant Changes

In 1957, due to the enormous increase in the volume of traffic on the highway and the large number of accidents caused by unregulated entrances of highways, the South Carolina State Highway Department drafted *Standards for Driveway Entrances to Highways*. This publication was updated in 1976 and remained the standard until 1991 when the South Carolina Department of Transportation (SCDOT) published the *Access and Roadside Management Standards*, or ARMS Manual. It was updated in 1996 which is the edition that is currently being utilized. In 2004, Traffic Engineering identified the need for more comprehensive standards in step with current highway and land development practices in the region and nation. As a result, Traffic Engineering began a full scale update of the ARMS Manual. A committee was formed of representatives from Headquarters and District Traffic Engineering, Maintenance, Pre-Construction, and Hydrology to review the ARMS Manual and recommend changes to the current information and the addition of new concepts. The following items have been considered as the most significant changes to the manual.

**1) Access Waivers (Chapter 1, Section 1E, Page 12):** Recognizing that minimum criterion may not always be practical, a process has been established to approve exceptions to the access guidelines. If an applicant for an encroachment permit seeks a waiver, an access waiver request form (provided in Appendix C) shall be filled out and attached to the encroachment permit. The request should describe the undue hardship that will be placed on the applicant if a waiver is not granted. The Resident Maintenance Engineer (RME) should coordinate the waiver with the District Engineering Administrator and appropriate office at Headquarters. A waiver will only be granted if it is determined that:

1. Denial of the waiver will result in loss of reasonable access to the site.
2. The waiver is reasonably necessary for the convenience and welfare of the public.
3. All reasonable alternatives that meet the access requirements have been evaluated and determined to be infeasible.
4. Reasonable alternative access cannot be provided.
5. The waiver will not result in any violations of pedestrian accessibility in accordance with the ADAAG.

When a waiver is approved, the reasons for granting the waiver and any recommendations given by the Department shall be clearly stated and included in the Department files. Restrictions and conditions on the scope of the permit should be imposed as required in order to keep potential safety hazards to a minimum. The encroachment permit may contain specific terms and conditions providing for the expiration of the waiver if in the future the grounds for the waiver no longer exist. An Access Waiver should be included in the Appeal Process Request detailed in Section 2E.

**2) Driveway Classification (Chapter 3, Section 3A-1, Page 20):** A classification system for driveways has been developed based on the number of trips that will be generated by the land use that the driveway serves. This classification system, shown in Table 3-3 (page 19) will guide the design of driveway elements including width and radii.

**3) Driveway Spacing and Location (Chapter 3, Section 3C, Page 26):** Driveway spacing requirements (Figure 3-7, Page 26) were increased based on current recommended practice in Transportation Research Board's *Access Management Manual*. However, the old spacing requirements have been retained for driveways located on roadways with AADT<2000. Rather than measuring the spacing from the centerline of the driveways as in the 1996 ARMS, spacing will now be measured from the near edge of the driveways. This method will provide adequate spacing regardless of a drive's geometry. In the case of large developments with outparcels, access for outparcels should be provided only internally; however, shared or individual driveways may be permitted provided twice the normal spacing requirements are met.

**4) Access Placement in Interchange Areas (Chapter 3, Section 3C-4, Page 30):** Access connections to crossroads in the vicinity of freeway interchanges has been addressed (Figure 3-11, Page 30). Minimum spacing between the on and off ramp termini and the first access point is defined.

**5) School Access Design (Chapter 4, Page 35):** SCDOT Traffic Engineering's Guidelines for School Transportation Design has been added as a new chapter to the manual. On-site stacking length requirements have been increased.

**6) Street Intersections (Chapter 5, Page 41):** Various elements of intersection design from the SCDOT Highway Design Manual have been summarized and added as a new chapter. These elements include intersection spacing, design vehicle considerations, approach grade and side slope, auxiliary lane design, and parking considerations.

**7) Auxiliary Lanes (Chapter 5, Section 5D, Page 47):** When adding turn lanes, the road should be brought up to the latest standards requiring the addition of 2 foot paved shoulders.

**8) Traffic Impact Studies (Chapter 6, Page 53):** A Traffic Impact Study is a specialized engineering study that evaluates the effects of proposed development on traffic conditions in an area. A chapter has been added describing when a traffic study is required and the information that should be contained in the study.

**9) Sight Distance (Chapter 7, Page 59):** The intersection sight distance section from the SCDOT Highway Design Manual has been added as a new chapter to this manual. This chapter will replace the sight distance tables from the 1996 ARMS.

## TABLE OF CONTENTS

<b>CHAPTER 1 — INTRODUCTION .....</b>	<b>5</b>
1A PURPOSE.....	5
1B AUTHORITY.....	7
1C SEVERABILITY .....	7
1D DEFINITIONS .....	7
1E DESIGN EXCEPTIONS AND ACCESS WAIVERS .....	11
<b>CHAPTER 2 — ENCROACHMENT PERMITS .....</b>	<b>13</b>
2A APPLICATION AND REQUIREMENTS .....	13
2B REVIEW AND APPROVAL.....	14
2C PERFORMANCE BONDS.....	15
2D CONDITIONS AND LIMITATIONS.....	16
2E ENCROACHMENT PERMIT APPEAL PROCESS REQUEST.....	18
<b>CHAPTER 3 — DRIVEWAYS .....</b>	<b>19</b>
3A GENERAL .....	19
3B DRIVEWAY DESIGN ELEMENTS .....	20
3C DRIVEWAY SPACING AND LOCATION .....	26
3D MEDIAN CROSSEOVERS.....	32
3E TEMPORARY DRIVEWAYS .....	33
<b>CHAPTER 4 – SCHOOL ACCESS DESIGN .....</b>	<b>34</b>
4A GENERAL .....	35
4B ON-SITE STACKING.....	35
4C NUMBER OF SCHOOL DRIVEWAYS .....	36
4D DESIGN CONSIDERATIONS .....	37
4E ROADWAY WIDENING IMPROVEMENTS.....	39
4F MISCELLANEOUS RECOMMENDATIONS.....	39
<b>CHAPTER 5 – STREET INTERSECTIONS .....</b>	<b>40</b>
5A GENERAL .....	41
5B SPACING REQUIREMENTS .....	41
5C DESIGN CONSIDERATIONS.....	44
5D AUXILIARY LANES .....	47
<b>CHAPTER 6 – TRAFFIC IMPACT STUDIES .....</b>	<b>53</b>
6A GENERAL .....	53
6B STUDY REQUIREMENTS .....	55
<b>CHAPTER 7 – SIGHT DISTANCE .....</b>	<b>58</b>
7A GENERAL .....	59
7B BASIC CRITERIA.....	60
<b>CHAPTER 8 –TRAFFIC CONTROL DEVICES.....</b>	<b>70</b>
8A GENERAL .....	71
8B TRAFFIC SIGNALS.....	71
8C PAVEMENT MARKINGS .....	73
<b>CHAPTER 9 –ROADSIDE ENCROACHMENTS .....</b>	<b>74</b>

9A MAILBOXES.....	75
9B SIGNS .....	75
9C LIGHTS AND REFLECTIVE SURFACES.....	76
9D ROADWAY LIGHTING.....	76
9E LANDSCAPING GUIDELINES.....	76
9F UTILITIES.....	81
9G VISIBILITY ENHANCEMENT .....	81
9H HISTORICAL MARKERS AND BLUE STAR MEMORIAL HIGHWAY SIGNS .....	81
<b>CHAPTER 10 — DRAINAGE .....</b>	<b>82</b>
10A GENERAL REQUIREMENTS .....	83
10B DESIGN AND DISCHARGE.....	83
10C MAINTENANCE AND SAFETY CONSIDERATIONS .....	84
10D NPDES CONSIDERATIONS.....	84
10E PERMIT APPLICATION REQUIREMENTS .....	85
<b>CHAPTER 11 — ENVIRONMENTAL.....</b>	<b>87</b>
11A GENERAL REQUIREMENTS .....	87
11B PERMITTING REQUIREMENTS .....	87
<b>CHAPTER 12 — BRIDGES, CULVERTS, AND RETAINING WALLS .....</b>	<b>88</b>
12A GENERAL REQUIREMENTS .....	89
12B PRELIMINARY COORDINATION .....	90
<b>CHAPTER 13 — CONSTRUCTION .....</b>	<b>91</b>
13A GENERAL .....	91
13B INSPECTION AND APPROVAL.....	92
 <b>APPENDICES</b>	
APPENDIX A - TYPICAL DRAWINGS	
APPENDIX B - SCDOT PERSONNEL CONTACT INFORMATION	
APPENDIX C – ENCROACHMENT PERMIT APPLICATION INFORMATION	
APPENDIX D – ENGINEERING DIRECTIVES	
APPENDIX E – LANDSCAPING GUIDELINES	
APPENDIX F – ADDITIONAL TRIP GENERATION INFORMATION	

## LIST OF FIGURES

Figure 3-1: Angle of Intersection .....	21
Figure 3-2: Critical Dimensions in Driveway Design .....	21
Figure 3-3: Inadequate Driveway Design.....	22
Figure 3-4: Medium Volume Driveway Approach Grade.....	23
Figure 3-5: Recommended Driveway Throat Lengths .....	24
Figure 3-6: Driveway Median Design .....	25
Figure 3-7: Minimum Driveway Spacing .....	27
Figure 3-8: Driveway Connections on Opposite Sides of the Roadway.....	28
Figure 3-9: Corner Clearances.....	29
Figure 3-10: Minimum Radius Offset Requirements .....	29
Figure 3-11: Minimum Spacing for Freeway Interchange Areas.....	30
Figure 3-12: Flag Lots and Alternative Access .....	31
Figure 3-13: Driveways with Median Crossovers.....	32
Figure 4-14: School Driveway Spacing .....	37
Figure 4-15: School Drive Width and Radii .....	38
Figure 5-16: Street Alignment .....	42
Figure 5-17: Traffic Signal Spacing.....	43
Figure 5-18: Roadway Angle of Intersection .....	45
Figure 5-19: Point of Tangency Offset .....	45
Figure 5-20: Offset Intersection Legs.....	46
Figure 5-21: Typical Auxiliary Lane Taper Lengths.....	50
Figure 5-22: Offset Left-turn Lanes .....	51
Figure 7-23: Sight Triangles.....	60
Figure 7-24: Sight Triangles on Divided Facilities.....	65
Figure 7-25: Sight Distance for a Stopped Vehicle Turning Left on a Major Road .....	68
Figure 7-26: Sight Distance at Skewed Intersection .....	69

## LIST OF TABLES

Table 1-1: Summary of Effects of Access Management .....	6
Table 2-2: Review of Applications .....	15
Table 3-3: Driveway Classification .....	20
Table 3-4: Driveway Widths and Radii .....	22
Table 4-5: On-Site Stacking Length Requirements .....	36
Table 4-6: Recommended Number of Drives .....	36
Table 5-7: Turn Type Design Vehicles .....	44
Table 5-8: Right-Turn Lane Lengths .....	49
Table 5-9: Left Turn Lane Lengths .....	49
Table 6-10: Guidelines for Determining the Need for an Impact Study .....	54
Table 7-11: Gap Acceptance Times, Left Turns from Minor Road .....	63
Table 7-12: Intersection Sight Distance, Vehicles Approaching from the Left and For Vehicles Approaching from the Right on a Two-Lane Highway or Street Only .....	63
Table 7-13: Intersection Sight Distance For Vehicles Approaching from the Right on a Four-Lane Highway with a TWLTL Only .....	64
Table 7-14: Gap Acceptance Times for Crossing Maneuvers .....	66
Table 7-15: Two-Lane Intersection Sight Distances .....	66
Table 7-16: Gap Acceptance Times for Left Turns on a Major Road .....	69
Table 7-17: Intersection Sight Distances, Left Turns from Major Road .....	69
Table 9-18: Minimum Offset of Trees and Shrubs at Maturity (Non Interstate) .....	80



## CHAPTER 1 — INTRODUCTION



### 1A PURPOSE

These standards and guidelines have been developed to establish uniformity for encroachments upon roads in the South Carolina State Highway System so as to provide for the safe and efficient movement of traffic while allowing reasonable access to abutting property.

*Access and Roadside Management Standards* (ARMS Manual) is not intended to present all of the information that is needed by a permittee or designer; however, this document does provide a majority of the information needed for encroachments onto the State Highway System. For specific projects or specific design elements, the permittee or designer may need to reference other SCDOT or national publications to perform a fully comprehensive analysis of the project.

#### 1A-1 History

Driveways have long been recognized as major sources of conflict for traffic on public highways. In order to reduce these conflicts and address the need for basic access, legislation was enacted in 1956 to establish a permitting process for driveways, and a handbook was developed to regulate the location, design, and construction of driveways adjoining highways.

Reasonable access means that a property owner must have access to the public highway system, rather than being guaranteed that potential patrons should have convenient access from a specific roadway to the owner's property.

#### 1A-2 Need

The above-mentioned standard recognized that the efficiency and safety of a highway depend to a large extent upon roadside interference and its detrimental effect upon the movement of traffic. However, recent years have brought changes in land use and developmental impacts to our highways. With higher traffic volumes came

increased pressure to allow a variety of additional activities to occupy the roadside. The Department's desire to satisfy the public's need for efficient and safe traffic movement has to be weighed against property owners' needs for adequate access while taking into consideration significant changes in traffic and roadside characteristics. Since the primary purpose of highways is to provide for the safe and efficient movement of traffic, control of access points on the roadside is paramount. Previous standards became inadequate for regulating the location, design, construction, operation, and maintenance of points of access to the State Highway System and other activities within highway rights-of-way. This necessitated the development of this revision to the ARMS Manual which contains more comprehensive standards in step with current highway and land development practices in the region and nation.

### 1A-3 Effects of Specific Access Management Techniques

Studies of the effects of access management on traffic operations have indicated that the techniques help increase safety, maintain desired speed, and reduce delays. [Table 1-1](#) summarizes the general safety and operation effects of specific access management techniques based on research to date.

**Table 1-1: Summary of Effects of Access Management**

Treatment	Effects
Add continuous two-way left turn lane TWLTL	<ul style="list-style-type: none"> <li>• 35% reduction in total crashes</li> <li>• 30% decrease in delay</li> <li>• 30% increase in capacity</li> </ul>
Add nontraversable median	<ul style="list-style-type: none"> <li>• 35% reduction in total crashes</li> <li>• 30% decrease in delay</li> <li>• 30% increase in capacity</li> </ul>
Replace TWLTL with a nontraversable median	<ul style="list-style-type: none"> <li>• 15%-57% reduction in crashes on 4-lane</li> <li>• 25%-50% reduction in crashes on 6-lane</li> </ul>
Add a left-turn bay	<ul style="list-style-type: none"> <li>• 25%-50% reduction in crashes on 4-lane</li> <li>• Up to 75% reduction in total crashes at unsignalized access</li> <li>• 25% increase in capacity</li> </ul>
Painted left turn improvement	<ul style="list-style-type: none"> <li>• 32% reduction in total crashes</li> </ul>
Separator or raised divider for left turn	<ul style="list-style-type: none"> <li>• 67% reduction in total crashes</li> </ul>
Add right-turn bay	<ul style="list-style-type: none"> <li>• 20% reduction in total crashes</li> <li>• Limit right-turn interference with platooned flow, increased capacity</li> </ul>
Increased driveway speed from 5 to 10 mph	<ul style="list-style-type: none"> <li>• 50% reduction in delay per maneuver; less exposure time to following vehicles</li> </ul>
Visual cue at driveways, illumination	<ul style="list-style-type: none"> <li>• 42% reduction in crashes</li> </ul>
Prohibition of on-street parking	<ul style="list-style-type: none"> <li>• 30% increase in traffic flow</li> <li>• 20%-40% reduction in crashes</li> </ul>
Long signal spacing with limited access	<ul style="list-style-type: none"> <li>• 42% reduction in total vehicle-hours of travel</li> <li>• 59% reduction in delay</li> </ul>
Convert Stop controlled intersection to roundabout	<ul style="list-style-type: none"> <li>• 47% reduction of all crashes</li> <li>• 72% reduction of injury crashes</li> </ul>

## 1B AUTHORITY

These standards are enacted pursuant to Sections 57-3-110 and 57-5-1080 and 1090 of the *Code of Laws of South Carolina* (1976 as amended through the 2006 Session of the General Assembly) and with the approval of the South Carolina Department of Transportation Commission.

The SCDOT reserves the right to deny or revoke any encroachment that is deemed detrimental to the state highway system or public safety.

## 1C SEVERABILITY

If, for any reason, any phrase, clause, sentence, paragraph, section, subsection, figure, table, or other part of this manual of standards and guidelines should be decided by a court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect the validity of these standards and guidelines as a whole, or any part thereof, other than the part so held to be invalid.

## 1D DEFINITIONS

**Access** – Entrance to and/or exit from land fronting on the public highway system.

**Access Point** – A location on a property frontage at which access is allowed by the Department.

**Applicant** – The owner of a property or his or her agent applying for an encroachment permit.

**ADA or Americans with Disabilities Act of 1990** – Federal law prohibiting discrimination against people with disabilities. Requires public entities and public accommodations to provide accessible accommodations for people with disabilities.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG)** – Provides scoping and technical specifications for new construction and alterations undertaken by entities covered by the ADA.

**Auxiliary Lane** – The portion of the roadway adjoining the through traveled way for purposes supplementary to through traffic movement including parking, speed change, turning, storage for turning, weaving or truck climbing.

**Average Annual Daily Traffic** – The total volume of traffic passing a point or segment of a highway facility, in both directions, for one year, divided by the number of days in the year.

**Average Daily Traffic** – A general unit of measure for traffic expressed as the total volume during a given time period, greater than one day and less than one year, divided by the number of days in that time period.

**Bicycle lane or bike lane** – A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists. (AASHTO *Guide to the Development of Bicycle Facilities*, 1999)

**Collector Road** – Functionally classified highway that is characterized by a roughly even distribution of their access and mobility functions.

**Controlled-Access Highway** – A highway over, from, or to which owners or occupants of abutting properties or others have no legal right of access except at such points and in such manner as determined by the Department.

**Corner Clearance** – The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway excluding its radii.

**Crossover** – A paved or graded area in the highway median designed specifically for vehicles to cross the median of a divided highway.

**Cross Slope** – The slope measured perpendicular to the direction of (pedestrian) travel.

**Crosswalk** – (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline; (b) any portion of a roadway at an intersection or elsewhere distinctly indicated as a pedestrian crossing by lines on the surface, which may be supplemented by contrasting pavement texture, style, or color.

**Directional Median Opening** – An opening in a restrictive median which provides for U-turns and or left-turn ingress and egress movements.

**Divided Highway** – A roadway that has separate traveled ways, usually with a depressed or CMB median, for traffic in opposite directions.

**Department (SCDOT)** – The South Carolina Department of Transportation.

**Driveway** – An access point that is not a public street, road, or highway.

**Driveway Crossing** – Extension of sidewalk across a driveway that meets the requirements of ADAAG.

**Encroachment** – Items placed within the existing right of way by persons other than the Department's staff or authorized agents.

**Edge of Travel Way** – Roadway location on the outside edge of the edge line pavement marking. If an edge line is not marked, this location would be the edge of pavement.

**Flag Lot** – A large lot not meeting minimum frontage requirements and where access to a public road is by a narrow, private right-of-way or driveway.

**Freeway** – The highest level of arterial. This facility is characterized by full control of access, high design speeds and a high level of driver comfort and safety.

**Frontage** – The length of that portion of a property which directly adjoins a highway.

**Frontage Road** – A roadway used to control access to an arterial, function as an access facility to adjoining property and to maintain circulation of traffic on each side of the arterial.

**Full Median Opening** – An opening in a restrictive median that allows all turning and through movements to be made.

**Functional Area of an Intersection** – The area beyond the physical intersection of two roadways that comprises decision and maneuvering distance, plus any required vehicle storage length. It includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it. The upstream area consists of distance for travel during a perception-reaction time, travel for maneuvering and deceleration, and queue storage. The functional area also includes the length of road downstream from the intersection needed to reduce conflicts between through traffic and vehicles entering and exiting a property.

**Highway, Street, or Road** – A general term denoting a public way for purposes of vehicular travel, including the entire area within the right of way. (Recommended usage: in urban areas – highway or street, in rural areas - highway or road).

**Intersection Sight Distance** – The sight distance required within the corners of intersections to safely allow a variety of vehicular access or crossing maneuvers based on the type of traffic control at the intersection.

**ITE** – Institute of Transportation Engineers ([www.ite.org](http://www.ite.org))

**Local Roads and Street** – All public roads and streets classified below the collector level.

**“May”** – see “Shall,” “Should,” and “May.”

**Median** – The portion of a divided highway which separates opposing traffic flow.

**Minor Arterial** – A roadway that carries a mix of local and through traffic. It links Collectors, and sometimes Local Streets, with Principal Arterials.

**MUTCD** – Manual on Uniform Traffic Control Devices.

**Outparcel** – Any lot created from an overall tract wherein the remaining tract is larger than any single lot created and wherein the conditions and locations of access to such lot from a public highway or street may be restricted and/or provided through easements granted by the larger tract holder.

**Offset** – Related to displacement of a reference survey point; the horizontal distance between two other highway elements located at right angles (transverse) from the direction of travel.

**Permit** – A legal document in which the Department gives written permission for an encroachment by an applicant.

**Permittee** – The owner of a property or his or her agent to whom a permit is issued.

**Principle Arterial** – This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. Included in this class are fully controlled access facilities and partially controlled access facilities.

**Right-of-Way** – The land secured and reserved by the Department for the construction and maintenance of a highway and its appurtenances.

**Road** – See *Highway, Street, or Road*.

**Roadway** – The portion of a highway ordinarily used for vehicular travel, exclusive of the sidewalk, shoulder, or median.

**“Shall,” “Should,” and “May”:**

Shall – A mandatory condition. Where certain requirements in the design or application are described with the “shall” stipulation, it is mandatory when an installation is made that these requirements be met.

Should – An advisory condition. Where the word “should” is used, it is considered to be advisable usage, recommended but not mandatory.

May – A permissive condition. No requirement for design or application is intended.

**Sidewalk** – That portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line or on easements of private property that is paved or improved and intended for use by pedestrians.

**Shared-Use Path** – A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. Shared-use paths are also used by pedestrians (including skaters, users of manual and motorized wheelchairs, and joggers) and other authorized motorized and non-motorized users.

**Sight Triangle:** the area of visibility required on a corner to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.



**Speed:** Operating – Operating speed is the highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

Design Speed - Design speed is a selected speed used to determine various geometric design features of the highway. Generally, the design speed is 5 MPH greater than the posted speed limit of a roadway. Section 9.5.2 of the SCHDM discusses the selection of a design speed in general and Chapters 19 through 22 present specific design speed criteria for various conditions.

Posted Speed Limit - The posted speed corresponds to the value shown on regulatory signs as specified and described in the Manual on Uniform Traffic Control Devices. The posted speed is typically based on traffic and engineering investigations where statutory requirements do not apply. The selection of a posted speed is based on many factors including but not limited to: the 85<sup>th</sup> percentile speed, roadside development, curb and gutter, crash data, highway functional class, and median type.

Advisory Speed Limit – Speed advised to motorists for a comfortable speed to navigate a certain situation.

**Street** – See *Highway, Street, or Road*.

**Traffic Control Device** – A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction

**TRB** – Transportation Research Board.

**Two-Way, Left-Turn Lane (TWLTL)** – A lane in the median area that extends continuously along a street or highway and is marked to provide a deceleration and storage area, out of the through traffic stream, for vehicles traveling in either direction to use in making left turns.

## 1E DESIGN EXCEPTIONS AND ACCESS WAIVERS

Recognizing that meeting the minimum criteria may not always be practical, the Department has established a process to identify and evaluate exceptions to geometric design criteria and access guidelines.

### 1E-1 Design Exceptions

An applicant can request a design exception when a proposed design does not meet AASHTO standards or the applicable criteria as given in the *SCDOT Highway Design Manual* (SCHDM). The “controlling” design criteria are highway elements that are judged to be the most critical indicators of a highway’s overall safety and serviceability. The designer must seek SCDOT design exception when the proposed design includes any of the following elements that do not meet the following criteria:

- Design speeds

- Travel lane and shoulder widths
- Cross slopes for travel lanes and shoulders and Superelevation rates
- Clear roadway bridge widths
- Structural capacity of bridges
- Horizontal clearances to obstructions; and
- Stopping sight distances.

The standard form for Design Exception Requests can be downloaded from the SCDOT website at <http://www.scdot.org/doing/pdfs/DsgExpReq.pdf>.

### **1E-2 Access Waivers**

If an applicant for an encroachment permit seeks a waiver from **access standards** provided in this manual, the request form contained in Appendix C shall be filled out and attached to the permit application. The request should provide justification and describe the undue hardship that will be placed on the applicant if a waiver is not granted. The Resident Maintenance Engineer (RME) should coordinate the waiver request with the District Engineering Administrator (DEA) and the appropriate office at Headquarters as noted in Table 2-2. A waiver will only be granted if it is determined that:

1. Denial of the waiver will result in loss of reasonable access to the site.
2. The waiver is reasonably necessary for the convenience and welfare of the public.
3. All reasonable alternatives that meet the access requirements have been evaluated and determined to be infeasible.
4. Reasonable alternative access cannot be provided.
5. The waiver will not result in any violations of pedestrian accessibility in accordance with the ADAAG

If a waiver is approved, the reasons for granting the waiver and any recommendations given by the Department shall be clearly stated and included in the Department files. Restrictions and conditions on the scope of the permit should be imposed as required in order to keep potential safety hazards to a minimum. The encroachment permit may contain specific terms and conditions providing for the expiration of the waiver if in the future the grounds for the waiver no longer exist. An Access Waiver should be included in the Appeal Process Request detailed in Section 2E.



## CHAPTER 2 — ENCROACHMENT PERMITS



### 2A APPLICATION AND REQUIREMENTS

An encroachment permit must be obtained prior to any work on SCDOT right-of-way by an individual or agency other than the SCDOT or agent of the SCDOT. This includes non-routine maintenance of (see [subsection 2D-5](#)) and revisions to any existing encroachment. The applicant or his or her agent will be responsible for all requirements of the permit (see [Appendix D](#), SCDOT Engineering Directive Memorandum 17). The agent of the applicant shall be a person with actual or apparent authority conferred on him or her in writing by the applicant, who has been expressly granted the power to act in the place of and instead of the applicant, and upon whom the SCDOT may rely to do all acts within the scope of the encroachment permit.

#### ***2A-1 Application***

Applications for encroachment permits will be made available at all SCDOT county and district offices or through the SCDOT website. Permit applications must be submitted to the SCDOT county maintenance office in the county where the proposed encroachment will be located. When an application is made for an encroachment permit that will cross county lines, the application may be submitted to either county in which a part of the encroachment will be located.

### **2A-2 Preliminary Site Plan Concurrence and Traffic Impact Study Review**

In cases such as large developments (e.g. industrial parks, shopping centers, large apartment complexes, or mixed use developments) where significant traffic volumes are expected, considerable time and effort often can be saved and the permitting time shortened when the Department and the local jurisdiction are involved in the early stages of development planning. In such cases, the Department recommends a preliminary site development plan and traffic impact study be submitted before the permitting process is begun. Preliminary plans should be submitted to the Resident Maintenance Engineer (RME).

The Department (DEA) may provide a document indicating concurrence with the preliminary site development plan. To receive the conceptual concurrence document, submit plans to the DEA including: structure locations, access placement, internal traffic circulation, drainage requirements, and general grading. This document will expire one year from date of issuance and must be provided with the permit application. This concurrence will not indicate if threshold requirements for a Traffic Impact Study have been met as detailed in Chapter 6. Once submitted, the encroachment permit with all final requirements will be reviewed for approval.

### **2A-3 Coordination with Local Jurisdictions**

In the event of a multi-county / jurisdiction encroachment, the county where the permit is submitted or where the majority of the work will be accomplished will be the lead county and will approve the permit after review by the RME in the other affected county or counties. RMEs are responsible for the inspection of work performed in their respective county. The encroachment permit shall reflect all work to be done on the right-of-way regardless of what entity requires the work to be done and copies of the approved permit will be sent to every county involved. The Department shall not issue a permit for an encroachment that meets local standards but violates the provisions of *Access and Roadside Management Standards* (ARMS Manual). Similarly, the Department's issuing of an encroachment permit does not relieve the applicant of the need to comply with local requirements, even if more restrictive.

## **2B REVIEW AND APPROVAL**

The review and approval of all encroachment permits shall follow the guidelines outlined in SCDOT Engineering Directive Memorandum 17 and this manual. Early submittal of the Application for Encroachment Permit will allow for proper review and approval prior to completion of design so that any required revisions can be incorporated into the construction plans. The time involved in reviewing applications will depend upon the complexity of the application. The RME will review and give approval for all applications for permits, unless otherwise provided in writing by the DEA. During the review, the RME will review the application to determine what, if any impact, the encroachment will have on future widening, relocation, or new-location projects. If necessary, the district office will coordinate the review with headquarters as shown in [Table 2-2](#). Prior to approval of a permit, the RME should obtain written recommendations from the appropriate SCDOT offices. The district office will coordinate any needed reviews by headquarters (HQ) offices. When a recommendation is required from another SCDOT office prior to approval of a permit application, the RME shall promptly forward the information necessary for making the recommendation to the appropriate

office. All permits will be reviewed and returned as soon as practicable. Verbal approval will not be given to permit any work until an encroachment permit for the work has been issued. All extensions, amendments, or additions to existing permits must be in writing. The original application, with supporting documentation and the required recommendations and approval, shall be maintained at the issuing RME's office as required by the department's current records retention schedule.

**Table 2-2: Review of Applications**

<b>Permit</b>	<b>Recommendation From</b>
Longitudinal utility encroachments on controlled access facilities	Preconstruction Support Office (HQ)
Railroad crossings	Preconstruction Support Office (HQ)
Bridge attachments	Maintenance Office (HQ)
Major reconstruction or relocation of state-maintained roads, including storm drainage, curb, gutter, and paving	Preconstruction Support Office (HQ)
School site plans or renovations	Traffic Engineering (HQ)
Interstate Commerce/Visibility Enhancement	Maintenance Office (HQ)
Within construction project limits	Resident Construction Engineer
Within project under development	Preconstruction Support Office (HQ)
Sidewalks/ Shared use paths/ ped crossings	Preconstruction Support Office (HQ)
Landscaping	Preconstruction Support Office (HQ)

## 2C PERFORMANCE BONDS

The Department may require a performance bond before issuance of an encroachment permit. Any such requirement shall be included in the special provisions of the permit, and evidence of the bond shall be attached to the permit. Coordination with the county or local government to determine the extent of their involvement may be necessary. The amount of the bond shall be equal to 1.5 times the estimated construction cost, or \$5,000, whichever is greater. If a bond in this amount has been secured as required by the county or local government, proof of such bond shall be provided with the permit and may satisfy the Department requirement. The purpose of such a bond is to ensure compliance with all terms of the permit by providing, in cases of noncompliance, for any and all damages and costs incurred in collecting damages through legal or other appropriate means. A bond shall be released only when the work described on the permit has been completed to the satisfaction of the Department.

## 2D CONDITIONS AND LIMITATIONS

### ***2D-1 Traffic Safety and Operational Restraints***

Safety, efficient traffic operations, and pedestrian accessibility are important considerations in the review of Application for Encroachment Permits. In some cases, it may be necessary to restrict access because of safety concerns or issues or operational restraints due to geometry, vertical grades, horizontal curves, or other conditions. Access at points within or near acceleration lanes or channelization may be restricted, limited, or prohibited. If operational or safety concerns exist, the application may be forwarded to the Director of Traffic Engineering for review.

### ***2D-2 Land Use Changes and Redevelopment***

When there is a change in land use that will affect the amount, type, or intensity of traffic activity to a site, the Department reserves the right to require submission of a new Application for Encroachment Permit. For example, a residential lot may be rezoned to allow for a professional office that will generate commercial traffic. In this case, the Department may require the existing access to be revised to better accommodate the expected traffic even if no significant building renovations are planned. In some cases, the number and/or width of driveways allowed may change depending upon the land use change and the current standards. The Department shall require that driveway locations being retained be rebuilt if the existing driveway violates ADAAAG. The Department shall require that driveways taken out of service be removed as a condition of granting access for a new land use. This provision will also apply to existing accesses when a property is redeveloped with the same general land use.

### ***2D-3 Subdividing Large Parcels***

Access to future subdivided parcels shall be considered in the initial Application for Encroachment Permit's review process. The Department will not be obligated to allow direct access for any parcels that may be subdivided from a larger overall development at a later date.

### ***2D-4 Setback***

The area to which the driveway provides access shall be sufficiently large for stopping, parking, and maneuvering of vehicles completely off the right-of-way.

### ***2D-5 Maintenance Responsibilities***

The owner shall be responsible for the maintenance of driveways and other access points, including any drainage structures, for areas within the rights-of-way of State maintained facilities. An encroachment permit is not required for routine maintenance such as mowing, patching potholes, clearing pipes and ditches, applying seal coating, and repairing minor erosion damage. The Department shall be responsible for the maintenance of permittee-provided crossovers, auxiliary lanes, and right-of-way.

**2D-6 Retrofitting by the Department**

The Department may require driveway accesses to be modified to conform to these standards. This may require that some driveways be narrowed, widened, or removed in order to correct safety and operational problems. Preferably, such actions should be considered during the preconstruction phase. When this is required as part of a road improvement project, it will be done by the Department as part of the construction contract.

**2D-7 Private or Commercial Use of Right-of-Way**

Pursuant to Sections 57-7-210 and 57-25-10 of the *Code of Laws of South Carolina* (1976 as amended), erecting fruit and vegetable stands on the right-of-way, displaying automobiles for sale on the right-of-way, or any other private or commercial uses of the right-of-way are prohibited. Some exceptions, such as placing banners across the roadway, for which encroachment permits or letters of authorization have been issued in accordance with these standards are allowed. Businesses seeking to operate on sidewalk areas (e.g. sidewalk cafes, etc.) shall demonstrate that sufficient space remains open to pedestrian traffic and that no compromise to accessibility for person with disabilities will result.

**2D-8 Transfer of Responsibility and Liability**

When, for any reason, there is a change in property ownership, all responsibilities and liabilities of the owner as it pertains to these standards shall become those of the owner's heirs, successors, or assignees upon the legal transfer of ownership.

**2D-9 Stormwater Management and Sediment Control Plan**

All applications for encroachment permits that involve bringing stormwater runoff or sediment to the highway shall include a drainage plan with supporting design computations and other requirements as described in [Chapter 10](#). This plan shall also include measures for controlling erosion on the site and limiting the release of sediment to the highway.

**2D-10 Structures On, Over, or Under SCDOT Maintained Roadways**

All encroachment applications for placing structures over or under a state maintained roadway shall be submitted a minimum of sixty (60) days prior to the proposed construction date. The DEA shall be the approving authority for permits of this type. Prior to approval of the permit, the DEA should obtain a written recommendation from the Preconstruction Office. All applications for placing structures on, over, or under a state maintained roadway shall include attachments as specified in Chapters 10 and 13 of this manual.

### **2D-11 Other Restrictions on Access**

Owners of private property which is separated from the highway right-of-way by railroad or utility right-of-way must have the railroad or utility company's written approval prior to applying for the encroachment permit.

A controlled-access (full or partial) highway or frontage permits no legal right of access except at such points and in such manner as determined by the jurisdictional authority. On highways with partial control of access, points of access are restricted to driveways on a planned spacing in addition to normally provided interchanges and/or at-grade intersections. Access may be required to be from adjacent roads when direct access to the main highway is restricted or prohibited. This access is the responsibility of the applicant.

The median of a divided highway provides for safer, more efficient traffic movement by reducing accidents involving left-turn access maneuvers as well as head-on collisions. Access to adjacent property is provided by right-in and right-out maneuvers in conjunction with U-turn and crossing maneuvers at paved median crossovers. Crossovers are provided at a planned spacing and at intersections, and additional crossovers are not normally permitted at driveways. See [Section 3D](#) for more details on median crossovers.

## **2E ENCROACHMENT PERMIT APPEAL PROCESS REQUEST**

An Application for Encroachment Permit that is not approved under Section 2B may be appealed to the Deputy Secretary for Engineering within 60 days from date of denial. A letter to the Deputy Secretary for Engineering from the applicant shall be submitted in writing to the RME or DPE. An Access Waiver should be included and note which standard the appeal is requesting to waive.

An Application for Encroachment Permit that is approved with conditions cannot be appealed.

The letter should also include the basis for the appeal such as:

- No other reasonable access can be provided.
- Applicant took all reasonable steps to meet ARMS standard.
- The ARMS standard is not interpreted to fit the site circumstances.
- Undue financial hardship imposed upon applicant.
- Denial is significantly inconsistent with the ARMS standard application within the locality or region.
- Appropriate SCDOT process was not followed.

The RME or DPE will transmit the appeal letter, the permit application number and additional supporting documentation to the Deputy Secretary for Engineering for processing. The Deputy Secretary for Engineering will advise the applicant, RME or DPE the results of his/her ruling on the appeal.

An appeal of the DSE review may be made in writing to the Commission Chairman. The Commission will take action and respond to the request for access in accordance with the requirements of the SC Code of Laws.



## CHAPTER 3 — DRIVEWAYS



### 3A GENERAL

The AASHTO *A Policy on Geometric Design of Highways and Streets* (Green Book, 2004) states:

Driveways are, in effect, intersections and should be designed consistent with their intended use. Ideally, driveways should not be located within the functional area of a roadway intersection or in the influence area of an adjacent driveway. The functional area extends both upstream and downstream from the physical intersection area and includes the longitudinal limits of auxiliary lanes.

Appropriate engineering and safety factors should be considered in conjunction with these standards so that conditions unique to individual driveways are properly taken into account.

### 3A-1 Driveway Classification

The SCDOT classifies driveways according to the number of trips that will be generated by the land use that the driveway serves to help arrive at the appropriate design. [Table 3-3](#) provides information regarding the classifications including land uses that might be expected to generate the specified volumes. The expected number of trips can be estimated using the latest edition of ITE's *Trip Generation Manual*.

**Table 3-3: Driveway Classification**

Driveway Classification	Expected Trips	Example Land Use	Design Features
Low Volume	1-20 trips/day 1-5 trips/hour	Residential Drives (1-2 single family homes)	Typically designed with minimum requirements.
Medium Volume	21-600 trips/day 6-60 trips/hour	Small subdivisions with single family homes or apartments, small business or specialty shop	Typically designed with some higher volume features such as radial returns.
High Volume	601-4,000 trips/day 61-400 trips/hour	Convenience store, gas stations, or small shopping center	Typically designed with high volume features such as radial returns and turn lanes.
Major Volume	>4,000 trips/day >400 trips/hour	Large shopping center or regional mall	Designed with high volume features including radial returns, turn lanes, and medians.

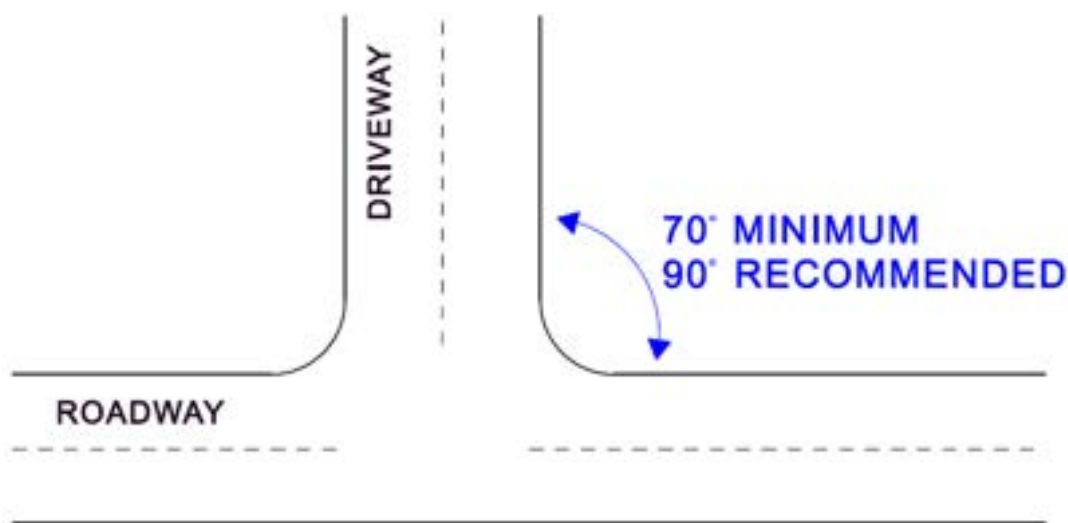
## 3B DRIVEWAY DESIGN ELEMENTS

### 3B-1 Angle of Intersection

For safety and economy, driveways should generally be at or nearly at right angles to the main road. Driveways intersecting at acute angles need extensive turning roadway areas and tend to limit visibility, particularly for drivers of trucks. When a truck turns on an obtuse angle, the driver has blind areas on the right side of the vehicle. Acute-angle driveways increase the exposure time for the vehicles crossing the main traffic flow. The angle of a one-way and two-way driveway exiting a property shall not be less than 70 degrees and preferably should be 90 degrees as shown in [Figure 3-1](#).



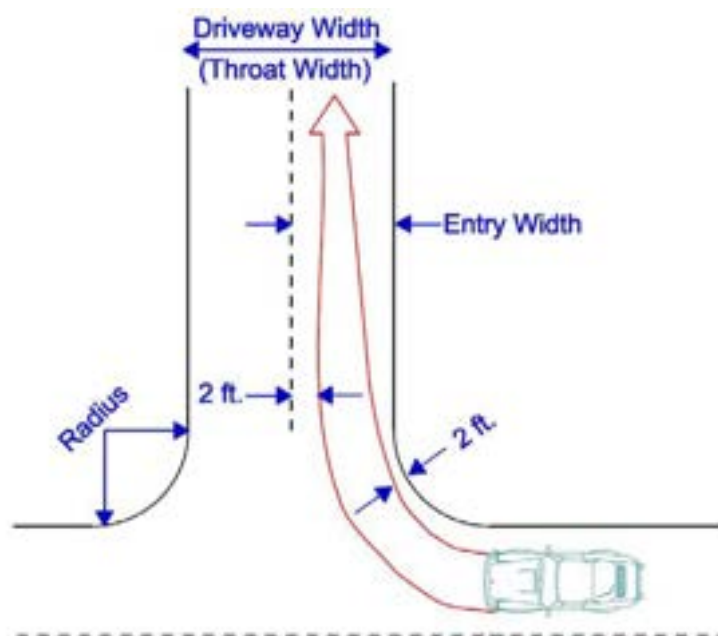
Figure 3-1: Angle of Intersection



### 3B-2 Width and Radii

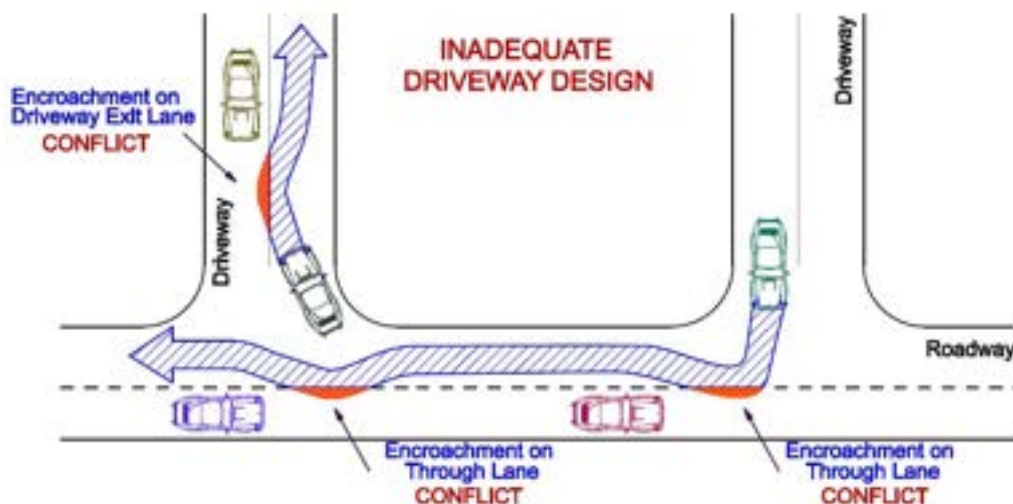
Driveway design is a critical component to the transportation system and essential to achieve efficient operations. Entry width, radius, and offset, as shown in Figure 3-2, are the key components to driveway design. The selected design vehicle should maintain a 2-foot clearance from the traveled way, curb line, or median during a right turn maneuver.

Figure 3-2: Critical Dimensions in Driveway Design



One important goal of driveway design is adequately serving the entering and exiting maneuvers without encroachment into an opposing lane. The entry width is the most critical because it has to serve right turning and left turning vehicles and should be sufficient to allow a vehicle to enter without having to slow down nearly to a stop and allow a vehicles to enter and exit simultaneously. Inadequate driveway design creates conflicts that can be detrimental to safety and operations on the mainline (see [Figure 3-3](#)).

**Figure 3-3: Inadequate Driveway Design**



The width of driveways, exclusive of any shoulder, should be based on various conditions including the type of highway facility, the driveway volumes, the driveway alignment angle, and the turning radii. Driveway radii should be designed to provide safety and ease of vehicle movement for the largest vehicle that will regularly use the driveway. [Table 3-4](#) indicates recommended driveway widths and minimum radii for various types of driveways based on the driveway class. For low to medium volume driveways in curb and gutter or sidewalk sections, drop curb driveways are typically used.

**Table 3-4: Driveway Widths and Radii**

Driveway Class	Driveway Width (feet)	Minimum Radius Returns (feet)
Low Volume	10 – 24	15
Medium Volume	24 – 40*	30 (40 Recommended)
High Volume	40**	**
Major Volume	**	**

\* A 40 ft. driveway is usually marked with two exit lanes of 12 ft. width, with the balance of 16 ft. used for a single, wide entry lane. When a median divider is used, the throat width should be increased to maintain the same lane widths.

\*\*Driveway widths, radii, and lane requirements are determined by a traffic study.

\*\*\* For one-way drives, use 14 to 24 feet depending on vehicle usage, width should not encourage two-way movement.

Without guidance, typical drivers will position themselves in the center of the drive, which causes conflicts with entering vehicles. The SCDOT recommends that all two-way driveways be marked to guide the driver to the correct portion of the drive, however; if the width of a driveway is 24 feet or larger pavement markings may be required at the Department's discretion. Driveways 36 feet or larger may require channelization.

Detailed design drawings for driveways with drop curb and for driveways with curb returns are given in *SCDOT Standard Drawings* Numbers 720-405-00, 720-410-00, and 720-415-00. These drawings can be accessed via the SCDOT website at the following address: <http://www.scdot.org/doing/sddisclaimer.asp>.

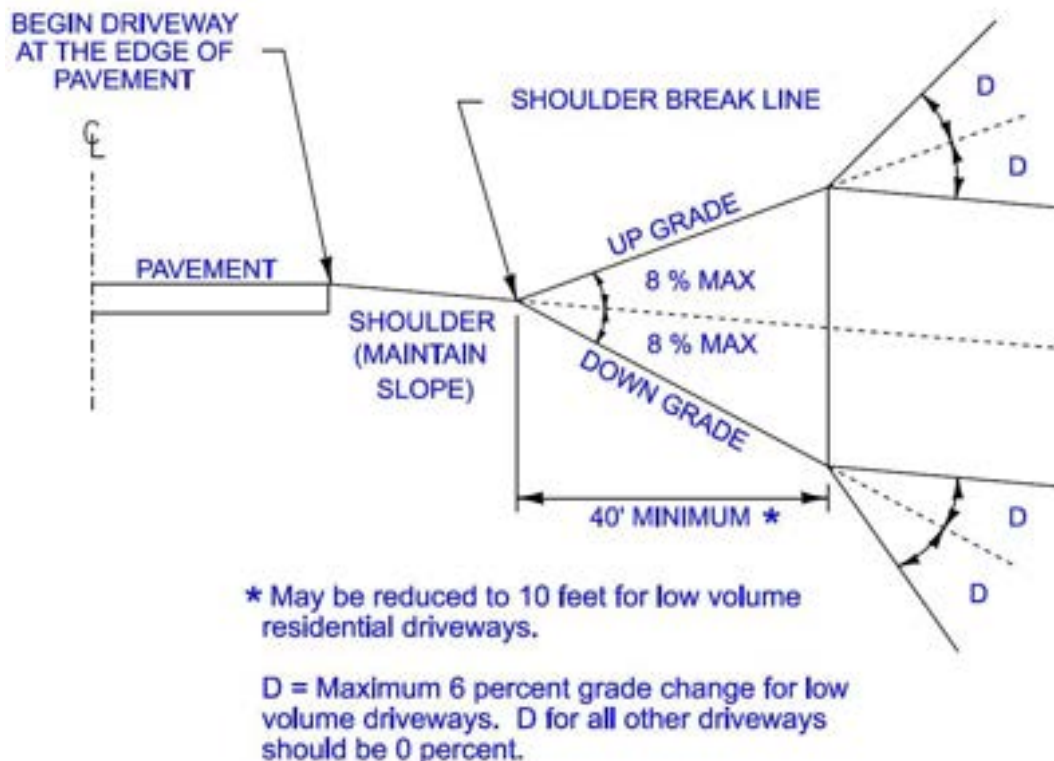
### 3B-3 Approach Grade and Side Slope for Low/Medium Volume Drives

Where a shoulder exists, the profile grade of the approach from the edge of the pavement shall slope at the same rate as the highway shoulder for the full width of the shoulder. As shown in

Figure 3-4, a difference in grade, not to exceed plus or minus 8 percent, shall be maintained from the edge of the shoulder for a minimum distance of 40 feet. Low-volume drives can have an additional grade change at this point not to exceed 14 percent total grade change from the shoulder grade. Also, driveways shall have a maximum side slope ratio of 4:1. These items should be clearly labeled on the driveway profile in the encroachment permit application.

High and major volume drives should be designed in accordance with Chapter 5 of this manual and Chapter 15 of the *SCHDM*.

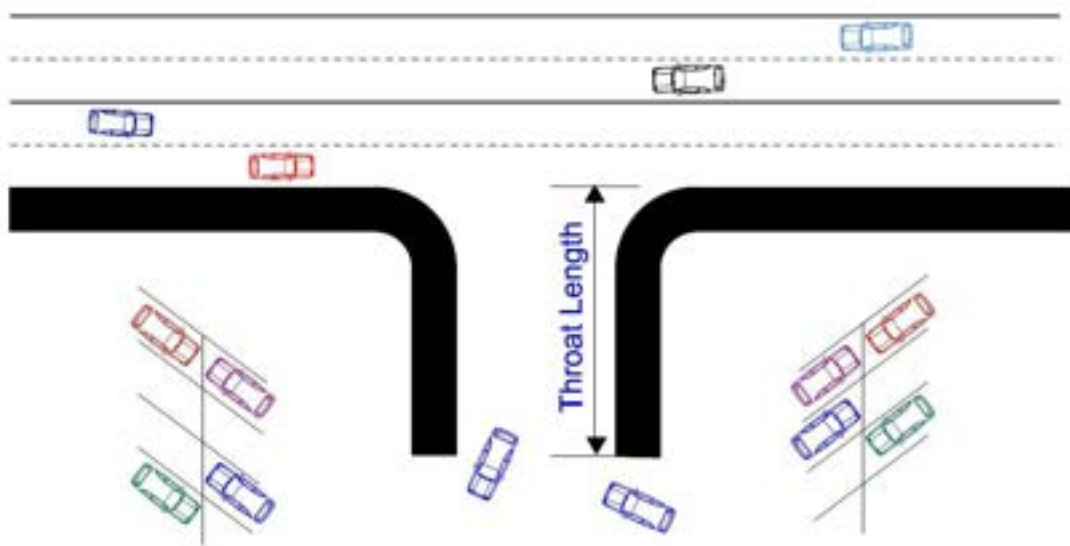
Figure 3-4: Medium Volume Driveway Approach Grade



### 3B-4 Driveway Throat Lengths

Driveway throat length is the distance from the edge of the traveled way to the first conflict point. Sufficient driveway throat length that provides an uninterrupted area in advance of the initial conflict point is a key component for safe and efficient operation. The SCDOT has the authority and responsibility to require a sufficient throat length (beyond the right-of-way limits) to protect the needs of the adjacent roadway system. Driveways shall be designed to provide adequate queue storage and sufficient maneuvering distance. The larger the volume using the driveway, the more the driveway should be designed like a major roadway intersection. For unsignalized driveways, Figure 3-5 should be used as an estimate of the needed driveway throat length. For signalized driveways, the driveway throat length can be estimated using Figure 3-5, but should be verified through a traffic engineering study. If a development has a gated entrance or a check in station such as that of a military base, the throat length should contain the anticipated peak hour queue.

Figure 3-5: Recommended Driveway Throat Lengths



Signalized Access	Throat Length
4 exiting lanes including right-turn lane	≥350 ft, based on traffic engineering study
3 exiting lanes including right-turn lane	250 ft.
2 exiting lanes including right-turn lane	150 ft.

Unsignalized Access	Throat Length
1 entry lane, 2 exit lanes	50 ft.*
1 entry lane, 1 exit lane	30 ft.*

\*In no case should the first access point be located within the radius returns of the driveway.

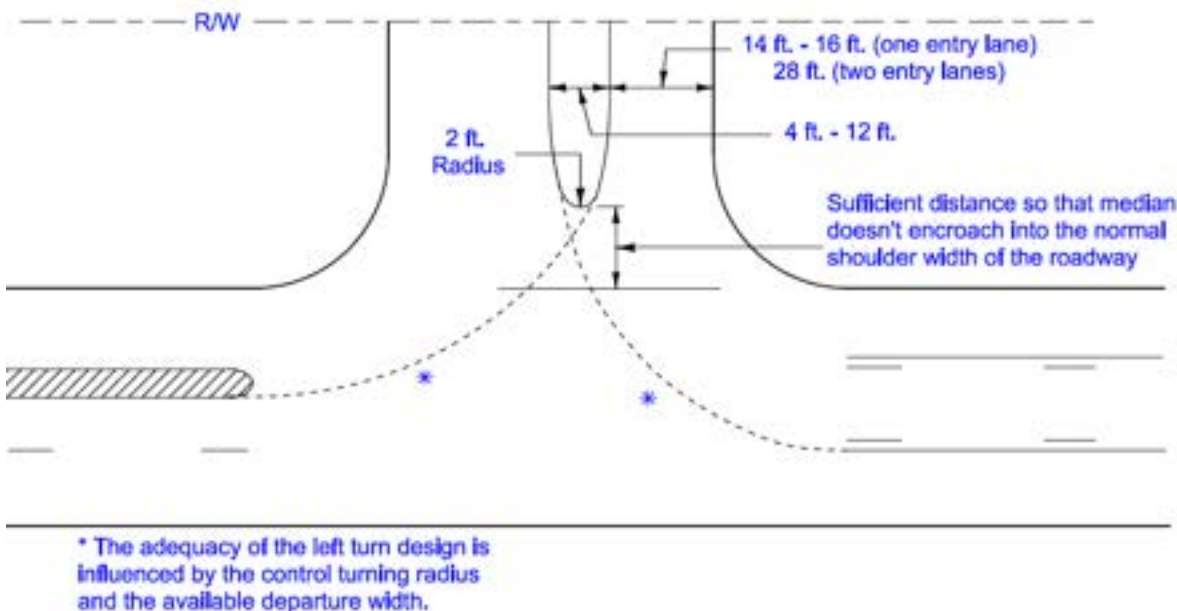
### 3B-5 Islands

Traffic islands are used to guide motorists into proper lanes and can be used for pedestrian access. They shall be used when the driveway characteristics or complexity is of such a nature that their use is needed to eliminate conflicts. They should be constructed with a mountable curb and should be offset from the traffic lanes. The minimum size of a raised concrete island is 100 square feet. Island used for pedestrian refuge should be at least 150 square feet. A diagram displaying the design requirement for triangular islands is given in [Figure A-7](#) in [Appendix A](#).

### 3B-6 Driveway Medians

When a median is used to separate opposing traffic on a driveway, the part of the median within the right-of-way shall have a minimum width of 4 feet and a maximum width of 12 feet. The median nose shall be offset a sufficient distance so that the median does not encroach into the normal shoulder width of the roadway. Landscape plants on the median and within 25 feet of the roadways should be limited to low growing plants not exceeding 2½ feet in height. These plants shall not negatively effect sight distance. When the median width is larger than 4 feet, the nose shall be defined with a 2-foot radius and the control turning radius. See [Figure 3-6](#) below.

**Figure 3-6: Driveway Median Design**



### 3B-7 Right-in, Right-out Driveways

Right-in, right-out driveways are necessary in some locations in accordance with Section 3C. A right-in, right-out driveway should incorporate a triangular (pork chop) raised concrete island no smaller than 100 square feet with sides a minimum of 12 feet in length after rounding of the corners. A recommended typical design is shown in [Figure A-7.1](#) in [Appendix A](#). To determine if this design is adequate based on the type of vehicles the drive will serve, refer to [Table 3-3](#), [Table 3-4](#), and [Figure 3-5](#) and adjust the design accordingly.



When a right-in, right-out driveway is implemented on an undivided roadway, the use of a restrictive median in concurrence with the “pork chop” island is preferred; however, adjacent impacts must be evaluated prior to implementing restrictive medians. A 4 foot wide raised concrete median is recommended. However, if a concrete median cannot be provided, consider the use of a Department-approved surface-mounted curbing system with flexible delineator posts as an alternative.

### 3C DRIVEWAY SPACING AND LOCATION

Driveways should be located to avoid undue interference with or hazard to traffic on the roadway. They should be located where there are no sharp curves or steep grades and where the provisions outlined in the following subsections are met. Driveways should not be located on auxiliary lanes or their tapers.

In the interest of public safety and convenience, the Department may restrict a point of access to a particular location along the frontage. On properties where driveways would not otherwise be clearly defined, a physical barrier such as curbing may be required along the frontage.

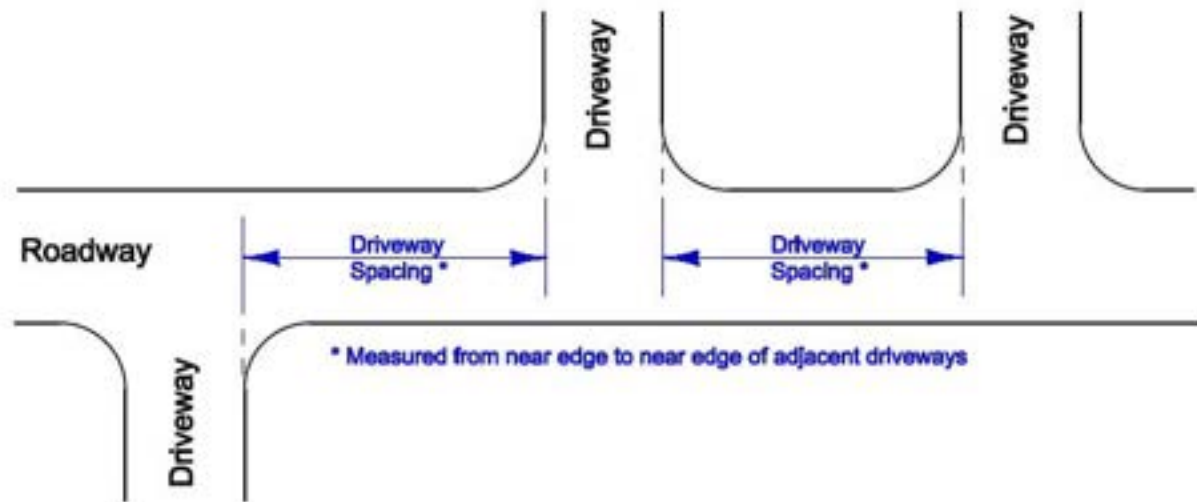
Generally, one driveway to a given property will be allowed, situated in a safe location and in accordance with the provisions of this manual. However, additional driveways may be allowed provided the spacing requirements in [Figure 3-7](#) are met. Driveways will be limited to the number needed to provide adequate and reasonable access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the number of driveways approved. A residential property with a frontage of less than 50 feet or a commercial property with a frontage of less than 64 feet will be permitted a point of access only upon special consideration by the Department. A property with more than one frontage may have the frontages considered separately.

#### 3C-1 Driveway Spacing

Separating driveways can reduce the potential for conflict and minimize collisions. [Figure 3-7](#) provides the minimum driveway spacing based on the speed and AADT of the adjacent roadway and is measured from near edge to near edge of adjacent driveways as shown in the figure. **Driveways generating more than 50 peak hour trips based on the most recent version of the *ITE Trip Generation Manual* shall use the larger of the two spacing requirements regardless of the adjacent roadway AADT.** Examples of facilities generating greater than 50 peak hour trips are provided in [Appendix F](#). Driveway spacing should reflect the future AADT if a significant change will result from the development as determined by the District Traffic Engineer. High and major volume driveways that act as local streets should align with driveways on the opposite side of the street or should be offset in the same manner as streets as governed by [Chapter 5](#) of this manual and the *SCHDM*. Minimum spacing will be increased if right-turn deceleration lanes are required and shall equal the length of the turning lane and taper plus 50 feet.

A pair of one-way driveways may be substituted only if the internal circulation on the site is compatible with the one-way driveways and wrong-way movements on the driveways are rendered impossible or extremely difficult for motorists. Nowhere shall a distance of less than 40 feet between edges of one-way driveways be permitted. (See [Figure A-1](#) in [Appendix A](#)).

Figure 3-7: Minimum Driveway Spacing



Posted Speed Limit (mph)	Minimum Driveway Spacing (ft) on roadways with AADT $\geq 2000$ or Driveways Generating more than 50 Peak Hour Trips	Minimum Driveway Spacing (ft) on roadways with AADT < 2000
30	160	75
35	220	125
40	275	175
45	325	225
$\geq 50$	400	275

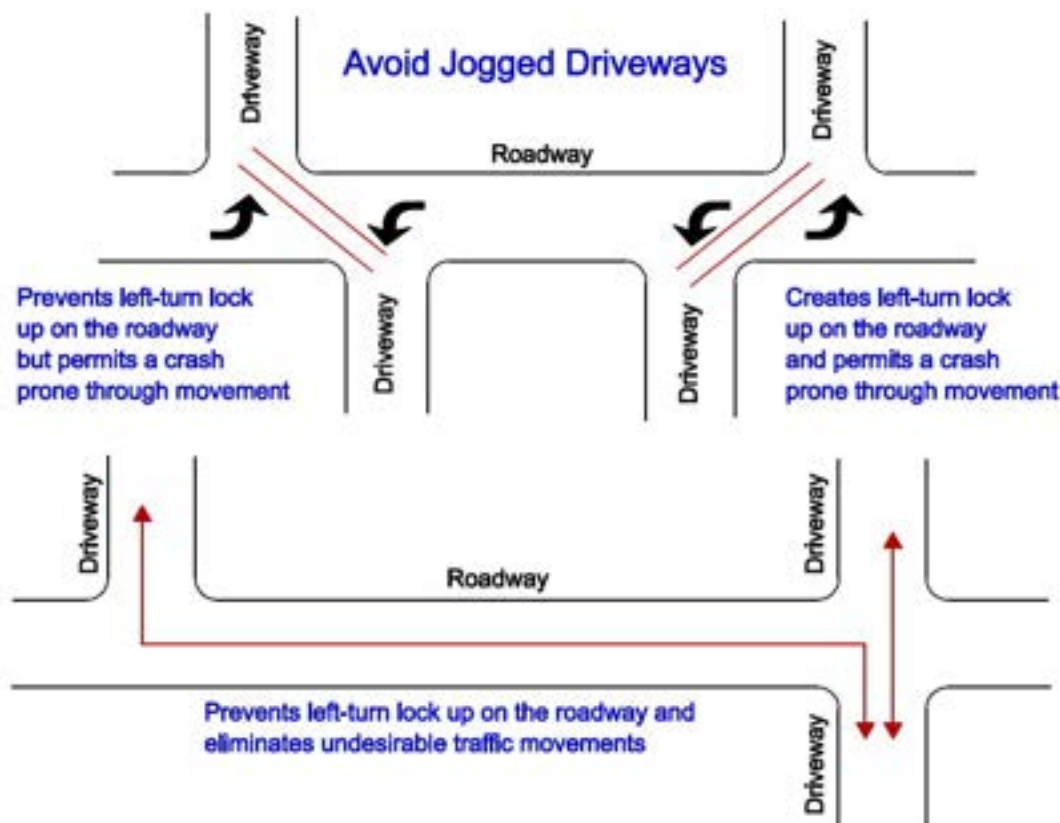
Exceptions to minimum driveway spacing include the following:

- The placement of residential (low volume) driveways. These drives should be placed in a reasonable location to avoid interference with adjacent drives as determined by the Resident Maintenance Engineer (RME).
- The replacement of a driveway to a property that may be lost or disrupted due to a SCDOT project.

In the case of large developments with outparcels, access for outparcels should be provided only internally; however, shared or individual driveways may be permitted provided that **twice the normal spacing** requirements are met. When direct access is approved, it may be limited to right-in, right out. Even when single or shared out-parcel driveways are allowed, additional access from the outparcels to the major development should be provided. Notation of access for outparcels shall be made on the plans for the development. Early coordination with the District Traffic Engineer is encouraged. For sample drawings of out-parcel access, see [Figures A-2 and A-3 in Appendix A](#).

Avoid closely spaced driveways on opposite sides of an undivided roadway or roadway with a two-way left-turn lane (TWLTL) as they can allow undesirable traffic movements and turning conflicts (See [Figure 3-8](#)). The spacing of these drives should also follow the requirements set forth in [Figure 3-7](#).

**Figure 3-8: Driveway Connections on Opposite Sides of the Roadway**



### 3C-2 Driveway Radius and Corner Clearances

Corner clearance is the distance between a roadway intersection and the nearest driveway. The purpose of corner clearance is to remove conflicting movements from the functional area of intersections and provide sufficient stacking space for queued vehicles at intersections so that the driveways are not blocked. These requirements may limit or exclude driveways on some corner lot frontages. The minimum corner clearance for full access unsignalized as well as signalized intersections is the standard spacing from [Figure 3-7](#). For right-in, right-out access, use a minimum of 150 feet or the value given in [Figure 3-7](#) if it is less than 150 feet.

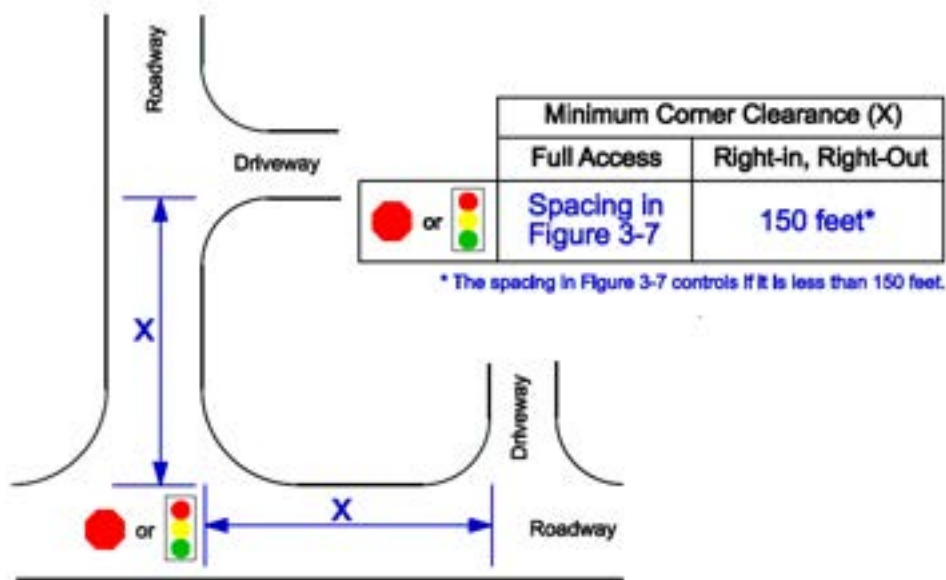
Under no circumstances will a driveway connection be permitted within the corner radius of the intersection. In situations where large turn radii exist, the beginning of the radius of a driveway shall be at least 10 feet from the point of tangency of the intersecting roadway's radius.

In locations where left-turn lanes exist, these corner clearance distances may need to be increased as driveways should not be located where it is necessary for left turning vehicles to cross an intersection's left-turn lane. In situations where right turn



lanes exist at an intersection, driveways should not be located where exiting vehicles will enter the right turn lane.

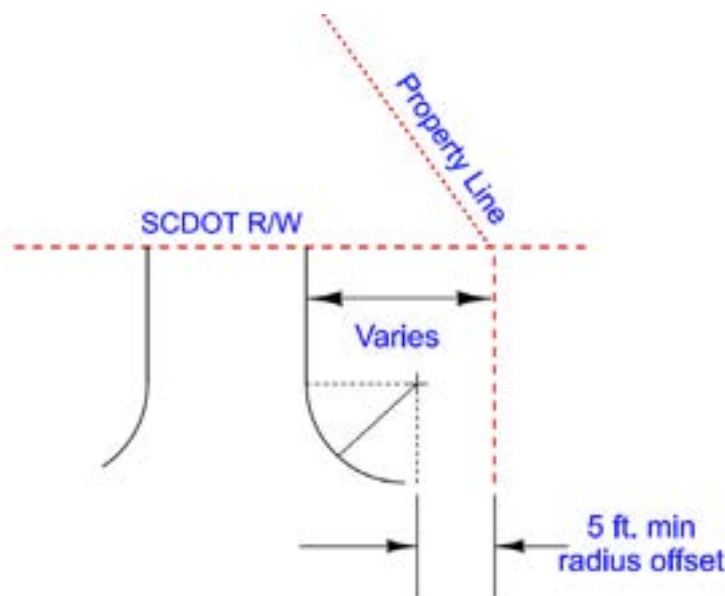
Figure 3-9: Corner Clearances



### 3C-3 Driveway Radius Offset

With the exception of residential driveways, driveways shall have a minimum radius offset of 5 feet, as measured parallel to the driveway, from the intersection of the right-of-way and property lines (Shown in Figure 3-10). If this is not feasible and the radius encroaches into the adjacent property's frontage located along the roadway, then it will be necessary for the permit applicant to obtain a letter of permission from the adjacent property owner(s).

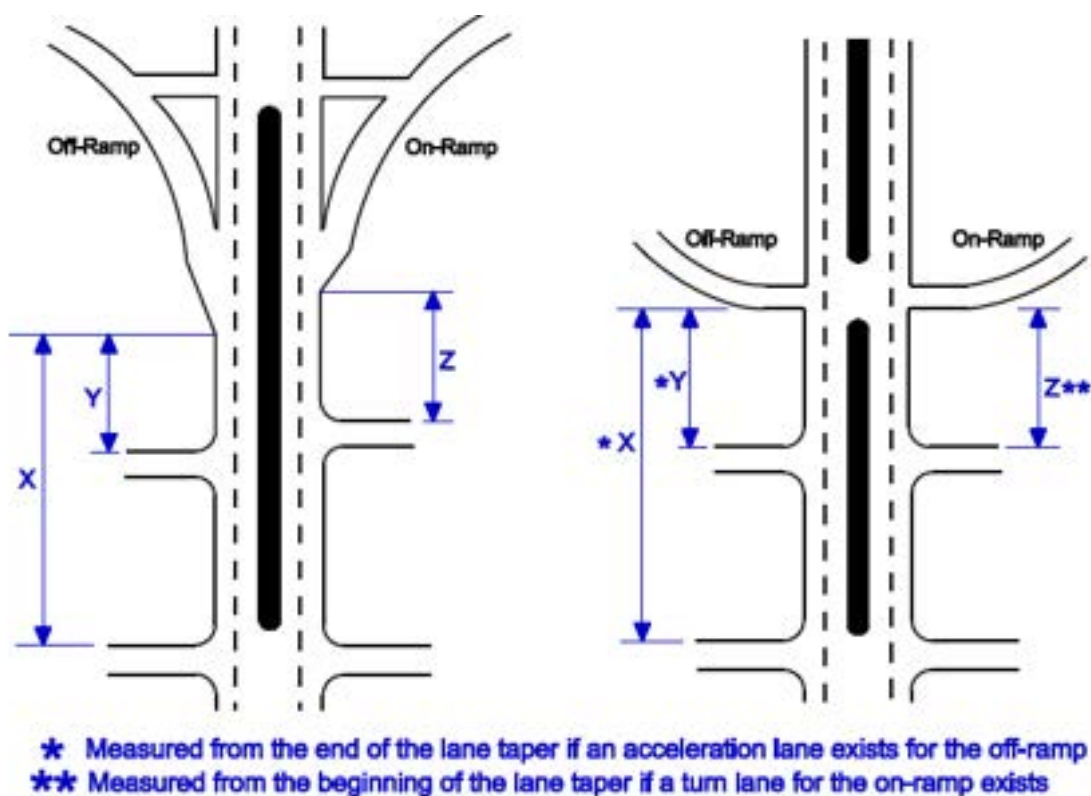
Figure 3-10: Minimum Radius Offset Requirements



### 3C-4 Access Placement in Interchange Areas

Adequate spacing and design of access points near freeway interchanges is important to avoid traffic queues and conflicts near interchange ramp terminals. When access points are too close to the ramp termini, heavy weaving volumes, complex traffic signal operations, frequent accidents, and recurrent congestion generally result. In no case shall a point of access be permitted on a freeway or expressway ramp or on a controlled-access highway unless illustrated on the original design plan for the controlled-access highway. The minimum spacing guidelines have been provided in Figure 3-11. Because of the complexity of freeway interchange areas, minimum spacing requirements may need to be increased at the discretion of the District Traffic Engineer (DTE).

Figure 3-11: Minimum Spacing for Freeway Interchange Areas



	Distance (ft)	Description
X	750	Distance from the closest interchange ramp to the first full access intersection
Y	325	Distance from the off-ramp to the first right in, right out access point
Z	325	Distance between the last right in, right out access connection and the on-ramp

### 3C-5 Coordination of Driveways and Sidewalks

Vehicles moving between the roadway and abutting property must pass through the portion of transportation system provided for pedestrians referred to as the sidewalk. Sidewalks should not be permitted for individual properties unless there is a logical and safe terminus. In the design of driveways and entrances/exits through this space where motorists and pedestrians must coexist, the right of way, which SC Code affords the pedestrian, must be basis for the design. In the design of all Low Volume and Medium Volume driveways, the concrete sidewalk, where present, should continue across the driveway with the features shown in the latest version of the *SCDOT Standard Drawings for Road Construction*.

Installation of driveways classified as Medium, High and Major Volume may result in the removal of the existing sidewalk. Where this occurs, care must be taken to minimize severe changes in the longitudinal grade and cross slope of the portion of the driveway within the pedestrian crossing area. The running slopes introduced by the proposed encroachment should not exceed the values provided in the *Americans with Disabilities Act Accessibility Guidelines* (ADAAG). The pedestrian crossing of driveways can be emphasized by the marking of standard six-foot (minimum) width crosswalks as shown in the MUTCD. This is especially important on wider radius-return (private street type) driveways where the crosswalk markings can emphasize to motorists that they must yield the right of way to pedestrians when crossing all driveways across sidewalks (SC Code 56-5-3250).

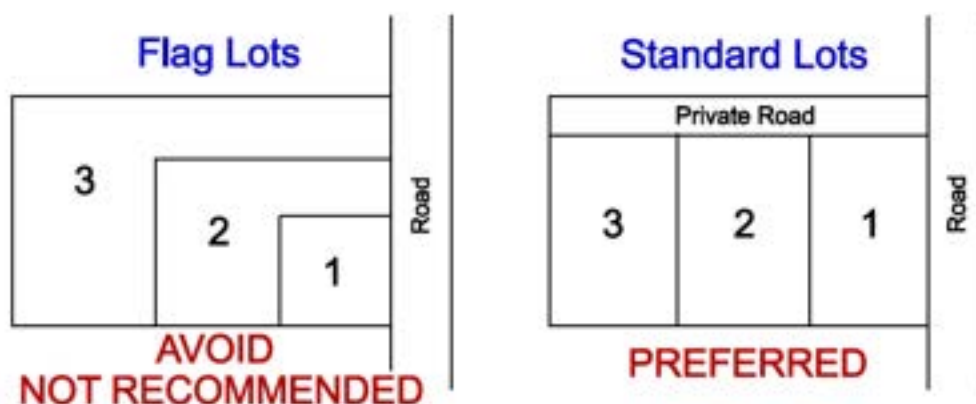
### 3C-6 Shared Driveways

Shared driveways requiring mutually executed easements are encouraged and, in some circumstances, may be required by the Department. The requirements of [subsection 3C-3](#) shall not apply to shared driveways.

### 3C-7 Flag Lots

Access problems often occur as the result of land development techniques that produce lots shaped like flags with long narrow access poles (see [Figure 3-12](#)). Landowners often stack flag lots when dividing a parcel to provide interior lots with direct access to the State Highway System, thereby avoiding the expense of providing a public or private road.

Figure 3-12: Flag Lots and Alternative Access



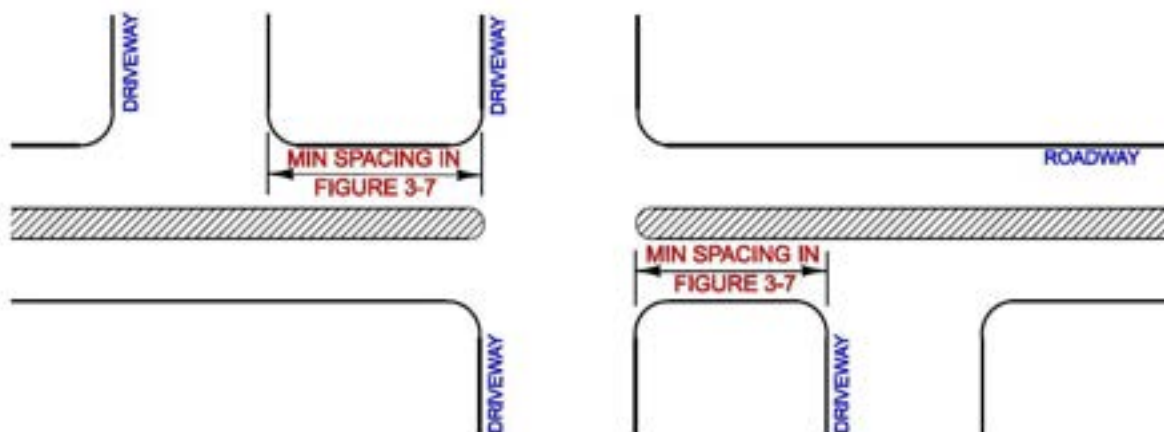
Access problems frequently occur when drives from stacked flag lots violate driveway spacing standards on the State Highway System. Inadequate spacing between these driveways increases safety hazards from vehicles turning on and off the high-speed roadway. To reduce the potential for access problems and improve safety, the construction of one drive per flag lot should be avoided. Instead, internal flag lots should be served by an internal street or road system that provides access to the State Highway System at one location. This access point should meet the design standards for a street or roadway and not those of a driveway. A residential property with a frontage of less than 50 feet will be permitted a point of access only upon special consideration by the Department.

### 3D MEDIAN CROSSOVERS

The initial placement of median crossovers along divided highways is determined by engineering design. Divided highways operate at higher levels of safety with a minimum number of median crossovers. Additional crossovers create more conflicts and can lead to higher accident experience and loss of the advantages of the divided highway. They, therefore, are not normally permitted at driveways, and the Department reserves the right to limit access to right-in, right-out. However, when additional median crossovers are warranted, in order to not compromise the operation of existing crossovers or the highway, the spacing of these additional median crossovers should follow a typical pattern for each roadway and shall be limited by the criteria set forth in this section. Applications for median crossovers which are difficult to reconcile shall be forwarded for review to the Director of Traffic Engineering. The design and construction of new median crossovers shall be the responsibility of the permittee and be accomplished at no additional expense to the Department.

Whenever applicable, driveways should align directly with existing median crossover. Those that do not align directly should be located according to the minimum driveway spacing in [Figure 3-7](#) so that conflicts with traffic using the crossover can be avoided. (See [Figure 3-13](#))

**Figure 3-13: Driveways with Median Crossovers**



### 3D-1 Requirements

A median crossover may be permitted when an engineering review by the Department indicates that all of the conditions listed below are met.

- The spacing to the nearest crossover is at least 500 feet in urban areas and 1,000 feet in rural areas (centerline to centerline).
- When needed as determined by the Department, a suitable left-turn lane and taper shall be included.
- Sight distance criteria are met (See [Chapter 7](#))
- Significant traffic volumes will be generated.
- The operation of the highway, other accesses, or crossovers will not be adversely affected.
- The maximum grade on the crossover should not exceed 5 percent.

The Department may approve the relocation of a median crossover if the new location meets the above requirements. A median crossover and any associated turn lanes are considered components of the driveway and are to be constructed by the permittee where approved.

### 3D-2 Design

The length of a median opening shall be based on the control radii accordance with [Figure A-4](#) in [Appendix A](#). For median crossovers provided for driveways, median ends should be of the bullet nose design following criteria established in [Figure A-5](#) in [Appendix A](#). The turning radius of the required design vehicle should determine the length of median crossovers for U-turns. The *SCHDM* offers more in-depth guidance on median design and provides minimum median widths for U-turn movements for various design vehicles. Pavement design shall equal or exceed that of the existing roadway. If auxiliary lanes are required, they shall be designed in accordance with [subsection 5D](#).

## 3E TEMPORARY DRIVEWAYS

Any driveway which is not for use by the general public and which will be closed after being used for only a limited time may be considered a temporary driveway. The limited time shall be specified on the permit and shall not exceed two years. The requirements for temporary driveways will be the same as for permanent driveways except that a stone surface may be used instead of pavement except where there are sidewalks and wide paved shoulders and different types of pipe are allowed. Temporary driveways shall not block existing drainage features. When the driveway is closed, all materials shall be removed and the site restored to its original condition by the permittee.

### 3E-1 Logging and Construction Driveways

Driveways to logging operations and construction sites can generally be considered temporary driveways with special consideration being given to ensure that mud and debris are not carried onto the highway. An area off the right-of-way for cleaning mud and debris off tires shall be required. Proper warning signs shall be provided, installed, and maintained by the permittee in accordance with the *Manual of Uniform Traffic Control Devices* (MUTCD).

THIS PAGE INTENTIONALLY LEFT BLANK



## CHAPTER 4 – SCHOOL ACCESS DESIGN



### 4A GENERAL

The School Operations section of SCDOT was established in 1994 in response to the rapid rate at which new school construction was occurring. The section coordinates with the State Department of Education's Office of School Facilities, local school districts, the SCDOT Bike and Pedestrian Engineer, and SCDOT Safe Routes to School Coordinator to assure that roadway and operational improvements are made at the time of new school construction and as renovations are made to existing schools. This process includes the review of all new school site and/or renovation plans from the preliminary design phase through the final construction phase.

This chapter is primarily to be used as a reference for school districts and their architects/engineers doing school site transportation design related to the SCDOT review and approval of Encroachment Permits.

### 4B ON-SITE STACKING

Schools generate their highest peak traffic volume during morning take-in and afternoon dismissal times. Frequently, these periods coincide with times when traffic volumes are heaviest along roads adjacent to school sites, which further compounds congestion problems experienced at schools. Therefore, it is essential to design internal school drives in a manner that will provide sufficient on-site stacking length for both parents and buses.

Table 4-5 shows the recommended on-site stacking lengths for automobile loops at elementary, middle, and high schools based on student population. It should be noted, however, that the presence of an all-day kindergarten program could create traffic

flow problems in loops intended for parents dropping-off and picking-up elementary students. Therefore, if a large kindergarten student population is anticipated, it is recommended that a separate loop be constructed for this operation. However, the loop's stacking capacity can be less than what is recommended for elementary students. Additionally, if a kindergarten loop cannot be constructed, then a separate parking area for these parents should be considered.

**Table 4-5: Recommended On-Site Stacking Lengths**

School Type	Student Population	Single Lane Loop Drive Stacking Length (Linear Ft.)
Elementary	Less than 600	1,200 – 1,500
	600 or more	1,500 – 2,000
Middle	Less than 600	1,200 – 1,500
	600 or more	1,500 – 2,000
High*	Less than 800	1,000 – 1,500
	800 – 2,500*	1,500 – 2,000

*\*For High school populations greater than 2,500 students, two separate student pick-up and drop-off loops should be considered.*

## 4C NUMBER OF SCHOOL DRIVEWAYS

The number of school driveways is important in assuring proper distribution of traffic along a site's frontage. Typically, elementary and middle schools function best when they are served by two separate access drives. One driveway is needed to serve the bus loop, while the other is necessary to serve the parent drop-off/pick-up loop (Note: If a school has an all-day kindergarten program, another access drive may be necessary). High schools should have at least three access drives. The first drive would serve the bus loop, parents would use the second drive for dropping-off and picking-up students, and the third drive would provide access to the student parking areas. For a high school with a large volume of student drivers, additional driveways may be needed for the student parking areas. The recommended number of drives is summarized in [Table 4-6](#).

Consequently, there are circumstances when a new school has only one accessible driveway location. In these instances, it is essential that this access drive be designed to provide multiple lanes entering and exiting the site.

**Table 4-6: Recommended Number of Drives**

School Type	Number of Driveways
Elementary	2 – 3
Middle	2
High	3 – 4

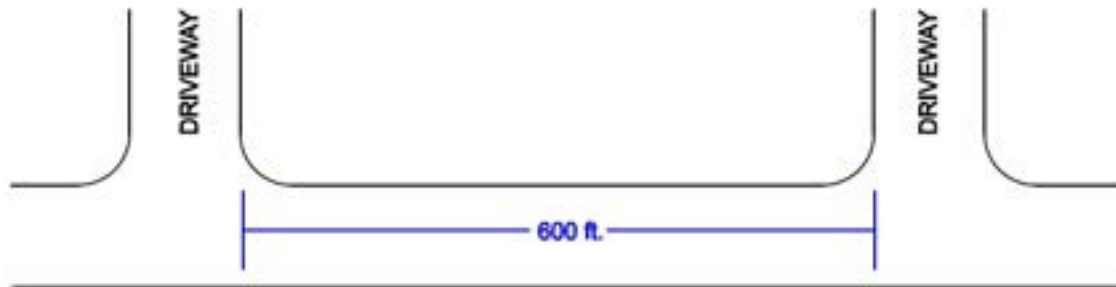


## 4D DESIGN CONSIDERATIONS

### 4D-1 Driveway Spacing

The desirable distance between school driveways is 600 feet or greater as shown in [Figure 4-14](#). This spacing allows for adequate left-turn lane development along the roadway.

Figure 4-14: School Driveway Spacing



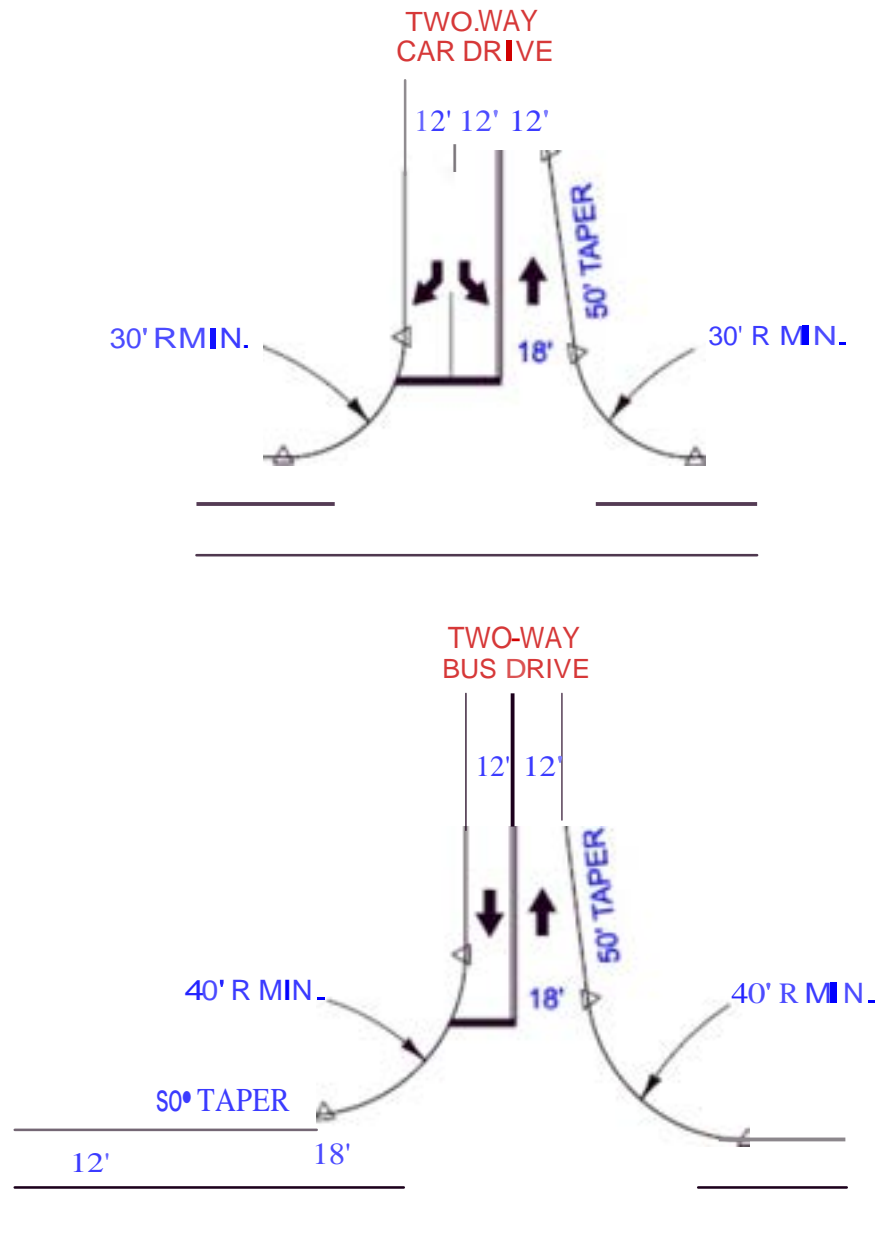
### 4D-2 Driveway Location

Although school driveway access locations are limited to points along a site's frontage where sight lines are optimum, there are other items that also dictate a driveway's location. School driveway locations should comply with the driveway location requirements as given [subsection 3B](#) of this manual. These include radius and corner clearances and radius offsets.

### 4D-3 Lane Widths and Corner Radii

Driveway corner radii should be designed to safely accommodate the turning movement of the largest vehicle that will regularly use the drive. The minimum corner radius for a school driveway to accommodate an automobile and a school bus is 30 feet and 40 feet, respectively. Also, a school driveway should have an 18-foot wide entrance lane to provide adequate pavement for vehicles entering the drive. This same treatment should be applied to the mainline roadway to accommodate buses exiting the school drive. See [Figure 4-15](#).

Figure 4-15: School Drive Width and Radii



## 4E ROADWAY WIDENING IMPROVEMENTS

Implementing roadway improvements at and adjacent to new schools is an essential part of the overall site design. Since schools generate high traffic volumes during take-in and dismissal times, they often create heavy congestion at their drives and adjacent intersections (especially when these times coincide with peak traffic demands of non-school traffic along the highway). Additionally, school driveways generate high volumes of turning traffic, which can interfere with the safe and efficient movement of traffic along a roadway. In most cases, the SCDOT recommends construction of turning lanes at new school sites on a statewide basis. Turn lane lengths and taper lengths used should be in accordance with [Figures A-9 and A-10 in Appendix A](#). Widening may also be recommended at adjacent intersections if the traffic introduced by a new school, or school addition, creates a more hazardous condition or is projected to cause a failure in the safe and efficient traffic operation of that intersection. When widening is necessary, the methods presented in [Figures A-9 and A-10 in Appendix A](#) should be used.

## 4F MISCELLANEOUS RECOMMENDATIONS

- The area where students are dropped-off and picked-up should be located separately from bus loading/unloading operations. This is accomplished by constructing loops and driveways that function separately.
- Automobile and bus loop traffic should circulate in a counterclockwise direction so that student loading and unloading occurs from a vehicle's passenger side next to the curb.
- Parking stalls placed along loop drives should be constructed in an angle type fashion to facilitate a one-way traffic flow pattern and discourage wrong way use.
- School buildings should be set back on a site a sufficient distance from the adjacent roadway to insure safe and adequate on-site storage for the stacking of loading and unloading vehicles.
- Pedestrians and bicyclists shall have a designated safe path between any road and the school building.
- The layout of the bus circulation and parking areas shall be designed to prohibit the backing-up of buses on a school site.
- Parking stalls for a full-size bus shall be a minimum of 15 feet wide. Smaller spaces may be provided for mini-buses and other specifically sized vehicles used to transport students.
- Student parking areas shall be separated from staff/visitor/bus parking and student loading/unloading areas.

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 5 – STREET INTERSECTIONS



### 5A GENERAL

Street intersections whether commercial or residential, public or private, shall be designed and constructed in conformance with the current editions of the *SCDOT Highway Design Manual* (SCHDM), the American Association of State Highway and Transportation Officials' *A Policy on Geometric Design of Highways and Streets* (AASHTO Green Book), AASHTO's *Guide for the Planning Design, and Operation of Pedestrian Facilities*, and AASHTO's *Guide for the Development of Bicycle Facilities*, the ADAAG, and the Department's *Standard Specifications for Highway Construction*. All intersections should be as simple as practical by minimizing confusion and demands on drivers to recognize and rapidly react to complex situations.

### 5B SPACING REQUIREMENTS

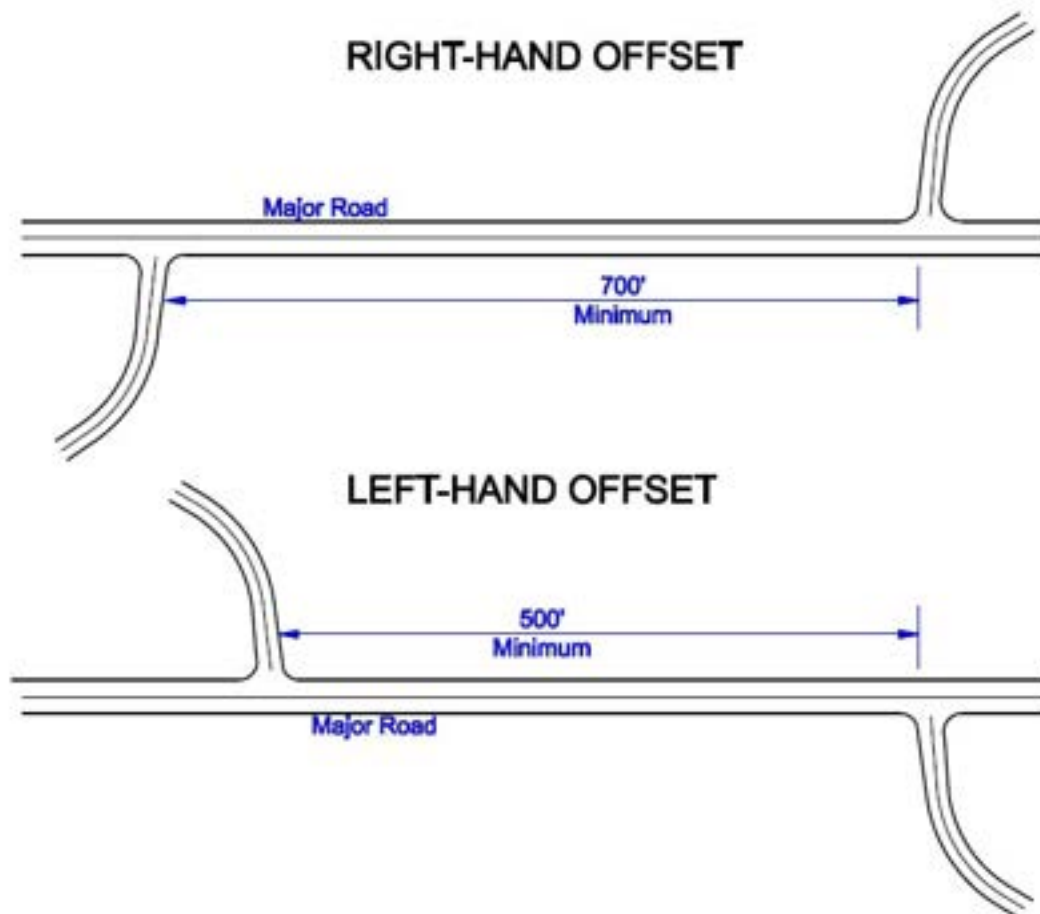
#### ***5B-1 Unsignalized Intersection Spacing***

If practical, avoid short distances between intersections because they tend to impede traffic operations. For example, if two intersections are close together and require signalization, they may need to be considered as one intersection for signalization purposes. To operate safely, each leg of the intersection may require a separate green phase, thereby greatly reducing the capacity for both intersections. Short spacing between intersections may hinder or even restrict effective left-turn movements. Where practical, realign the roadways to form a single intersection.

To operate efficiently, urban intersections should be a minimum of 500 feet apart. For rural areas, provide a minimum spacing of  $\frac{1}{4}$  mile (1320 feet) and, desirably,  $\frac{1}{2}$  mile (2640 feet) apart. Generally, treat signalized and unsignalized intersections the same. Because of changing traffic patterns, development and crash concerns, unsignalized intersections may be converted to signalized intersections in the future. Conduct a capacity analysis to determine if free-flow can be obtained between the intersections.

In addition, avoid short gaps or offsets between opposing “T” intersections. Drivers tend to encroach into the opposing lanes (corner cutting) so that they can make their turning maneuvers in one movement. In general, all new intersections should preferably be at least 500 feet apart. However, intersections with a right hand offset should have a minimum spacing of 700 feet to properly develop left-turn lanes. (See Figure 5-16)

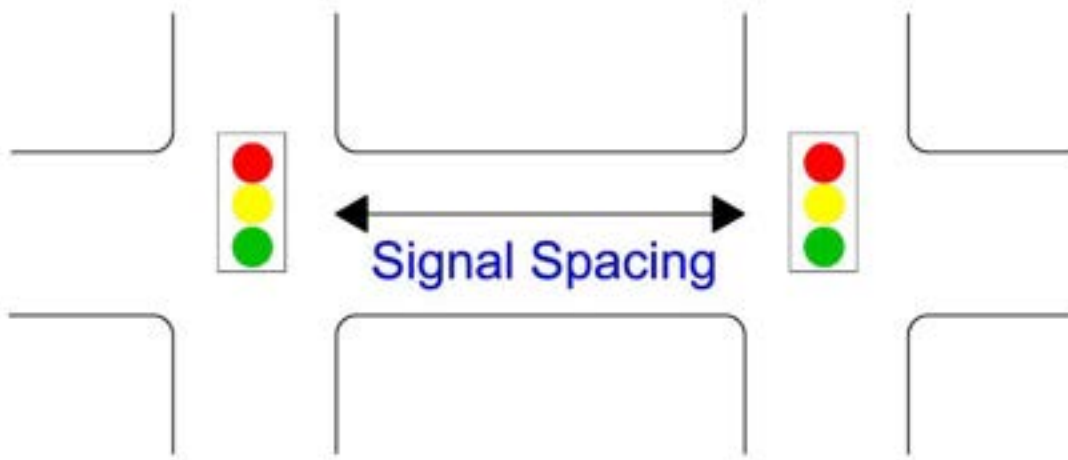
Figure 5-16: Street Alignment



**5B-2 Signalized Intersection Spacing**

Closely spaced traffic signals result in frequent vehicle stops and starts, unnecessary delay, and increased fuel consumption and emissions. Long and uniform signal spacing allow signal timing plans to efficiently accommodate varying traffic conditions including congested peak hours. [Figure 5-17](#) shows the spacing requirements for signalized intersections. Less than minimum traffic signal spacing is only permitted if there is no reasonable alternative, and a weave and queue analysis show adequate spacing.

**Figure 5-17: Traffic Signal Spacing**



Functional Class	Traffic Signal Spacing (ft)
Major Arterial	2,640
Minor Arterial	1,320
Collector	1,320
Local	1,320

## 5C DESIGN CONSIDERATIONS

### 5C-1 Design Vehicles

Right-of-way for new streets should provide triangular areas sufficient to accommodate the intersection turn radii and provide for adequate intersection sight distance. The minimum radius for street intersections should comply with the recommended design vehicle based on the functional classification of the intersection's highway that the vehicle is turning from and onto. These design vehicles are listed in Table 5-7.

Table 5-7: Turn Type Design Vehicles

For Turn Made		Design Vehicle
From	Onto	
Freeway Ramp	Other Facilities	WB-62
Other Facilities	Freeway Ramp	WB-62
Arterial	Arterial	WB-62
	Collector	WB-62
	Local	WB-62
	Local (Residential)	SU/ S-BUS*
Collector	Arterial	WB-62
	Collector	WB-62
	Local	WB-62
	Local (Residential)	SU/ S-BUS*
Local	Arterial	WB-62
	Collector	WB-62
	Local	SU/ S-BUS*
	Local (Residential)	SU/ S-BUS
Local (Residential)	Arterial	SU/ S-BUS*
	Collector	SU/ S-BUS*
	Local	SU/ S-BUS
	Local (Residential)	SU/ S-BUS

\* With encroachment, a WB-50 vehicle should physically be able to make the turn.

### 5C-2 Angle of Intersection

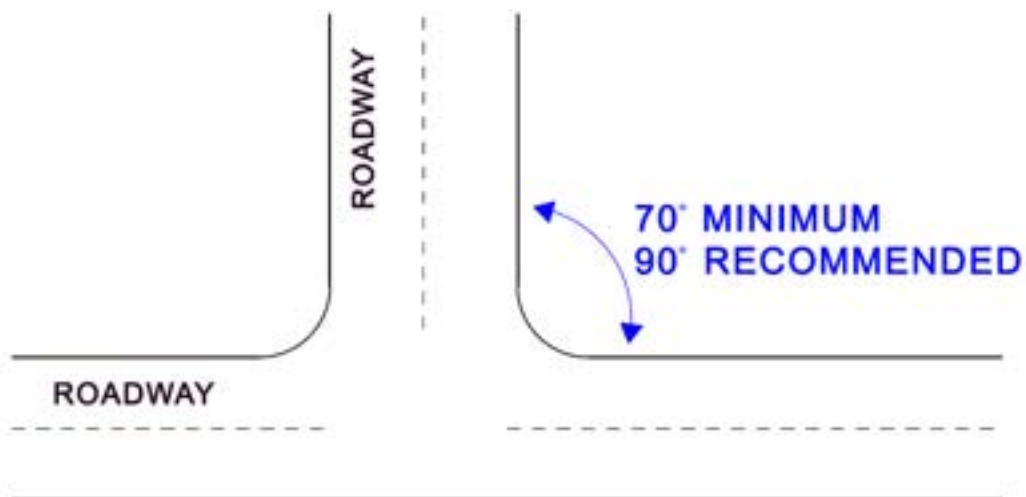
Highways should intersect at or nearly at right angles. Intersections at acute angles are undesirable because they:

- Restrict vehicular turning movements,
- Require additional pavement and channelization for large trucks,
- Increase the exposure time for vehicles and pedestrians crossing the main traffic flow, and
- Restrict the crossroad sight distance.

Preferably, the angle of intersection should be within 20 degrees of the perpendicular as shown in Figure 5-18. This amount of skew can often be tolerated because the impact on sight lines and turning movements is not significant. Where turning movements are significantly unbalanced, the intersections may be angled to favor the predominant movement.

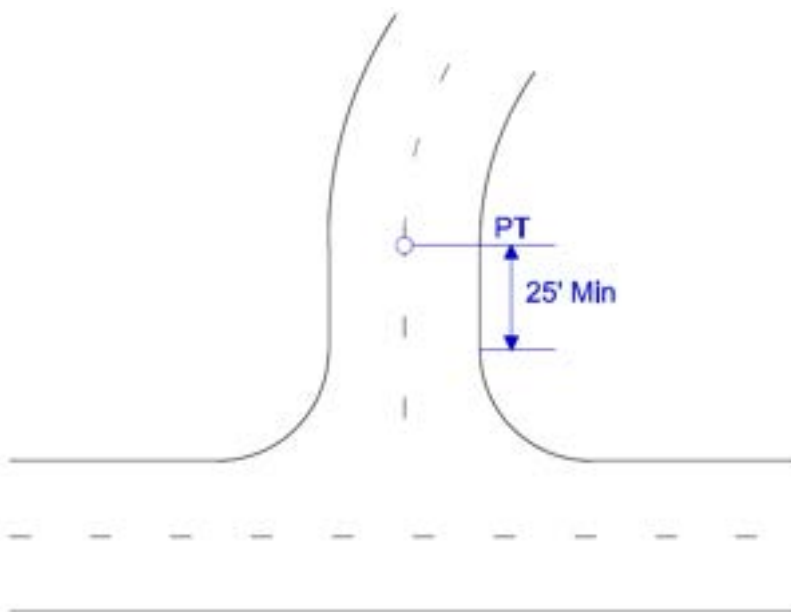


Figure 5-18: Roadway Angle of Intersection



The minimum distance between the point of tangency (PT) of a curve and the beginning of a radius at the intersection is 25 feet, as shown in [Figure 5-19](#).

Figure 5-19: Point of Tangency Offset



### 5C-3 Offset Intersection Legs

In general, four-leg cross type intersections should be designed so that opposing approaches line up with each other (i.e., there is no offset between opposing approaches). However, this is not always practical. Figure 5-20 presents a diagram of an intersection with an offset between opposing approaches. Because of possible conflicts with overlapping turning vehicles, offset intersections should only be allowed to remain on low-volume approaches. The following criteria will apply for offset intersection approaches:

1. **Maximum Offset.** The maximum offset is determined from the application of a taper equal to V:1 applied to the intersection width, where V is the design speed in miles per hour; see Figure 5-20. V is selected as follows:

- V = 20 miles per hour for stop-controlled approaches.
- V = the roadway design speed for the free-flowing approaches at a stop-controlled intersection.
- V = the roadway design speed for the offset approaches at a signalized intersection.

2. **Turning Conflicts.** Evaluate the entire intersection for conflicts that may result from turning vehicles at an offset intersection. For example, offsets where the “jog” is to the left may result in significant interference between simultaneous left turning vehicles.

3. **Evaluation Factors.** In addition to potential vehicular conflicts, the designer should evaluate the following at existing or proposed offset intersections:

- Through and turning volumes,
- Type of traffic control,
- Impact on all turning maneuvers,
- Intersection geometrics (e.g., sight distance, curb/pavement edge radii), and
- Crash history at existing intersections.

Figure 5-20: Offset Intersection Legs



Design Speed (mph)	Allowable Offset (ft)	
	Crossing a 2-Lane Street*	Crossing a 5-Lane Street**
20***	3.7	7.2
25	3	5.7
30	2.5	4.8
35	2.1	4.1
40	1.9	3.6
45	1.6	3.2
50	1.5	2.9
55	1.3	2.6
60	1.2	2.4

Notes:

\*Assumes a 25 ft. corner radius and 2-12 ft. lanes

\*\*Assumes a 40 ft. corner radius, 4-12 ft. lanes, and a 15 ft. TWLTL

\*\*\*Use the 20 mph design speed for all stopped approaches.

### 5C-4 Approach Grade and Side Slope

On streets or higher-volume driveways or when curb and gutter are present, the approach profile should be as flat as practical but consideration must be given to obtaining positive drainage. Intersection areas or landing areas in the range of 75 to 100 feet should be established for minor roads as shown in [Figure A-6](#) in [Appendix A](#). The landing area is the portion of intersecting highways, local roads, and public and private approaches that are used for the storage of stopped vehicles. This landing area should provide for minimum grade changes to provide adequate sight distance and minimize acceleration time for vehicles using the crossroads. Desirably, the landing area will slope away from the intersection on a gradient not to exceed 3 percent, downward or upward. However, an upward sloping landing area should be avoided if practical, because this will require the stopped motorist to apply brakes while waiting to cross or turn. Where the use of grades less than 3 percent may be cost prohibitive, the designer may, with corresponding adjustments to other intersection design elements, use an approach gradient up to 5 percent. See Chapter 15 of the *SCHDM* for more in-depth design criteria.

## 5D AUXILIARY LANES

On roadways with substantial traffic volumes and/or higher speeds, lanes for deceleration, or turn storage may be required by the Department or as the result of a traffic impact study. The design and construction of auxiliary lanes, as well as the acquisition of additional right-of-way where necessary, shall be the responsibility of the permittee and shall be accomplished at no expense to the Department.

When adding left-turn lanes, the entire roadway at the site shall be resurfaced to prevent differential settlement, to eliminate undesirable pavement contrast, and to provide proper pavement markings. When the through travel way shifts alignment to a new location, the entire roadway within the limits of the shift shall be resurfaced. However, when a right turn lane only is added, resurfacing of the entire area may not be required. In addition, the road should be brought up to the latest standards requiring the following:

- Minimum 2-foot paved shoulders, matching the paved shoulder width currently provided on the road, or the width called for in state or local bicycle/pedestrian plans.
- 10 foot shoulders on arterials, and 6-8 foot shoulders on collectors, and 4-6 foot shoulders local roads based on guidance in the *SCHDM*.
- All projects in which turn lanes are added shall have cross sections submitted with the permit application showing the pavement, shoulder width, cut and fill ditches, and the right-of-way. If additional right-of-way is needed, this shall be indicated on the plans, and the permittee shall be responsible for acquisition at no cost to the Department. Additional right-of-way shall be quit claimed to the Department for maintenance purposes and shall take place prior to approval of the permit.

### **5D-1 Right-turn Storage Lanes**

The use of right-turn lanes at intersections can significantly improve operations. Consider exclusive right-turn lanes:

- At the free-flowing leg of any unsignalized intersection on a two-lane urban or rural highway;
- At the free-flowing leg of any unsignalized intersection on a high-speed, four-lane urban or rural highway;
- At any intersection where a capacity analysis determines a right-turn lane is necessary to meet the level-of-service criteria;
- As a general rule, at any signalized intersection where the projected right-turning volume is greater than 300 vehicles per hour and where there is greater than 300 vehicles per hour per lane on the mainline;
- For uniformity of intersection design along the highway if other intersections have right-turn lanes;
- At railroad crossings where the railroad is parallel to the facility and is located close to the intersection and where a right-turn lane would be desirable to store queued vehicles avoiding interference with the movement of through traffic; or
- At any intersection where the crash experience, existing traffic operations, sight distance restrictions (e.g., intersection beyond a crest vertical curve), or engineering judgment indicates a significant conflict related to right-turning vehicles.

### **5D-2 Left-Turn Storage Lanes**

The accommodation of left turns is often the critical factor in proper intersection design. Left-turn lanes can significantly improve both the level of service and intersection safety. Always use an exclusive left-turn lane at all intersections with public roads on divided urban and rural highways with a median wide enough to accommodate a left-turn lane, regardless of traffic volumes. Consider using an exclusive left-turn lane for the following:

- At any signalized intersection. At locations where you have 300 vehicles per hour, consider a traffic study to determine if dual left-turn lanes are required;
- At all entrances to major residential, commercial and industrial developments;
- At all median crossovers;
- For uniformity of intersection design along the highway if other intersections have left-turn lanes (i.e., to satisfy driver expectancy); or
- At any intersection where the crash experience, traffic operations, sight distance restrictions (e.g., intersection beyond a crest vertical curve), or engineering judgment indicates a significant conflict related to left-turning vehicles.

### **5D-3 Multiple-Turn Lanes**

At signalized intersections with high-turning volumes, dual left- and/or right-turn lanes may be considered. However, multiple turn lanes may cause problems with right of way, lane alignment, crossing pedestrians and lane confusion for approaching drivers. Consider dual right- and left-turn lanes where:

- Based on the capacity analysis, the necessary time for a protected left-turn phase becomes unattainable to meet the level-of-service criteria (average delay per vehicle); and/or
- There is insufficient space to provide the calculated length of a single-turn lane because of site restrictions (e.g., closely spaced intersections).

Dual right-turn lanes do not work as well as dual left-turn lanes because of the more restrictive space available for two-abreast right turns. If practical, the designer should find an alternative means to accommodate the high number of right-turning vehicles.

Triple left-turn lanes require more specific justification and detail in the design than dual left-turn lanes. Because triple left-turn lanes are not common in South Carolina, early coordination with the Traffic Engineering division is recommended.

#### 5D-4 Auxiliary Lane Design

The length of a right-turn and left-turn lane at an intersection should allow for both safe vehicular deceleration and storage of turning vehicles outside of the through lanes. The length of auxiliary lanes will be determined by a combination of its taper length (Figure 5-21) and storage length (Table 5-8 and Table 5-9). When widening is necessary to accommodate a turn lane, the methods presented in Figure A-8 should be used.

Table 5-8: Right-Turn Lane Storage Lengths

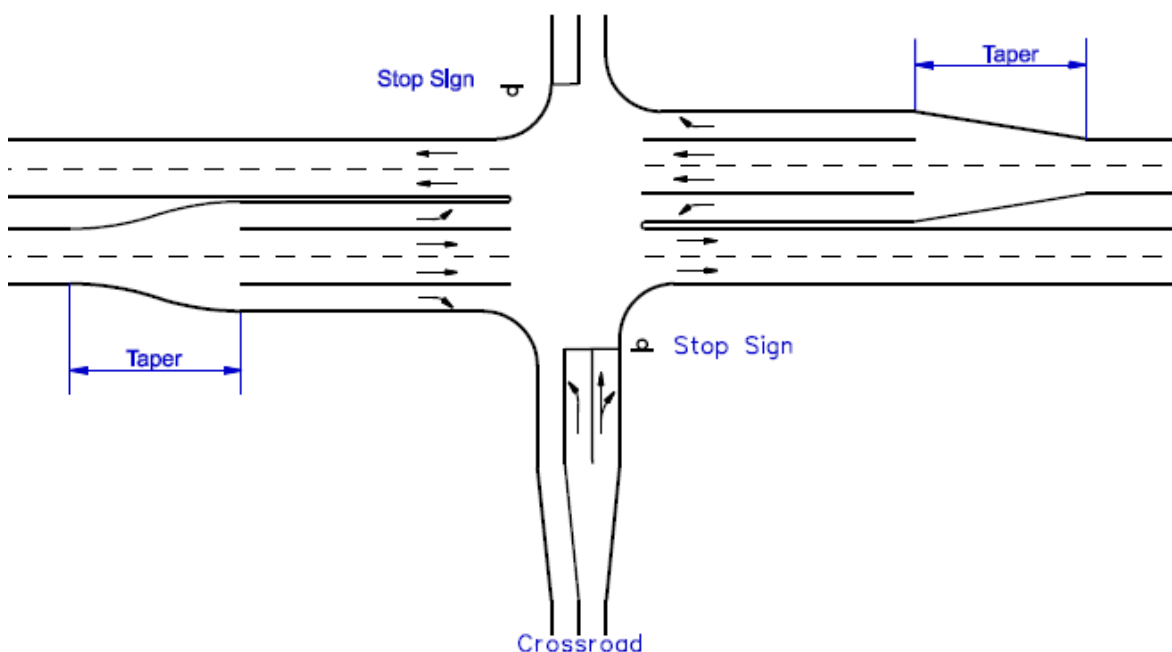
Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 100 ft				
100					
150		125 ft	175 ft	175 ft	175 ft
200	150 ft	175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

Table 5-9: Left-Turn Lane Storage Lengths

Turning Volume (vph)	Percent of Trucks in Turning Volume				
	0% to 10%	20%	40%	60%	100%
50	Minimum length of 150 ft. in Urban Areas Minimum length of 200 ft. in Rural Areas				
100					
150			175 ft	175 ft	175 ft
200		175 ft	225 ft	225 ft	250 ft
250	200 ft	225 ft	275 ft	275 ft	325 ft
300	250 ft	275 ft	325 ft	350 ft	400 ft
350	300 ft	325 ft	375 ft	425 ft	475 ft
400	350 ft	375 ft	425 ft	500 ft	550 ft

NOTES: 1) SCDOT Traffic Engineering should review the design to determine if longer turn lane lengths are required. 2) Consider providing dual turn lanes if volumes are greater than 300 vph.

Figure 5-21: Typical Auxiliary Lane Taper Lengths



REVERSE CURVE TAPER				STRAIGHT TAPER		
Design Speed (mph)	Radius (ft)	Auxiliary Lane Widths		Design Speed (mph)	Auxiliary Lane Widths	
		W=11 ft	W=12 ft		W=11 ft	W=12 ft
$V \leq 30$	300	115	120	$V \leq 30$	115	120
31 - 40	480	145	152	31 - 40	145	150
41 - 50	670	171	179	41 - 50	170	180
$51 \leq V$	840	192	201	$51 \leq V$	200	200

## Notes:

- 1) Create taper equivalent reverse curves.
- 2) Taper distance is approximately based on tangent alignment
- 3) W=width of turning lane
- 4) Where through road is on a curve, develop a uniform offset taper from the curved mainline.

In-depth design criteria for auxiliary lanes can be found in Section 15.5 of the SCHDM.

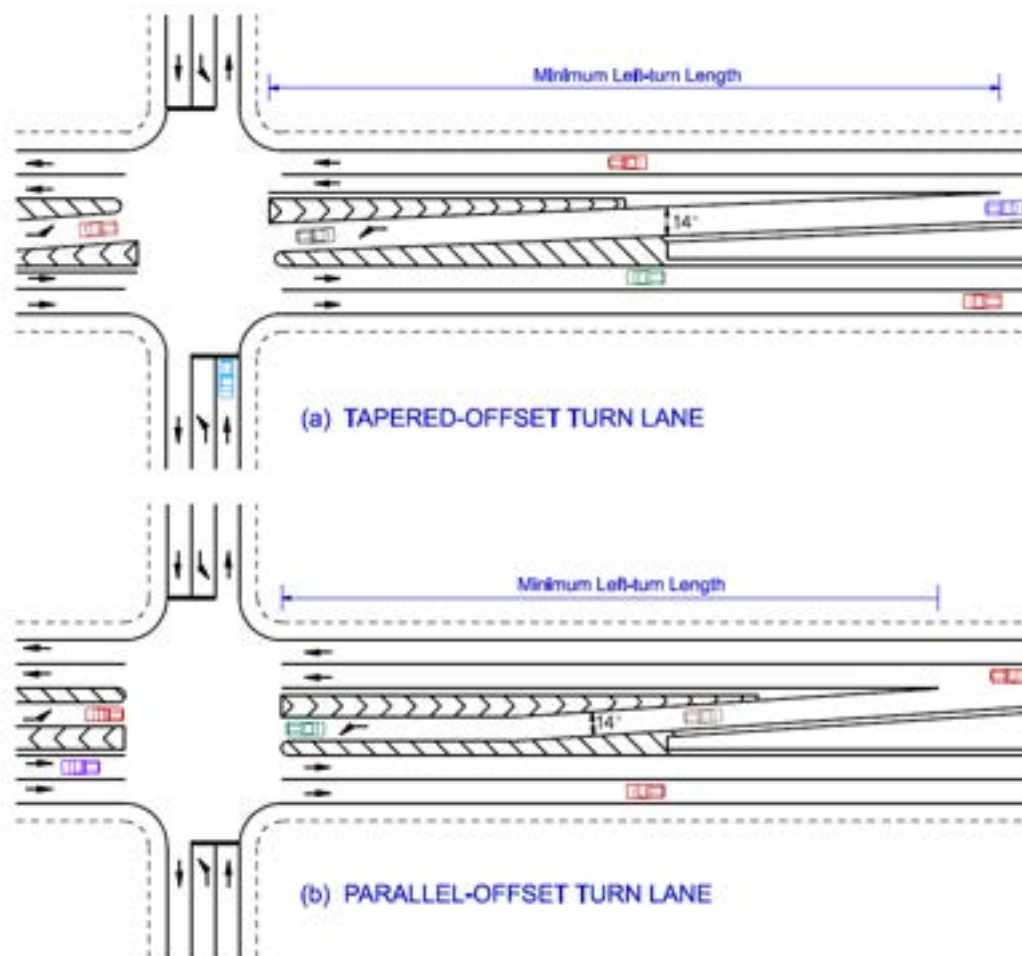
### 5D-5 Offset Left-Turn Lanes

On medians wider than 17 feet, it is desirable to align the left-turn lane so that it will reduce the width of the median nose to 1 to 6 feet. This alignment will place the vehicle waiting to make the turn as far to the left as practical, maximize the offset between the opposing left-turn lanes, and provide improved visibility to the opposing through traffic. The advantages of offsetting the left-turn lanes are:

- better visibility of opposing through traffic and decreased probability of a conflict between opposing left-turn movements within the intersection; and
- more left-turn vehicles can be served in a given period of time, especially at signalized intersections.

Offset designs may be either the parallel or taper design; see [Figure 5-22](#). The parallel design may be used at signalized and unsignalized intersections. However, the taper design is primarily only used at signalized intersections. Offset turn left-lanes should be separated from the adjacent through traveled way by painted or raised channelization.

Figure 5-22: Offset Left-turn Lanes





## 5E PARKING CONSIDERATIONS

Facilities and accommodations for parking on the State Highway System's right-of-way shall be permitted only when installed by local governments who maintain the responsibility for enforcing parking regulations within their jurisdiction. At no time shall any on-street parking be allowed on the right-of-way that is not in accordance with Section 56-5-2550 of the *Code of Laws of South Carolina* (1976 as amended). Only parallel parking is permitted on the State Highway System's right-of-way, unless the Department specifically permits otherwise. Parking other than parallel parking increases the accident potential due to vehicles backing into the roadway while under the restraint of limited sight distances created by vehicles in adjacent spaces. Standard angle and reverse angle parking, therefore, shall be permitted only on minor streets where there is sufficient width to allow maneuvering without interfering with the free movement of traffic. At no time shall 90° parking be permitted. Internal parking of a development or improvement will not be allowed to extend onto the State Highway System's rights-of-way.

Figure A-11 in Appendix A provides the layout criteria for parking stalls for various configurations. The figure also indicates the number of stalls which can be provided for each parking configuration for a given curb length. For angle parking, the roadway width allocated to parking will be the maneuvering space as shown in the figure exclusive of the through travel lane. The maneuvering space distance is that width needed by a parked vehicle to back onto the street when exiting the stall. However, in restricted areas a portion of the maneuvering dimension may be required for the through travel lane, thereby reducing the roadway width allocated to angle parking. The design must meet the accessibility design criteria discussed in Section 17.1 of the SCHDM.

For most sites, a parking occupancy turnover study and a sight distance evaluation must be conducted. In addition to State and local regulations, the following should be considered when locating parking spaces:

- A) Prohibit parking within 20 feet of any crosswalk.
- B) Prohibit parking at least 10 feet from the beginning of the curb radius at mid-block approaches (e.g., alleys, driveways).
- C) Prohibit parking within 50 feet of the nearest rail of a railroad/highway crossing.
- D) Prohibit parking from areas designated by local traffic and enforcement regulations (e.g., near school zones, fire hydrants). See local ordinances for additional information on parking restrictions.
- E) Prohibit parking near bus stops
- F) Prohibit parking within 30 feet on the approach leg to any intersection with flashing beacon, stop sign, or traffic signal.
- G) Prohibit parking on bridges or within a highway tunnel.
- H) Eliminate parking across from a T- intersection.
- I) Prohibit parking in the intersection sight triangle.



## CHAPTER 6 – TRAFFIC IMPACT STUDIES



Image taken from Google Earth©

### 6A GENERAL

A traffic impact study (TIS) is a specialized engineering study that evaluates the effects of a proposed development on traffic conditions in an area. These studies help developers and government agencies identify the potential traffic impacts of a development and means to mitigate these impacts both on- and off-site. The District Traffic Engineer (DTE) will evaluate the study, therefore early contact with the Department by the developer is recommended. A TIS will be required for large developments such as major shopping centers, large planned-unit developments, industrial complexes, and other projects that would generate 100 or more trips during the peak hour of the traffic generator or the peak hour of the adjacent street. A change or expansion at an existing site that results in an expected increase of 100 or more trips or if the DTE determines that the proposed development will have a significant impact on the operations at the proposed access points even if the site generates fewer than 100 trips will also require a TIS. The estimate of the number of trips for the sites will be based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*. In [Table 6-10](#) are examples of land use size thresholds that might be expected to generate 100 peak hour trips that may be used to determine whether a study will be required (*based on 7<sup>th</sup> Edition of the ITE Trip Generation Manual*). In some instances, thresholds for rural areas and small cities may need to be lower than for urban areas.

Table 6-10: Guidelines for Determining the Need for an Impact Study

Land Use	100 Peak Hour Trips*
Single Family Home	90 units
Apartments	150 units
Condominiums/Townhouses	190 units
Mobile Home Park	170 units
Shopping Center – Gross Leasable Area (GLA)	6,000 sq. ft.
Fast Food Restaurant With drive-in – Gross Floor Area (GFA)	3,000 sq. ft.
Gas Station with Convenience Store	7 fueling positions
Banks w/drive-in (GFA)	2,000 sq. ft.
General Office	67,000 sq. ft.
Medical/Dental Office	29,000 sq. ft.
Research & Development	71,000 sq. ft.
Light Industrial / Warehousing (GFA)	185,000 sq. ft.
Manufacturing Plant (GFA)	144,000 sq. ft.

\*Rates/Equations used to calculate above thresholds are for the P.M. Peak hour of the adjacent street.

A TIS shall be under the direct charge of and sealed by a registered South Carolina Professional Engineer with expertise in traffic engineering. An impact study shall analyze traffic conditions for the existing year conditions, build-out year background “no build” conditions, and build-out year “build” conditions. The study will be used to assess the need for changes in traffic control devices and roadway improvements necessary to accommodate the new development traffic. The study must also justify the proposed access plan and demonstrate the effects of the development on public roadways. The developer of a site will be responsible for making roadway improvements and installing traffic control devices that may be necessary due to the impacts of the new development. These include impacts through the influence area of the development and not limited to those in front of the development. The Department may also require road improvements by the developer without a TIS.

## 6B STUDY REQUIREMENTS

The DTE should be contacted before a TIS is begun to discuss the requirements and determine the scope of the study. The method used for analysis should be based on the 2006 edition of ITE's "Transportation Impact Analysis for Site Development." In general, the SCDOT requires the following information be contained in a TIS:

1. **Study Area** - Description of the study area including surrounding land uses and expected development in the vicinity that would influence future traffic conditions. The study area shall include the intersections immediately adjacent to the development and those identified by the DTE. These intersections may include those not immediately adjacent to the development if significant site traffic could be expected to impact the intersection. If intersections impacted by the development are within a coordinated traffic signal system, then the entire system shall be analyzed. If the signal system is very large, a portion of the system may be analyzed if approved by the DTE. A study area site map showing the site location is required.
2. **Proposed Land Use** - Description of the current and proposed land use including characteristics such as the number and type of dwelling units, gross and leasable floor area, number of employees, accompanied with a complete project site plan (with buildings identified as to proposed use). A schedule for construction of the development and proposed development stages should also be included.
3. **Existing Conditions** - Description of existing traffic conditions including existing peak-hour traffic volumes adjacent to the site and levels of service for intersections in the vicinity, which are expected to be impacted. Existing traffic signal timings should be used. In general, AM and PM peak hour counts should be used, but on occasion other peak periods may need to be counted to determine the effects of school or special event traffic. In some cases, pedestrian counts will be required. Data should be adjusted for daily and seasonal variations. Existing counts may be used if taken within 12 months of the submittal of the TIS. In most cases, counts should be taken when school is in session unless otherwise determined by the DTE. Other information that may be required as determined by the DTE may include, but not limited to, crash data, stopping sight distances, and 50<sup>th</sup> and 85<sup>th</sup> percentile speeds.
4. **Future Background Growth** - Estimate of future background traffic growth. If the planned completion date for the project or the last phase of the project is beyond 1 year of the study an estimate of background traffic growth for the adjacent street network shall be made and included in the analysis. In general, the growth factor will be determined from local or statewide data. Also included, is the state, local, or private transportation improvement projects in the project study area that will be underway in the build-out year and traffic that is generated by other proposed developments in the study area.
5. **Estimate of trip generation** - The site forecasted trips should be based on the most recent edition of the *ITE Trip Generation Manual*. A table should be provided in the report outlining the categories and quantities of land uses, with the corresponding trip generation rates or equations, and the resulting number of trips. The reason for using the rate or equation should be documented. For large developments that will have multiple phases, the table should be divided based on the trip generation for each phase. Any reductions due to internal trip

- capture and pass-by trips, transit use, and transportation demand management should be justified and documented. All trip generation and trip reduction calculations and supporting documentation shall be included in the report appendix.
6. **Trip Distribution and Traffic Assignment** - The distribution (inbound versus outbound, left turn versus right turn) of the estimated trip generation to the adjacent street network and nearby intersections shall be included in the report and the basis should be explained. The distribution percentages with the corresponding volumes should be provided in a graphical format.
  7. **Analysis and Estimate of Impact** - A capacity analysis should be performed at each of the study intersections and access intersection locations (signalized and unsignalized) in the vicinity of the development. Intersection analysis shall include LOS determination for all approaches and movements. The levels of service will be based on the procedures in the latest edition of Transportation Research Board's *Highway Capacity Manual*. Coordination analysis will be required for the signal systems or portion of the signal systems analyzed.
  8. **Access Management Standards** - The report shall include a map and description of the proposed access including any sight distance limitations, adjacent driveways and intersections, and a demonstration that the number of driveways proposed is the fewest necessary and that they provide safe and efficient traffic operations.
  9. **Traffic signalization:** If a traffic signal is being proposed, a signal warrant analysis shall be included in the study. The approval of a traffic signal on projected volumes may be deferred until volumes meet warrants given in the MUTCD. The developer should make any laneage improvements during construction so that if in the horizon year a signal is warranted, one may be installed with little impact to the intersection.
  10. **Mitigation and alternatives** - The traffic impact study should include proposed improvements or access management techniques that will mitigate any significant changes in the levels of service. The DTE will be responsible for final determination of mitigation improvements required to be constructed by the applicant.

The applicant shall provide all supporting information to the department. Electronic copies of supporting data may be submitted along with printed documents and could expedite the review process. This information may include traffic volumes, capacity analysis, and signal warrant analysis files from software packages. The electronic files that are submitted should be named to identify the contents.

When conditions indicate that there is no need to prepare a TIS, the developer may submit a waiver request to the DTE explaining the purpose of the waiver and providing the necessary supporting information.

The following checklist is used by the SCDOT in the review process and can aid in the preparation of a traffic impact study. This checklist shows the minimum requirements for a traffic impact study to be complete and does not certify or guarantee adequacy or approval. The DTE may require additional requirements during the review process, or during the initial meeting with the developer. Incomplete traffic studies will not be reviewed and will be immediately returned to the permittee.

**Traffic Impact Study Technical Completeness Checklist****Analyst Requirements**

☐ Yes ☐ No South Carolina PE Stamp and Signature

☐ Yes ☐ No **Introduction and Executive Summary**

**Existing Conditions**

☐ Yes ☐ No Study Area Descriptions and Roadway Classifications  
☐ Yes ☐ No Analysis Period Correct (AM, Mid-day, PM and/or Saturday)  
☐ Yes ☐ No Existing Traffic Operations (LOS, Volumes, Speed Limits, Crash Data, Etc.)  
☐ Yes ☐ No Other projected transportation improvements in the study area

**Impacts**

☐ Yes ☐ No Trip Generation Summary (ITE Trip Generation Manual, latest edition)  
☐ Yes ☐ No Trip Distribution and traffic assignment (assumptions justified)  
☐ Yes ☐ No LOS Analysis: Background traffic growth and site build out  
 (Identify existing and background LOS deficiencies)  
☐ Yes ☐ No Analysis of Sight Distance at Access Points

**Mitigation**

☐ Yes ☐ No Identify need for Turn Lanes, Capacity and Storage Length  
☐ Yes ☐ No Identify need for Signalization  
☐ Yes ☐ No Identify Measures to Mitigate LOS deficiencies

**Figures**

☐ Yes ☐ No Vicinity Map  
☐ Yes ☐ No Site Plan and Proposed Land Use  
☐ Yes ☐ No Existing Peak hour volumes (counts conducted within the last 12 months)  
☐ Yes ☐ No Projected Background Peak Hour Volumes  
☐ Yes ☐ No Trip Distribution % Including Added Project Peak Hour Volumes  
☐ Yes ☐ No Project Build-Out Volumes  
☐ Yes ☐ No Existing and Recommended Lane Configurations  
☐ Yes ☐ No Intersection LOS (existing, background, build, mitigated) (Figure or Table or both)

**Tables**

☐ Yes ☐ No Trip Generation  
☐ Yes ☐ No Intersection LOS (existing, background, build, mitigated) (Figure or Table or both)

**Other**

☐ Yes ☐ No Technical Appendix (e.g. HCM and Synchro Analysis Reports, Trip Generation and Trip  
 Reduction Calculations, Signal Warrant Analysis, and etc.)  
☐ Yes ☐ No Copies of any Reference Material

THIS PAGE INTENTIONALLY LEFT BLANK



## CHAPTER 7 – SIGHT DISTANCE



*Source: Chapter Adapted from Section 10.4 of the SCDOT Highway Design Manual (SCHDM)*

### 7A GENERAL

For an at-grade intersection to operate properly, adequate sight distance should be available. The designer should provide sufficient sight distance for a driver to perceive potential conflicts and to perform the actions needed to negotiate the intersection safely. The additional costs and impacts of removing sight obstructions are often justified. In general, intersection sight distance (ISD) refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two intersecting roadways. The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

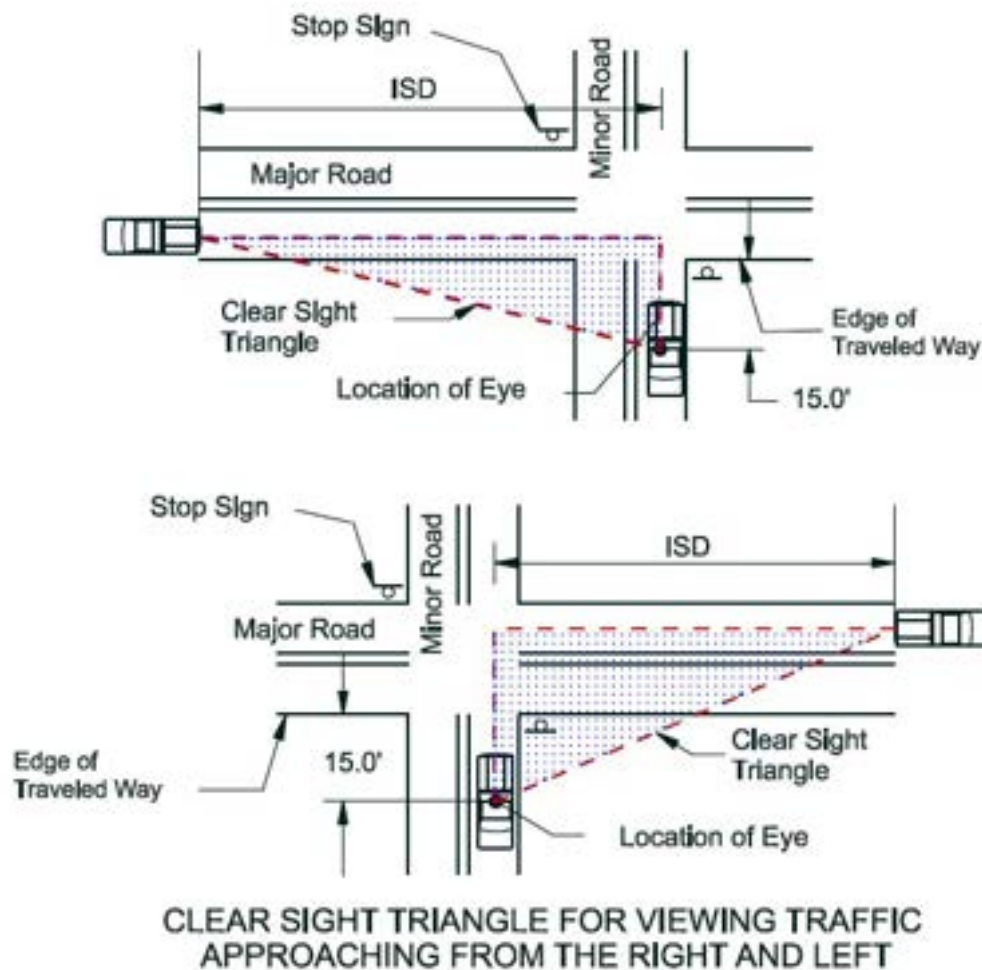
- Case A – Intersections with no control (not used by SCDOT),
- Case B – Intersections with stop control on the minor road:
  - Case B1 – Left-turn from the minor road,
  - Case B2 – Right-turn from the minor road,
  - Case B3 – Crossing maneuver from the minor road
- Case C – Intersections with yield control on the minor road:
  - Case C1 – Crossing maneuver from the minor road (not used by SCDOT),
  - Case C2 – Left or right-turn from the minor road,
- Case D – Intersections with traffic signal control,
- Case E – Intersections with all-way stop control, and
- Case F – Left turns from the major road.

For guidance on these cases, see the AASHTO *A Policy on Geometric Design of Highways and Streets* or NCHRP Report 383, *Intersection Sight Distance*.

## 7B BASIC CRITERIA

The Department uses gap acceptance as the conceptual basis for its ISD criteria at stop-controlled and traffic signal controlled intersections. The intersection sight distance is obtained by providing clear sight triangles both to the right and left as shown in Figure 7-23.

Figure 7-23: Sight Triangles



*Note: The turning radius can change the 15-foot eye location. Adjust this 15-foot dimension using a turning template, if needed.*



The lengths of legs of these sight triangles are determined as follows:

- 1) Minor Road. The length of leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 feet from the edge of traveled way for the major road and in the center of the lane on the minor road; see [Figure 7-23](#). The second part is based on the distance to the center of the vehicle on the major road. For vehicles approaching from the left, this is assumed to be the center of the closest travel lane from the left. For vehicles approaching from the right, this is assumed to be the center of the closest travel lane for vehicles approaching from the right; see [Figure 7-23](#).
- 2) Major Road. The length of the sight triangle leg or ISD along the major road is determined using the following equation:

$$\text{ISD} = 1.47 \times V_{\text{major}} \times t_g \quad \text{Equation 7.1}$$

Where:

ISD	= length of sight triangle leg along major road (ft)
$V_{\text{major}}$	= design speed of major road (mph)
$t_g$	= gap acceptance time for entering the major road (sec)

The gap acceptance time ( $t_g$ ) varies according to the design vehicle, the maneuver type, the grade on the minor road approach, the number of lanes on the major roadway, the type of operation, and the intersection skew.

- 3) Height of Eye/Object. The height of eye for passenger cars is assumed to be 3.5 feet above the surface of the minor road. The height of object (approaching vehicle on the major road) is also assumed to be 3.5 feet. An object height of 3.5 feet assumes that a sufficient portion of the oncoming vehicle must be visible to identify it as an object of concern by the minor road driver. If there are a sufficient number of trucks to warrant their consideration, assume an eye height of 7.6 feet for a tractor/semitrailer and 6 feet for single-unit trucks and buses. If a truck is the assumed entering vehicle, the object height will still be 3.5 feet for the passenger car on the major road.

Within this clear sight triangle, if practical, the objective is to remove, lower any object, trim lower tree branches, etc., that obstruct the driver's view. These objects may include buildings, parked or turning vehicles, trees, hedges, tall crops, unmowed grass, fences, retaining walls and the actual ground line. In addition, where a crossroad intersects the major road near a bridge on a crest vertical curve, items such as bridge parapets, piers, abutments, guardrail or the crest vertical curve itself may restrict the clear sight triangle.

### 7B-1 Case B – Intersections with Stop Control on the Minor Road

Where traffic on the minor road of an intersection is controlled by stop signs, the driver of the vehicle on the minor road should have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure. At a four-leg intersection, the designer should also check the sight distance across the intersection.

#### 7B-1.1 Case B1– Left-Turn From the Minor Road

To determine the ISD for vehicles turning left onto the major road, the designer should use [Equation 7.1](#) and the gap acceptance times (tg) presented in [Table 7-11](#) for vehicles approaching from the left and right.

[Table 7-12](#) and [Table 7-13](#), which solve [Equation 7.1](#), provide the ISD values for left-turning design vehicles onto a two-lane level facility and a four-lane with a two-way left-turn lane (TWLTL) level facility, respectively. The designer should also consider the following:

- 1) Multilane Facilities. For multilane facilities, the gap acceptance times presented in [Table 7-11](#) should be adjusted (i.e., add 0.5 second for passenger cars or 0.7 second for trucks) to account for the additional distance required by the turning vehicle to cross the additional lanes or median.
- 2) Medians. The following will apply:
  - For a multilane facility which does not have a median wide enough to store a design vehicle, divide the median width by 12 feet to determine the lane value (e.g., for a 4-foot median use 0.33), and then use the criteria in [Table 7-11](#) to determine the appropriate time factor.
  - On facilities with a median wide enough to store the design vehicle (e.g., 3 feet clearance at both ends of vehicle, see table with AASHTO design vehicle lengths below), the designer should evaluate the sight distance needed in two separate steps:

Design Vehicle Type	Overall Vehicle Length
Passenger Car	19 feet
Single-Unit Truck (SU)	30 feet
School Bus (S-BUS 40)	40 feet
Semitrailer (WB-62)	68.5 feet

- First, with the vehicle stopped on the side road (the bottom portion in [Figure 7-24](#)), use the gap acceptance times and distances for a vehicle turning right ([Table 7-11](#) and [Table 7-12](#)) to determine the applicable ISD. Under some circumstances, it may be necessary to check the crossing maneuver to determine if it is the critical movement. Crossing criteria are discussed in [7C-1.3](#).
- Second, with the vehicle stopped in the median (top portion in [Figure 7-24](#)), assume a two-lane roadway design and use the adjusted gap acceptance times and distances for vehicles turning left ([Table 7-11](#), [Table 7-11](#), and [Table 7-12](#)) to determine the applicable ISD.

- 3) **Approach Grades.** If the approach grade on the minor road exceeds 3 percent, increase the level ISD value by 10 percent.
- 4) **Design Vehicle.** A passenger vehicle is used in most design ISD situations. However, at some intersections (e.g., near truck stops, interchange ramps, schools, grain elevators), the designer should use the design vehicle for determining the ISD. The gap acceptance times (tg) for passenger cars, single unit (SU) and tractor/semitrailer trucks are provided in [Table 7-11](#). ISD values for level, two-lane roadways are presented in [Table 7-12](#). The height of eye for these vehicles is discussed earlier in [Section 7B](#).

**Table 7-11: Gap Acceptance Times, Left Turns from Minor Road**

Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	7.5
Single Unit Truck (SU)	9.5
Tractor/Semitrailer	11.5

1. **Multilane Highways.** For left turns onto two-way multilane highways, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane from the left, in excess of one, to be crossed by the turning vehicle. Assume that the left-turning driver will enter the left-travel lane on the far side of the major road.
2. **Minor Road Approach Grades.** If the approach grade on the minor road exceeds 3 percent, increase the level ISD value by 10 percent.
3. **Major Road Approach Grade.** Major road grade does not affect calculations.

**Table 7-12: Intersection Sight Distance, Vehicles Approaching from the Left and For Vehicles Approaching from the Right on a Two-Lane Highway or Street Only**

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	335	420	510
35	390	490	595
40	445	560	680
45	500	630	765
50	555	700	850
55	610	770	930
60	665	840	1015

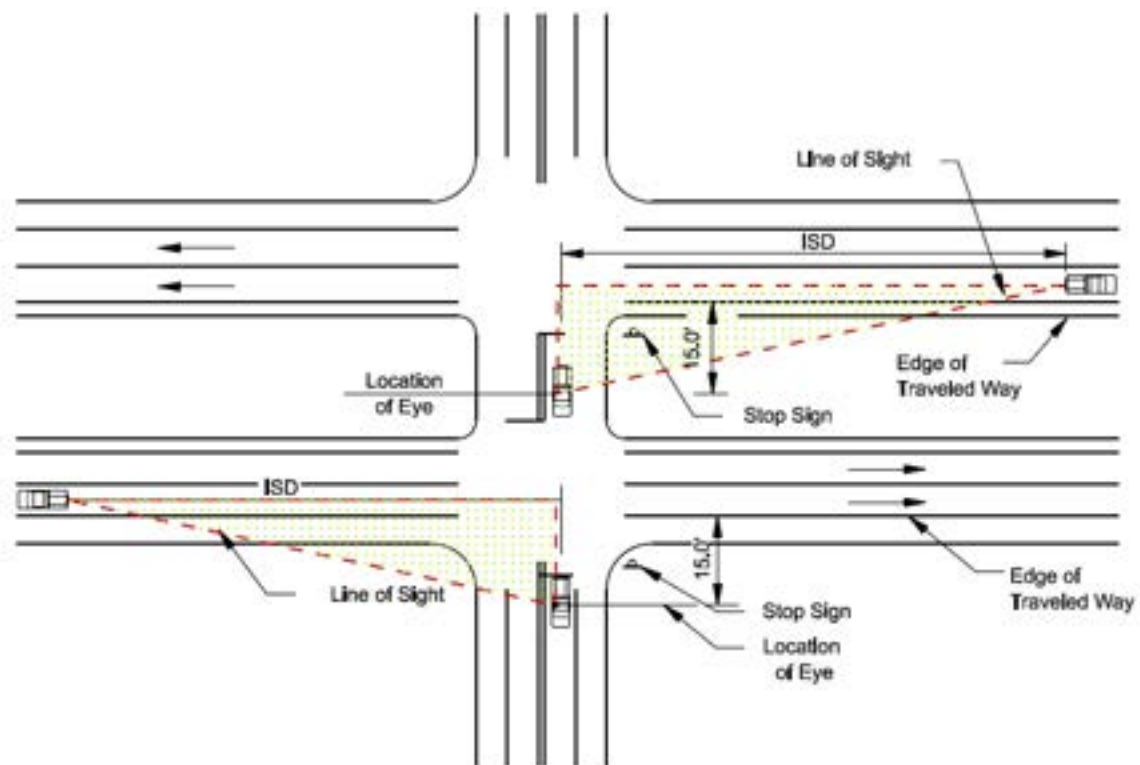
*Note: These ISD values assume a minor road approach grade less than or equal to 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.*

**Table 7-13: Intersection Sight Distance For Vehicles Approaching from the Right on a Four-Lane Highway with a 15 Foot TWLTL Only**

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	385	490	580
35	445	570	675
40	510	655	770
45	575	735	865
50	635	815	965
55	700	900	1060
60	765	980	1155

1. Calculated ISD is not shown. Values in the figure have been rounded up to the next highest 5-foot increment.
2. These ISD values assume a minor road approach grade less than or equal to 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.
3. These ISD values assume the left-turning vehicle will enter the inside travel lane on the far side of the major road.
4. For a right turn from a minor road (i.e., ISD to the left), use the ISD values presented in [Table 7-12](#).
5. Gap acceptance time ( $t_g$ ) adjustment factors have been used for each additional lane from the left, in excess of one, to be crossed by the turning vehicle (i.e., additional 0.5 second for passenger cars, additional 0.7 second for trucks).

Figure 7-24: Sight Triangles on Divided Facilities

**7C-1.2 Case B2 – Right-Turn From the Minor Road**

ISD for right turns is determined using [Table 7-12](#). Note that there are no adjustments required for facilities with medians.

**7C-1.3 Case B3 – Crossing Maneuver From the Minor Road**

In the majority of cases, the ISD for turning vehicles typically will provide adequate sight distance to allow a vehicle to cross the major road. However, in the following situations, the crossing sight distance may be the more critical movement:

- where left and/or right turns are not permitted from a specific approach and the crossing maneuver is the only legal or expected movement (e.g., indirect left turns);
- where the design vehicle must cross more than six travel lanes or, with medians, the equivalent distance; or
- where a substantial volume of heavy vehicles cross the highway and there are steep grades on the minor road approach.

Use Equation 7.1 and the adjusted gap acceptance times ( $t_g$ ) in [Table 7-14](#) to determine the ISD for crossing maneuvers. [Table 7-15](#) presents the applicable ISD values for crossing maneuvers for a level, two-lane highway with no median. Where medians are present, include the median width in the overall length to determine the applicable gap time. Divide this width by 12 feet to determine lane value for the crossing maneuver (e.g., for a 15-foot median use 1.25).

Table 7-14: Gap Acceptance Times for Crossing Maneuvers

Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	6.5
Single Unit Truck (SU)	8.5
Tractor/Semitrailer	10.5

*Adjustments:*

1. *Multilane Highway.* Where the design vehicle is crossing a major road with more than two lanes, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of two. See the discussion in Section 7C-1.3 for additional guidance.
2. *Approach Grade.* If the approach grade on the minor road exceeds 3 percent, increase the ISD value by 10 percent.

Table 7-15: Two-Lane Intersection Sight Distances

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)		
	Passenger Car	Single-Unit Truck	Tractor/Semitrailers
30	290	375	465
35	335	440	545
40	385	500	620
45	430	565	695
50	480	625	775
55	530	690	850
60	575	750	930

*Notes:*

1. These ISD values assume turns onto a two-lane facility without a median.
2. These ISD values assume a minor road approach grade of 3 percent. For grades greater than 3 percent, increase the ISD value by 10 percent.

**7C-2 Case D – Intersections with Traffic Signal Control**

Traffic signals should not be an alternative to providing adequate sight distance. Intersection sight distance as described in Section 7B-1 should be provided.

**7C-3 Case E – Intersections With All-Way Stop Control**

For intersections with all-way stop control, provide sufficient sight distance so that the first stopped vehicle on each approach is visible to all other approaches. The ISD criteria for left- or right-turning vehicles as discussed in Section 7B-1 are not applicable in this situation. Often, intersections are converted to all-way stop control to address limited sight distance at the intersection.

**7C-4 Case F – Left Turns From the Major Road**

For all intersections, regardless of the type of traffic control, the designer should consider the sight distance for a stopped vehicle turning left from the major road. This situation is illustrated in [Figure 7-25](#). The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing travel lanes before an approaching vehicle reaches the intersection. Sight distance for opposing left turns may be increased by offsetting the left-turn lanes.

Use [Equation 7.1](#) and the gap acceptance times (tg) from [Table 7-16](#) to determine the applicable ISD for the left-turning vehicle. Where the left-turning vehicle must cross more than one opposing lane, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of one. Where medians are present and the left-turns are not offset, the designer will need to consider the median width in the same manner as discussed in [Section 7B-1.1](#). [Table 7-17](#) provides the ISD values for typical design vehicles and two common left-turning situations.

**7C-5 Effect of Skew**

Where it is impractical to realign an intersection that is greater than 30 degrees from the perpendicular, adjust the gap acceptance times (tg) presented in the above sections to account for the additional travel time required for a vehicle to make a turn or cross a facility. For oblique-angled intersections, determine the actual path length for a turning or crossing vehicle by dividing the total distance of the lanes and/or median to be crossed by the sine of the intersection angle. If the actual path length exceeds the total width of the lanes to be crossed by 12 feet or more, apply the applicable adjustment factors; see [Figure 7-26](#).

Figure 7-25: Sight Distance for a Stopped Vehicle Turning Left on a Major Road

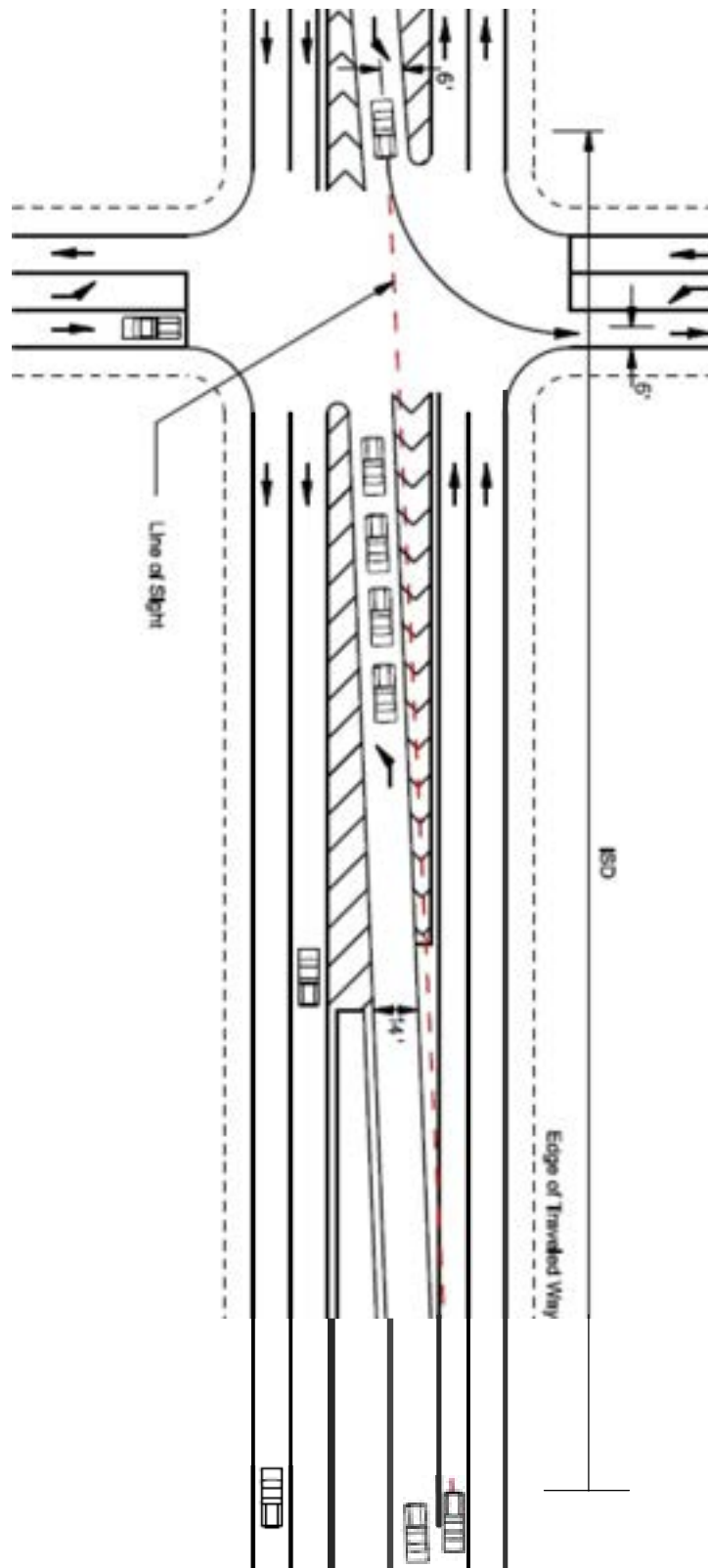




Table 7-16: Gap Acceptance Times for Left Turns on a Major Road

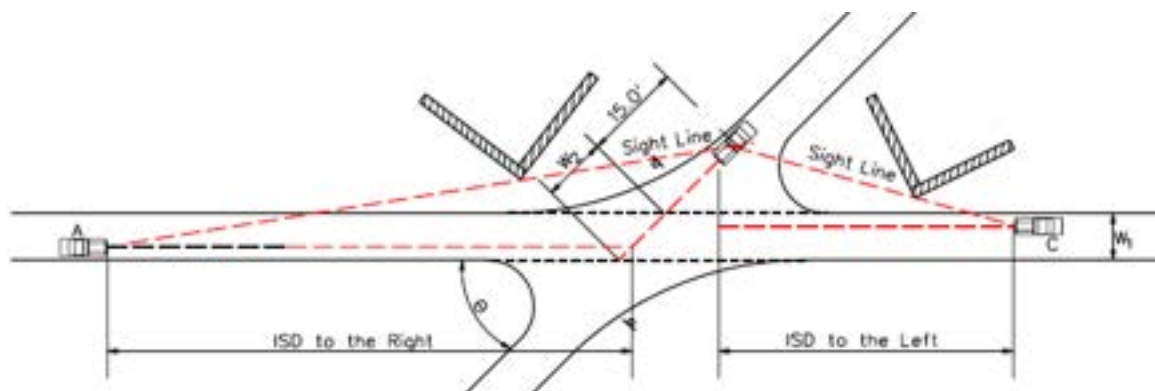
Design Vehicle	Gap Acceptance Time (tg) (sec)
Passenger Car	5.5
Single Unit Truck (SU)	6.5
Tractor/Semitrailer	7.5

*Adjustments: Where left-turning vehicles cross more than one opposing lane, add 0.5 second for passenger cars or 0.7 second for trucks for each additional lane in excess of one. See Section 10.4.5 of the SCDOT Highway Design Manual for additional guidance on median widths.*

Table 7-17: Intersection Sight Distances, Left Turns from Major Road

Design Speed (V <sub>major</sub> ) (mph)	Intersection Sight Distance (Feet)					
	Passenger Car		Single-Unit Truck		Tractor/Semitrailers	
	Crossing 1 Lane	Crossing 2 Lanes	Crossing 1 Lane	Crossing 2 Lanes	Crossing 1 Lane	Crossing 2 Lanes
30	245	265	290	320	335	365
35	285	310	335	370	390	425
40	325	355	385	425	445	485
45	365	400	430	480	500	545
50	405	445	480	530	555	605
55	445	490	530	585	610	665
60	485	530	575	640	665	725

Figure 7-26: Sight Distance at Skewed Intersection



## INTERSECTION SIGHT DISTANCE QUICK REFERENCE TABLE

Type of Roadway	Type of Turn from Minor Road		
	Right Turn	Thru Movement	Left Turn
Two - Lane Highway *	Table 7-12	Table 7-15	Table 7-12
Three - Lane Highway * ^	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$
Four - Lane Highway *	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$
Five - Lane Highway * ^	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Table 7-13
Six or More Lanes	Table 7-12	Equation 7.1 with Table 7-14 for $t_g$	Equation 7.1 with Table 7-11 for $t_g$

\* - Assumed 12' Lanes

^ - Assumed 15' Median

If assumptions listed above are not correct - Equation 7.1 is to be used.

## CHAPTER 8 –TRAFFIC CONTROL DEVICES



### 8A GENERAL

Traffic control at access points shall comply with the MUTCD and *SCDOT Standard Specifications for Highway Construction* and shall be designed to accommodate the needs of traffic generated by development while minimizing interference with other traffic. Traffic control devices and pavement markings shall be installed on all streets and on driveways that have geometric and operational characteristics resembling those of a street. Design, equipment, installation, and maintenance of traffic control devices, with the exception of some traffic signals, shall be the responsibility of the owner and shall require approval by the Department. All permanent traffic control devices are to be included as part of the encroachment permit.

### 8B TRAFFIC SIGNALS

Traffic signals are a vital element in the safe and efficient movement of people and goods. Proper planning and design are critical to the operations of the road system. All traffic signal systems on the state highway system shall conform to the following guidelines and specifications: *SCDOT Traffic Signal Design Guidelines* (SCTSDG), *SCDOT Traffic Signal Specifications*, *SCDOT Traffic Signal Standard Drawings*, and the MUTCD.

**8B-1 Traffic Signal Requests**

If a permittee is requesting a signal as part of their access, a study should be prepared by their traffic engineer at the permittee's cost and submitted to the SCDOT for review. An engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic signal is justified at a particular location. The study should follow the guidelines outlined in the *SCDOT Traffic Signal Design Guidelines* and the *MUTCD*. Any trip generation should also be in conformance with the *ITE Trip Generation Manual* or other accepted standard. Engineering judgment and rationale should also be applied to indicate that installing a traffic control signal would improve the overall safety and/or operation of the intersection.

The decision of whether a signal is approved is under the District Engineering Administrator's (DEA) authority.

**8B-3 Design and Installation of Traffic Signals**

Signal Plans shall be prepared under the supervision of a professional engineer registered in South Carolina. The signal plan shall be signed and sealed under the same engineer. They should include accurate depictions of pavement markings, signal head placement, span wires, right-of-ways, driveways, sidewalks, control of access, and also should indicate signal timings, speed limits, grades, route names and numbers, adjacent development, coordination details, etc. Plans and specifications should be made part of the driveway encroachment permit and submitted to the SCDOT for review. All costs associated with the design and installation shall be the responsibility of the developer unless otherwise specified by SCDOT Engineering Directive #2 which is provided in [Appendix D](#).

SCDOT's Traffic Signal Shop shall inspect all traffic signal work and shall be notified before any traffic control signal is placed in operation. SCDOT's Traffic Signal Shop should also be included in any preconstruction conferences. Electronic cadd files of the signal plans shall be provided to the respective District Traffic Engineer (DTE).

**8B-4 Traffic Signal Maintenance**

Fiscal and maintenance responsibilities for traffic signal installations on the State Highway System are outlined in SCDOT Engineering Directive #2. This directive has been provided in [Appendix D](#). The developer will be responsible for the recurring electric costs at the signal if it serves a private driveway.

**8B-5 Mast Arms**

The SCDOT's *Traffic Signal Design Guidelines* and SCDOT Engineering Directives #2 and #33 has established a policy indicating that SCDOT does not install or maintain mast arms for traffic signals, as indicated below:

"Special equipment such as decorative poles or mast arms are not considered to be standard equipment and are to be paid for by the permittee or agent. If replacement for any reason is required, the Department will replace with standard equipment unless the requesting agency agrees to provide funding for special equipment."

Although, SCDOT recognizes the desire for mast arm installation by local governments for aesthetic purposes, typically mast arm costs far exceed other signal supports, such as span wire with wood, steel, or concrete poles. SCDOT will allow the installation of mast arms provided the local government having jurisdictional authority at the signalized intersection enters into an agreement with SCDOT concerning the maintenance of the mast arms.

## 8C PAVEMENT MARKINGS

General information and typical drawings regarding pavement markings can be found in the latest edition of the SCDOT *Standard Drawings for Road Construction*. This publication is available on the web at <http://www.scdot.org/doing/sddisclaimer.asp>. These standards include specific typical drawings for intersections, turn lane installations, and raised pavement marker placement. All standards are in accordance with the MUTCD. For additional information not included in the SCDOT Standard Drawings, refer to the most recent edition of the MUTCD which can be accessed via the web at <http://mutcd.fhwa.dot.gov>.

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 9 –ROADSIDE ENCROACHMENTS



### 9A MAILBOXES

The location and construction of mailboxes shall conform to SCDOT Standards, the guidance given in the *AASHTO Roadside Design Guide*, and the rules and regulations of the United States Postal Service. An encroachment permit is not required for mailbox installations. Mailbox structure and location on South Carolina DOT right-of-way are governed by *SCDOT Standard Drawing* Number 203-905-00. This drawing can be accessed via the SCDOT website at <http://www.scdot.org/doing/sddisclaimer.asp>.

In accordance with Section 57-7-210 of the South Carolina Code of Laws, any mailbox construction which is considered a hazardous fixed object, such as a brick structure, shall not be allowed as a support, encasement, or housing for the mailbox. When any mailbox installation is found to violate the intent of these standards the postal patron will be advised in writing that the installation constitutes a hazard to the motoring public. A copy of the notice will be provided to the local postmaster. At the discretion of the Department, based on an assessment of danger to the public, the patron will be granted not less than 10 nor more than 30 days to remove an unacceptable mailbox installation. After the specified removal period has expired, the unacceptable mailbox may be removed by the Department.

### 9B SIGNS

Any unauthorized sign placed on the highway right-of-way by an individual or private organization constitutes a public nuisance and will be removed pursuant to Section 56-5-1020 of the Code of Laws of South Carolina (1976 as amended). By the same authority, any sign in view of a highway which purports to be or interferes with the effectiveness of an official traffic control device is likewise a public nuisance and will be removed accordingly in accordance with Engineering Directive Memorandum #9 (provided in the [Appendix D](#)).



## 9C LIGHTS AND REFLECTIVE SURFACES

When in view of a highway, any sign lighting must be constructed and maintained to prevent light from being directed at any portion of the roadway pursuant to Section 57-25-140 of the Code of Laws of South Carolina (1976 as amended). Sign lighting which causes glare, impairs vision, unduly distracts, or otherwise interferes with the operation of a motor vehicle is prohibited. These conditions also apply to individual lights, lighting or surfaces reflecting light or sun glare. Flashing or pulsing lights may not be attached to or used to illuminate any sign, except a sign giving brief messages regarding public service information such as time, temperature, weather, or similar information. Lights which change color may not be attached to or used to illuminate any sign.

## 9D ROADWAY LIGHTING

Roadway lighting should be designed to meet the requirements as outlined in the latest edition of the AASHTO *Roadway Lighting Design Guide*. More detailed requirements for interstate lighting, including exit and entrance ramps, are available from the Director of Traffic Engineering. A photometric analysis of the lighting for the section of roadway should be submitted to Director of Traffic Engineering and approved before the permit is approved.

Where roadway lighting is installed, the pole setback will vary based on the speed and cross section design of the roadway. Light standards on the right-of-way or within the clear-zone of the roadway should be equipped with breakaway supports designed so that no fixed part of the support extends further than three inches above ground level. When used, the breakaway capability of the support shall incorporate the use of breakaway electrical connectors so that no live electrical wires exist after impact by a vehicle.

The breakaway poles shall meet the criteria established in the latest edition of the AASHTO *Standard Specifications for Structural Supports for Highway Sign Luminaries and Traffic Signals* and be approved by the Federal Highway Administration as meeting the requirements of NCHRP Report 350.

## 9E LANDSCAPING GUIDELINES

### 9E-1 Setbacks

The SCDOT desires to cooperate as much as possible with organizations desiring to undertake projects to beautify certain sections of various highway rights-of-way. An encroachment permit is required for any landscaping work performed on the highway right-of-way. A sketch plan of the proposed project must be attached to the Encroachment Permit Application. This plan should show the planting arrangement and the type of plants to be used. Photographs may also be helpful.

All encroachment permit applications for landscaping should clearly state the following information:

- A) Speed limits (mph).
- B) Cut or fill slope (Check with local Resident Maintenance Engineer).
- C) Traffic volume – less or greater than 1,500 ADT (Check with local Resident Maintenance Engineer).



- D) Label guardrail; vertical face curb; sidewalks; edge of pavement and right-of-way line on sketch.
- E) State distance plant material is from curb or edge of pavement (offset).

The following guidelines establish a framework for preparing design work for projects of this nature.

- A) Applicants shall furnish, install, and maintain all plantings. They shall be responsible for maintaining all vegetation within the right-of-way that is contiguous with the landscaping. The Department shall not be responsible for providing water, fertilizer, labor, materials, or maintenance within the landscaping limits of the right-of-way.
- B) The Department will exercise care in maintenance, construction, or reconstruction to avoid unnecessary damage. It cannot, however, accept responsibility to protect plants or irrigation systems against damage or theft. If subsequent changes in the highway require removal of plants, this must be done by applicant.
- C) All landscaping work within the SCDOT right-of-way must conform to all local ordinances and all state environmental regulations.
- D) The applicant will perform installation under the supervision of the SCDOT, and shall not block traffic at any time. All traffic control devices will be the responsibility of the applicant and shall conform to section V of the MUTCD. Plantings shall not block billboards, and plantings in the vicinity of billboards will have to be approved on-site by the local District Outdoor Advertising Coordinator prior to the start of planting.
- E) No tree, shrub, etc., shall be permitted in any location where it may interfere with highway safety or traffic visibility or impair standard sight distance in any way. Plants that might prove detrimental to safety, to the highway, or to adjacent property will not be permitted. Otherwise, the selection of plants is left to the discretion of the applicant. Experience has proven that indigenous plant material is more satisfactory. Features such as autumn foliage, flower effects, etc., should be considered. If advice in landscape planning is needed, the Department's Landscape Architect may be contacted through Preconstruction Support. Applicants may want to contact the South Carolina Forestry Commission's Urban Forester for their region for advice.
- F) Minimum offsets for trees and shrubs shall be as described in [Table 9-18](#). This offset would not apply if the location does not leave at least 5 feet of a grassed area suitable for pedestrian traffic along roads without sidewalks. This area is to be seeded or sodded as needed to prevent erosion and provide stable footing for pedestrian traffic. Cross tie planters may be allowed 5 feet from any roadway structure if buried flush with the existing grade.
- G) No trees will be allowed close enough to the road to allow root systems to undermine or damage any roadway structure, such as curbing, sidewalk, or drainage components, at any time during the tree's life. A biological or physical root barrier system may be considered in extenuating circumstances, on a case-by-case basis, as determined by the Department's Landscape Architect.
- H) Trees, shrubs, or earthen mounds shall not block the line of sight along the roadway. This means that no planting shall occur in the area

- D) Label guardrail; vertical face curb; sidewalks; edge of pavement and right-information shall be determined on a local level by the Resident Maintenance Engineer or his designee.
- I) Landscape lighting on the right-of-way shall be flush with the ground.
- J) If in the future a plant's growth obstructs the view of signs or interferes with the sight distances of approaching traffic, the Department will require the applicant to remove, relocate, or prune the plants to eliminate this obstruction at his expense.
- K) On a case-by-case basis, plantings may be allowed in sight triangle areas, but in these cases the plants must be kept to a maximum height of 2½ feet. Generally, all grass should be removed in these triangles and groundcovers planted.
- L) All trees shall be de-limbed and kept limbless for the first 6 feet in height and up to 7 feet in height where trees are near pedestrian walkways.
- M) Trees shall be selected and placed so that, even when they are fully matured, their limbs shall not overhang into the roadway and block vehicles. The applicant agrees that the trees shall be kept trimmed (not by or at the expense of the SCDOT), if this is required to keep limbs from overhanging into the road.
- N) Crape Myrtles-The department recommends the planting of hybrid-type crape myrtles over the older indica-type. Many, but not all hybrid crape myrtles can be identified by indian-tribe names. We consider crape myrtles and fringetree to have a smaller than 4-inch diameter at maturity.

There are several trees available for planting on the right-of-way that we know will cause future problems. A complete list of trees not recommended for planting on SCDOT rights-of-way is provided on the SCDOT website. (See [Appendix E](#) for details). Some common examples are listed below:

- A) Trees with weak wood. The tree's limbs break during storms. Examples:
  - Silver Maple
  - Bradford Flowering Pear-poor branching during life cycle
  - Minosa
  - Most pine tree types
- B) Trees with forms that are unsuitable for many street tree-planting situations.
  - Live Oak- form of tree (low limbs) may cause problems with vehicular and pedestrian traffic in rural planting situations and is a poor choice in urban street tree situations. The SCDOT usually request a setback distance in excess of minimum setback in this manual.
  - Pin Oak-form of tree (low limbs that hang down at 45 degree angle) may cause problems with vehicular and pedestrian traffic. Also, note that this type of tree is pH sensitive.
- C) Messy trees.
  - Ginkgo trees - Avoid planting the female forms because the fruit is a nuisance.
  - Sweetgum – The fruit is a nuisance and the tree is over planted; the new fruitless varieties haven't grown well in South Carolina.
  - Tulip Poplar – Trees are huge and weak and leaves are a nuisance.

- Sycamore – Trees are enormous and overplanted. The leaves, fruit, and bark are messy and a nuisance.
- D) Trees that decline and die after planting.
  - Thornless Honeylocust- Poor choice for South Carolina's climate.
  - Red Maples - Have a problem with the heat in this state; the named varieties are a little better but thought should be given to selection and placement
- E) Some trees are planted where they should not be planted.
  - Cabbage Palmetto- Tree is not suitable for planting throughout the state beyond the coast.
  - In general, evergreen trees, such as Southern Magnolias, tree Hollies, Live Oaks, are not approved in urban street tree situations.
  - Both Dogwoods and Redbuds are poor choices for urban street trees.

Additional information on landscaping is provided in [Appendix E](#).

### **9E-2 Irrigation Systems**

Irrigation systems for landscaping should be designed so that irrigation can be achieved without any system components encroaching on the right-of-way. When encroachment is unavoidable, details of the irrigation system shall be included in the landscaping plan. In any case, the landscaping plan shall detail provisions for the drainage of water used to irrigate the right-of-way. In no case shall water used to irrigate the right-of-way drain or be sprayed onto the roadway. The correction of any problem involving irrigation water draining or spraying onto the roadway will be the responsibility of the permittee, regardless of the Department's approval of the permit and landscaping plan.

### **9E-3 Offset of Trees and Shrubs**

A tree or shrub that will attain a 4-inch or greater diameter at maturity (measured 4 inches above grade) shall have the edge of its trunk offset from the edge of the travel way a minimum distance as specified in [Table 9-18](#). When a tree or shrub with multiple trunks or a group of small trees close together will have at maturity a combined cross-sectional area equivalent to that of a 4-inch diameter tree, it shall be offset likewise.

Landscaping work may be allowed on the Interstate system on a case-by-case basis. The FHWA's guidance on placement of landscaping features on the Interstates is as follows:

- Brick construction, fountains and ponds: 45 feet from edge of travel way
- Fencing (Breakaway PVC construction): 40 feet from edge of travel way
- Trees (ultimate trunk diameter over 4 inches in diameter): 45 feet from edge of travel way
- Small plants/shrubs: 30 feet from edge of travel way

For plantings on ramps, FHWA accepts a 5 feet reduction in the above listed dimensions for trees with an ultimate trunk diameter over 4 inches in diameter.

Table 9-18: Minimum Offset of Trees and Shrubs at Maturity

Roadside Feature	Roadway Design Speed	Offset from Edge of Travel way for Current Volume (ADT) of:	
		< 1,500	> 1,500
		ft.	ft.
Non-Interstate Routes			
Guardrail *	All speeds	4	4
Vertical face curb and gutter*	40 mph (60 km/hr) and less	1.5	1.5
	45 and 50 mph (70 and 80 km/h)	6	8
	55 mph (90 km/h)	10	12
6:1 or flatter cut slope ** (Metric 1:6)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	14	18
	55 mph (90 km/h)	16	22
6:1 or flatter fill slope (Metric 1:6)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	14	18
	55 mph (90 km/h)	16	22
4:1 to 5:1 cut slope (Metric 1:4 to 1:5)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	12	18
	55 mph (90 km/h)	14	20
4:1 to 5:1 fill slope (Metric 1:4 to 1:5)	40 mph (60 km/hr) and less	12	16
	45 and 50 mph (70 and 80 km/h)	16	24
	55 mph (90 km/h)	20	26
3:1 cut slope (Metric 1:3)	40 mph (60 km/hr) and less	10	14
	45 and 50 mph (70 and 80 km/h)	10	14
	55 mph (90 km/h)	10	16
3:1 fill slope*** (Metric 1:3)	40 mph (60 km/hr) and less	12	16
	45 and 50 mph (70 and 80 km/h)	16	24
	55 mph (90 km/h)	20	26
Interstate Routes			
Without Guardrail	All speeds	45 (for trees ≥ 4" caliper at maturity)	
	All Speeds	30 (for trees ≤ 4" caliper at maturity)	
With Guardrail	All speeds	4	
<p>* Where vertical face curb or guardrail exists, offset is measured from face of curb or guardrail. Please note that a vertical face curb and gutter in the median does not allow a 4" or greater diameter tree to be planted</p> <p>**Use for all medians with curbing.</p> <p>*** The 3:1 fill slope is not to be used as part of the offset distance. Proper offset should be achieved by utilizing the distances specified as a total offset measured before and after the 3:1 fill</p>			

## 9F UTILITIES

Public Utility lines may be located within the highway right-of-way provided they are constructed so as not to endanger the safety of persons or to interfere with the use of the highway. Utility lines over bridge rights-of-way must be at a height sufficient to accommodate bridge maintenance, improvements and reconstruction. The Department must approve such an encroachment. Applications from the utility companies are reviewed for acceptance using the latest edition of the Department's "A Policy for Accommodating Utilities on Highway Rights-of-Way" as a guide. A copy of this document is available from the SCDOT Utilities Office or online at [http://www.scdot.org/doing/ua\\_policy.shtml](http://www.scdot.org/doing/ua_policy.shtml).

A permit will not be required for aerial service connections from an existing distribution line on Department Rights-of-way unless it is anticipated that there will be an interference with the normal flow of vehicular traffic on or along the highway or a new pole is to be placed on the Department's rights-of-way. Also, a permit will not be required for normal maintenance such as replacing existing poles, cables, pedestals, marker, etc. unless such repairs will entail alterations of normal traffic flow, or the maintenance activities require the relocation of the existing utility.

## 9G VISIBILITY ENHANCEMENT

Selective removal of vegetation for the purpose of making commercial and industrial sites more visible is governed by the Department's Engineering Directive 29. (See [Appendix D](#))

## 9H HISTORICAL MARKERS AND BLUE STAR MEMORIAL HIGHWAY SIGNS

SCDOT recommends that Historical Markers and Blue Star Memorial Highway Markers be placed off of the highway right-of-way. If it is not possible to place the marker off of the right-of-way, an encroachment permit must be approved prior to installation. The permit should indicate the location of the marker and include a copy of the marker approval letter from the South Carolina Department of Archives and History (SCDAH). To determine if a proposed marker location is within the highway right-of-way and if the location is feasible, the permittee should contact the SCDOT Resident Maintenance Engineer in the county where the marker will be located.

If located within the highway right-of-way, a marker must be installed on a single breakaway post or post/breakaway slip base coupling that has been tested and certified as meeting the requirements of NCHRP 350. Submit certifications for the breakaway post or post system as part of the encroachment permit. Typically, an alternate round post must be substituted for the standard octagonal-shaped post supplied with the marker when the breakaway slip base coupling system is used. The marker sponsor

should notify the manufacturer when ordering that the post must be breakaway so that the alternate post can be substituted and shipped with the marker. The manufacturer may require the sponsor to obtain a post from a separate vendor/local retailer when breakaway is required. Vendor contact information for the breakaway slip base couplings can be obtained from Traffic Operations in the Headquarters Traffic Engineering office.

In cases where the highway right-of-way may be wider than usual or in other special cases, the clear zone distance for the roadway in accordance with AASHTO's *Roadside Design Guide* (Latest Edition) may be used to determine if a breakaway post is required instead of the right-of-way line/distance. In urban areas or areas with curb and sidewalk, where vehicle speeds are low (35 mph or less) and pedestrian activity is significant, SCDOT prefers that posts for markers be direct burial instead of breakaway, to decrease the chances of pedestrian injuries if a marker is struck by a vehicle. Coordination with the District Traffic Engineer is required in these urban area cases. If a marker is installed off of SCDOT right-of-way, no encroachment permit is required.

SCDOT does NOT accept delivery of Historical Markers nor Blue Star Memorial Highway Markers from the manufacturer, does NOT install the markers, and does NOT maintain the markers. The marker sponsor or permittee is responsible for providing the necessary arrangements for delivery, installation, and maintenance.



## CHAPTER 10 — DRAINAGE



### 10A GENERAL REQUIREMENTS

Each access point shall be constructed in a manner that prevents water from flowing onto the roadway and from adversely affecting the existing storm drainage system. For example, driveways and paved areas sloping down toward the roadway should have provisions for water to be intercepted off the right-of-way and shall not have a low point within the shoulder break line. The driveway's slope between the shoulder break line and roadway edge shall be the same as the slope of the shoulder as specified in [Chapter 3 subsection 3G-3](#).

### 10B DESIGN AND DISCHARGE

Drainage collected from off the right-of-way shall not be discharged onto the highway right-of-way unless discharge is approved by the Department's issuance of an encroachment permit. The applicant shall submit a drainage study that details the existing and proposed drainage for the site and compares the pre and post discharges at the point of release onto Department right-of-way. The applicant must follow the drainage design requirements as given in the latest edition of the SCDOT *Hydraulic Design Requirements*, which can be found on the SCDOT website at <http://www.scdot.org/doing/pdfs/requirements.pdf>.

Post-development release rates to the highway right-of-way for the 2-year, 10-year, and 25-year storm events shall be equal to or less than those calculated for the pre-development condition for the 2-year, 10-year, and 25-year storm events, respectively, as determined in accordance with Department design policy for the given site conditions. If the post-development discharges for the 2-year, 10-year, and 25-year

storm events exceed the pre-development discharges for the given storm event to the Department right-of-way, the applicant will be required to provide flow detention on site so that the pre-developed discharge condition is met. When the proposal is to connect directly to a SCDOT crossline pipe, the applicant will be required to meet the pre- and post-development rates for the 50-year storm if the roadway is a Primary (SC, US) or Interstate route. Details for detention structures and means of discharge, as well as design calculations, shall be approved by a registered professional engineer in compliance with Sections 40-21-10 and 40-21-30 of the Code of Laws of South Carolina (1976 as amended).

For cases where a driveway or new road intersects the state highway system, sag and catch basins will be required prior to the intersection to collect the water from the new road prior to the highway right-of-way in order to prevent flooding of the state highway system.

All of the aforementioned items shall be submitted with the Application for Encroachment Permit. Approval by a professional engineer or the Department does not preclude the need for compliance with any applicable federal, state, or local regulations or ordinances.

## 10C MAINTENANCE AND SAFETY CONSIDERATIONS

Pipes or ditches discharging into the highway drainage system shall join the system at an appropriate angle and have other provisions as necessary to prevent scour, erosion, or blockage of the existing drainage components.

The design of drainage structures shall be in conformance with the latest edition of the SCDOT *Standard Drawings*. New drainage components that would create maintenance problems or compromise safety shall not be permitted. These may include, but are not limited to, vertical wingwalls/headwalls, grates, pipes, and aboveground catch basin covers which are within 30 feet of the roadway. Curbing on driveways or streets shall not extend beyond the right-of-way line or ditch line when the driveway or street connects to a roadway not having curbing. Culverts shall extend at least the full distance from the toe of one side of a fill to the toe of the opposite side.

All drainage components shall conform to the existing roadway cross-section and profile. All structures shall be brought to a final grade flush with the existing profile and cross section. Catch basins are strongly discouraged in curved sections and within intersection radii.

Sediment and erosion control measures shall be shown on the application and constructed as the first phase of construction to prevent any sediment from reaching the highway right-of-way or drainage system.

## 10D NPDES CONSIDERATIONS

With the implementation of the Municipal Separate Storm Sewer System (MS4) permit, the Department is now responsible for the water quality of its storm water discharges. Therefore, the applicant will be required to be responsible for the water quality of their discharges if their encroachment permit is approved. The permittee must evaluate the SCDOT system they intend to discharge to and document whether or not that system discharges to a water body listed on the 303(d) Impaired water bodies list which can be found at [www.scdhec.net/environment/water/docs/06\\_303d.pdf](http://www.scdhec.net/environment/water/docs/06_303d.pdf). If so, the applicant must determine what pollutant(s) the water body is/are impaired for. In



addition, the permittee must establish whether or not the system discharges to a body of water with a Total Maximum Daily Load (TMDL). If so, the permittee must ascertain what the pollutant(s) of concern is/are for that TMDL. South Carolina Total Daily Maximum Loads can be found at [www.scdhec.net/environment/water/tmdl/tmdlsc.htm](http://www.scdhec.net/environment/water/tmdl/tmdlsc.htm).

These analyses must be performed for both the construction and the post-construction phases of the project and the impacts to water quality of the impaired waters from the SCDOT system must be documented. The permittee must implement Best Management Practices (BMPs) if it is determined that the discharges will have adverse impacts to the impaired water body during either the construction or post-construction phases. The water quality analysis for the system in question must demonstrate that the selected BMPs meet the requirements of the TMDL. In addition, stormwater management devices and BMPs placed within SCDOT right-of-way should conform to SCDOT requirements. Applicants must also comply with all applicable federal and state storm water management and sediment and erosion control guidelines.

## 10E PERMIT APPLICATION REQUIREMENTS

The applicant's encroachment permit package for the hydraulic engineering reviews should include the following as a minimum:

- A statement by applicant that no work will begin until concurrence letter from DHEC or OCRM and any other governmental agency whose concurrence is required is received, if applicable,
- A set of detailed engineer's pre- and post-development drawings of the site that includes grading and drainage,
- Detailed hydraulic and stormwater management design studies that show the calculations, including a well-written narrative that explains existing conditions, they study, and what is to be done,
- A CD with the computer input and output files used by the engineer,
- A determination of whether or not the proposed construction causes any impacts to downstream roads, buildings, bridges, etc.,

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 11 — ENVIRONMENTAL



### 11A GENERAL REQUIREMENTS

Any encroachment or access requests shall be evaluated by the permittee with respect to impacts to Water of the United States (e.g. rivers, creeks, streams, swamps, ponds, marshes, roadside ditches, etc.). If impacts to these jurisdictional resources will occur as result of an access point request, authorization from a state or federal agency may be required. Coordination with the SCDOT Environmental Management Office shall be completed prior to approving any requests that potentially impact these resources.

### 11B PERMITTING REQUIREMENTS

If the requested access impacts a jurisdictional resource, a delineation of the impacted area must be completed and submitted to the Corps of Engineers for their review and approval. Once the delineation is approved, the applicant, or his designee, will prepare and submit a permit application package to the appropriate state and federal regulatory agencies. The applicant will be responsible for obtaining the appropriate permits prior to beginning of the encroachment work. A copy of the approved permits will be submitted to the SCDOT Environmental Management Office for review and verification prior to commencement of construction. Information concerning permitting requirements may be obtained from the SCDOT Environmental Management Office.

THIS PAGE INTENTIONALLY LEFT BLANK

## CHAPTER 12 — BRIDGES, CULVERTS, AND RETAINING WALLS



### 12A GENERAL REQUIREMENTS

When an encroachment permit application includes the construction of a bridge, culvert, or retaining wall, replacement of one of these structure types, modifications to one of these structure types, or construction activities immediately adjacent to one of these structure types, the design and details of the proposed construction are subject to the requirements of the latest editions of all applicable SCDOT design and construction manuals as well as SCDOT policies and standard practices. Design and construction criteria may be found in the most current editions of the following:

- AASHTO LRFD Bridge Design Specifications
- AASHTO LRFD Bridge Construction Specifications
- AASHTO Policy on Geometric Design of Highways and Streets
- SCDOT Bridge Design Manual
- SCDOT Seismic Design Specifications for Highway Bridges
- SCDOT Geotechnical Design Manual
- SCDOT Highway Design Manual
- SCDOT Requirements for Hydraulic Design Studies
- SCDOT Plan Preparation Guide
- SCDOT Bridge Design Memoranda
- SCDOT Bridge Design Drawings and Details
- SCDOT Standard Specifications for Highway Construction
- SCDOT Supplemental Specifications
- SCDOT Standard Drawings
- SCDOT Construction Manual

Information regarding the applicable SCDOT publications can be found on the SCDOT website at: <http://www.scdot.org/doing/default.shtml>.

Five copies of the following shall be included along with the application:

- Geotechnical Report
- Hydrology Report (required for structures crossing or conveying water)
- Construction Plans (22" x 36") including Traffic Control Plans and Contract Special Provisions
- Structural Design Calculations

The Geotechnical Report, Hydrology Report, Structural Design Calculations, Construction Plans, and Special Provisions shall be signed and sealed by a registered professional engineer, registered in the State of South Carolina. The title sheet of the construction plans must include a location map and state the firm or persons that will perform the construction inspection and certification to ensure that the Contractor's work is performed in accordance with the contract plans, special provisions, and the current edition of the *SCDOT Standard Specifications for Highway Construction*. The title sheet must also include any necessary municipality and/or county approval including any state or federal permits when applicable.

The application shall also include a letter indicating that maintenance of the structure is the responsibility of the Permittee, unless there is a signed agreement between the SCDOT and the Permittee stating otherwise.

After the completion of the construction, the Permittee shall provide the Department two copies (22" x 36") of the as-built construction plans. One copy shall be kept in the District and one copy forwarded to the As-Built Plans Office in Preconstruction Support to be scanned and placed in the SCDOT Plan Library.

## 12B PRELIMINARY COORDINATION

Prior to submitting a permit application that involves construction of significant sized or complex bridges, culverts, or retaining walls, it is recommended that the applicant contact the Structural Design Support Engineer at (803) 737-4814 to arrange a meeting to discuss the scope of the structural work. It is also recommended that the Applicant, prior to finalizing the required attachments for the permit application, provide preliminary plans and 95% Plans to the Structural Design Support Engineer for review and comment.

## CHAPTER 13 — CONSTRUCTION



### 13A GENERAL

All construction performed on SCDOT rights-of-way, including modification to existing features, shall be subject to the terms and conditions of the approved encroachment permit along with accompanying plans, drawings, sketches, special provisions, specifications, or other attachments. No work shall be performed on highway rights-of-way by the applicant or his contractor prior to approval of the encroachment permit by the Department and a notice to proceed has been issued by the Resident Maintenance Engineer (RME). The permittee or his contractor shall maintain a copy of the approved encroachment permit on site during construction. Verbal permission to begin work cannot be given.

The permittee shall have the responsibility to determine and comply with all applicable federal, state, and local laws and ordinances in connection with all work associated with the approved encroachment permit. This obligation shall include but not be limited to procurement of all permits and licenses. The permittee shall be responsible for all charges, fees, taxes, and etc. associated with all work in the approved encroachment permit.

The permittee shall be responsible for ensuring that all work performed on SCDOT's rights-of-way is constructed in conformance with the encroachment permit and other specifications as directed below in this chapter.

The permittee shall indemnify and hold SCDOT harmless from any and all claims, liabilities, and causes of action for any fines or penalties imposed on SCDOT arising from work associated with the encroachment permit.



## 13B INSPECTION AND APPROVAL

The level of inspection, certification, and ultimate acceptance of work by SCDOT will vary depending on the type of work specified in the encroachment permit. All work on SCDOT's rights-of-way associated with encroachment permits will require a notice to proceed from the RME prior to work beginning and a letter of final acceptance upon completion of the project prior to opening for public use.

For the purposes of construction, encroachment permits for access shall be divided into three categories; residential driveways, commercial driveways, and large commercial driveways. The following standards and guidelines are to be used for each specific category.

### 13B-1 Residential Driveways

Residential driveways are driveways installed by the property owner or his contractor at his expense to serve low volume land uses such as 1 to 2 single family homes. The approved encroachment permit shall serve as the notice to proceed. The permittee shall adhere to all special provisions listed in the encroachment permit. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies, a letter of acceptance will be issued.

### 13B-2 Medium Volume Commercial Driveways

Medium Volume commercial driveways are those driveways installed by the permittee or the permittee's contractor to serve land uses such as small subdivisions and apartment complexes, or small businesses. There are no other items to be installed per encroachment permit onto SCDOT's rights-of-way other than the driveway, associated driveway pavement markings, channelization devices, and curb & gutter associated with the driveway. All items are transverse to the rights-of-way and no longitudinal items are included.

Prior to the permittee beginning work, a traffic control plan and sediment and erosion control plan shall be submitted to the RME for approval or included in the encroachment permit package. Also, a preconstruction meeting shall be held with the RME prior to the commencement of work. The agenda for the preconstruction conference should include, at a minimum, the work schedule to include the start work and end work dates within SCDOT's rights-of-way and a contact list of names and phone numbers of the Permittee and superintendent in charge of the daily activities. After the preconstruction conference is held and the traffic control plan and sediment & erosion control plan have been approved, the RME will issue a notice to proceed. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the



permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies, a letter of acceptance will be issued.

### **13B-3 High and Major Volume Commercial Access Encroachments**

High and major volume commercial access encroachments are commercial encroachments that include additional work items within SCDOT's rights-of-way above and beyond driveway construction included in the encroachment permit. These additional items include but are not limited to the following: traffic signals, turn lanes, roadway signage, drainage, resurfacing, roadway widening, cross walks, roadway pavement markings, roadway channelization devices, and etc.

For large commercial access encroachments, the permittee shall use a SCDOT pre-qualified contractor for all work to be completed within SCDOT's rights-of-way. The permittee's contractor shall be responsible for the Quality Control testing and sampling and material certifications as per the SCDOT *Construction Manual* (latest edition) and SCDOT's *Standard Specifications for Highway Construction* (latest edition).

A traffic control plan and sediment & erosion control plan shall be included in the encroachment permit package and must be approved prior to the beginning of the work. Also, a preconstruction meeting shall be held with the RME prior to the commencement of work. The agenda for the preconstruction conference should include, at a minimum, the work schedule to include the start work and end work dates within SCDOT's rights-of-way and a contact list of names and phone numbers of the Permittee and superintendent in charge of the daily activities. After the preconstruction conference is held and the traffic control plan and sediment & erosion control plan have been approved, the RME will issue a notice to proceed. The *Manual of Uniform Traffic Control Devices* (MUTCD – latest edition) and the latest edition of the SCDOT *Standard Drawings* shall be used in the development of the traffic control plan.

Upon completion of all work, the permittee shall contact the RME for a final inspection of the work. If the work has been completed satisfactorily, a letter of acceptance will be issued. If the work is not completed satisfactorily, a punch list will be developed noting all deficiencies. Once the deficiencies have been corrected by the permittee, a follow up inspection will be conducted for verification. Upon correction of all deficiencies and all materials are certified, a letter of acceptance will be issued.

# APPENDIX

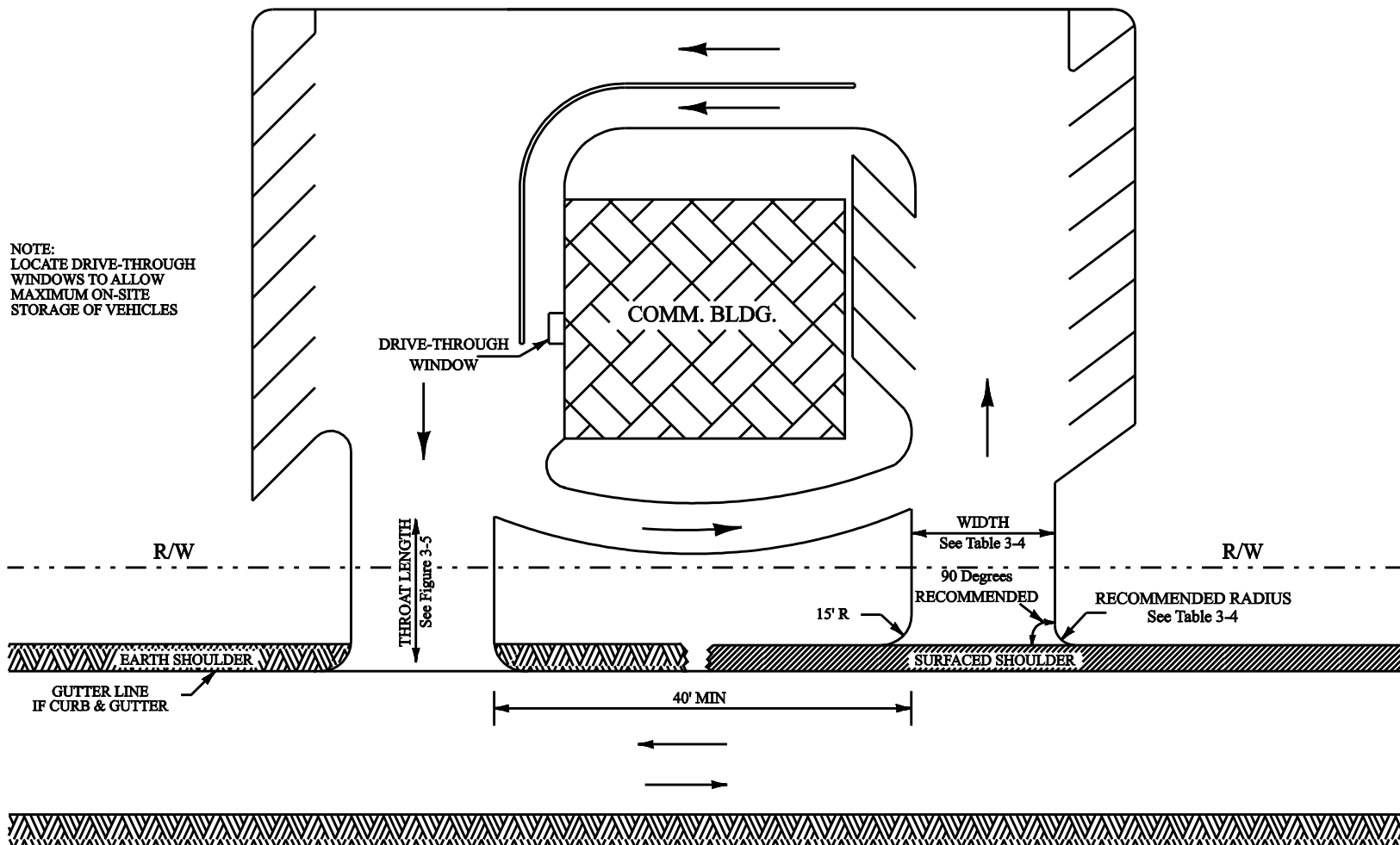
This page intentionally left blank

## Appendix A

### *Drawings*

Typical Commercial One-Way Driveway.....	A-1
Typical Access to Outparcel – #1.....	A-2
Typical Access to Outparcel – #2.....	A-3
Median Opening Design.....	A-4
Median Nose Design.....	A-5
Vertical Profile of Intersection of Street or High Volume Driveway .....	A-6
Channelizing Island Design.....	A-7
Typical Right-In, Right-Out Driveway Design.....	A-7.1
Left-Turn Lane Widening.....	A-8
Roadway Widening Typical Adjacent to School Sites .....	A-9
Roadway Widening Typical Adjacent to School Sites .....	A-10
On-Street Parking Configurations .....	A-11

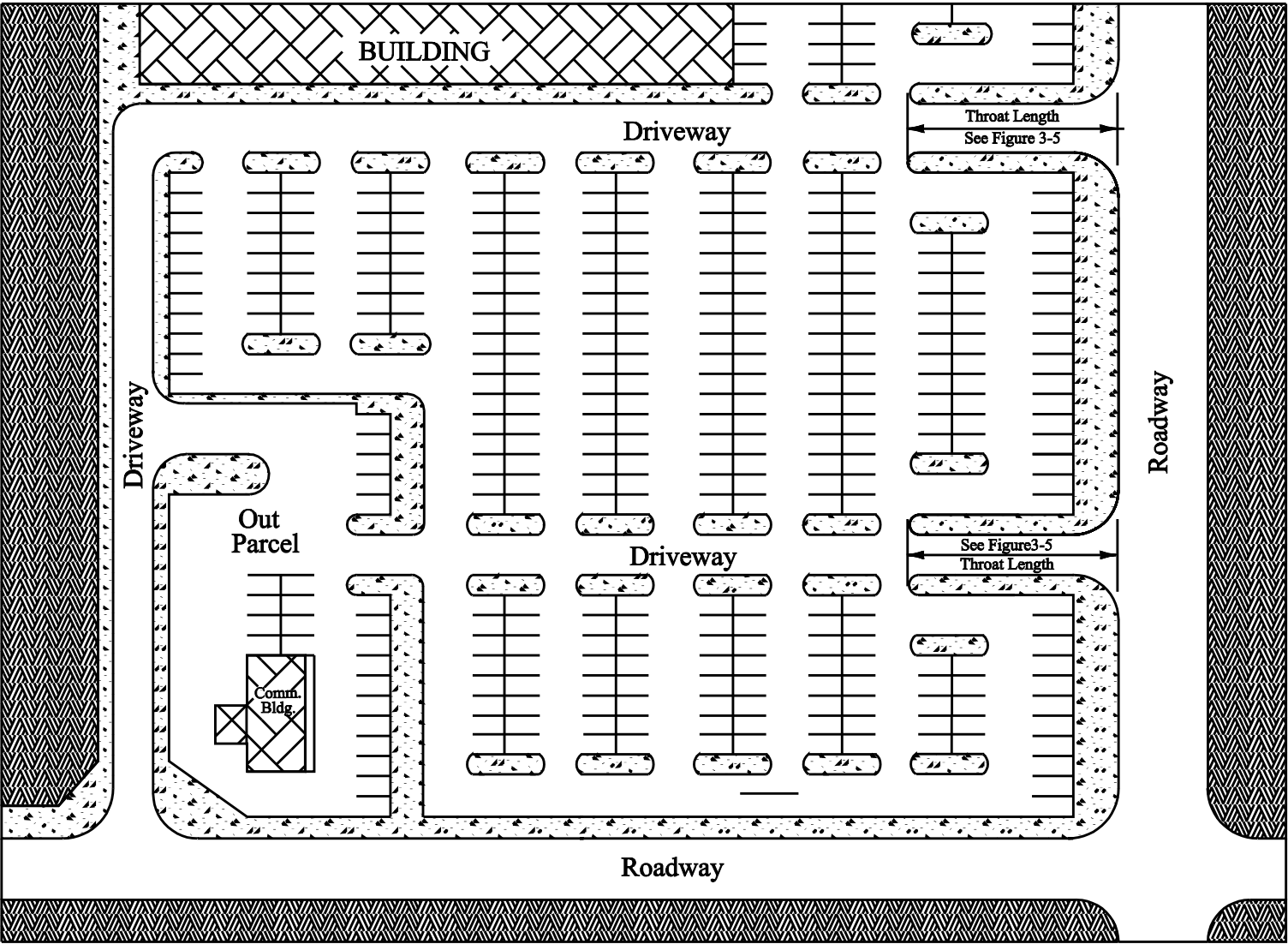
This page intentionally left blank



(DRAWING NOT TO SCALE)

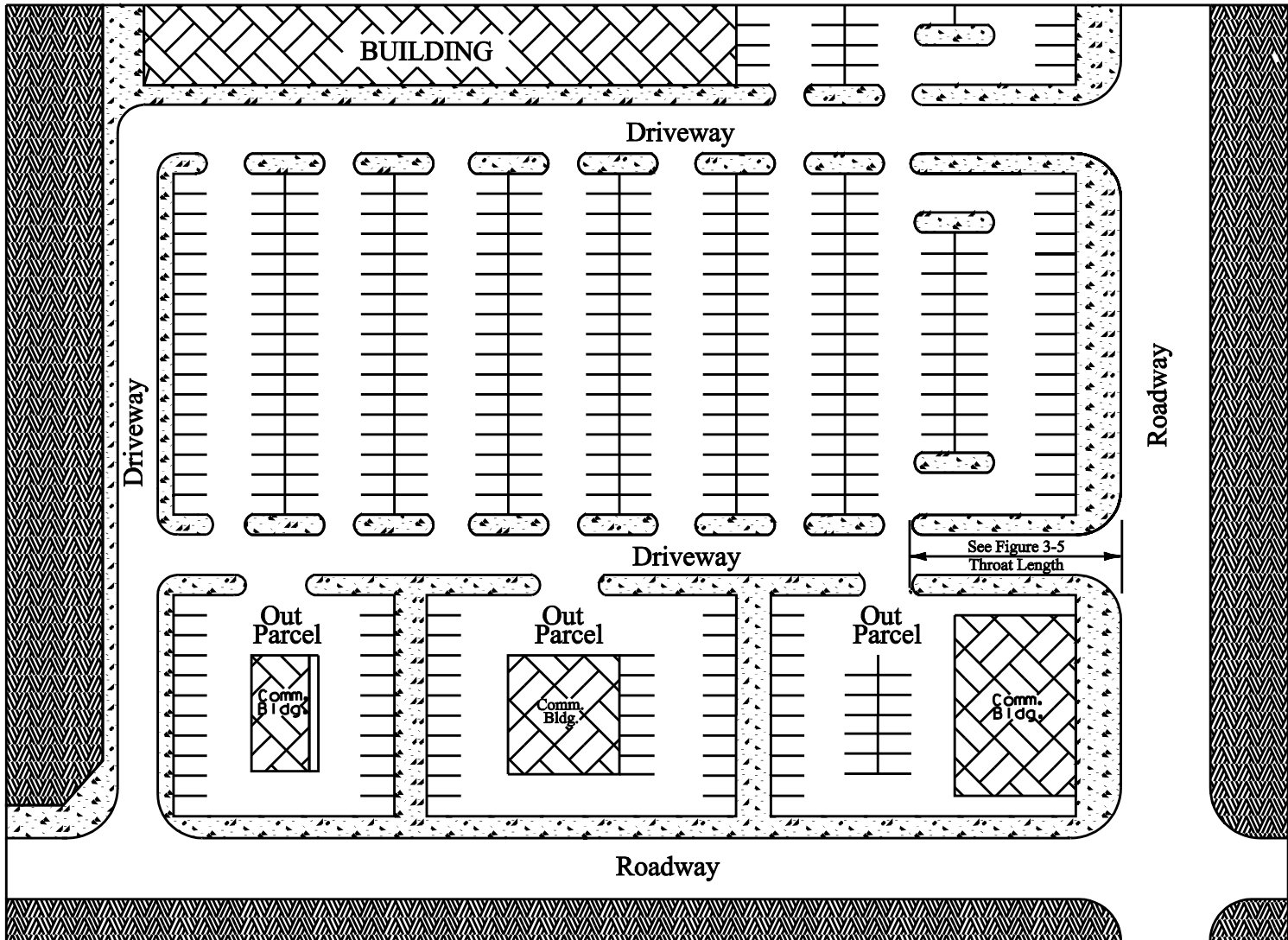
TYPICAL COMMERCIAL HIGH TURNOVER  
OR ONE WAY DRIVEWAY

FIGURE A-1



TYPICAL ACCESS TO OUTPARCEL #1

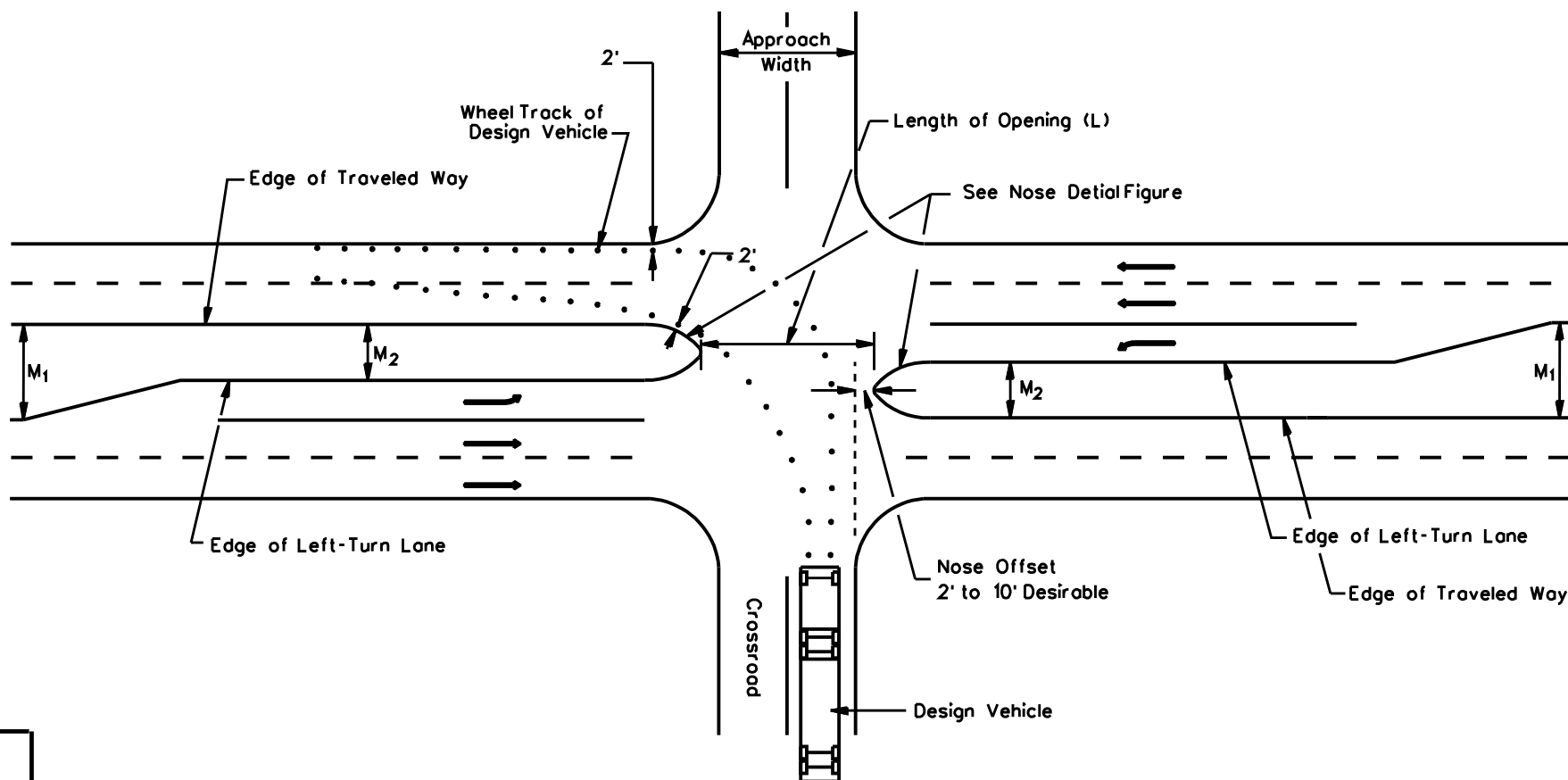
FIGURE A-2



TYPICAL ACCESS TO OUTPARCEL #2

FIGURE A-3

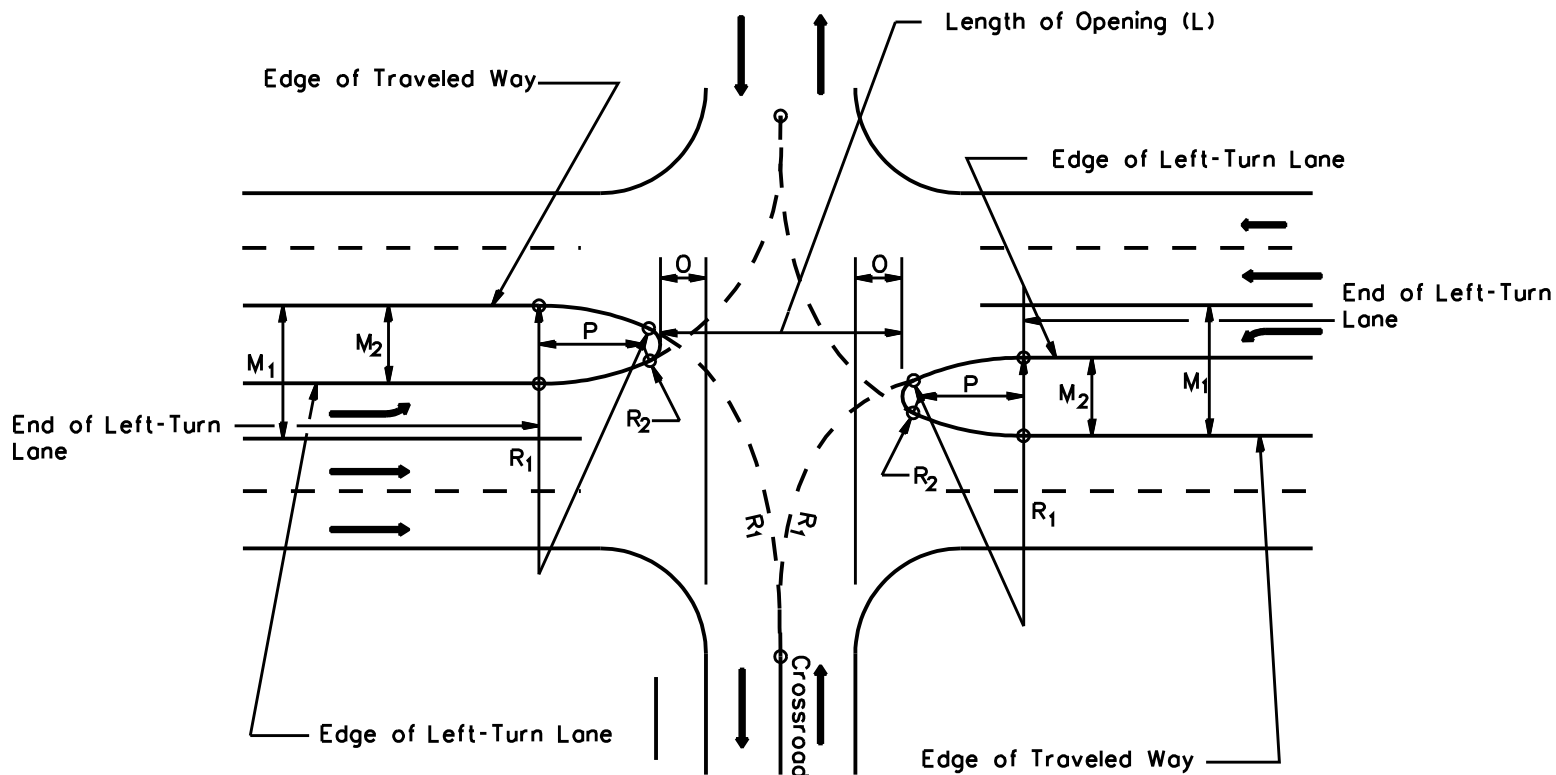




- M1 = Median Width measured between the two edges of the inside travel lane.  
M2 = Width of divisional island (flush, raised-curb, depressed) remaining after the width of the left-turn (if present) has been subtracted from the median width (M1).

## MEDIAN OPENING DESIGN

FIGURE A-4

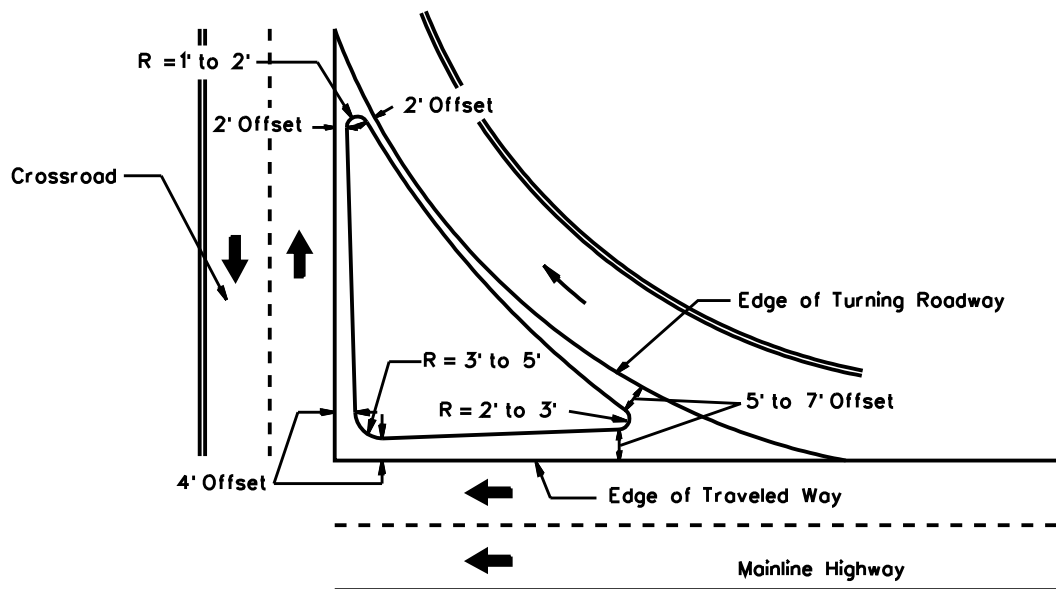


- L = Length of median opening.
- M1 = Median Width measured between the two edges of the inside travel lane.
- M2 = Width of divisional island (flush, raised-curb, depressed) remaining after the width of the left-turn (if present) has been subtracted from the median width (M1).
- O = Nose offset.
- R1 = Variable, based on design vehicle and median width (M2).
- R2 = M2/5 to edge of left-turn lane, where present.
- P = As shown in the figure.

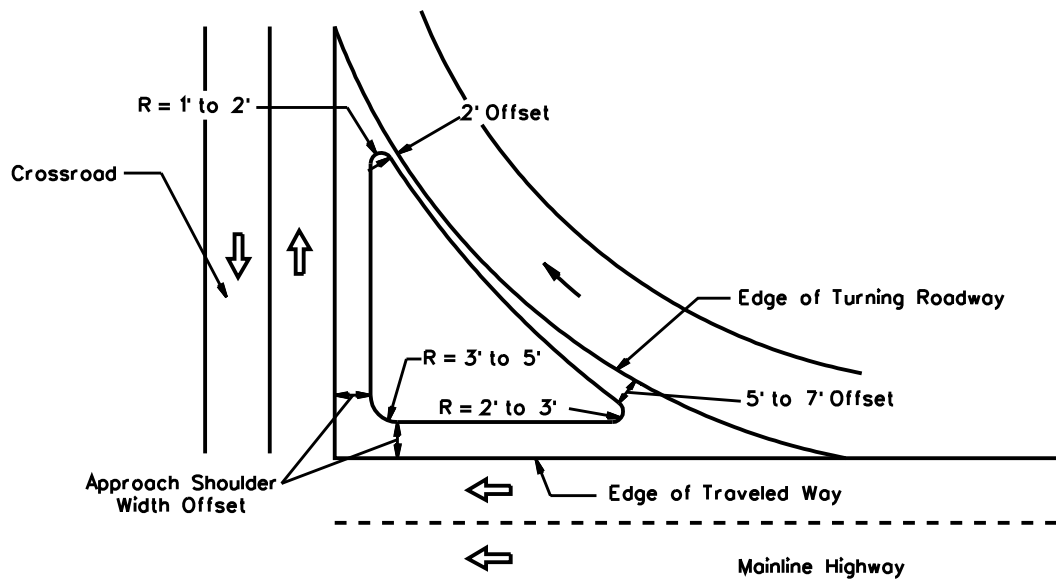
## MEDIAN NOSE DESIGN

FIGURE A-5





(a) Street with Curb and Gutter



(b) Road with Shoulders

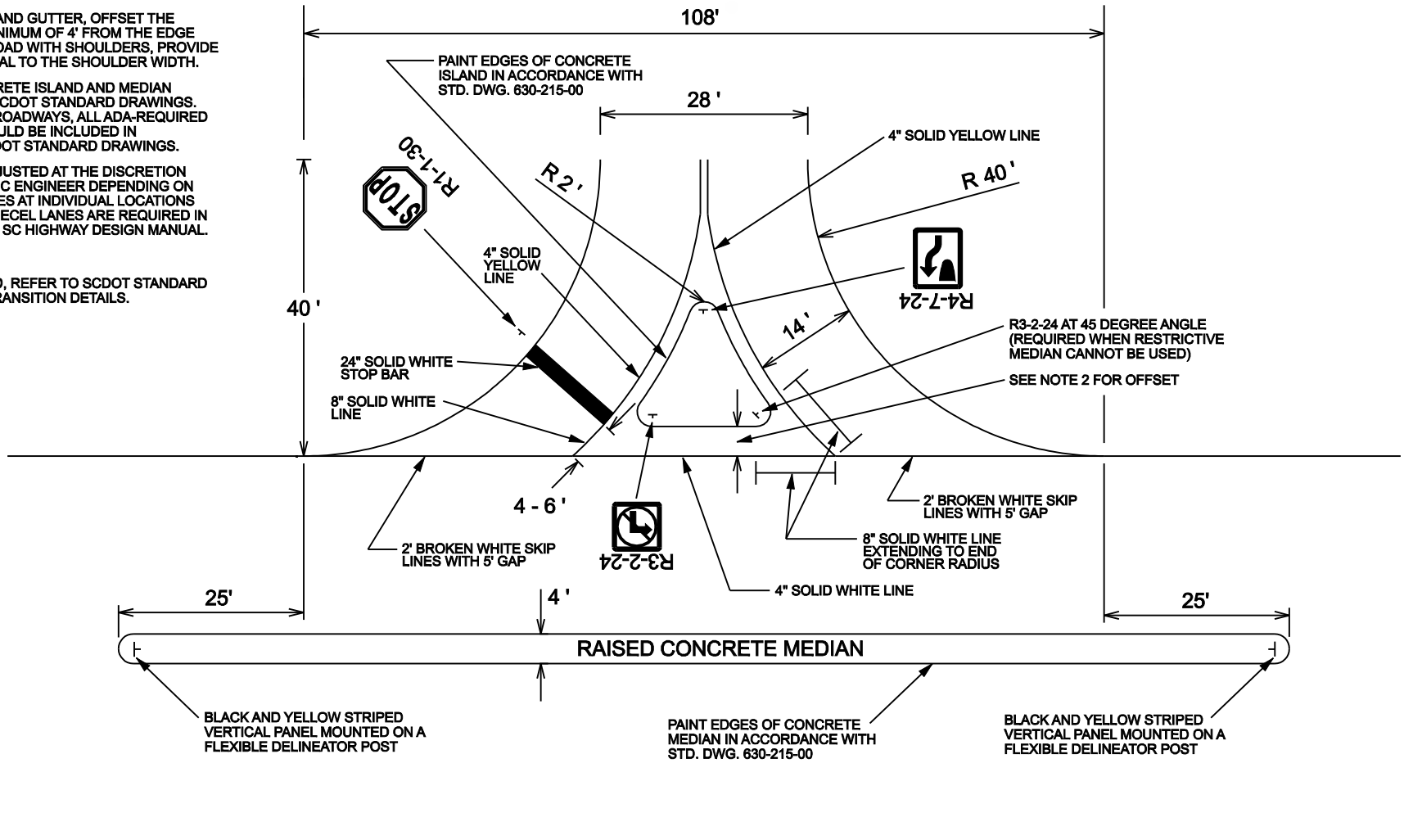
## CHANNELIZING ISLAND DESIGN

FIGURE A-7

## NOTES

1. 100 S.F. MINIMUM AREA OF CONCRETE ISLAND.  
150 S.F. MINIMUM AREA OF CONCRETE ISLAND WHERE PEDESTRIAN ACCOMMODATIONS ARE REQUIRED.  
MINIMUM 12' SIDES AFTER ROUNDING OF CORNERS.
2. ON A ROAD WITH CURB AND GUTTER, OFFSET THE CONCRETE ISLAND A MINIMUM OF 4' FROM THE EDGE OF TRAVELWAY. ON A ROAD WITH SHOULDERS, PROVIDE A MINIMUM OFFSET EQUAL TO THE SHOULDER WIDTH.
3. CONSTRUCT THE CONCRETE ISLAND AND MEDIAN IN ACCORDANCE WITH SCDOT STANDARD DRAWINGS.  
ON CURB AND GUTTER ROADWAYS, ALL ADA-REQUIRED DESIGN ELEMENTS SHOULD BE INCLUDED IN ACCORDANCE WITH SCDOT STANDARD DRAWINGS.
4. THIS DESIGN MAY BE ADJUSTED AT THE DISCRETION OF THE DISTRICT TRAFFIC ENGINEER DEPENDING ON VARYING CIRCUMSTANCES AT INDIVIDUAL LOCATIONS SUCH AS WHEN ACCEL/DECEL LANES ARE REQUIRED IN ACCORDANCE WITH THE SC HIGHWAY DESIGN MANUAL.

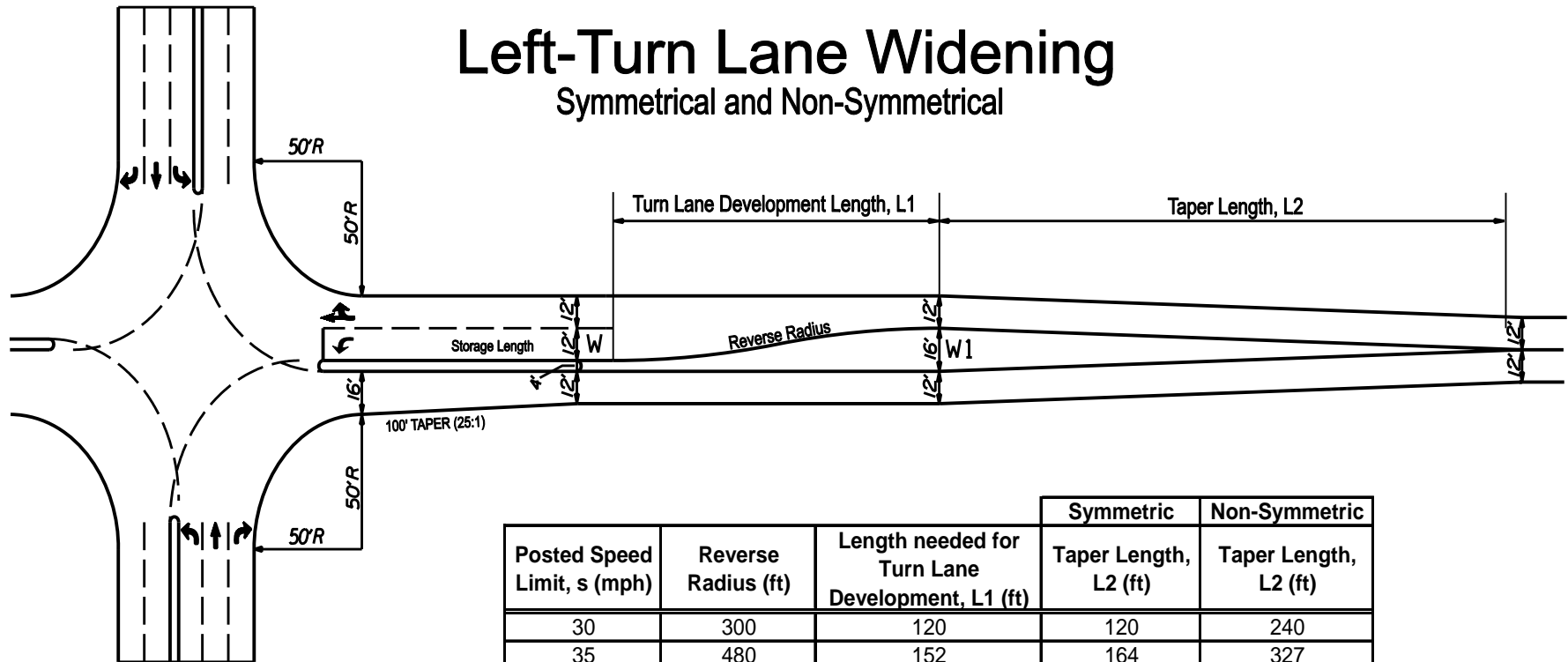
**WHEN CURB IS DROPPED, REFER TO SCDOT STANDARD DRAWINGS FOR CURB TRANSITION DETAILS.**



## TYPICAL RIGHT-IN RIGHT-OUT DRIVEWAY DESIGN

# Left-Turn Lane Widening

## Symmetrical and Non-Symmetrical



Posted Speed Limit, s (mph)	Reverse Radius (ft)	Length needed for Turn Lane Development, L1 (ft)	Symmetric	Non-Symmetric
			Taper Length, L2 (ft)	Taper Length, L2 (ft)
30	300	120	120	240
35	480	152	164	327
40	480	152	213	427
45	670	179	360	720
50	670	179	400	800
55	840	201	440	880
60	840	201	480	960

Notes: This table provides the design values for the development of a 12 ft. left turn lane with 16 ft. of widening. The formulas provided can be used to determine the design values for other scenarios.

### Symmetrical Widening

$$L1 = \sqrt{W(4R - W)}$$

$$L2 = \frac{W1}{2} * s^2 \quad S \leq 40 \text{ mph}$$

$$L2 = \frac{W1}{2} * s \quad S \geq 45 \text{ mph}$$

### Non-symmetrical Widening

$$L1 = \sqrt{W(4R - W)}$$

$$L2 = \frac{W1 * s^2}{60} \quad S \leq 40 \text{ mph}$$

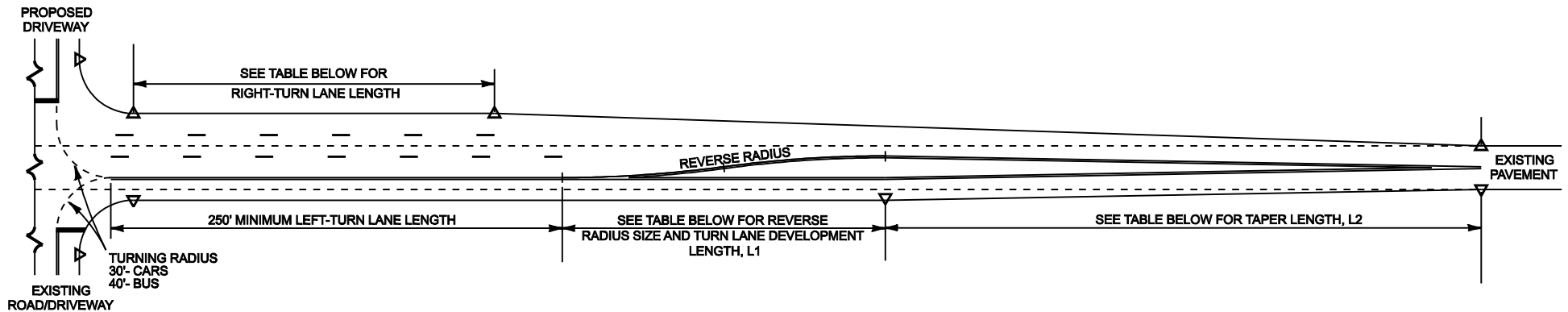
$$L2 = W1 * s \quad S \geq 45 \text{ mph}$$

L1= Turn Lane Development Length  
L2= Taper Length  
W= Storage Lane Width  
W1= Amount of Widening  
s= Speed Limit

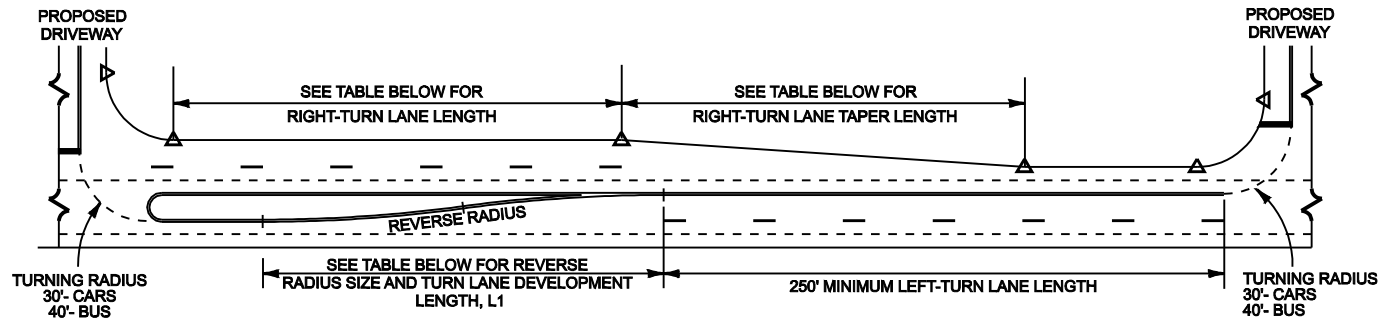
FIGURE A-8

# ROADWAY WIDENING TYPICALS ADJACENT TO SCHOOL SITES

## LEFT/RIGHT TURN LANES FOR NEW ACCESS OPPOSITE EXISTING ROAD/DRIVEWAY



## LEFT/RIGHT TURN LANES BETWEEN MULTIPLE ACCESS



Reverse Radius and Taper Length Requirements

Speed (mph)	Reverse Radius (ft)	Turn Lane Development Length, L1 (ft)	Amount of Widening and Associated Taper (L2) (Symetrical)					Amount of Widening and Associated Taper (L2) (Non-Symetrical)				
			11 ft	12 ft	14 ft	16 ft	18 ft	11 ft	12 ft	14 ft	16 ft	18 ft
30	300	120	*	*	*	*	*	*	*	210	240	270
35	480	152	*	*	*	*	*	225	245	286	327	368
40	480	152	*	*	*	213	240	293	320	373	427	480
45	670	179	248	270	315	360	405	495	540	630	720	810
50	670	179	275	300	350	400	450	550	600	700	800	900
55	840	201	303	330	385	440	495	605	680	770	880	990

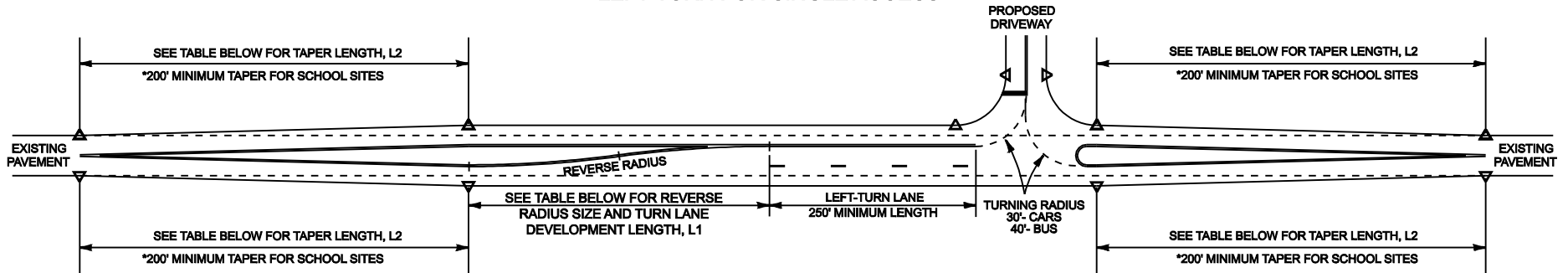
\*200 ft. minimum taper length

Right-Turn Lane and Associated Taper Length

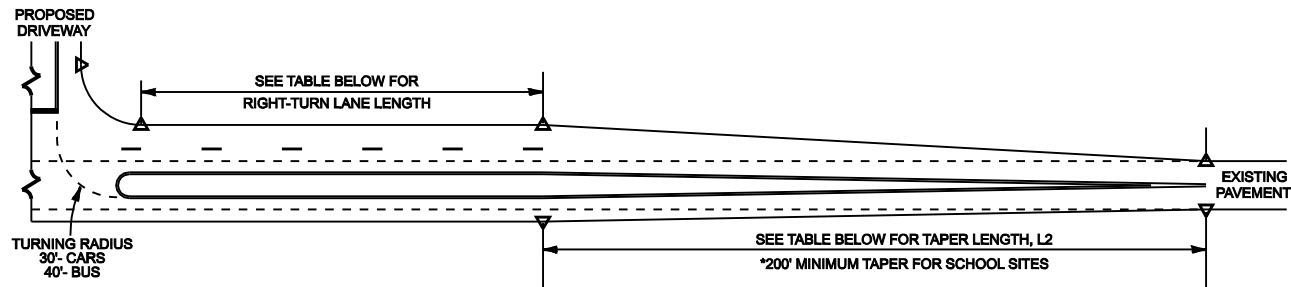
Posted Speed Limit	Taper Length (ft)	Turn Lane Length (ft)
< 40 MPH	150	150
45 MPH	180	200
50 MPH	180	200
> 55 MPH	200	250

# ROADWAY WIDENING TYPICALS ADJACENT TO SCHOOL SITES

## LEFT-TURN FOR SINGLE ACCESS



## RIGHT-TURN FOR SINGLE ACCESS



Reverse Radius and Taper Length Requirements

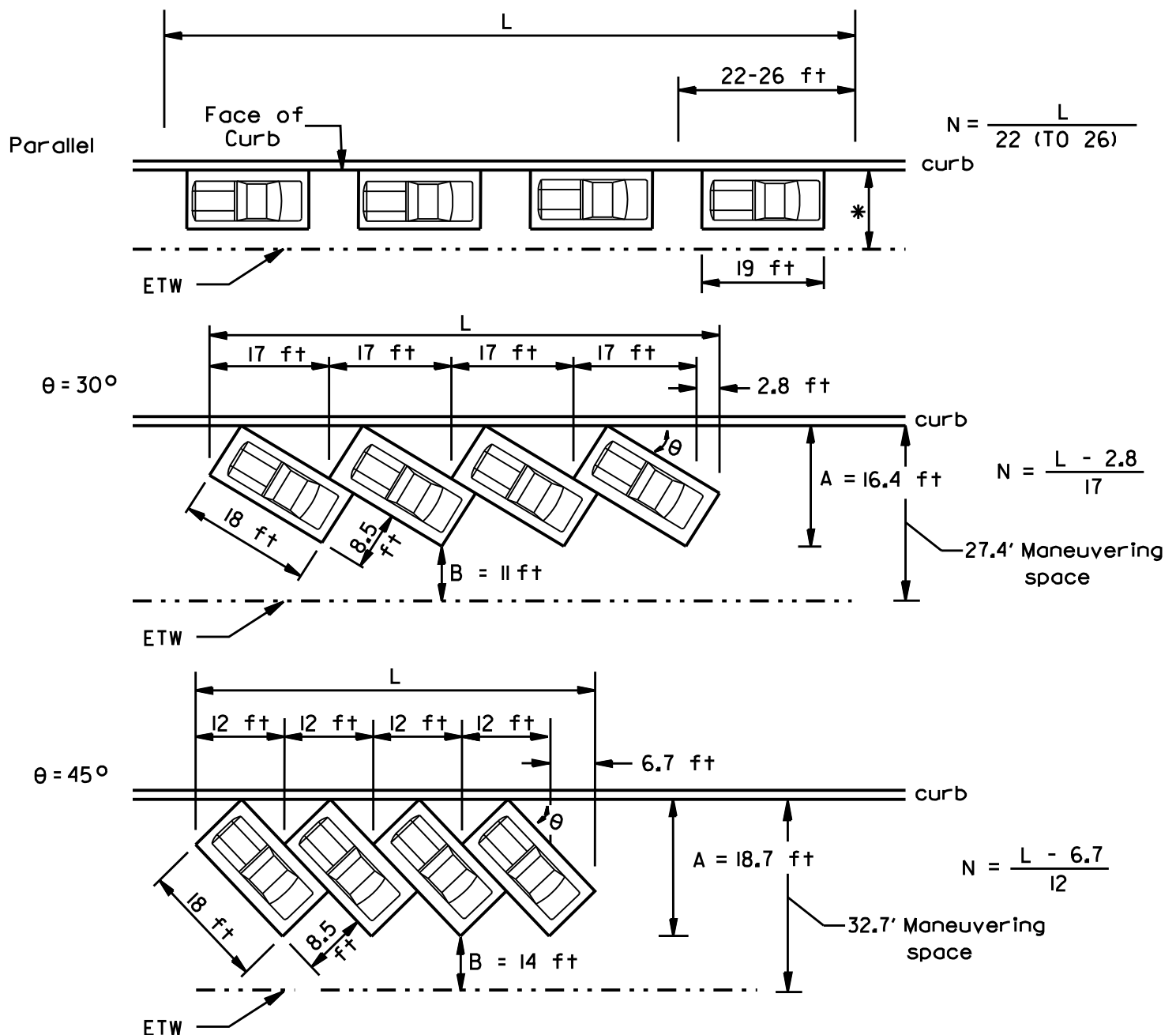
Speed (mph)	Reverse Radius (ft)	Turn Lane Development Length, L1 (ft)	Amount of Widening and Associated Taper (L2) (Symmetrical)					Amount of Widening and Associated Taper (L2) (Non-Symmetrical)				
			11 ft	12 ft	14 ft	16 ft	18 ft	11 ft	12 ft	14 ft	16 ft	18 ft
30	300	120	*	*	*	*	*	*	*	210	240	270
35	480	152	*	*	*	*	*	225	245	286	327	368
40	480	152	*	*	*	213	240	293	320	373	427	480
45	670	179	248	270	315	360	405	495	540	630	720	810
50	670	179	275	300	350	400	450	550	600	700	800	900
55	840	201	303	330	385	440	495	605	660	770	880	990

\*200 ft. minimum taper length

Right-Turn Lane and Associated Taper Length

Posted Speed Limit	Minimum Taper Length L2 (ft)	Turn Lane Length (ft)
≤ 40 MPH	150	150
45 MPH	180	200
50 MPH	180	200
≥ 55 MPH	200	250





L= given curb length with parking spaces, ft  
 N= number of parking spaces over distance L  
 A= required distance between face of curb and back of stall assuming that bumper of parked car does not extend beyond curb face, ft  
 B= minimum clear distance needed for a parked vehicle to back out of stall while clearing adjacent parked vehicle, ft  
 ETW= Edge of Traveled Way

- See SCHDM Figures 21.3A and 21.3C for parking lane widths

## ON-STREET PARKING CONFIGURATIONS

FIGURE A-11

## Appendix B

### ***SCDOT Personnel Contact Information***

#### **HEADQUARTERS:**

South Carolina Department of Transportation  
955 Park Street  
Post Office Box 191  
Columbia, South Carolina 29202-0191

The following officials are located in the headquarters building:

Deputy Director for Construction, Engineering, and Planning .....	(803) 737-7900
Director of Traffic Engineering .....	(803) 737-1462
Director of Maintenance .....	(803) 737-1290
Director of Construction .....	(803) 737-1308
Director of Preconstruction.....	(803) 737-1350
Utilities Engineer .....	(803) 737-1293

#### **DISTRICT ENGINEERING ADMINISTRATORS AND OTHER DISTRICT PERSONNEL:**

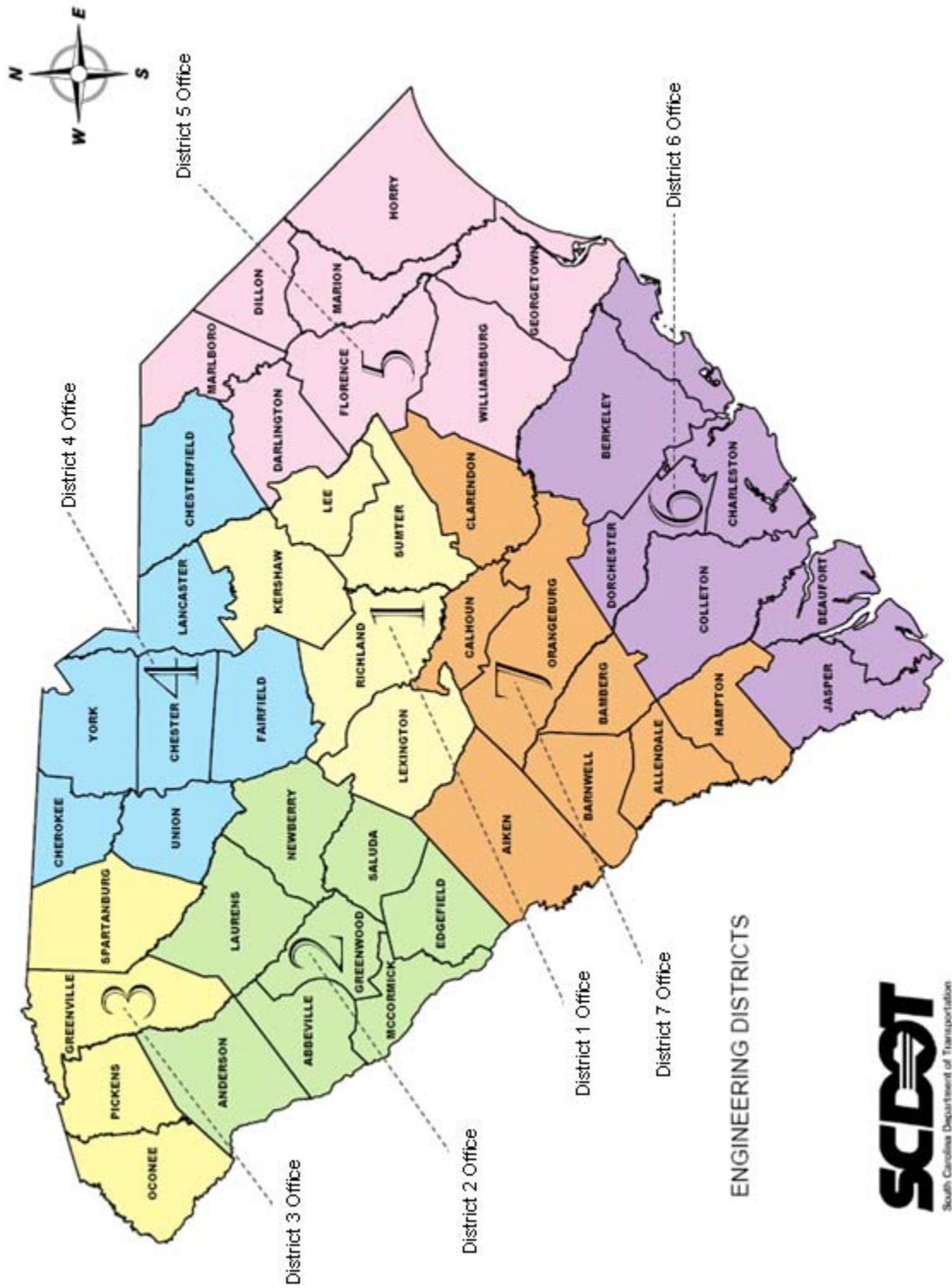
District One	1400 Shop Road Columbia, SC 29201	(803) 737-6660
District Two	510 W. Alexander Avenue Greenwood, SC 29646	(864) 227-6971
District Three	252 South Pleasantburg Drive Greenville, SC 29607	(864) 241-1010
District Four	J. A. Cochran Bypass Post Office Box 130 Chester, SC 29706	(803) 377-4155
District Five	Post Office Box 1911 Florence, SC 29501	(843) 661-4710
District Six	6355 Fain Blvd. North Charleston, SC 29406-4989	(843) 740-1665
District Seven	US Route 178 East Bowman Road Drawer 1086 Orangeburg, SC 29116-1086	(803) 531-6850

## RESIDENT MAINTENANCE ENGINEERS:

County	Street Address	City, State, Zip	Telephone
01 Abbeville	127 McGowan Avenue	Abbeville, SC 29620	(864) 459-4206
02 Aiken	P. O. Box 2010	Aiken, SC 29801	(803) 641-7665
03 Allendale	P. O. Box 296	Allendale, SC 29810	(803) 584-3465
04 Anderson	4740 Liberty Highway	Anderson, SC 29621	(864) 260-2215
05 Bamberg	P. O. Box 545	Bamberg, SC 29003	(803) 245-5181
06 Barnwell	P. O. Box 366	Barnwell, SC 29812	(803) 259-1141
07 Beaufort	13 Munch Drive	Beaufort, SC 29902	(843) 524-7255
08 Berkeley	P. O. Box 698	Moncks Corner, SC 29461	(843) 761-8481
09 Calhoun	P. O. Box 406	St. Matthews, SC 29135	(803) 874-3231
10 Charleston	6355-C Fain Blvd.	N. Charleston, SC 29406	(843) 740-1655
11 Cherokee	P. O. Box 237	Gaffney, SC 29342	(864) 489-5622
12 Chester	P. O. Box 386	Chester, SC 29706	(803) 377-8101
13 Chesterfield	P. O. Box 649	Chesterfield, SC 29706	(843) 623-2543
14 Clarendon	P. O. Box 26	Manning, SC 29102	(803) 435-4431
15 Colleton	P. O. Box 169	Walterboro, SC 29488	(843) 538-8031
16 Darlington	P. O. Drawer 495	Darlington, SC 29532	(843) 393-6171
17 Dillon	P. O. Box 1009	Dillon, SC 29536	(843) 774-7376
18 Dorchester	P. O. Box 96	St. George, SC 29477	(843) 563-3451
19 Edgefield	P. O. Box 490	Edgefield, SC 29824	(803) 637-6511
20 Fairfield	P. O. Box 261	Winnsboro, SC 29180	(803) 635-4222
21 Florence	P. O. Box 1911	Florence, SC 29501	(843) 661-4715
22 Georgetown	P. O. Box 593	Georgetown, SC 29442	(843) 546-2405
23 Greenville	13 Saluda Dam Road	Greenville, SC 29611	(864) 241-1224
24 Greenwood	510 W. Alexander Ave.	Greenwood, SC 29646	(864) 227-6701
25 Hampton	P. O. Box 278	Hampton, SC 29924	(803) 943-3721
26 Horry	P. O. Box 1663	Conway, SC 29526	(843) 365-2130
27 Jasper	P. O. Box 490	Ridgeland, SC 29936	(843) 726-3431
28 Kershaw	P. O. Box 509	Camden, SC 29020	(803) 432-4358
29 Lancaster	P. O. Box 929	Lancaster, SC 29721	(803) 283-3397
30 Laurens	P. O. Box 750	Laurens, SC 29360	(864) 984-7632
31 Lee	P. O. Box 191	Bishopville, SC 29010	(803) 484-6236
32 Lexington	P. O. Box 70	Lexington, SC 29071	(803) 359-4103
33 Marion	P. O. Box 986	Marion, SC 29571	(843) 431-1130
34 Marlboro	P. O. Box 276	Bennettsville, SC 29512	(843) 479-4161
35 McCormick	Route 2, Box 83T, Road 53	McCormick, SC 29835	(864) 465-2216
36 Newberry	P. O. Drawer 39	Newberry, SC 29108	(803) 276-0554
37 Oconee	P. O. Box 38	Richland, SC 29675	(864) 647-0798
38 Orangeburg	P. O. Box 508	Orangeburg, SC	(803) 531-6870
39 Pickens	P. O. Box 877	Pickens, SC 29671	(864) 859-0039
40 Richland	7201 Fairfield Rd	Columbia, SC 29203	(803) 786-0128
41 Saluda	P. O. Box 715	Saluda, SC 29138	(864) 445-2586
42 Spartanburg	P. O. Box 5706	Spartanburg, SC 29304	(864) 587-4725
43 Sumter	P. O. Box 417	Sumter, SC 29150	(803) 778-5466
44 Union	P. O. Box 458	Union, SC 29379	(864) 427-3575
45 Williamsburg	PO Box 180	Kingstree, SC 29556	(843) 354-7491
46 York	P. O. Box 2932 CRS	Rock Hill, SC 29731	(803) 327-6186

**DISTRICT TRAFFIC SIGNAL SUPERVISORS:**

District 1	(803) 737-6974
District 2	(864) 227-8651
District 3	(864) 241-1117
District 4	(803) 581-8551
District 5	(843) 365-8251
District 6	(843) 740-1668
District 7	(803) 531-6870
Headquarters	(803) 737-1050



## Appendix C

### *Directions for Completion of Permit Application*

**Note:** Reference the following eight guidelines to the sample permit applications on pages B-2 through B-3. See pages B-4 and B-5 for a checklist and sample sketches.

- 1) A permit number will be assigned by the Department.
- 2) Fill in name and address of applicant (owner or his or her agent). Provide telephone number(s) at which the contact person may be reached 24 hours a day, 7 days a week. Give name of contact person if different from applicant
- 3) Provide name of county, road or route number, and road name if known.
- 4) Provide a detailed description of the type of encroachment (driveway, landscape, subdivision street, etc.).
- 5) Provide description of location. For example, "2.1 miles north of intersection of road S-04-22" or "300 feet west of road S-04-66." This information shall also be included on the drawing as instructed in the permit application checklist.
- 6) Provide applicant's name, signature, and date of application.
- 7) The Department will provide the date by which the work is to be completed.
- 8) The Department will add any special provisions to the permit. For example, "applicant shall erect Department approved stop signs" or "work shall only be done between hours of 9 A.M. and 4 P.M. on weekdays."

S.C. Department of  
Transportation  
Form 637 (Rev 11/2003)

## Application for Encroachment Permit

Permit Nbr. **1**

Applicant: _____	County: <b>1</b> _____
Street: _____	Enter <u>Road/Route</u> And then the corresponding <u>Road Name</u> below:
City: _____	1. _____ 1. _____
State & Zip: <b>2</b> _____	2. _____ 2. _____
Phone: _____	3. _____ 3. <b>3</b> _____
	4. _____ 4. _____
	5. _____ 5. _____

1. The undersigned applicant hereby applies to the South Carolina Department of Transportation (SCDOT) for a permit for encroachment on State Highway Right of Way as shown and described below:

2. Type of Encroachment: **4**

3. Description of Location:

**5**

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

4. The undersigned applicant hereby requests the SCDOT to permit encroachment on the SCDOT right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof.

The applicant agrees to comply with and be bound by the SCDOT's "A Policy for Accommodating Utilities on Highways Rights of way", "Standard Specifications for Highway Construction", the "General Provisions" and "Special Provisions", attached hereto or made a part hereof by reference, during the installation, operation and maintenance of said encroachment within the SCDOT's Right of Way.

The applicant hereby further agrees, and binds his/her/its heirs, personal representatives, successors, assigns, to assume any and all liability for accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing of the physical appurtenances contemplated herein, and the applicant agrees to indemnify and hold SCDOT harmless from and against any and all claims for personal injury and/or property damage which may be sustained by any person by reason of the construction, maintenance or existence of said encroachment on the SCDOT's right of way.

Applicant's Name: **6** \_\_\_\_\_  
(Please print or type)

Date: \_\_\_\_\_

Applicant's Sig: \_\_\_\_\_

Title: \_\_\_\_\_

In accordance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application and the general and special provisions attached hereto, the SCDOT hereby approves your application for an encroachment permit. This permit shall become null and void unless the work contemplated herein shall have been

completed prior to:

**7,8**

(Date received by  
Res. Maint. Engr.)

(SCDOT Approval)

(Date)

☐ Resident Maintenance Engineer

☐ State Highway Engineer

☐ District Engineering Administrator

☐ District Maint./Constr. Engineer

Available online at [http://www.scdot.org/doing/encroachment\\_permit.shtml](http://www.scdot.org/doing/encroachment_permit.shtml)

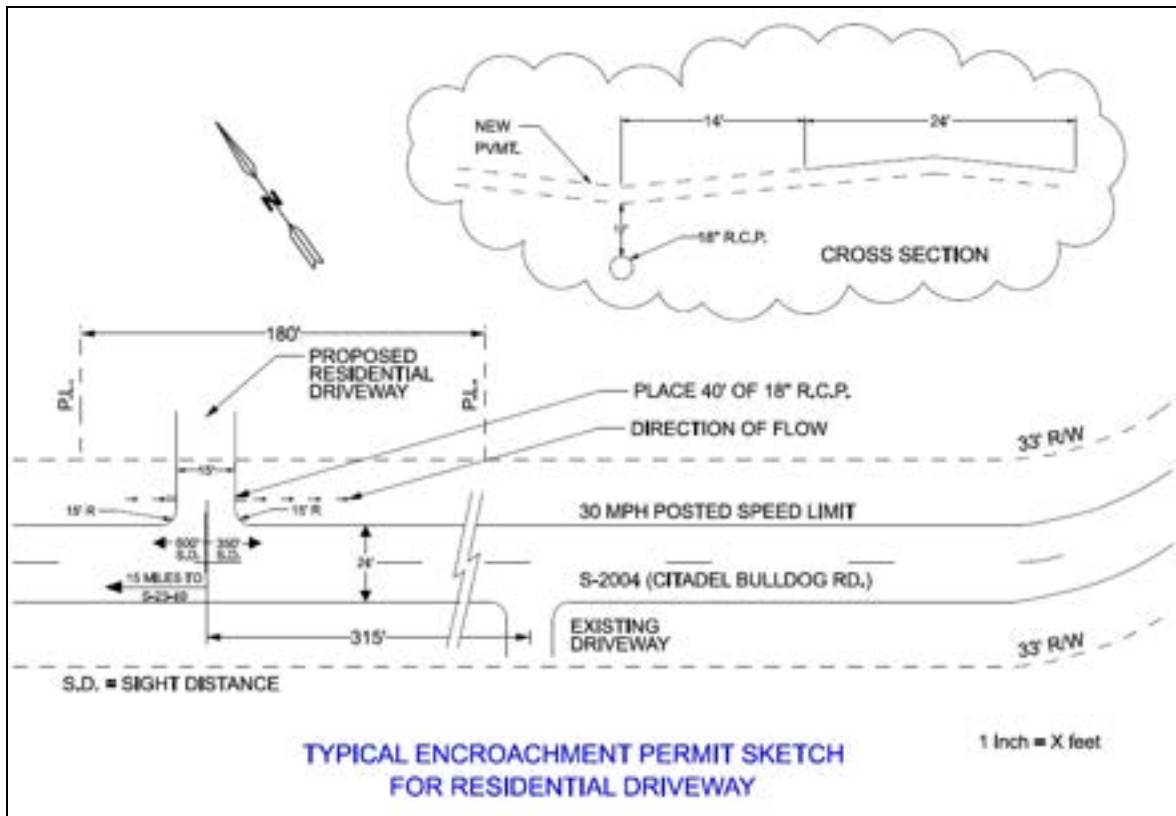


**Encroachment Permit Application Checklist**

- I. Permit Form: The appropriate completed quadruplicate form is required.
- II. Drawing: At least four copies of a drawing are to be included, giving details of the proposed work and existing conditions and including but not limited to the following:
  - 1) Roadway on which the encroachment is located.
  - 2) Direction and distance to the nearest intersecting State and county roadways, if applicable.
  - 3) North arrow.
  - 4) Drawing to be to scale. For example, 1" = 20' (1:250), 1" = 50' (1:600), etc.
  - 5) Existing and proposed roadway geometry including pavement widths, curves, driveways, etc.
  - 6) Existing and proposed pavement design, if applicable.
  - 7) Existing and proposed drainage features with flow direction.
  - 8) Existing right-of-way and associated property lines.
  - 9) Existing sight distance, if applicable.
  - 10) Existing and proposed structures.
  - 11) Proposed utility work.
  - 12) Traffic Control Plan, if applicable.
  - 13) Erosion control.
- III. Proof of Bonding: Evidence of any required bond must accompany the permit application.
- IV. Stormwater Management and Sediment Control Plan: All applications for encroachment permits that involve bringing stormwater runoff or sediment to the highway for a developed area of 2 acres or more must include a copy of a Stormwater Management and Sediment Control Plan approved by DHEC, the local government, or the conservation district responsible for approving such plans pursuant to The Stormwater Management and Sediment Reduction Act. See S. C. Code Ann. Section 48-14-10, et seq. (Supp. 1995). The plan should include drainage design computations. If the area is less than 2 acres, the application must include a drainage plan with supporting design computations limiting the post construction 10-year peak discharge to the pre-developed 10-year peak.
- V. Bridges, culverts, retaining walls or other significant structures: All applications for encroachment permit that involve these type of structures must include five signed and sealed copies of the Geotechnical Report, Hydrology Report, Construction Plans and Documents, and Structural Design Calculations as outlined in Chapter 13.



Note: Drawing should be submitted on 8½" x 11" or 11" x 17" size paper. A 36" x 22" site plan showing the relationship of the driveways to the circulation plan and the site development may be required. When readily available, a 36" x 22" site plan should be submitted initially to facilitate review of the application. An example sketch has been provided below.



# SCDOT ACCESS WAIVER

This form is a request for approval of waiver from the access guidelines found in SCDOT's *Access and Roadside Management Standards*. This form shall be accompanied by an Encroachment Permit Application.

Submitted By: \_\_\_\_\_ Date: \_\_/\_\_/\_\_

To: \_\_\_\_\_  
Resident Maintenance Engineer

## **PROJECT CHARACTERISTICS**

County: \_\_\_\_\_ City: \_\_\_\_\_

Road/Route: \_\_\_\_\_ Description of Location: \_\_\_\_\_

Work Type: \_\_\_\_\_

Type of Terrain: (Level / Rolling / Mountainous)

Posted Speed Limit of Road: \_\_\_\_\_ (mph)

Average Daily Traffic of Road: \_\_\_\_\_

Driveway Classification:

- |                                     |  |                                      |                                       |
|-------------------------------------|--|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Low Volume | <input type="checkbox"/> Medium Volume | <input type="checkbox"/> High Volume | <input type="checkbox"/> Major Volume |
| 1-20 trips/day                      | 21-600 trips/day                       | 601-4,000 trips/day                  | >4,000 trips/day                      |
| 1-5 trips/hour                      | 6-60 trips/hour                        | 61-400 trips/hour                    | >400 trips/hour                       |

Site Land Use: \_\_\_\_\_

## **CHECK APPROPRIATE BOX(ES) FOR ACCESS WAIVER(S)**

- |  |  |
|--|--|
| <input type="checkbox"/> Sight Distance    | <input type="checkbox"/> Driveway Grade          |
| <input type="checkbox"/> Driveway Spacing  | <input type="checkbox"/> Driveway Width / Radius |
| <input type="checkbox"/> Corner Clearance  | <input type="checkbox"/> Driveway Throat Length  |
| <input type="checkbox"/> Driveway Location | <input type="checkbox"/> _____                   |

## **DESCRIBE ELEMENT(S) FOR ACCESS WAIVER(S)**

(Attach additional sheets as needed) \_\_\_\_\_

---

---

---

---

---

---

---

---




## Appendix D

### Engineering Directives

All SCDOT Engineering Directives are available on the SCDOT internet website at the following web address:

<http://www.scdot.org/doing/edm.asp>



**SCDOT** Home | DOT Resources | Disclaimer | Contact Us | Site Map | Search  Go!

Inside SCDOT | Getting Around in SC | Doing Business with SCDOT | Public Forum | Community Service

**Doing Business with SCDOT** Quicklinks  Go!

**Construction Letting**  
[Tentative Lettings](#)  
[Current Lettings](#)  
[Monthly Indexes](#)  
[Letting Schedule](#)  
[Bid Tabulations](#)  
[Construction Extracts](#)

**Permits**  
[OSQW Permits](#)  
[Outdoor Advertising](#)  
[Encroachment Permits](#)

**Contractor/Consultant**  
[Audit Guide](#)  
[Inspector Certifications](#)  
[Prequalified Contractors](#)  
[e-TRAMS Extract](#)

**Construction**  
[AGC Joint Meetings](#)  
[Accelerated Projects](#)  
[Construction Manual \(2004\)](#)  
[STIP Report](#)  
[Ten Year Highway](#)  
[Construction Projects](#)  
[Standard Specifications](#)  
[Resurfacing Program](#)

**Materials and Research**  
[Qualified Products](#)  
[Inspector Certifications](#)  
[Laboratory Procedures](#)  
[Manual](#)  
[Research Program](#)  
[New Products](#)  
[Submission](#)

**Road Design**  
[Project Development](#)  
[Process](#)  
[Plan Preparation Guide](#)  
[Instructional Bulletin](#)  
[Supplemental Specs.](#)  
[Supplemental Technical](#)  
[Specs.](#)  
[English Standard](#)  
[Drawings](#)  
[Pay Items](#)  
[Quality Control](#)  
[Documents](#)

**Bridge Design**  
[Bridge Design Manual \(2006\)](#)  
[Design Memo](#)  
[Seismic Design Specs](#)  
[Provisions and Details](#)

**State Highway Engineer**

**Engineering Directive Memorandums**

The SCDOT state highway engineer sets engineering policy and direction, which requires compliance by the appropriate engineering divisions and all other providers of service to the Engineering Division, such as consultants and contractors. The state highway engineer issues engineering directive memorandums containing the procedures for carrying out engineering policy. Engineering directive memorandums are reviewed annually.

If you have questions about engineering directive memorandums, please call the State Highway Engineer's office at (803)737-7900 or fill out the [EDM help form](#).

A [index of the engineering directive memorandums](#) as well as all engineering directive memorandums are provided in [Adobe Reader Format](#).



Select a engineering directive memorandum category from the list below. Then select the view button. Your changes will appear in the table below.

All Directives

**All Engineering Directive Memorandums**

EDM	Effective Date	Revision Date	Title
1	11/21/2003	None	<a href="#">Development of Department of Transportation Engineering Directives</a>
2	11/21/2003	None	<a href="#">Fiscal and Maintenance Responsibilities for Traffic Signal Installations on the State Highway System</a>

This page intentionally left blank

## Appendix E

### *Frequently Asked Questions for Landscaping Irrigation and Maintenance*

As SCDOT moves forward to enhance SC highways, we have considered the need for irrigation and long-term maintenance. In this regard, our State Highway Engineer is requiring that all landscaping projects on the Department's R/W with extensive landscaping have provisions for maintenance including irrigation systems. We encourage the use of irrigation systems that will reduce hand watering of landscaping on our R/W. Applicants for encroachment permits should refer to the requirements in Section 4E-2 in the Access & Roadside Standards handbook.

1. What determines an extensive landscape project, the size of the project or the dollars spent on the project? *Both--SCDOT determines this on a case-by-case basis. **When it is practical and cost effective to install an irrigation system, the system should be incorporated into your project. The cost of the irrigation system can be included in the itemized list of the Project Cost. If the cost of the irrigation system exceeds the cost of the total landscaping, then it may be more cost effective to hand water the landscaping.***

#### **Irrigation Recommendations for Sample Enhancement Projects**

- A. My streetscape enhancement project (on DOT R/W) includes some street tree planting, but a majority of the cost of the project involves new sidewalks, light poles and other street furniture. Do I need to include a sprinkler irrigation system? *A sprinkler irrigation system (or a drip system) is recommended. If the landscaping is not spread out over several blocks, the irrigation system would probably be cost-effective during the sidewalk construction. If an irrigation system is not included, then you will need to stipulate some type alternative watering of the landscaping. These alternatives include watering by city crews on a regular basis or using "gatorbags" to assist in long-term watering operations.*
  - B. My bikeway/landscaping or recreational path/landscaping enhancement project involves street tree planting, but it is spread over a length of several miles. Do I need to include a sprinkler irrigation system? *A sprinkler irrigation system (or a drip system) probably would not be cost effective over that distance. If an irrigation system is not included, then you will need to stipulate some type alternative watering of the landscaping. These alternatives include watering by city crews on a regular basis or using "gatorbags" to assist in long-term watering operations.*
  - C. My railroad depot restoration project contains a substantial amount of landscaping on the grounds. Do I need to include a sprinkler irrigation system? *Yes. A location such as this would already have a water hook up and there would be no need for a well to supply water.*
2. My enhancement project is not on SCDOT right-of-way. Am I still required to include arrangements for irrigation for extensive landscaping in my project? ***Yes, in order for us to ensure that the landscaping will be watered.***
  3. What will the SCDOT require if the area is in a location where there is no water hook up/connection? ***In this type of situation, a well can be dug, and the cost can be included in the itemized list of the Project Cost. For example, Adopt-An-Interchange projects often involve extensive landscaping in a concentrated area, and therefore sprinkler irrigation systems are strongly recommended.***

4. Will the SCDOT allow us to include the cost of water and the long-term cost of the maintenance of the sprinkler irrigation system in the expenses in our cost estimate? No, the SCDOT can only provide funds for initial installation costs. Any type of long-term maintenance, including landscape maintenance, should not be included in the itemized list of the Project Cost.

Additional guidance on landscaping can be found on the SCDOT website at <http://www.scdot.org/community/Landscapeguidelines.shtml>

**SCDOT** Home | DOT Resources | Disclaimer | Contact Us | Site Map | Search  Go!

Inside SCDOT | Getting Around in SC | Doing Business with SCDOT | Public Forum | Community Service

**Community Service** Quicklinks  Go!

**Motorist Assistance**  
[SCDOT Incident Response](#)

**Youth Outreach**  
[Youth Corps Program](#)  
[Summer Trans. Inst. Program](#)  
[Tech. & Trans. Futures Prog.](#)  
[Coop. Education Program](#)  
[Safe Routes to School](#)

**Adopt-A-Highway**  
[Getting Started](#)  
[Group Leader Guidelines](#)  
[County Coordinators](#)  
[One-Time Pick-Up Program](#)

**Transportation Enhancement Program**  
[General Information](#)  
[Application & Instructions](#)  
[Metropolitan Area](#)  
[Rural Area Projects](#)  
[Adopt an Interchange](#)

**Touring Routes**  
[Heritage Corridor](#)  
[Scenic Byways](#)  
[Bicycle and Pedestrian Routes](#)

**Roadside Beautification**  
[Wildflower Program](#)  
[Anticipated Blooming](#)  
[Wildflower Directory](#)  
[Wildflower Photo Gallery](#)  
[Keep It Beautiful Tag](#)  
[Landscaping Guidelines](#)

**Highway Beautification Landscaping Guidelines**

The South Carolina Department of Transportation cooperates with organizations desiring to undertake projects to beautify sections of highway rights-of-way. The guidelines contained in the Access and Roadside Access Manual establish a framework for preparing design work for such projects. For more information about these guidelines download our [Access and Roadside Management Manual \(54Kb\)](#).

**Related Topics**

[Access and Roadside Management Manual \(accessmanual.pdf 54Kb\)](#)

[Adopt-an-Interchange](#)

[Suggestions for Street Trees/Screening Plantings \(street\\_tree\\_selection\\_guide.pdf 200Kb\)](#)

[Roadside Plants to Avoid \(plants\\_to\\_avoid.pdf 18Kb\)](#)

[South Carolina Forestry Commission "Tree Care and Urban Forestry"](#)

You will need [Adobe Reader](#) to view the pdf files above.



## Appendix F

Land Use	50 Peak Hour Directional Trips*
Single Family Home	45 units
Apartments	75 units
Condominiums/Townhouses	95 units
Mobile Home Park	85 units
Shopping Center – Gross Leasable Area (GLA)	3,000 sq. ft.
Fast Food Restaurant With drive-in – Gross Floor Area (GFA)	1,500 sq. ft.
Gas Station with Convenience Store	4 fueling positions
Banks w/drive-in (GFA)	1,000 sq. ft.
General Office	33,500 sq. ft.
Medical/Dental Office	14,500 sq. ft.
Research & Development	35,500 sq. ft.
Light Industrial / Warehousing (GFA)	92,500 sq. ft.
Manufacturing Plant (GFA)	72,000 sq. ft.

\*Rates/Equations used to calculate above thresholds are found in the 7<sup>th</sup> Edition of the *ITE Trip Generation Manual* for the P.M. Peak hour of the adjacent street.



## **TOWN OF YEMASSEE**

Ordinance No. 23-20

AN ORDINANCE OF THE TOWN OF YEMASSEE, SOUTH CAROLINA AMENDING THE DEVELOPMENT STANDARDS ORDINANCE (DSO), REPEALING THE EXISTING DEVELOPMENT STANDARDS ORDINANCE AS A STANDALONE MANUAL, AND ADOPTING AND INCORPORATING THE UPDATED DEVELOPMENT STANDARDS ORDINANCE AT CHAPTER 11 OF THE CODIFIED ORDINANCES OF THE TOWN OF YEMASSEE, SOUTH CAROLINA

**WHEREAS**, the Town of Yemassee desires to periodically improve its Zoning Ordinance, Development Standards Ordinance and Municipal Code 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 Development Standards Ordinance is currently a standalone manual that regulates development processes 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 Planning Commission and subsequently the Town Council adopted its Development Standards Ordinance, in March 1991; and,

**WHEREAS**, the Town desires to eventually incorporate all accessory manuals, such as the Development Standards Ordinance into the codified Ordinances as a single source for Town Ordinances and regulations; and

**WHEREAS**, the Planning Commission conducted a review of the proposed amendments at their June 6, 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:**

**Section 1. AMENDMENTS.** In accordance with the foregoing, the Town hereby repeals the current Development Standards Ordinance of the Town of Yemassee and adopts the revised Development Standards Ordinance (Attachment A) that will be incorporated into the Code of Ordinances of the Town of Yemassee upon second reading and adoption.

**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. Any approved Development Permits and Plans including Planned Unit Developments that were in force prior to the date of adoption are grandfathered to the previous standards.

**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)

***Recommended Motion***

***(Ordinance 23-20)***

***“I make the motion to approve first reading on  
Ordinance 23-20 and to schedule a Public  
Hearing at the July 2023 Town Council meeting”.***



**Police Department  
Monthly Report**



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



### Year to Date Calls for service for Patrol Zone: A

**8A01,** Cochran Street North

Call Type	Date	Case Number
Shoplifting	01/14/2023	23YE0863
Shoplifting	02/19/2023	23YE2961
Abandoned Vehicle	02/23/2023	23YE3215
Vehicle Stop	04/29/2023	23YE7877

**8A02,** Family Dollar Area

Call Type	Date	Case Number
Disturbance	03/07/2023	23YE4064
Vehicle Stop	04/06/2023	23YE6063

**8A03,** Cochran Street South

Call Type	Date	Case Number



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8A04,** Riley Street West

Call Type	Date	Case Number

**8A05,** Rowell Street / Riley Central

Call Type	Date	Case Number
Disturbance	05/07/2023	23YE8402

**8A06,** Bing Street Residential

Call Type	Date	Case Number
Trespassing	03/11/2023	23YE4342
Shoplifting	04/10/2023	23YE6452
Vandalism	04/24/2023	23YE7548
Shoplifting	04/25/2023	23YE7608

**8A44,** Loves Commercial

Call Type	Date	Case Number
Shoplifting	01/13/2023	23YE0701
Vehicle Accident	03/08/2023	23YE4132
Stolen Vehicle	03/12/2023	23YE4362
Vehicle Accident	03/18/2023	23YE4922
Vandalism	03/20/2023	23YE4953
Vandalism	03/25/2023	23YE5321



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



Disturbance	04/24/2023	23YE7558
Vehicle Accident	04/28/2023	23YE7737
Vehicle Accident	05/10/2023	23YE8602

**8A49,** Chilton Exit 38 Area

Call Type	Date	Case Number
Vehicle Stop	01/01/2023	23YE0141
Vehicle Stop	03/09/2023	23YE4153
Vehicle Stop	03/16/2023	23YE4620
Vehicle Stop	03/18/2023	23YE4780
Vehicle Stop	04/28/2023	23YE7767

**8A57,** Thomas Street

Call Type	Date	Case Number
Vehicle Stop	03/20/2023	23YE4969

**8A61,** Interstate 95 Mile-Marker 37

Call Type	Date	Case Number

**8A62,** Interstate 95 Mile-Marker 36

Call Type	Date	Case Number





## **YEMASSEE POLICE DEPARTMENT**

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

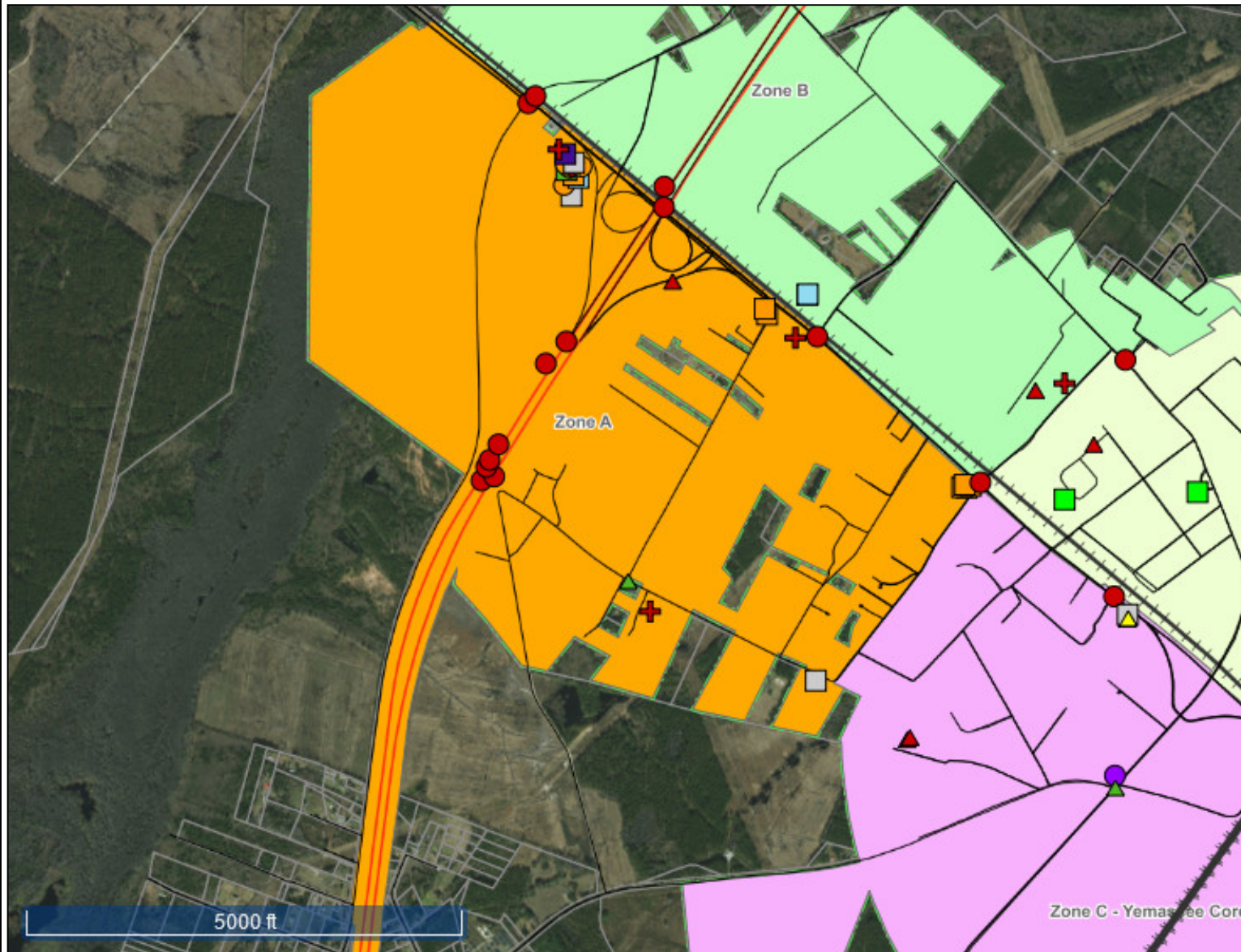
*Chief G.Z. Alexander*



Total Calls for Service with Reports taken YTD in Zone A: **21**



## Zone A Reports taken 2023



### Legend

- \* Address Points Beaufort
- Parcels Beaufort
- \* Address Points Hampton
- Parcels Hampton
- \* Address Points Jasper
- Parcels Jasper
- ...

This map is a user generated static output from [rightspot.spateng.com](https://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**



12 Jun, 2023



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



### Year to Date Calls for service for Patrol Zone: B

**8B37,** Ponderosa Subdivision

Call Type	Date	Case Number
Vehicle Stop	04/30/2023	23YE7886

**8B38,** SC-68 Industrial Area

Call Type	Date	Case Number

**8B39,** Lanewood S/D

Call Type	Date	Case Number
Domestic	02/01/2023	23YE0365
Larceny	05/13/2023	23YE8768

**8B40,** Salkehatchie Residential

Call Type	Date	Case Number



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8B41,** Likita Duplexes

Call Type	Date	Case Number

**8B42,** Zahler / Denmark Tracts

Call Type	Date	Case Number
Stolen Property	02/24/2023	23YE3300
Stolen Vehicle	04/26/2023	23YE7647

**8B43,** Williamson Tract

Call Type	Date	Case Number

**8B45,** Lane Street Commercial

Call Type	Date	Case Number
Vehicle Stop	02/16/2023	23YE2807



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8B46,** Lane Tract

Call Type	Date	Case Number
Vehicle Stop	05/01/2023	23YE8130

**8B47,** Jackson Street Residential

Call Type	Date	Case Number

**8B48,** Edgar Jackson / Louis Davis

Call Type	Date	Case Number
Vehicle Stop	02/27/2023	23YE3517
Vehicle Stop	04/25/2023	23YE7591
Vehicle Stop	05/06/2023	23YE8285

**8B50,** Bampffield Tract

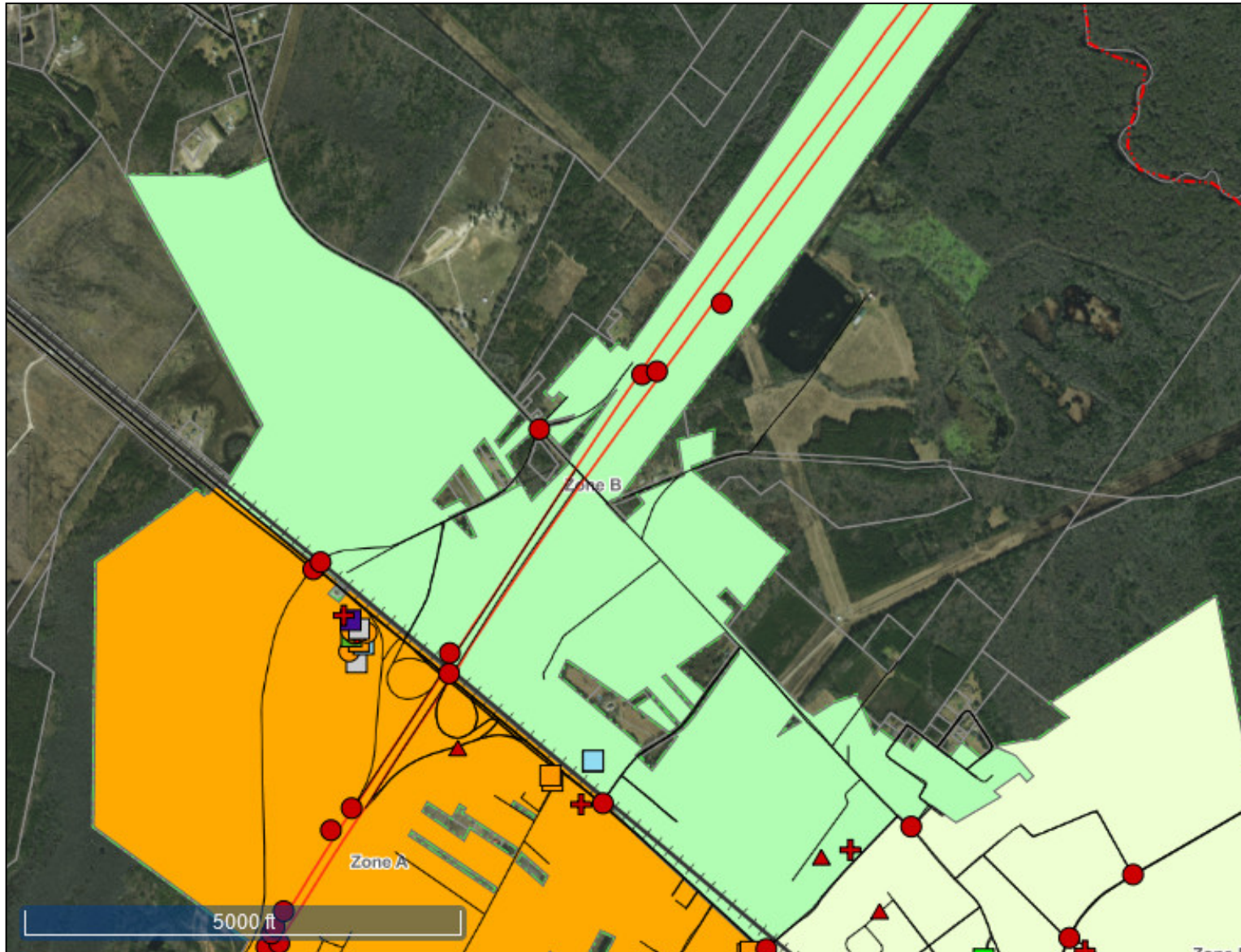
Call Type	Date	Case Number

Total Calls for Service with Reports taken YTD in Zone B: **6**





## Zone B Reports Taken 2023



### Legend

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



12 Jun, 2023

This map is a user generated static output from [rightspot.spateng.com](https://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**



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



### Calls for service with Report for Patrol Zone: C

**8C07,** Snappy Foods

Call Type	Date	Case Number

**8C08,** Church South, Ellis, Green

Call Type	Date	Case Number

**8C09,** Goodwin Drive MHP

Call Type	Date	Case Number

**8C10,** Pocotaligo Rd Area

Call Type	Date	Case Number
Stolen Property	01/16/2023	23YE1122



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8C11,** Major Street

Call Type	Date	Case Number
Lost Property	01/18/2023	23YE1116
Assist EMS	02/09/2023	23YE2305
Unattended Death	06/05/2023	23YE10210

**8C12,** Braddy St / 17A Area

Call Type	Date	Case Number
Vehicle Stop	03/03/2023	23YE3720
Assist EMS	03/04/2023	23YE3879
Vandalism	03/04/2023	23YE3882
Vehicle Stop	03/07/2023	23YE4076
Runaway Juvenile	03/19/2023	23YE4854

**8C13,** Buckfield Plantation Hampton County Side

Call Type	Date	Case Number

**8C14,** Buckfield / Castle Hall Tract

Call Type	Date	Case Number
-----------	------	-------------





## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



Disturbance	03/06/2023	23YE4022
Vehicle Stop	04/25/2023	23YE7624

### 8C15, Yemassee Heights / Alpha Genesis

Call Type	Date	Case Number
Trespassing	03/22/2023	23YE5106
Shots Fired	04/02/2023	23YE5852
Auto Accident	04/28/2023	23YE7742
Domestic	05/07/2023	23YE8400
Burglary	05/18/2023	23YE9122

### 8C16, Castle Hall Rd Right-of-Way

Call Type	Date	Case Number
Vehicle Stop	02/01/2023	23YE0740
Vehicle Stop	03/04/2023	23YE3856
Accident w/ Serious Injuries	03/07/2023	23YE3971
Vehicle Stop	03/08/2023	23YE4099

### 8C17, Pocotaligo Crossroads

Call Type	Date	Case Number
Vehicle Stop	03/02/2023	23YE3717
Disturbance	05/07/2023	23YE8395



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



### 8C18, Bindon Plantation South

Call Type	Date	Case Number
Vehicle Stop	01/13/2023	23YE0714
Vehicle Stop	03/01/2023	23YE3150
Vehicle Stop	04/29/2023	23YE7810

### 8C19, Bindon Plantation North

Call Type	Date	Case Number
Vehicle Stop	02/12/2023	23YE2351
Misc. Call	02/25/2023	23YE3326
Vehicle Stop	03/01/2023	23YE3645
Disabled Vehicle	03/20/2023	23YE4753

### 8C20, Stoney Creek Cemetery

Call Type	Date	Case Number
Vehicle Stop	05/09/2023	23YE8543
Vehicle Stop	05/16/2023	23YE8983



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8C21,** Cotton Hall Plantation

Call Type	Date	Case Number
Trespassing	02/25/2023	23YE3343

**8C22,** Chisolm Tract

Call Type	Date	Case Number

**8C23,** Deveaux Hill

Call Type	Date	Case Number

**8C24,** Tomotley Plantation

Call Type	Date	Case Number

**8C51,** Huspah Creek North

Call Type	Date	Case Number



## YEMASSEE POLICE DEPARTMENT

Town Circle P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



8C52,	Fennell Elementary	
Call Type	Date	Case Number

8C53,	Bailey	
Call Type	Date	Case Number

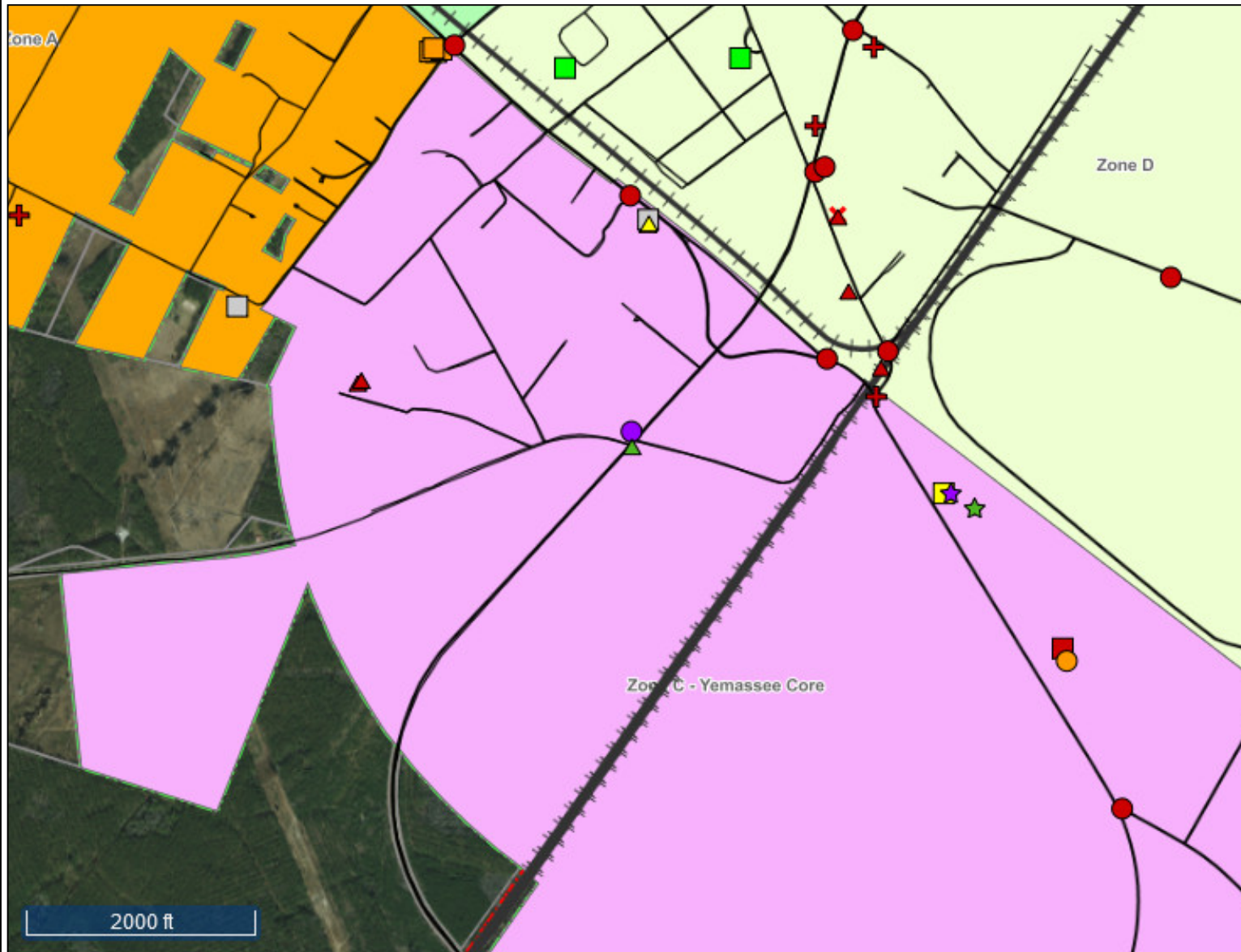
8C54,	Old Sheldon Church Residential	
Call Type	Date	Case Number

8C58,	Montgomery / Buckfield	
Call Type	Date	Case Number

Total Calls for Service with Reports taken YTD in Zone C: **25**



# Zone C Calls with Reports 2023 (Core)



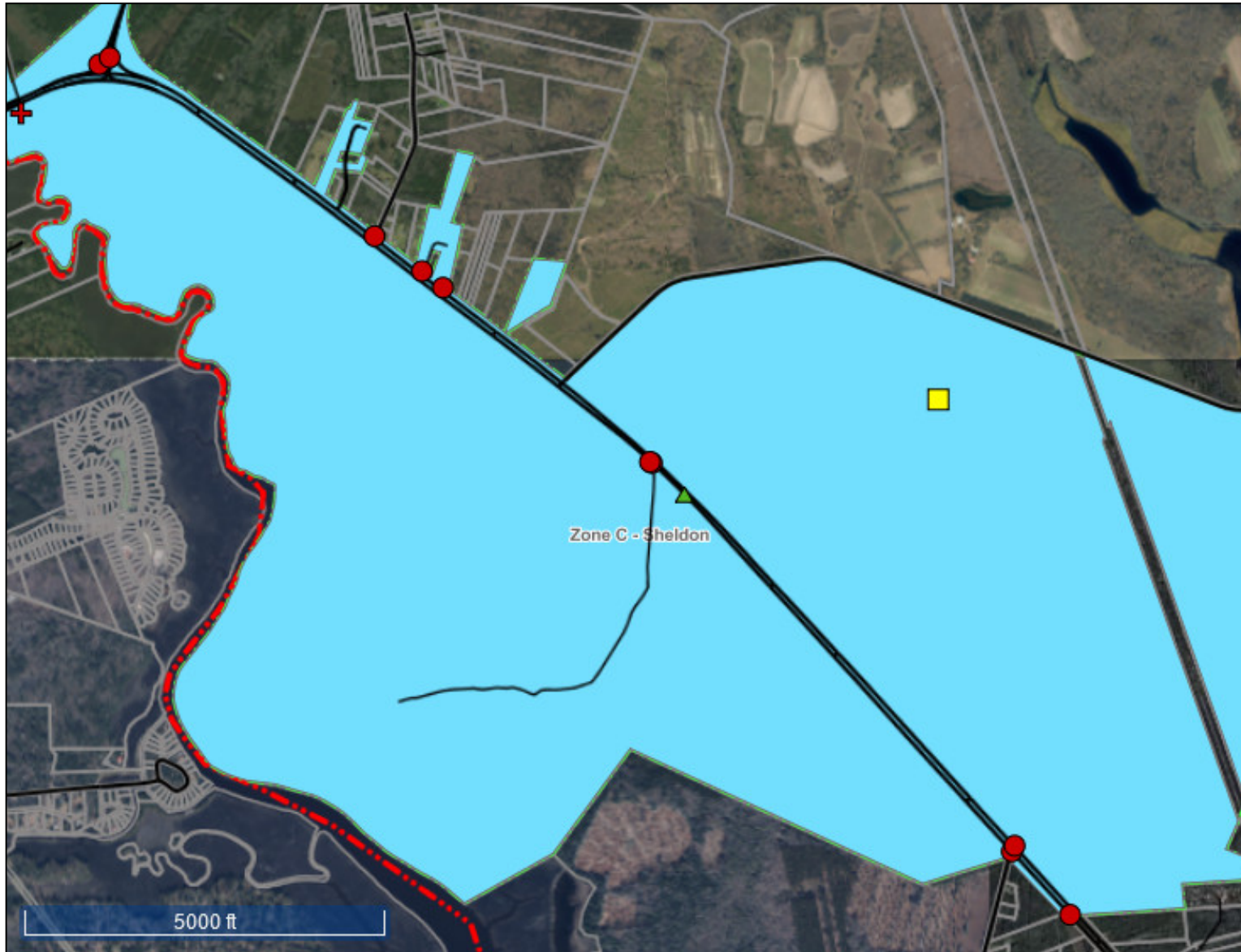
## Legend

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





## Zone C Reports taken 2023 (Sheldon)



### Legend

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



12 Jun, 2023

This map is a user generated static output from [rightspot.spateng.com](https://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**



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



### Reports Taken by Patrol Zone: D

**8D25,** Le Creuset Rd / Yemassee Industrial Village

Call Type	Date	Case Number

**8D26,** River Road Village PUD

Call Type	Date	Case Number

**8D27,** Old Towne

Call Type	Date	Case Number
Assist Other	02/07/2023	23YE2158
Suspicious Activity	03/29/2023	23YE5576
Vehicle Stop	04/17/2023	23YE6944
Vehicle Accident	05/21/2023	23YE9378

**8D28,** Black Bottom

Call Type	Date	Case Number



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8D29,** Fairdale S/D (Hunt St)

Call Type	Date	Case Number
Civil Disturbance	02/15/2023	23YE2765

**8D30,** Yemassee Crossroads

Call Type	Date	Case Number
Vehicle Stop	03/12/2023	23YE4378
Disturbance	03/27/2023	23YE5451
Vehicle Stop	04/10/2023	23YE6384
No Business License	05/06/2023	23YE8318

**8D31** Yemassee Outskirts (Hwy 17A/21)

Call Type	Date	Case Number
Vehicle Stop	03/10/2023	23YE4231
Vehicle Accident	03/13/2023	23YE4378





## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



**8D32,** Ace Basin Wildlife Refuge

Call Type	Date	Case Number

**8D33,** Municipal Complex Area

Call Type	Date	Case Number
Forgery	04/03/2023	23YE5807
Forgery	04/25/2023	23YE7617

**8D34,** Center Point / Church North

Call Type	Date	Case Number
Miscellaneous Call	03/23/2023	23YE5140
Forgery	04/06/2023	23YE6039
Vehicle Stop	04/10/2023	23YE6430
Suspicious Activity	06/08/2023	23YE10497

**8D35,** Hwy 17A Commercial

Call Type	Date	Case Number



## YEMASSEE POLICE DEPARTMENT

Town Circle· P.O. Box 577

Yemassee, SC 29945-0577

*Chief G.Z. Alexander*



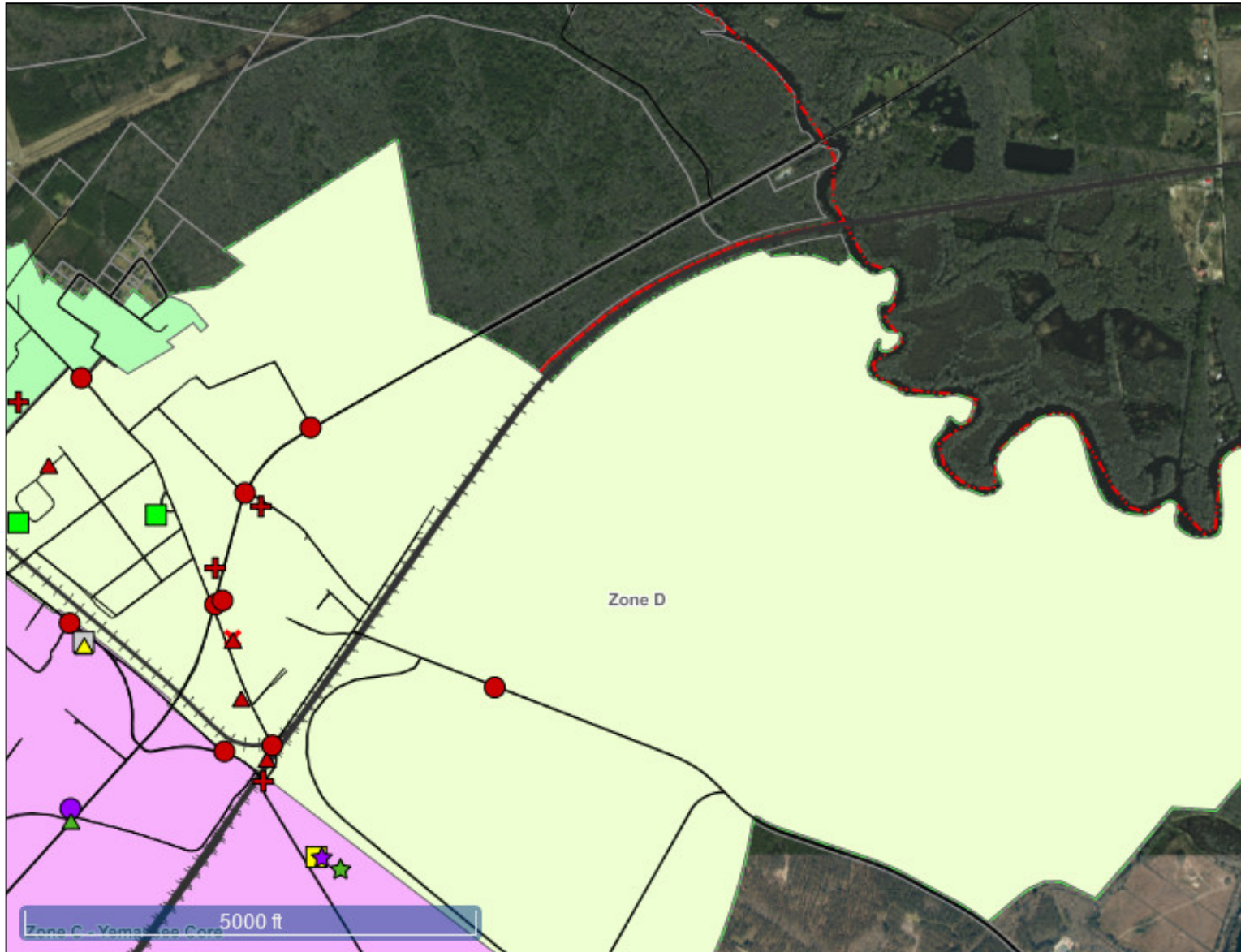
**8D36,** Pine & Lacey

Call Type	Date	Case Number
Harassing Phone Calls	05/31/2023	23YE9990

Total Calls for Service with Reports taken YTD in Zone D: **16**



# Zone D Calls with Reports 2023



## Legend

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



12 Jun, 2023

This map is a user generated static output from [rightspot.spateng.com](https://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**



**Administration Department**  
**Monthly Report**

License No.	Business Name	Business Address	Business Phone	Business Type	
23000	Ward Edwards, Inc.	119 Palmetto Way, Ste. C, Bluffton, SC 29910	(843) 837-5250	Engineering Companies	
23001	Jose Hernandez-Rubio	38 Crested Eagle Dr, Ridgeland, SC 29936-7500	(843) 597-3253	Handy Man	
23002	TriTek Fire & Security, LLC.	6 Woodcross Dr, Columbia, SC 29212-2331	(803) 407-0747	Monitored Security Companies	
23003	The Soap Box	216 U.S. Highway 17A, Yemassee, SC 29945-0622	(843) 812-9466	Coin Operated Laundromat	
23004	Housely Demolition Co, Inc.	2273 Whippoorwill Ln, Elgin, SC 29045-8821	(843) 805-2197	Demolition Contractors	
23005	Mack Magic Car Wash	195 U.S. Highway 17A, Yemassee, SC 29945-5059	(843) 599-8370	Car Wash & Auto Detailing	
23006	Harper Roofing	924 Bellview Cir W, Beaufort, SC 29902-6919	(843) 631-3496	Roofing Contractors	
23007	Big Daddy Landscaping	179 Daniels Ln, Yemassee, SC 29945-2565	(843) 441-1912	Landscaping Services	
23008	Southeastern Lawn and Pest, LLC.	196 E Carolina Ave, Varnville, SC 29944	(843) 898-3455	Landscaping Services	
23009	Interstate Towing & Recovery, LLC.	127 Bay Pines Rd, Beaufort, SC 29906-8527	(843) 846-9292	Towing Services	
23010	Lewis Tree Service, Inc.	300 Lucius Gordon Dr, West Henrietta, NY 14586-9686	(585) 436-3208	Tree Trimming & Removal Services	
23011	Keep N Kool, LLC.	P.O. Box 12, Cottageville, SC 29435-0012	(843) 835-5981	HVAC Installers & Repair	
23012	Thomas & Hutton Engineering Co.	50 Park of Commerce Way, Savannah, GA 31405-1358	(912) 721-4190	Engineering Companies	
23013	A Touch From Above 2, LLC.	199 U.S. Highway 17A, Yemassee, SC 29945-0042	(843) 415-6742	Barbershops & Personal Care	
23014	Marlin Outdoor Advertising	55 New Orleans Rd, Ste. 209, Hilton Head, SC 29928	(843) 785-5769	Outdoor Advertising	
23015	S&S Disposal, Inc.	3221 Lowcountry Hwy, Erhardt, SC 29081-0038	(803) 267-1942	Solid Waste & Recycling Service	
23016	Island Fire Protection	7796 Lowcountry Dr, Ridgeland, SC 29936-7065	(843) 384-5139	Fire Extinguisher Sales & Repairs	
23017	The Brittingham Group, LLP.	P.O. Box 5949, West Columbia, SC 29171-5949	(803) 739-3090	Accounting Firms	
23018	Harold's Country Club, Inc.	97 U.S. Highway 17A, Yemassee, SC 29945-0000	(843) 589-4360	Dine-In Restaurants	
23019	David Murray Home Repair & Remodeling, LLC.	475 Ridgecut Rd, Early Branch, SC 29916-3909	(843) 575-7044	General Contractors	
23020	Lowcountry Clean Care	P.O. Box 887, Hampton, SC 29924-0887	(803) 943-4416	Carpet & Upholstery Cleaning	
23021	McClure's Wrecker Service	77 McClure Ln, Walterboro, SC 29488-9018	(843) 538-8143	Towing Services	
23022	Wee Bee Enterprises	32 Guess Dr, Yemassee, SC 29945	(843) 592-0881	General Manufacturing	
23023	Advance Safe & Lock, Inc.	53 Sherman Dr, Beaufort, SC 29907-2316	(843) 522-1159	Locksmiths & Lockout Service	
23024	Steve Stacy Construction	810 Pond Town Rd, Hampton, SC 29924-5532	(843) 908-5199	General Contractors	
23025	D1 Landscaping	28 Willis St S, Yemassee, SC 29945	(843) 908-9595	Landscaping Services	
23026	Upper Room Realty, Inc.	P.O. Box 6482, Beaufort, SC 29903-6482	(843) 441-9393	Real Estate Companies	
23027	Tytespot Grading & Drainage, LLC.	302 McPhersonville Rd, Yemassee, SC 29945	(704) 791-2810	General Contractors	
23028	Mansell and Company, LLC.	15 Wall St, Yemassee, SC 29945	(843) 694-3144	Bookkeeping	
23029	Seacoast Security Shredding, Inc.	P.O. Box 609, Bluffton, SC 29910-0609	(843) 757-8010	Other Services	
23030	KM Striping	1037 Bennock Mill Rd, Augusta, GA 30906	(843) 605-3976	Pavement & Striping Service	
23031	Vick's Home Service	25 Goodwin Dr, Yemassee, SC 29945	(843) 539-6987	Landscaping Services	
23032	Reddy Ice, LLC.	2 Guess Dr, Yemassee, SC 29945	(214) 441-1009	Distributors	
23033	Fletcher's Rug Company, LLC.	15 Wall St, Yemassee, SC 29945	(843) 694-3144	Wholesale Retailers	
23034	Carolina LPD Services	23802 Pocatigo Rd, Yemassee, SC 29945	(843) 812-0072	Landscaping Services	
23035	Frosted Crumb	17 Salkehatchie Rd, Yemassee, SC 29945-3300	(843) 305-9592	Bakery	
23036	CSX Transportation, Inc.	500 Water St, Ste. C910, Jacksonville, FL 32202	(904) 279-5265	Rail Transportation	
23037	Yemassee Plumbing	P.O. Box 1074, Yemassee, SC 29945-1074	(843) 589-4702	Plumbers	
23038	Orkin Pest Control	36 Persimmon St, Suite 203, Bluffton, SC 29910-7661	(843) 524-3830	Exterminators & Pest Control	
23039	Barrack's Antiques, LLC.	32 Salkehatchie Rd, Yemassee, SC 29945-3304	(843) 812-7276	Furniture & Related Products	
23040	Lowcountry Horology, LLC.	32 Salkehatchie Rd, Yemassee, SC 29945-3304	(843) 812-0237	Repair & Maintenance	
23041	Tracy M. Anderson Notary Service	20 Josselson St, Yemassee, SC 29945-3336	(843) 441-6403	Notaries	

23042	Henson the Handyman	17 Mixon St, Yemassee, SC 29945-3344	(843) 893-6237	Handy Man	
23043	Andrews Engineering Company, Inc.	2712 Bull St, Ste. A, Beaufort, SC 29902-5306	(843) 379-2222	Engineering Companies	
23044	LED Lowcountry, LLC.	87 Towne Dr, Bluffton, SC 29910	(330) 760-5835	Electricians	
23045	Altru Protective Group, LLC.	1304 Sunset Blvd, Ste. 1021, West Columbia, SC 29169	(803) 936-0149	Security Staffing Services	
23046	HomeAway.com, Inc.	1111 Expedia Group Way, Seattle, WA 98119	(425) 679-7200	Accommodations	
23047	Jerry's of Yemassee, LLC. Lot #1	223 U.S. Highway 17A, Yemassee, SC 29945	(843) 589-4355	Towing Services	
23048	Jerry's Auto Sales	30 Yemassee Hwy, Yemassee, SC 29945	(843) 589-4355	Automobile Dealership	
23049	Ocean Light Corporation	P.O. Box 54, Beaufort, SC 29901-0054	(843) 524-4003	Electricians	
23050	Fraser Construction Company, LLC.	12 Arley Way, Ste. 200, Bluffton, SC 29910-2600	(843) 815-4747	General Contractors	
23051	J&C Window Cleaning Service, LLC.	33 Wesley Dr, Yemassee, SC 29945-0126	(843) 908-0315	Other Services	
23052	Lillian Ellis	75 Church St S, Yemassee, SC 29945-2440	(843) 589-3480	All Other Support Services	
23053	Wiggins Concrete Co, Inc.	P.O. Box 9, Estill, SC 29916-0009	(803) 625-2288	Concrete Delivery & Transport	
23054	Coldwell Banker / Todd Land Agency	342 S. Jefferies Blvd, Walterboro, SC 29488-4488	(843) 549-7100	Real Estate Companies	
23055	VJK	95 Wise Rd, Yemassee, SC 29945-3145	(843) 575-3190	Non-Store Retailer	
23056	Oliver's Bushhogging, LLC.	101 Schien Loop, Beaufort, SC 29906-8596	(843) 846-0505	Landscaping Services	
23057	Safe Touch of Georgia, Inc.	9600 Sunbeam Center Dr, Jacksonville, FL 32257-1101	(904) 886-4664	Monitored Security Companies	
23058	Terminix Service, Inc.	32 Browns Cove Rd, Ridgeland, SC 29936-8156	(843) 987-2487	Exterminators & Pest Control	
23059	ATC Group Services, LLC.	5750 Johnston St, Ste. 400, Lafayette, LA 70503-7050	(337) 234-8777	Engineering Companies	
23060	RFD Construction, LLC.	P.O. Box 1842, Walterboro, SC 29488-1842	(843) 908-8885	General Contractors	
23061	Clealand Constructors, Inc.	P.O. Box 3822, Bluffton, SC 29910-3822	(843) 987-0500	General Contractors	
23062	Old South Exterminators, Inc.	P.O. Box 1737, Ridgeland, SC 29936-1737	(843) 726-3463	Exterminators & Pest Control	
23063	Tommies Auto & Diesel	2674 Jefferies Hwy, Walterboro, SC 29488-7237	(843) 538-2128	Towing Services	
23064	Total Imaging, Inc.	2054 Atlas Cir, Gainesville, GA 30501-6136	(770) 536-7906	Sign Installers	
23065	Lucky Duck Distillery, LLC.	17 Yemassee Hwy, Unit B, Yemassee, SC 29945	(843) 589-5440	Distilleries	
23066	Jabez Investments, LLC.	P.O. Box 561, Yemassee, SC 29945-0561	(843) 812-8337	Individual Rental Properties	
23067	Beaufort Towing, LLC	14 Castle Hall Rd, Yemassee, SC 29945	(843) 909-3185	Towing Services	
23068	China Town Restaurant USA, Inc.	10 Yemassee Hwy, Yemassee, SC 29945	(843) 589-2100	Takeout Restaurant	
23069	West Shore Homes, LLC.	8439 Palmetto Commerce Pkwy, Ladson SC 29456-6777	(717) 402-0061	General Contractors	
23070	Ann's Baked Goods	445 Riley St, Yemassee, SC 29945	(843) 893-6992	Catering Services	
23071	ADS Security, L.P.	27 Chatham Center South Dr, Ste. B, Savannah, GA 31405	(912) 233-0043	Monitored Security Companies	
23072	Simco Recycling	112 Jackson St, Yemassee, SC 29945-2240	(803)-942-1592	***EOF***	
23073	A&R Welding	461 Riley St, Yemassee, SC 29945-2609	(843) 589-8011	Metal Fabrication & Welders	
23074	Alethia Appraisals, LLC.	87 Yemassee Hwy, Yemassee, SC 29945-2300	(843) 379-0130	Other Services	
23075	Yemassee Boat & RV Storage, LLC.	14 Trask Pkwy, Yemassee, SC 29945	(843) 271-5513	Self-Storage Units	
23076	Tropical Treasures, LLC.	225 Hacklous Rd, Yemassee, SC 29945-2957	(843) 305-9460	Mobile Food Vendor	
23077	Cintas Corporation	6800 Cintas Blvd, Mason, OH 45040-9151	(912) 748-1305	Janitorial Services	
23078	Hair Attraction	8 Yemassee Hwy, Yemassee, SC 29945	(843)-575-0199	Hair Salons	
23079	Cleveland Electric of St Helena, LLC	1942 Seaside Rd, St Helena Island, SC 29920	(843) 812-0265	Electricians	
23080	Blackwater Civil Engineering Consultants, LLC.	792 Williams Rd, Ruffin, SC 29475-5101	(843) 599-5195	Engineering Companies	
23081	The White Company	6 Cameron Dr, Yemassee, SC 29945	(843) 893-7004	***EOF***	
23082	TGS Land Surveying, PA	162 Second Ave, Ridgeland, SC 29936-2023	(843) 726-9117	Property & Land Surveyors	
23083	Ferguson Forest Products, Inc.	121 Frampton Rd, Yemassee, SC 29945-7001	(843) 589-2112	Forestry & Logging Company	
23084	Ausley Bush Hogging and Services LLC	PO Box 507, Hampton, SC 29924	(803) 942-1602	Landscaping Services	



23085	Mary Womble / DUBA	236 Dogwood Circle, West Columbia, SC 29170	(803) 873-0620	DJ & Entertainment Services	
23086	J's Rainbow Ice	12 Poston Dr, Yemassee, SC 29945	(803) 842-9770	Mobile Food Vendor	
23087	Lazy A Construction Company, LLC.	343 Vizsla Loop, Early Branch, SC 29916-5139	(843) 908-0993	Agricultural Support Service	
23088	Whaley Foodservice, LLC.	137 Cedar Rd, Lexington, SC 29071-0615	(843) 996-9900	Food Processing	
23089	Bug Busters, Inc.	1141 Elm St W, Hampton, SC 29924	(803) 943-2666	Exterminators & Pest Control	
23090	Shoreline Screen & Graphic	2605 N Royal Oaks Dr, Beaufort, SC 29902	(843) 812-4200	***EOF***	
23091	Blue Flame Bartending	269 Big Timber Dr, Lexington, SC 29073-9522	(803) 767-0906	Mobile Bartending Services	
23092	Kintz Electric, LLC.	13 John Galt Rd, Beaufort, SC 29906	(843) 522-1319	Electricians	
23093	Carolina Air, Inc.	15 Eastern Rd, Beaufort, SC 29906-4231	(843) 524-2581	HVAC Installers & Repair	
23094	A-1 Towing, LLC.	9888 S. Jacob Smart Blvd, Ridgeland, SC 29936	(843) 726-4996	Towing Services	
23095	Estill Gas Company, Inc.	416 Railroad Ave NE, Estill, SC 29918-5116	(803) 625-2427	Gas Delivery Services	
23096	DDS Environmental, Inc.	127 East Arrow Hwy, San Dimas, CA 91773	(480) 277-6991	Environmental Compliance	
23097	Williams Service Repair	5163 N. Silverton St, Jackson, SC 29577	(803) 507-2197	All Other Support Services	
23098	Silver Bullet Café	456 Davidson Tower Rd, Yemassee, SC 29945	(843) 812-3073	Mobile Food Vendor	
23099	EnMark Stations, Inc.	315 Yemassee Hwy, Yemassee, SC 29945	(912) 236-1331	Gasoline Stations w/C-Store	
23100	Dear Custom Air, LLC.	120 Logan Rd, Bluffton, SC 29909-4119	(843) 706-2850	HVAC Installers & Repair	
23101	BHHS / Bay Street Realty Group	701 Bay St, Beaufort, SC 29902-5504	(843) 301-0013	Real Estate Companies	
23102	Lamar Advertising Company	331 Louis Davis Rd, Yemassee / I-95 39SB 29945	(912) 232-4103	Outdoor Advertising	
23103	The Salley Group, LLC	1613 Paris Ave, Port Royal, SC 29935	(843) 929-5537	Handy Man	
23104	Cathryn Miller	225 Salkehatchie Rd, Yemassee, SC 29945	(843) 226-0706	DJ & Entertainment Services	
23105	Gassque & Associates, Inc.	28 Professional Village Cr, Beaufort, SC 29907-1570	(843) 522-1798	Property & Land Surveyors	
23106	Best Plumbing, Inc.	105 Sidneys Rd, Walterboro, SC 29488-9314	(843) 538-5147	Plumbers	
23107	Carolina Low Voltage, LLC.	8019 Bees Creek Rd, Ridgeland, SC 29936	(843) 305-7077	Computer Repair & Support	
23108	DLP Fire Protection Group, LLC.	2935 Argent Blvd, Ridgeland, SC 29936	(843) 368-3411	Fire Protection & Alarm Syst	
23109	Kleen Sites Geoservices, Inc.	2047 Industrial Blvd, Lexington, SC 29072	(803) 996-0637	Engineering Companies	
23110	O'Shaughnessy Real Estate, Inc.	4024 Slit Point Pkwy, North Charleston, SC 29405-8419	(843) 202-3016	Real Estate Services	
23111	Lawton Maner Co. Inc.	205 2nd St E, Hampton SC 29924-3447	(803) 943-2322	Property & Land Surveyors	
23112	Check Mates, LLP d/b/a Maltese Arms Shooting Clu	2805 Broome Ln, Beaufort, SC 29902-5509	(843) 562-6629	Shooting Ranges & Gun Clubs	
23113	JBR Group, LLC	1335 Lynah Ave, Suite 113, Garden City, GA 31408	(843) 706-3283	Janitorial Services	
23114	Gideon's Go & Tow, LLC	3728 Lowcountry Hwy, Yemassee, SC 29945-4112	(843) 909-2972	Towing Services	
23115	American Enterprises Beaufort, LLC	123 Ridgecut Rd, Early Branch, SC 29916-8709	(843) 521-7233	Well & Septic Tank Installer	
23116	Coastal Air Technologies, Inc.	912 Elm St, Hampton, SC 29924-0626	(843) 876-3566	HVAC Installers & Repair	
23117	UniFirst Corporation, Inc.	68 Jonspin Rd, Wilmington, MA 31324	(978) 658-8888	Janitorial Services	
23118	Broach Heating and Air, LLC.	180 Sunshine Ln, Walterboro, SC 29488-8338	(843) 562-7934	HVAC Installers & Repair	
23119	Southeastern Termite & Pest Control	100 Hoover St N, Hampton, SC 29924-2122	(803) 943-3700	Exterminators & Pest Control	
23120	Signature Latez, Inc.	28 Goodwin KDr, Yemassee, SC 29945	(346) 814-9672	Mobile Food Vendor	
23121	Top Tree Investments, LLC	27285 Pocatigo Rd, Yemassee, SC 29945	(843) 589-1463	Real Estate Services	
23122	Year Round Pool Company, Inc.	386 Buck Island Rd, Bluffton, SC 29910-5999	(866) 283-7665	Pool/Spa Installers & Maint	
23123	Witmer-Jones-Keefer, Ltd.	23 Promenade St, Bluffton, SC 29910-7037	(843) 757-7411	Engineering Companies	
23124	Lane Shell Mart	4 Lan St, Yemassee, SC 29945	(843) 589-5263	Gasoline Stations w/C-Store	
23125	Richard Harriott	132 Salkehatchie Rd, Yemassee, SC 29945-3311	(000) 000-0000	Repair & Maintenance	
23126	Pye Barker Fire & Safety, Inc.	1013 Lynes Ave, Savannah, GA 31415	(912) 234-9842	Monitored Security Companies	
23127	Utility Partners of America, LLC.	7600 Pelham Rd, Reenville, SC 29615-5736	(864) 269-2302	Other Services	

23128	Inn at Cotton Hall, LLC.	200 Cotton Hall Rd, Yemassee, SC 29945-73000	(843) 694-3144	Accommodations	
23129	Comcast Business Class Security, LLC.	1701 John F. Kennedy Blvd, Philadelphia, PA 19103	(215) 286-3300	Monitored Security Companies	
23130	Iles of Lowcountry Improvements, LLC	460 Parris Island Gateway, Geaufort, SC 29906	(843) 489-6948	Roofing Contractors	
23131	Southern Style Cleaning Services, LLC	3 Center Point Dr, Yemassee, SC 29945	(843) 941-8105	Janitorial Services	
23132	Central Hardware	23 Salkehatchie Rd, Yemassee, SC 29945	(843) 589-5575	Hardware Stores	
23133	Deshawn Maner	P.O. Box 253, Fairfax, SC 29827-0253	(803) 942-0499	DJ & Entertainment Services	
23134	Zinc's Kitchen	250 Bing St, Yemassee, SC 29945-2447	(843) 589-2725	Mobile Food Vendor	
23135	Downs Construction Company, LLC	228 Cedar Lodge Rd, Thomasville, NC 29360	(336) 472-2378	Construction	
23136	Miracle Hair Design	37 Willis St S, Yemassee, SC 29945-2420	(843) 476-6210	Barbershops & Personal Care	
23137	Hamilton Irrigation & Lawn Care	29 #B Willis Street S, Yemassee, SC 29945-2420	(315) 956-8758	Landscaping Services	
23138	Dollar General Store #9940	191 Yemassee, Hwy, Yemassee, SC 29945	(843) 589-2826	General Merchandise Stores	
23139	Raelyn's Roots	12 Josselson St, Yemassee, SC 29945-3335	(854) 210-6046	Landscaping Services	
23140	R&M Convenience Store, LLC.	212 U.S. Hwy 17A, Yemassee, SC 29945	(843) 589-8200	General Merchandise Stores	
23141	CHM Underground, LLC.	95 Yemassee Hwy, Yemassee, SC 29945-2300	(803) 842-5501	Construction	
23142	Clifton Seafood Market, LLC.	204 U.S. Highway 17A, Yemassee, SC 29945	(843) 592-0505	Other Services	
23143	Le Creuset	18 Lane St, Yemassee, SC 29945	(803) 943-4308	Misc. Store Retailers	
23144	Atlas Surveying Bft, LLC.	168 Roadwalk Drive, Ridgeland, SC 29936	(843) 645-9277	Property & Land Surveyors	
23145	Palmetto Telephone Communications, LLC.	292 Robertson Blvd, Walterboro, SC 29488	(843) 538-9090	Television, Internet & Phone Provider	
23146	Alliance Consulting Engineers, Inc.	1201 Main St, Ste. 2020, Columbia, SC 29201-3297	(803) 779-2078	Engineering Companies	
23147	Voices of Tomorrow Childcare, LLC.	229 Yemassee Hwy	(843) 441-0646	Child Care Services	
23148	Vetrostone USA, Inc.	108 River Rd, Yemassee, SC 29945-6402	(843) 589-4000	Quartz Manufacturers	
23149	Carolina Graphics	6 Yemassee Hwy, Yemassee, SC 29945	(843) 589-5050	Graphic Designers	
23150	Rigdon's Fried Chicken of Yemassee, LLC.	59 Salkehatchie Rd, Yemassee, SC 29945	(803) 943-2817	Takeout Restaurant	
23151	Catherine Soul Food	27 Railroad Ave N, Yemassee, SC 29945	(843) 441-0123	Mobile Food Vendor	
23152	Daddy and Daughter LawnCare Services	1300 Old Salkehatchie Hwy, Yemassee, SC 29945	(803) 842-5383	Landscaping Services	
23153	Hair of Essence Beautify Salon	6 Yemassee Hwy, Yemassee, SC 29945	(843) 575-5594	Hair Salons	
23154	Ethel's Daughter Collection, LLC.	9 Wright St, Yemassee, SC 29945	(843) 476-5334	Other Services	
23155	Cat Scale Company USA, Inc.	P.O. Box 630, Walcott, IA 52773	(563) 468-5226	Commercial Truck Weight Serv	
23156	Adams Outdoor Advertising, L. P.	174 Boardwalk Dr, Ridgeland, SC 29936-7996	(843) 645-4200	Outdoor Advertising	
23157	Benji's Bail Bonding	312 Pine Needle Rd, Walterboro, SC 29488	(843) 909-9919	Bail Bondsman Services	
23158	A3J Glass	56 Hill Rd, Yemassee, SC 29945-2342	(843) 941-3921	Glass Sales & Repairs	
23159	Cake & Kutz	344 Cochran St, Yemassee, SC 29945-2521	(803) 942-2082	Mobile Food Vendor	
23160	Pools Plus Hampton, LLC	940 Elm St E, Hampton, SC 29924-2612	(803) 943-1000	Pool/Spa Installers & Maint	
23161	Veteran Owned Real Estate, LLC.	215 Lee Ave, Hampton, SC 29924-3441	(843) 521-7734	Offices of Real Estate Agents and Brokers	
23162	Barnard Tire Co. Inc	2653 Boundary St, Beaufort, SC 29906	(843) 522-0932	Auto Repair & Maintenance	
23163	Trust Builders, LLC.	300 Main St, Harddeville, SC 29927-5931	(843) 247-2047	General Contractors	
23164	Thomas Concrete	69 Pebble Rd, Beaufort, SC 29906	(843) 368-4431	Concrete Delivery & Transport	
23165	Pro Disposal USA, LLC.	5237 N Okatie Hwy, Beaufort, SC 29903	(843) 846-2333	Solid Waste & Recycling Service	
23166	Exterior Perfection, LLC	780 Davidson Tower Rd, Yemassee, SC 29945	(843) 592-2175	General Contractors	
23167	Isvara, LLC.	5 Lane St, Yemassee, SC 29945	(912) 591-7011	Gasoline Stations w/C-Store	
23168	Isvara, LLC. (Subway)	5 Lane St, Yemassee, SC 29945	(912) 591-7011	Takeout Restaurant	
23169	OCS Garage Doors & Hurricane Protection	2 Broad River Blvd, Ste A, Beaufort, SC 29901	(843) 521-0102	Garage Door Install / Repair	
23170	Belly Full by Tiger	76 George Williams Lane, Sheldon, SC 29941	(843) 321-5343	Mobile Food Vendor	



23171	Palmetto Exterminators, Inc.	1907 Hampton St, Walterboro, SC 29488	(843) 531-9759	Exterminators & Pest Control	
23172	Family Dollar Stores of SC, LLC.	500 Volvo Pkwy, Chesapeake VA 23320	(757) 321-5533	General Merchandise Stores	
23173	Eurovia Atlantic Coast, LLC / Blythe Construction	14500 Avion Pkwy, Ste 300, Winter Park FL	(407) 623-3848	Engineering Companies	
23174	K. R. Nichols Electric Service, LLC.	95 McQuail Dr, Early Branch, SC 29916-3231	(843) 908-0849	Electricians	
23175	Superior Services TM	36 Persimmon St, Suite 203, Bluffton, SC 29910-7661	(822) 828-2665	HVAC Installers & Repair	
23176	J&G Concrete Foundations, Inc.	36 Persimmon St, Unit # 302, Bluffton, SC 29910-7663	(843) 757-0250	Construction	
23177	Empowered Ventures, LLC.	46 Cameron Dr, Yemassee, SC 29945	(843) 263-0383	Individual Rental Properties	
23178	Unified Pallett, LLC	38 Dixie Poly Dr, Yemassee, SC 29945	(229) 539-1644	General Manufacturing	
23179	Hampton Furniture & Appliances	602 Elm St E, Hampton, SC 29924-2606	(803) 943-4695	Furniture & Related Products	
23180	Rivas General Contracting, LLC.	628 Romie Snow Rd, Dobson, NC 27017-9100	(336) 391-9949	General Contractors	
23181	Love's Travel Stops & Country Stores, Inc.	409 Yemassee Hwy, Yemassee, SC 29945-2236	(843) 589-2010	Gasoline Stations w/C-Store	
23182	Hardee's	409 Yemassee Hwy, Yemassee, SC 29945-2236	(843) 589-2010	Takeout Restaurant	
23183	Hiott Construction	90 Plantation Ln, Walterboro, SC 29488-4577	(803) 793-7077	Construction	
23184	Bennetts BBQ and Smokehouse	1656 Hickory Hill Rd, Varnville, SC 29944-5263	(843) 842-3740	Mobile Food Vendor	
23185	Hollington Construction	2132 Floyd Rd, Ridgeland, SC 29936-7238	(843) 368-1499	General Contractors	
23186	Vernall Hamilton Plumbing	110 Stroup Rd, Seabrook, SC 29940-3108	(843) 694-1192	Plumbers	
23187	Quality Air and Electric, LLC.	371 Burnt Pine Rd, Ridgeland, SC 29936-3903	(843) 226-4895	HVAC Installers & Repair	
23188	Genesis 1:3, LLC.	757 Morgan Dollar Rd, Ridgeland, SC 29936	(843) 227-1516	Electricians	
23189	Green's Electrical Service	211 Knotty Pine Dr, Summerville, SC 29843-3304	(843) 814-1795	Electricians	
23190	Cope Contractors, LLC.	4619 Grays Hwy, Varnville, SC 29944-6828	(803) 942-6028	General Contractors	
23191	Wilson's Produce	2922 Ritter Rd, Walterboro, SC 29488-7040	(843) 562-6047	Farm & Produce Stands	
23192	Sisters Seafood & Soul	1390 Penny Creek Dr, Ruffin, SC 29475-3666	(843) 909-1035	Mobile Food Vendor	
23193	C.D. Gooding Construction, LLC.	P.O. Box 126, Hampton, SC 29924-0126	(803) 947-0220	General Contractors	

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



***Council Members***

Alfred Washington

Stacy Pinckney

David Paul Murray

To: Mayor & Town Council

From: Matthew E. Garnes, Town Administrator

Re: Town Administrator Monthly Report - May 2023

---

**Town Operations & Community Events Attended**

- Continued import of historical permitting data to the new Cloud Based permitting software.
- Attended Muffins for Moms event on Saturday, May 13<sup>th</sup>.
- Check-In phone call with Zone A Commander Joseph Riley

**Meetings Attended/Conducted:**

- Meeting with Colleton County Chamber of Commerce regarding Shrimp Festival on May 11<sup>th</sup>.
- Attended Beaufort-Jasper Housing Trust meeting on May 15<sup>th</sup> at the Beaufort Digital Corridor.
- Meeting with Colleton County Chamber of Commerce regarding Shrimp Festival on May 18<sup>th</sup>.
- Meeting with Kristin Forbus, Long Range Planner with Beaufort County on May 18<sup>th</sup>.
- Attended the Southern Lowcountry Regional Board monthly meeting on May 23<sup>rd</sup> at the Hardeeville City Hall.

**Miscellaneous:**

- Caroline Koger has made excellent progress on an inventory of active residential and commercial trash accounts in Town. Over thirty (30) surplus cans were identified and turned into the trash contractor.
- Hampton County Council has signed the Intergovernmental Agreement for Joint Review on Projects of Regional Significance that was proposed by the Town earlier this year. The Town of Estill is taking up the matter at their June meeting and the Town of Hampton is currently reviewing the terms of the Intergovernmental Agreement.
- The Recreation Committee have several events planned for June. I'd recommend checking them out!



Permit #	Parcel #	Location	Permit Type	Permit Use	File Date
A23-0037	204-02-05-001	87 Yemassee Hwy	Building	Residential Remodel Permit (RMOD)	June 12, 2023
RADD-05-23-1049	198-10-02-004	27 Braddy St	Building	New Residential Addition Hampton County (RADD)	June 1, 2023
RADD-12-20-1067	197-00-00-096	297 Salkehatchie Rd	Building	New Residential Addition Hampton County (RADD)	December 21, 2021
23-0003	R710 012 000 0023 0000 Unit #3255-0001	95 Castle Hall Rd (Bldg #3255-0001)	Building	New Commercial Construction Beaufort County (CNEW)	January 3, 2023
CNEW-01-23-1001	R710 012 000 0023 0000 Unit #3255-0001	95 Castle Hall Rd (Bldg #3255-0001)	Building	New Commercial Construction Beaufort County (CNEW)	January 3, 2023
RMOD-01-23-1003	198-08-02-004	235 Salkehatchie Rd	Building	Residential Remodel Permit (RMOD)	January 12, 2023
CNEW-01-23-1008	R710 011 000 0012 0000	14 Trask Pkwy	Building	New Commercial Construction Beaufort County (CNEW)	January 1, 2023
ELEC-02-23-1016	204-03-03-007	25 Flowers St	Building	Commercial Electrical Permit (ELEC)	February 7, 2023
CNEW-04-23-1034	204-01-05-005	39 Jinks St	Building	New Commercial Construction Hampton County (CNEW)	April 19, 2023
CADD-03-23-1020	198-09-02-029	145 Yemassee Hwy	Building	Commercial Electrical Permit (ELEC)	November 22, 2021
ROOF-02-23-1013	198-08-04-017	19 Center Point Dr	Building	Residential Re-Roofing Permit (ROOF)	February 7, 2023
ROOF-02-23-1014	198-08-02-008	211 Salkehatchie Rd	Building	Residential Re-Roofing Permit (ROOF)	January 12, 2023
SIGN-05-23-1043	197-00-00-046	5 Lane St	Building	Commercial Sign Permit (SIGN)	April 20, 2023
ELEC-10-22-1084	198-00-00-045	511 Cochran St	Building	Residential Electrical Permit (ELEC)	October 3, 2022
CNEW-03-23-1029	R710 012 000 001A 0000	44 Stoney Creek Cemetery Rd	Building	New Commercial Construction Beaufort County (CNEW)	April 20, 2023
MHOM-03-20-1030	198-00-00-055	15 Riley St	Building	Mobile Home Placement Permit	November 1, 2022
RADD-04-23-1038	204-02-11-005	14 Hunt St	Building	New Residential Addition Beaufort County (RADD)	April 4, 2022
MHC-04-23-1039	204-01-05-013	311 U.S. Highway 17A	Building	Construction Trailer Permit (MHC)	April 28, 2023
ROOF-04-23-1040	198-08-02-016	219 Salkehatchie Rd	Building	Residential Re-Roofing Permit (ROOF)	April 28, 2023
ROOF-05-23-1046	204-02-07-006	84 Salkehatchie Rd	Building	Residential Re-Roofing Permit (ROOF)	May 12, 2023



Permit #	Parcel #	Location	Permit Type	Permit Use	File Date
ROOF-05-23-1045	R710 001 000 020B 0000	6 Castle Hall Rd	Building	Commercial Re-Roofing Permit (ROOF)	May 10, 2023



# Town of Yemassee Foundations Planning Report

May 2023

Prepared by:

**MRB** | *group*





A comprehensive planning process should be deliberate in its effort to gain input from the public and unify the community through visioning for the future. Visioning, although crucial to the process must be reinforced by robust data that lead to actionable strategies tailored for the community to bringing the public's vision to reality. However, prior to the development of the vision and the strategies a baseline understanding of the community must be developed. The Planning Foundations report is important to gain a sufficient understanding of existing conditions, but also to analyze past community planning efforts to understand how goals were developed, how were they measured, and if they have been achieved.

## HISTORY AND BACKGROUND

The Town of Yemassee derives its name from a Native American Tribe, the Yamasee. The tribe was prevalent in the South Carolina Lowcountry and parts of Georgia and Florida and were involved in the Yemassee War of 1715 to 1717, which saw one of the most disruptive and transformational conflicts in Colonial America. Yemassee is surrounded by Revolutionary and Civil War historical sites, and has a rich history from these eras through the Reconstruction period. During the early 20th Century, Yemassee's train station and downtown hotel was famous for the U.S. Marine Corps cadets on their way to Yemassee via the CSX rail line. Through two World Wars, hundreds of thousands of Marines passed through Yemassee, this period is memorialized by the creation of the Marine Corps Tribute Park (Figure 1).



Figure 1: Art Installation at Marine Tribute Park

## CURRENT CONDITIONS

Yemassee is a historically rich rural town that is strategically located along state highways and an active railroad line. During the project kickoff meeting with the Town, several key themes were discussed surrounding existing conditions and the potential future of the Town. It is important to highlight these themes, as they are valuable talking points when garnering input from the community on the vision for the Town. Examples of some topics that were brought up are as follows:

- Citizens to name and have ownership of the Comprehensive Plan
- Town's opportunities and challenges being within two counties
- Industry or other job centers to be supported by affordable workforce housing
- Retain Town's unique relationship with natural resources
- Utilize recreational and natural resources for minimum-impact tourism activities
- Emphasize responsible growth in terms of infrastructure access and surrounding natural areas
- Recent Annexations



These topics are comprised of complex elements, each with an interrelated relationship with one or more of the ten components of a Comprehensive Plan. These statements represent a baseline for the Town's vision that will be refined, and built upon during the public engagement phase and in working with Town Officials.

## PREVIOUS PLANNING EFFORTS

The most recent amendment to the Comprehensive Plan for Yemassee was in 2007, however, one of the only available documents was a proposed annexation and zoning map (Figure 2). A high-level review of available documents was conducted including the 1999 Comprehensive Plan, mainly to analyze the data points and to understand past goals of the community. Generally, the past comprehensive planning goals emphasized the protection of cultural and natural resources, while promoting growth where infrastructure could support it. We can be sure that these sentiments survive today as they still broadly reflect best planning practices, however, the development of a new Comprehensive Plan allows citizens to be educated on the current state of the Town to refine these past goals, as they may have a better idea on what strategies have worked and what needs to be reimagedined.



Figure 2: 2007 Annexation and Zoning Map

## REGIONAL PLANS

Comprehensive Plans not only set a localized vision for the community but play in a role in the vision of the region and adjacent jurisdictions. Yemassee is split between Beaufort and Hampton County, but also within close proximity of Jasper County. Its positioning between these counties can present unique opportunities and challenges, as the visions of each County may differ. During the current update of Yemassee's Plan it is important to understand the vision and intent of surrounding entities within the region so as to work cooperatively with one another and to prevent conflicts. A Comprehensive Plan that memorializes this intent and pertinent information is a great tool for regional cooperation.



Figure 3: Beaufort County's Comprehensive Plan

Hampton County's Comprehensive Plan is currently in need of revision as it is over 10 years, as it likely reflects outdated data sets and projections. The County is currently considering options to update the plan. Beaufort County recently completed its "Envision Beaufort County" Comprehensive Plan (Figure 3) and references those included portions of Yemassee within the plan, specifically in the "Built Environment" section. Beaufort County's Plan



emphasizes coordinated visioning between the County and municipalities, specifically the Plan mentions the expansion of multi-modal transportation networks, preservation of natural resources, and annexation strategies. Specific to transportation, Hampton and Beaufort County both have pedestrian connectivity master plans, with Beaufort's being the most current (Figure 4). When Yemassee is considering projects such as capital improvements, development applications, and annexations, a portion of the review should be focused on how these areas can benefit from enhanced transportation improvements for not only vehicles but pedestrians and cyclists.

Being cognizant of the surrounding governmental entities is one aspect of cooperation, but an additional element is understanding the needs and goals of the quasi-governmental or local organizations is crucial to the function of a community, such as utility providers, school districts, and the regional council of government. As the Town is split between two Counties, it means the Town is split between two School Districts. Understanding how these districts are accounting for the current and future residents of Yemassee is an important element of the Comprehensive Plan.

The local utility, Lowcountry Water System, inherited the Town's water system in the past. There are ongoing efforts to expand and improve the water and sewer infrastructure, including the expansion of existing lines, manholes, and fire hydrants. However, due to its rural character the Town is still dependent on septic systems, as the current water and sewer network is not large enough for residents to connect. Septic systems are common in rural areas, but the quality of such systems is highly dependent on the user's maintenance of such systems. Failing septic systems discharge chemicals into the soil and in the drinking water, leading to negative health and environmental impacts, according to the Environmental Protection Agency (EPA).

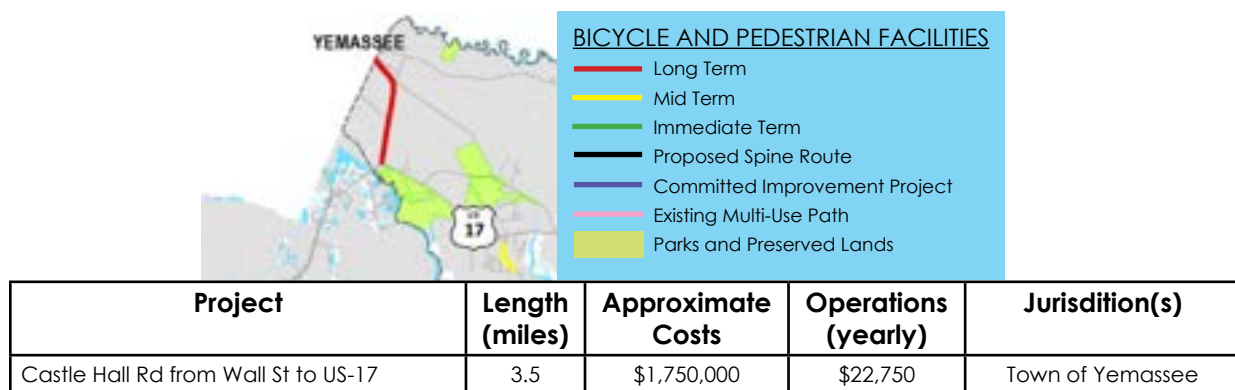


Figure 4: Excerpt from Beaufort County Connects, Bicycle and Pedestrian Plan





## COMMUNITY ASSETS

Located within downtown and a symbolic historic epicenter of town, the Yemassee Train Depot and Amtrak station is a major opportunity for the community, as it can act as a powerful tool for development. Attracting more visitors to the Town via the train station can lead to increased revenue for local businesses, this can be achieved by aligning community assets through a vision. An example of a potential goal is analyzing the current relationship between the Palmetto Breeze bus routes, and Amtrak train schedule. The Palmetto Breeze route currently stops at the Amtrak station, so the opportunity exists to directly support those visitors with final destinations along the Palmetto Breeze line. Supplementary assets that could support these transit and train services could be a small downtown hotel and a secure overnight or weekly parking lot at the station, either for local residents or those visitors that come through Yemassee on their way to Beaufort, Hilton Head Island, or Bluffton. Another method would be utilizing the station as a central gathering point, promoting local events and festivals. A well-maintained and functional station can also attract new businesses and industries to the area, as it serves as a signal to potential investors that the town is connected and committed to growth. By utilizing this historic and culturally significant rail station effectively, Yemassee can improve its economic standing and increase opportunities for its residents.

Growth can be interpreted in many ways, however, more communities are leaning toward a more deliberate and strategic approach due to the constraints of infrastructure and environmental factors. A challenge, or potential opportunity, for the Town of Yemassee is the large parcels of land (primarily within Beaufort County) that are either protected by private conservation easements or fall under state or federal protection. This can be seen as a barrier to growth and property tax revenue, however, towns that can successfully utilize environmentally protected land that surrounds them can benefit in several ways. Protected land acts as a natural buffer zone that can help to mitigate the impact of natural disasters such as floods. Additionally, protected land can provide recreational opportunities for residents and visitors alike, such as hiking, fishing, and camping. These types of low-impact eco-tourism activities can be a draw for visitors and local residents and can help to boost the local economy. Finally, protected land can act as a natural filter for water and air, improving the overall quality of life for residents in the town. By utilizing and preserving environmentally protected land, towns can reap these benefits and create a more sustainable and healthy community.

Within the Hampton County portion of Yemassee, there is a desire to prepare land for industrial development, this initiative is supported by the water and sewer authority, as their current and planned improvements that will benefit the Town. In addition to infrastructure enhancement, Yemassee should consider other important factors. Transportation systems, including highways and railroads, facilitate the movement of goods and materials in and out of the area. Additionally, the town must have a sufficient pool of skilled and unskilled labor to meet the needs of the new industry. This may require investment in workforce development programs and training initiatives or partnerships with Hampton and Beaufort counties. Finally, the town must also consider the impact of the new industry on the local environment.



## CONCLUSION

The documents and plans studied during this phase of the Comprehensive Plan provide a jumping-off point as we advance into the next phases of the project. By no means are inputs limited to those referenced in this report, as there is always the opportunity for input in the comprehensive planning process, whether it be in the visioning, strategy, or implementation portions of the plan. This report references areas where more input is needed from regional entities such as the Counties, utility providers, school districts, and others, and through additional information that is received will lead to the development of a unique and strategic approach.

Sincerely,

Riccardo Giani  
Senior Planning Associate  
MRB Group



**Public Works 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

### Public Works Monthly Report

- Tractor was serviced and delivered back from Sparrow & Kennedy
- Mowed / maintained fields including landscaping on Town properties.
- Mowed and Edged sidewalks in Town
- Improved landscaping in front of Municipal Complex
- Dumped trash containers at the Huspah Creek Causeway weekly.
- Replaced street signs that were stolen.
- Addressed Building Maintenance items as needed.