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CHAPTER 1. CHARTER

ARTICLE I. THE CHARTER

Editor's Note. In 1975, the South Carolina Legislature enacted into law Act 283 which has become known as "The Home Rule Act." It revised Article VIII (Local Government) of the South Carolina Constitution.

The municipalities of this state were required to adopt by ordinance one of three prescribed forms of local government:

1. The Mayor-Council form,
2. The Council form and
3. The Council-Manager form.

The form adopted was required to be "...the form most nearly corresponding to the form in effect in the particular municipality on March 1, 1974, as determined by the municipal governing body."

(1976 SC Code §5-5-10)

The City Council adopted the Council form, which met that criteria, and the Secretary of State issued a confirming Certificate of Incorporation which is shown on the following page.

Statutory authority for this form of government can be found at Title 5, Chapter 11, 1976 South Carolina Code of Laws, and a reprint of that authority is included in this code as Appendix C.

ARTICLE II. NAME OF CITY

Editor's Note. There are different methods used in various states whereby the name of a municipality can be changed. Some states require a certain population, some consider the character of a community, i.e., village, township, etc.

A review of the 1976 South Carolina Code of Laws, however, indicates no provision for changing the name of a town to that of a city or vice versa. (A telephone discussion with a representative from the Attorney General's office confirmed this several years ago.)

In §5-7-20 of said code, entitled "*FORM AND EFFECT OF CORPORATE NAME OF MUNICIPALITY*", the only reference alluding to a name simply states that "*The corporate name of every city or town...shall be the city of...or the town of...*" and grants powers "*authorized by the Constitution and the general laws of this State as fully and completely as though they were specifically enumerated herein.*" It makes no provision for a name change for a municipality.

Because Landrum has used the name "city" for a number of years, this article gives credence to and authorizes an official change in the name from town to city.

1.201. OFFICIAL NAME CHANGE FROM TOWN TO CITY.

The name of The Town of Landrum is hereby changed from The Town of Landrum to The City of Landrum, effective upon the adoption of this code.

1.202. NOTIFICATION.

Notification of this change shall be made by the City Clerk, upon the adoption of this code, to:

- a. The Secretary of State of South Carolina;
- b. The Municipal Association of South Carolina; and
- c. All other official organizations deemed necessary.

(See Article X of Chapter 2, this code, for responsibilities of a municipal council.)

ARTICLE III. THE CODE

1.301. HOW CODE DESIGNATED AND CITED.

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

1.302. 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.

1.303. 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.

1.304. 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.

1.305. DEFINITIONS.

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

ADMINISTRATOR shall mean the official appointed by Council to that position. He shall also have the title of City Administrator.

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

BUSINESS DISTRICT shall mean the territory contiguous to and including a street when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is

occupied by buildings in use for business.

CITY shall mean The City of Landrum, South Carolina.

CLERK shall mean the Municipal Clerk, as provided in §5-7-220 of the 1976 South Carolina Code of Laws. However, the title may be used interchangeably with, "Clerk", "City Clerk" or, if one person holds both positions, "Clerk/Treasurer."

CODE shall mean the October 1, 1976 Town Code or this code, as the text indicates.

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 City of Landrum.

COUNCIL, MAYOR AND COUNCIL OR CITY COUNCIL shall mean the Mayor and Council of The City of Landrum, as defined in the 1976 South Carolina Code of Laws, Section 5-11-20.

COUNTY shall mean the County of Spartanburg.

COURT shall mean the Municipal Court of The City of Landrum.

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 head of a department of the city to do some act or make certain inspections, it shall be construed to authorize the head of the department 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 Council.

GENDER See "Rules of Construction." (See §1.306 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, including abandoned automobile parts or abandoned vehicles.

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.

MONTH shall mean a calendar month, unless defined otherwise.

MUNICIPALITY may be used interchangeably with "city" and shall mean the entire area within the corporate limits of The City of Landrum.

NAME OF MAYOR AND COUNCIL, ADMINISTRATOR OR OTHER OFFICER shall be construed as though the words "of The City of Landrum" 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.

NUMBER See "Rules of Construction." (§1.306 of this chapter.)

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

PERSONAL PROPERTY shall include every species of property, except real property, as defined in this Section.

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

PROPERTY shall include real and personal property.

PUBLIC PLACE shall mean any park, cemetery, school yard or open space adjacent thereto, including all other properties owned or controlled by public authority.

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.

RESIDENCE DISTRICT shall mean territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred feet or more is in the main improved with dwellings or dwellings and buildings in use with residences.

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

SCDOT shall mean the South Carolina Department of Transportation.

SEAL shall mean the corporate seal of the city, as may be adopted by the Council.

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 intended for the use of pedestrians.

SIGNATURE OR SUBSCRIPTION shall mean a "mark," when a person cannot write.

STATE shall mean The State of South Carolina.

STREET shall include streets, avenues, boulevards, highways, roads, alleys, lanes, bridges, and all other public thoroughfares 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 Council.

TAX COLLECTOR shall mean the Spartanburg County Treasurer.

(KQ 43)

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.

TREASURER shall mean the Municipal Treasurer, if appointed separately from the City Clerk.

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 otherwise defined.

1.306. 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 shall apply to the future, also.

1.307. GENERAL PENALTY. CONTINUING VIOLATIONS.

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) 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. Each day any violation of this Code or any ordinance, rule or regulation shall continue shall constitute a separate offense.

(1976 SC Code §14-25-65)

1.308. LIABILITY OF CORPORATIONS, THEIR AGENTS, ETC.

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).)

1.309. 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.

1.310. AMENDMENTS TO CODE.

a. All ordinances adopted subsequent to this Code of Ordinances, which amend, repeal or in any way affect this Code of Ordinances, 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, but not necessarily the exact language: "that Section xxx of the City Code of the City of Landrum is hereby amended as follows:" The new provisions may then be set out in full as enacted; 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 language may be used: "...that the Landrum City Code, 1999 is hereby amended by adding a section, to be numbered which section shall read as follows:" The new section shall then be set out in full. The sections of this ordinance may be renumbered to accomplish such intention.

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.)

1.311. 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 §1.307 hereof.

1.312. PROSECUTION WHERE DIFFERENT PENALTIES EXIST.

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.

1.313. MUNICIPAL SEAL.

The municipality shall have a common seal, to be in the custody of the Clerk. The seal shall be affixed to all official documents of the municipality as may be directed by the Council.

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Editor's Note.

CHAPTER 2. ADMINISTRATION

ARTICLE I. IN GENERAL

Editor's Note. This article derives from 1976 South Carolina Code of Laws; the October 1, 1976, Landrum City Code, with amendments; the Landrum Questionnaire and generally accepted municipal practices.

2.101. FORM OF GOVERNMENT.

Pursuant to the Code of Laws of South Carolina, 1976, the Landrum form of government shall be the Council form.

(1976 SC Code §5-11-20, et seq.) (Appendix C, this Code) (LQ 2)

2.102. COMPOSITION AND ELECTION OF COUNCIL.

a. The City Council shall be composed of a Mayor and six Council members, all of whom shall be residents of the city and elected by the qualified electors at an election as provided by Article III of this chapter.

b. The Mayor shall be elected at large.

c. The members of Council shall be elected at large.

(1976 SC Code §5-15-20)

2.103. TERMS OF OFFICE.

The Mayor and all members of Council shall be elected for four (4) years.

(1976 SC Code §5-15-40) (LQ 3)

2.104. COMPENSATION. INCREASES. ACTUAL EXPENSES.

a. The Mayor shall be paid an annual salary of two thousand five hundred dollars (\$2,500.00).

b. Each member of Council shall be paid an annual salary of one thousand four hundred dollars (\$1,400.00).

(LQ 4)

c. Increases in compensation shall not become effective until the commencement date of the terms of two or more members elected at the next general election following the adoption of the ordinance, at which time it will become effective for all members.

d. 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, as amended)

2.105. MAYOR PRO TEMPORE. DUTIES.

a. Immediately after any general election of the Council, the Council shall elect from its membership a Mayor pro tempore for a term of not more than two years.

b. He shall act as Mayor during the absence or disability of the Mayor.

c. In case of a vacancy in the office of Mayor, the Mayor pro tempore shall serve until a successor is elected.

(1976 SC Code §5-7-190)

2.106. OATH OF OFFICE REQUIRED.

The Mayor and each member of Council, before entering upon the duties of their respective offices, shall take the following oath, to-wit:

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (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 City of Landrum 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 §5-15-150) (1976 SC Code §14-25-15)

2.107. 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)

2.108. SAME. ENACTING CLAUSE.

The enacting clause of all ordinances shall be, in substance, as follows: "Be it ordained by the Mayor and Council of The City of Landrum, South Carolina:"

2.109. SAME. REQUIRED.

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 ordinances, create, 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 the violation thereof;
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 and §5-7-260)

(Editor's Note. See Appendix B for details of ordinance preparation.)

2.110. SAME. CODIFICATION.

All ordinances amending this code and any other ordinances or portions of ordinances, as may be required by Council, shall be codified at least annually in this code.

(1976 SC Code §5-7-290)

2.111. SAME. NOTICE REQUIRED.

Prior to the introduction of an ordinance granting a franchise, license or right for the use of any street or public property, or for the permanent closing of any abandoned street, the applicant for such ordinance shall publish a notice in three separate issues of a newspaper having general circulation in the municipality stating the nature of the franchise, license or right sought or a description of the street sought to be closed, and the date on which the application is to be presented to Council which shall be at least one week after the last notice. This requirement shall not apply to the temporary closing of a public street initiated by Council.

2.112. SAME. FORM. INTRODUCED IN WRITING.

Every proposed ordinance shall be numbered, introduced in writing and in the form required for final adoption which shall include:

1. A title briefly describing the contents;
2. Findings, reasons or basis for the ordinance, if desired and when appropriate;
3. An enacting clause as set forth in §2.108 hereof;
4. A repealing provision, when appropriate;
5. The provisions of the ordinance including section numbers, when appropriate;
6. The effective date of the ordinance and dates of first and second readings and the approval of the City Attorney as to form, when requested;
7. Space for the signature of the Mayor or, in the absence of the Mayor, the presiding member of Council. The Clerk shall attest adoption. (See Appendix B, this Code.) When appropriate, the City Attorney shall attest as to form.

(1976 SC Code §5-7-270) (LQ 5)

2.113. SAME. INTRODUCTION. PUBLIC INSPECTION.

a. An ordinance may be proposed by the Mayor or any member of Council. 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.

b. After an ordinance is in proper form, the 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.

(Editor's Note. For "*Initiative and Referendum*" which permits electors to propose ordinances except an ordinance appropriating money or authorizing the levy of taxes, see §5-17-10 of the 1976 South Carolina Code of Laws, as amended.)

2.114. SAME. ORIGINAL TO BE ENTERED IN BOOK OF ORDINANCES.

The Clerk shall enter in an ordinance book the original copy of all ordinances passed by the Council. The book shall be known as the "Ordinance Book," as required by the 1976 South Carolina Legislature, bearing Ratification No. 718.

2.115. SAME. NOTATION OF AMENDMENTS OR REPEALS.

The Clerk shall write on the first page of every ordinance, subsequent to entry in the ordinance book, if the same shall be amended or repealed, as the case may be, the words "amended," or "repealed" with a reference on the ordinance in the ordinance book as to where the amending or repealing ordinance can be found.

2.116. SAME. ENACTMENT. SIX DAYS BETWEEN READINGS.

a. An ordinance to levy a tax, adopt a budget, appropriate funds, grant a franchise, license or right to use or occupy a public street or public property for commercial purposes shall be complete in the form in which it is finally passed, and in such form remain on file with the Clerk for public inspection at least six (6) days before final adoption.

b. 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, which requires only two (2) readings.)

c. Emergency ordinances may be adopted on one (1) reading, without notice or hearing by affirmative vote of two-thirds of members present. An emergency ordinance may not levy taxes, relate to a franchise or a service rate and shall expire automatically on the sixty-first (61st) day following its enactment.

d. The introduction and reading of any ordinance may be by the reading of the title only unless full reading is requested by a member of Council.

e. After the introduction of an ordinance, any member of Council or any city citizen-taxpayer interested therein may request a public hearing which shall be held at a time designated by the Council prior to final adoption.

2.117. SAME. EMERGENCY.

Emergency ordinances shall conform to the provisions of the 1976 South Carolina Code, §5-7-250(d) and §2.118 hereof.

2.118. SAME. EMERGENCY. POWERS OF THE MAYOR.

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 and, 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 Council.

c. 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 Council and to specific hours of the day or night and to exempt from the curfew policemen, firemen, 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.

2.119. STANDARD CODES.

Standard codes, technical regulations, business license ordinances and zoning ordinances may be cited in the code by reference and copies thereof shall be made available by the Clerk for distribution or for purchase at a reasonable price.

(1976 SC Code §5-7-280)

2.120. RESOLUTIONS. INTRODUCTION.

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 Clerk in the Council minutes. However, a resolution proposed in writing shall be introduced in the same manner as an ordinance and in such form as may be recommended as applicable by the Municipal Attorney, when appropriate.

2.121. SAME. ADOPTION.

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

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

a. Fees, rates or charges necessary for the efficient and orderly maintenance of city 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 City Clerk.

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

ARTICLE II. MEETINGS OF COUNCIL

Editor's Note. This article derives from 1976 South Carolina Code of Laws; the 1976 Landrum Town Code, with amendments; the Landrum Questionnaire and generally accepted municipal practices.

2.201. MEETINGS. REGULAR. PLACE. ANNUAL NOTICE REQUIRED.

a. The regular meetings of Council shall be held at the City Hall on the second Tuesday of each month, at 6:00 p. m., local time, unless otherwise set by the Mayor. A reasonable notice shall be given to each available Council member and a notice posted at City Hall at least twenty-four (24) hours prior to the meeting, if not held at the regularly scheduled time.

(LQ 6)

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

c. Written public notice of the regular meeting shall be given at the beginning of each calendar year, as required by §30-4-80 of the 1976 South Carolina Code of Laws.

2.202. 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.)

2.203. SAME. SPECIAL.

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.

2.204. EXECUTIVE SESSIONS.

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

b. A majority vote of Council shall be necessary to call such sessions.

c. 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.

d. No official action may be taken in Executive Session.

(See Appendix A, this Code.)

2.205. SAME. OPEN TO PUBLIC.

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

2.206. SAME. MAYOR TO PRESIDE. ABSENCE OF MAYOR AND MAYOR PRO TEMPORE.

a. The Mayor shall preside at all Council meetings.

b. The Mayor pro tempore shall preside at the absence of the Mayor.

c. In the absence of both the Mayor and Mayor Pro tempore the duties of the Mayor shall be performed by such member of the Council as the Council may designate.

(1976 SC Code §5-7-190) (See also §2.105, this code.)

2.207. AGENDA.

a. Matters to be considered by Council at a regular meeting shall be placed on a written agenda by the Administrator at least twenty-four (24) hours prior to the meeting.

b. Matters not on the agenda may be considered upon request of a member unless at least two members object.

2.208. MINUTES OF COUNCIL MEETINGS. COUNCIL POSITIONS.

a. The Clerk shall keep the minutes of all public meetings of the Council which shall be a matter of permanent public record. At each regular monthly 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. No person shall make any change in the minutes or remove same from City Hall, without prior approval of the Administrator.

2.209. RULES OF ORDER.

Except as otherwise provided by state law or this Code, all proceedings of Council shall be governed by Robert's Rules of Order. The City Attorney shall act as parliamentarian. In his absence, all questions of order shall be decided by the Mayor or, in his absence, the presiding officer, without debate, subject to an appeal to the Council.

2.210. UNLAWFUL TO INTERRUPT MEETINGS.

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

(See §14.501.b of this code regarding other public meetings.)

2.211. ORDER OF PROCEEDINGS OF COUNCIL.

The order of proceedings of Council meetings may be substantially as follows:

1. Calling the roll.
2. Approval of the minutes.
3. Petitions and communications.
4. Reports of committees.
5. Old business.
6. New business.
7. Adjournment.

2.212. APPEARANCE OF CITIZENS.

Any citizen of the city shall be entitled to address Council at regular meetings to discuss municipal matters, with the exception of personnel and contractual matters.

(LQ 8)

2.213. VOTING. QUORUM. MAYOR TO VOTE.

a. A show of hands or a voice vote shall be sufficient to record votes. During the voting, no member may leave the Council chamber, without permission of the presiding officer.

b. A majority of the total membership of the Council shall constitute a quorum for the purpose of transacting Council business.

(1976 SC Code §5-7-160)

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

d. Every member of Council, including the Mayor, shall have one (1) vote on every question, except when required to refrain from voting by state law.

e. Members voting "present" shall not be recorded as in favor or opposed to the motion.

(Editor's Note. The Municipal Association recommends that all members vote on all motions; that to abstain shall be deemed an affirmative position.)

f. The Mayor may make a motion or second a motion without vacating the chair.

(LQ 9)

2.214. REASONS FOR VOTING MAY BE RECORDED.

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

2.215. MAYOR, INTERESTED MEMBER NOT TO VOTE.

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

(1976 SC Code §8-13-700)

2.216. HOW OFTEN MEMBERS MAY SPEAK.

No member shall speak more than two (2) times on the same question, except to explain his position, without concurrence of a majority of the Council.

2.217. APPOINTMENT OF COMMITTEES.

Council may appoint a committee to assist in or hold a public hearing for Council at any time upon any matter pending before it, unless other-wise prohibited by law. Minutes or reports of hearings held by such committees shall be filed with the Clerk as public records.

2.218. COMMITTEE REPORTS.

Committee reports may be in writing and signed by a majority of the committee. Any report involving the expenditure of money shall be in writing and include the amount to be expended, or an approximation thereof, and the reasons therefor.

2.219. SAME. ORDER OF.

Reports of committees, in the order of business, shall be rendered as the presiding officer may determine.

2.220. MOTIONS OF COUNCIL.

All motions shall be reduced to writing at the request of any member of Council.

2.221. SAME. 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.

2.222. 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,
5. To commit, to amend or to postpone indefinitely.

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

2.223. SAME. RECONSIDERATION.

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.

ARTICLE III. MUNICIPAL ELECTIONS

EDITOR'S NOTE. THE UNITED STATES CONGRESS HAS MANDATED THAT ANY ORDINANCE WHICH IMPACTS UPON THE ELECTION PROCESS MUST BE CLEARED IN ADVANCE BY THE UNITED STATES DEPARTMENT OF JUSTICE.

This article derives, generally, from §5-15-90, et seq., of the 1976 South Carolina Code of Laws, as amended; the 1976 Landrum Town Code, with amendments; the Landrum 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. ELECTION COMMISSION. TERMS. VACANCIES.

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

(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. SUCCESSORS TO BE QUALIFIED.

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

(See also §2.103 for terms of office.)

2.304. ELECTIONS. DATE.

All regular Council elections shall be held on the first Tuesday in November in each odd numbered year.

(LQ 10)

(Editor's Note. The Municipal Association has recommended that all general municipal elections be held the second Tuesday in April or at the General Election in November.)

2.305. SAME. OATH.

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

2.306. SAME. VOTING HOURS. PLACE. AT LARGE.

a. Polling places shall be open from 7:00 a.m. to 7:00 p.m., at the Landrum Fire Station.

(1976 SC Code §7-13-60) (LQ 14)

b. All municipal elections shall be conducted at large.

(LQ 11)

2.307. SAME. NONPARTISAN ELECTION. RUNOFF. TIE VOTES. CONTESTED.

a. As prescribed in §5-15-62 of the 1976 South Carolina Code of Laws, election results shall be determined under the nonpartisan election and runoff election method.

(Editor's Note. The requirements of §5-15-62 are too lengthy to reproduce in this code and the reader is referred to that section for detailed information.)

(LQ 12)

b. If any election results in a tie, the Municipal Election Commission shall conduct a runoff election two weeks following that election to break the tie.

(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)

2.308. SAME. SPECIAL.

Special elections, when required, shall be scheduled by the Municipal Election Commission. Public notice of such elections shall be given at least sixty (60) days prior thereto, and the other provisions of this article, as appropriate, shall apply.

(Editor's Note. A vacancy on City Council with one hundred eighty-one (181) days or more of the unexpired term requires a special election.)

2.309. SAME. POLITICAL PARTIES.

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

(LQ 12)

2.310. SAME. FILING.

Candidates shall file a Statement of Candidacy and Statement of Economic Impact at least seventy-five (75) days prior to the election (nonpartisan candidates) at the office of the City Clerk.

(1976 SC Code §5-15-110)

2.311. SAME. FILING FEES.

A filing fee of two-hundred dollars (\$200.00) shall be required of candidates for Mayor. For Council, the fee shall be one-hundred dollars (\$100.00).

(LQ 13)

2.312. SAME. CERTIFICATION.

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

2.313. SAME. 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)

2.314. SAME. WRITE-IN VOTES.

Electors shall be permitted to cast write-in votes.

(1976 SC Code §7-13-1380)

2.315. SAME. WHEN QUALIFIED. ASSUMING OFFICE.

a. Newly elected officers 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 officers shall assume office on the first working day in January, following their election, unless the office is contested.

(LQ 15)

2.316. QUALIFICATIONS FOR VOTING.

Every citizen of the city shall be entitled to vote in all municipal elections, if he is or has:

1. Reached the age of eighteen (18) years and upwards.
2. Resided in the corporate limits for thirty (30) days previous to any municipal election.
3. Been registered for county, state and national elections.

(1976 SC Code §7-5-610)

4. Not laboring under disabilities named in the constitution of 1895 of this state.

(1976 SC Code §7-5-120)

ARTICLE IV. OFFICERS, DEPARTMENTS AND PERSONNEL

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; the 1976 Landrum Town Code; the Landrum Questionnaire and generally accepted municipal practices, to provide guidance relating to personnel matters.

2.401. AUTHORITY TO ESTABLISH.

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

2.402. CHIEF ADMINISTRATIVE OFFICER.

The Administrator shall be the chief administrative officer of the city.

(Ord. 2-9-88) (See also §2.501, this code.)

2.403. APPOINTMENT. SUSPENSION.

Except as otherwise provided by this code, all officers of the city shall be appointed by the Administrator. They shall be subject to suspension and termination by the Administrator.

2.404. SAME. COMPENSATION.

The compensation, as appropriate, of all appointed officers and employees 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.

ARTICLE V. CITY ADMINISTRATOR

Editor's Note. Effective February 9, 1976, City Council adopted an ordinance providing for the employment of a City Administrator. This article embodies the provisions thereof.

2.501. EMPLOYMENT AUTHORIZED.

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

2.502. APPOINTMENT. QUALIFICATIONS. SHORT TITLE.

- a. The Council shall appoint a City Administrator and fix his compensation.
- b. The Administrator shall be appointed solely upon the basis of his executive and administrative qualifications.
- c. For purposes of this code, the short title "Administrator" may be used.

2.503. TERM.

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

2.504. BOND.

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

2.505. GENERAL DUTIES.

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

1. Direct, supervise and coordinate the administrative activities and operations.
2. Appoint department heads, with the approval of the Council.
3. Appoint such other employees as prescribed in the Personnel Policies and Procedures Manual.
4. Suspend or dismiss department heads, with the approval of the Council.

5. Suspend or dismiss other employees as provided in the Personnel Policies and Procedures Manual.
6. Prepare and submit an annual operating budget and capital program to the Council for their consideration and approval.
7. Assume the responsibility for administration of annual operating budget after adoption.
8. Prepare an annual update of five-year capital improvements program and budget.
9. Recommend and administer personnel policies, classification, compensation and evaluation for all employees.
10. Monitor the financial condition of the city and estimate present and future financial needs.
11. Prepare a monthly analysis of the financial condition of the city.
12. Combine or consolidate job positions within departments as necessary or prudent, maximizing manpower utilization and efficiency.
13. Administer policies governing purchasing procedures and inventory control as prescribed in Chapter 8 of this code.
14. Authorize the purchase of services, materials, supplies and equipment which do not require the taking of bids, provided such items are appropriated in the city's various fund accounts.
15. Authorize shifts and departmental budget line items, with the approval of the Council, provided overall department budget appropriations do not change.
16. Authorize shifts in departmental budgets, with approval of the Council, provided overall budget appropriations do not change.
17. Investigate complaints concerning administrative matters and personnel performance with the heads of departments.
18. Prepare and submit to the Council at the end of each fiscal year a complete annual report regarding the finances and administrative activities of the city.
19. With the approval of the Council, delegate authority to other administrative officers subject to his direction and supervision to exercise specified duties and responsibilities as may be considered appropriate.
20. Provide the Council with information, guidance, and leadership in matters of

policy determination.

21. Actively investigate the opportunities available to the city in relation to federal grants, state and county shared services and money and prepare the necessary papers, etc., upon approval of the Council.

2.506. REMOVAL FROM OFFICE.

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

2.507. COMMUNICATION BETWEEN ADMINISTRATOR AND COUNCIL.

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

ARTICLE VI. MUNICIPAL CLERK/TREASURER

Editor's Note. This article derives from §5-7-220 of the 1976 South Carolina Code of Laws.

2.601. APPOINTMENT. TENURE.

The Council shall appoint an officer of the municipality who shall have the title of Municipal Clerk, in addition to any other title assigned to him by Council. He shall serve at the pleasure of Council.

2.602. BOND.

Before entering upon the duties of his office, the Clerk shall enter into bond in such sum as may be required by Council with good and sufficient surety for the faithful performance of his duties. The fee therefor shall be paid by the municipality.

2.603. DUTIES.

The Clerk shall serve as ex officio clerk of Council, give notice of meetings, , attend regular and special meetings, record votes of Council, attest all ordinances and resolutions, keep minutes of Council meetings and perform such other duties as may be assigned by Council.

2.604. CLERK MAY ACT AS TREASURER.

In addition to all other duties, the Clerk may act also as the Treasurer and perform those duties commonly associated therewith, pursuant to state statutes and this Code.

2.605. TREASURER TO BE BONDED.

Should the Treasurer be other than the Clerk, he shall be bonded as provided for the Clerk in §2.602, hereof.

ARTICLE VII. MUNICIPAL ATTORNEY

Editor's Note. This article derives from §5-7-230 of the 1976 South Carolina Code of Laws.

2.701. APPOINTMENT. TENURE.

The Council may appoint a Municipal Attorney who shall be a lawyer of good and reputable standing who shall hold office at the pleasure of Council.

2.702. DUTIES.

a. The Attorney shall attend all meetings of Council unless excused by Council. He shall act as parliamentarian. When requested to do so, he shall draft all ordinances and resolutions and review all ordinances, resolutions and documents presented to Council. He shall give opinions upon questions of municipal procedure, form and law to any member of Council and other municipal officials, when requested.

b. It also may be the duty of the Attorney to prosecute all cases before the Municipal Court when a jury trial is demanded or the defendant is represented by an attorney.

c. The Attorney shall defend the city against all civil suits.

ARTICLE VIII. HOLIDAYS

Editor's Note. This article derives from §1-4-3 of the 1976 Landrum Code of Ordinances.

2.801. HOLIDAY OBSERVANCES.

The following holidays shall be observed by the employees of the city:

1. New Year's Day
2. Easter (Easter Monday)
3. Memorial Day
4. Independence Day
5. Labor Day
6. Thanksgiving
7. Christmas

ARTICLE IX. DEPARTMENTAL ORGANIZATION

Editor's Note. This article derives from §1-4-11 of the 1976 Landrum Code of Ordinances.

2.901. COMMITTEES ESTABLISHED.

The administrative organization of the city shall be divided into the following committees, and they are hereby established:

1. Public Safety Committee:
 - a. Fire, Police, EMS/Rescue
2. Public Works Committee:
 - a. Streets, Sanitation, Parks and Recreation, Building Maintenance
3. Public Utilities:
 - a. Water
4. Economic Development Committee:
 - a. Planning and Zoning, Beautification

The committees shall consist of those officers appointed by Council and shall be responsible for the planning and support for the departments which they represent.

ARTICLE X. RESPONSIBILITIES OF MUNICIPALITIES

Editor's Note. Title 5, Chapter 7, Section 10 (§5-7-10) of the 1976 South Carolina Code of Laws:

"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 illustrate the overall authority contained in Chapter 7 of the South Carolina Code of Laws for a municipality in South Carolina to provide for its government.

(See also Chapter 1, Article III, this code.)

CHAPTER 3. ANIMALS.

ARTICLE I. BIRD SANCTUARY

- 3.101. Established.
- 3.102. Molesting or Control of Birds.

ARTICLE II. ANIMALS GENERALLY

- 3.201. Cattle, Poultry, etc. Prohibited.
- 3.202. Animals At Large Prohibited.
- 3.203. Impounding.
- 3.204. Dead Animals.
- 3.205. Destruction.
- 3.206. Nuisances.
- 3.207. Failure to Abate Nuisances.

ARTICLE III. DOGS

- 3.301. Definitions.
- 3.302. Tags. Inoculation. License Required.
- 3.303. Prohibited Acts.
- 3.304. Certain Dogs Declared Nuisance.

ARTICLE IV. PENALTIES

- 3.401. Penalty.

CHAPTER 3. ANIMALS

Editor's Note. Spartanburg County has assumed the responsibility for animal control for the city, with the exception of Article I and Article II herein.

ARTICLE I. BIRD SANCTUARY

This article derives from the 1976 South Carolina Code of Laws, §5-7-30, Title 6, Chapter 3 of the 1976 Landrum Town Code and the Landrum Questionnaire.

3.101. ESTABLISHED.

The entire area embraced within the corporate limits is hereby designated a bird sanctuary.

3.102. MOLESTING OR CONTROL OF BIRDS.

a. It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way or manner any wild fowl or bird, or to rob bird nests or wild fowl nests. Provided, however, if starlings or similar birds are found to congregate in such numbers in a particular locality that they constitute a menace or nuisance to health or property in the opinion of the proper authorities of the city then, in such event, the city authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the city, after having been given at least three (3) days actual notice of the time and place of meeting to the representatives of said clubs.

b. If, as a result of said meeting, no satisfactory alternative is found to abate the nuisance, then the birds may be destroyed in such numbers and in such manner as is deemed advisable by the authorities under the supervision of the Chief of Police.

ARTICLE II. ANIMALS GENERALLY

This article derives from Title 47, of the 1976 South Carolina Code of Laws; the 1976 Landrum Town Code; the Landrum Questionnaire and generally accepted municipal practices.

3.201. CATTLE, POULTRY, ETC. PROHIBITED.

All person, firms, corporations or business enterprises of any nature are here prohibited from keeping, raising or engaging in the production of horses, mules, donkeys, swine, sheep, goats or any neat cattle or any other animal of any description, or poultry, or the operation of any livery stable within the city limits to as to constitute an unreasonable invasion of the right of adjacent property owners, particularly by reason of proximity, noise or odor to neighboring premises.

3.202. ANIMALS AT LARGE PROHIBITED.

It shall be unlawful for the owner or person in charge of any livestock, fowl or domestic animal to allow such animal or fowl to run at large off the owner's premises.

3.203. IMPOUNDING.

It shall be the duty of police officers to contact Spartanburg County Animal Control regarding any such animal referred to herein which may be found running at large.

3.204. DEAD ANIMALS.

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

b. It shall be unlawful for any person, partnership or corporate entity or other organization or enterprise to deposit, place or dispose of any animal carcass or part thereof in any trash can, dumpster, or other garbage or trash receptacle serviced by The City of Landrum, or in other trash, garbage or receptacle not serviced by The City of Landrum if said receptacle is not attended to in such a fashion as to prevent noxious odors or the attraction of scavenging animals, birds and/or insects so as to make said receptacle a nuisance to the citizens of the community.

3.205. DESTRUCTION.

Whenever the County Board of Health or the County Health Department shall serve public notice requiring the owners of cats, dogs and other per animals specified to confine such cats, dogs or other pet animals to prevent the spread of rabies in any area embracing the city, officers of the city may destroy any such animals not confined, as required by such notice.

3.206. NUISANCES.

Any fowl, bird or animal which shall by sound, odor or sight materially interfere with or affect the health, comfort, peace or quiet of the people is hereby declared to be a nuisance.

3.207. FAILURE TO ABATE NUISANCES.

Any person harboring, keeping, possessing or having in custody or control any fowl, bird or animal which constitutes a nuisance as defined in this Chapter, who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by the Chief of Police, shall upon conviction, be guilty of a misdemeanor.

ARTICLE III. DOGS

Editor's Note. The City of Landrum has made arrangements with Spartanburg County for the control of dogs. This article has been inserted to assist local authorities in cooperation with the county officials. This article derives from Title 47, Chapter 3, of the 1976 South Carolina Code of Laws and numbers 17 and 18 of the Landrum Questionnaire.

3.301. DEFINITIONS.

When employed in this article, the following words shall have the following specific meanings:

DOG shall mean all members of the canine family four (4) months of age or older.

OWNER shall mean any person who has, or claims to have, a right of property in a dog.

KEEPER shall mean any person who knowingly harbors a dog, or has it in his care or acts as its custodian for five (5) or more consecutive days.

3.302. TAGS. INOCULATION. LICENSE REQUIRED.

a. All dogs shall be licensed and a permit and dog tag issued therefor. Permits and tags shall be issued by the City Clerk. Both shall be valid only for the calendar year in which issued. Both shall be stamped with the year of issuance.

b. Persons applying for a permit shall exhibit proof of a current rabies inoculation. An annual fee, as established from time to time by Council, shall be charged for the license. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

c. The name of the owner, or person making application for a permit, his address and the type of dog shall remain on file in the office of the City Clerk, and such information shall be permanently affixed to the dog's collar.

3.303. PROHIBITED ACTS.

It shall be unlawful and a violation of this article for an owner or keeper to:

1. own or keep a dog anywhere within the corporate limits without having in his possession a current permit; and/or
2. own or keep a dog without having a dog tag containing all required information permanently affixed to the dog's collar.

3.304. CERTAIN DOGS DECLARED A NUISANCE.

a. The howling or barking of any dog to such an extent as to interfere materially with or affect the health, comfort, peace or quiet of the people is hereby declared a nuisance and is prohibited. It shall also be a nuisance to permit a dog to damage or destroy flowers, ornamental shrubs or property of others.

b. No person who harbors, keeps in possession or has custody or control of any dog which constitutes a nuisance as defined in this section, shall fail or refuse to take action to abate the nuisance when requested in writing to do so by the Chief of Police.

ARTICLE IV. PENALTIES

3.401. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 4. BEAUTIFICATION

ARTICLE I. COMMITTEE

- 4.101. Established.
- 4.102. Membership. Terms. Compensation.
- 4.103. Meetings.
- 4.104. Reports.
- 4.105. Function and Authority.
- 4.106. Review by City Council.
- 4.107. Interference with Commission.
- 4.108. Utility Exemption.
- 4.109. Definitions.
- 4.110. Prohibited Acts.

ARTICLE II. PENALTIES

- 4.201. Penalty.

CHAPTER 4. BEAUTIFICATION

This chapter derives from the Landrum Questionnaire, Number 21 and generally accepted municipal practices.

ARTICLE I. COMMITTEE

4.101. ESTABLISHED.

There is hereby created and established a Landrum Community Development Committee hereinafter called "Committee", when appointed.

4.102. MEMBERSHIP. TERMS. COMPENSATION.

- a. Membership shall consist of at least five (5) members.
- b. Members shall be appointed for three year staggered terms by the Council and the terms shall expire in each even numbered year. A member shall continue to serve until his successor is appointed and qualifies.
- c. Committee members shall serve without compensation. Any member who resigns shall be replaced by appointment by the Council for the unexpired term of that member.

4.103. MEETINGS.

- a. The Committee shall meet each year to organize and elect from its group a Chairperson, Vice-Chairperson, Secretary and Chairperson of Publicity. Officers shall serve for one year. The Committee 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 Committee as may be deemed necessary to effect the functions of the Committee.
- c. Minutes of meetings shall be kept in written form as a permanent record. Copies of minutes shall be made available to the City Council.
- d. Any member having three unexcused consecutive absences shall be automatically removed from the Committee, and the unexpired term filled by appointment by the Council.
- e. 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 Committee, and a quorum shall be present to conduct business.

4.104. REPORTS.

The Committee shall report at least annually to the Council as to the activities, programs and needs of the Committee and shall make such other reports as may be requested by Council.

4.105. FUNCTION AND AUTHORITY.

a. The function of the Committee shall be to promote compliance with all environmental projects of the city; 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 city and prevent their unnecessary destruction pursuant to the general police powers of the city.

b. The Committee shall study and compile its financial needs and each year shall recommend an annual budget to the Council and, upon approval thereby, shall help implement same. The annual budget may include both operating and capital expenses. Budgeted revenue sources may include revenues from the city's General Fund, private donations and from any state or federal government grant programs and other sources. In recommending the annual budget, the Committee may designate certain revenues to be used for designated purposes and certain revenues set aside in a special account for future projects. The Council shall be furnished a monthly report of the revenues and disbursements of the Committee as may be required by Council. All funds and payment of bills for goods or services shall be approved by Council.

c. The Committee shall not enter into any contracts involving financial liability or incur any indebtedness except upon written authority from the Council; provided, however, the Committee may enter into agreements for the purpose of effecting its objectives, when no liability of the city is involved.

4.106. REVIEW BY CITY COUNCIL.

The Council shall have the right to review the conduct, acts, proposals, recommendations, programs and decisions of the Committee. Any person may appeal from any ruling or order of the Committee to the Council which may hear the matter and make final decision.

4.107. INTERFERENCE WITH COMMITTEE.

It shall be unlawful for any person to interfere with the Committee, or any of its agents, while engaging in planting, cultivating, mulching, pruning, spraying, or removing of trees on public or private grounds.

4.108. UTILITY EXEMPTION.

Public and private utility companies shall be exempt from the provisions of this Chapter provided they file with the City Clerk 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 Council.

4.109. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

1. Tree means any woody plant which:

a. Has a trunk four inches or more in diameter at four and one-half feet above the ground, or

b. Is of horticultural or ornamental variety, including but not limited to dogwood, redbud, crab apple, budkeye or holly and has a trunk diameter of three inches or more at one foot above the ground or a height of eight or more feet.

2. Tree Protective Zone means public property, including that owned entirely by any public body, or over which it holds a right- of-way or easement on any street, road, park, mall or other public lands.

4.110. PROHIBITED ACTS.

No person shall on public property, as commonly defined:

1. Damage, cut, carve, abuse or harm any flower, shrub or tree or injure the bark of any tree;

2. Pick the flowers or seeds of any flower, shrub or tree;

3. Attach any rope, wire or other contrivance to any shrub or tree unless necessary for its support; or

4. Trim, spray, plant, set out or remove flowers, shrubs or trees without obtaining prior written approval from the Committee or its designated representative.

5. The planting of trees and shrubs are hereby prohibited on street right-of-way in The City of Landrum without first obtaining a written permit from the City Clerk. No permit will be issued until the type, size and location of the tree or shrub is determined and it is determined that the same will not obstruct sight distance at any intersection. When any street or road under the control of the South Carolina Department of Highways and Public Transportation is involved, its concurrence shall be required.

ARTICLE II. PENALTIES

4.201. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 5. BUILDINGS. CODES

ARTICLE I. IN GENERAL.

- 5.101. Standard Codes Adopted. Modifications. Conflicts.
- 5.102. Same. Additions. Deletions. Changes.
- 5.103. Building and Fire Inspector.
- 5.104. Homeowner's Provisions.
- 5.105. Ordinary Repairs. Maintenance Authorized.
- 5.106. Nonresident Contractors to Obtain License.
- 5.107. Licensed Electricians. Plumbers.
- 5.108. Smoke-Free Municipal Building.
- 5.109. Alternate Materials and Methods.
- 5.110. Liability Not Assumed.
- 5.111. Appeals.

ARTICLE II. UNSAFE BUILDINGS

- 5.201. Legislative Authority.
- 5.202. Definitions.
- 5.203. Findings.
- 5.204. Procedures.
- 5.205. Cumulative Provisions.

ARTICLE III. NUMBERS FOR BUILDINGS AND PROPERTY

- 5.301. Required.

ARTICLE IV. MOBILE HOMES

- 5.401. Defined.
- 5.402. Conditions for Location.

ARTICLE V. FAIR HOUSING

5.501. Fair Housing. Month Designated.

ARTICLE VI. FLOOD DAMAGE PREVENTION

5.601. Flood Damage Prevention Ordinance Not Repealed.

ARTICLE VII. PENALTIES

5.701. Penalty.

CHAPTER 5. BUILDINGS. CODES

ARTICLE I. IN GENERAL

Editor's Note. This article derives from pertinent state statutes, the 1976 Landrum Town Code, the Landrum Questionnaire and generally accepted municipal practices.

Section 6-9-5 of the 1976 South Carolina Code of Laws provides that:

*only those portions or provisions of the nationally known building and safety codes which relate to building standards and safety are **binding** upon any ... local governmental entity or agency which adopts the building and safety codes authorized or required ... (emphasis supplied)*

Section 6-9-10 of the 1976 South Carolina Code of Laws requires that:

*All municipalities ... **shall** adopt building, energy, electrical, plumbing, mechanical, gas, and fire codes, referred to as building codes in this chapter, relating to the construction, livability, sanitation, erection, energy efficiency, installation of equipment, alteration, repair, occupancy, or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. (emphasis supplied)*

Section 6-9-50 restricts adoption of standard codes to the following:

*Municipalities ... **shall** adopt by reference only those provisions of the latest editions of the following nationally known codes and the standards referenced in the codes for regulation of construction **which directly relate** to building and safety standards within their respective jurisdictions: Standard Building Code, Standard Gas Code, Standard Plumbing Code, Standard Mechanical Code, the Standard Fire Prevention Code, as published by the Southern Building Code Congress International, Inc., the Model Energy Code, as published by the Council of American Building Officials, and the National Electrical Code, as published by the National Fire Protection Association. The appendixes of the codes provided in this section may be adopted as needed by a municipality..., but this fact must be referenced by name or letter designation in the adoption ordinance. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal ... governing body . (emphasis supplied)*

The City Council has made arrangements with Spartanburg County in which the county has assumed the responsibility for building code enforcement and inspections.

5.101. STANDARD CODES ADOPTED. MODIFICATIONS. CONFLICTS.

a. Those provisions of the latest editions of the following codes, together with the current amendments thereto, relating directly to building and safety standards are hereby adopted by reference, as though they were copied herein fully:

1. Standard Building Code	1999 Edition
2. National Electrical Code	1999 Edition
3. Standard Plumbing Code	1997 Edition
4. Standard Gas Code	1999 Edition
5. Standard Mechanical Code	1997 Edition
6. Standard Fire Prevention Code	1999 Edition
7. Standard Swimming Pool Code	1999 Edition
8. Standard Unsafe Building Code	1985 Edition
9. Model Energy Code	1995 Edition

(Editor's Note. The 1976 SC Code, Section 6-9-50, as amended, authorizes and requires the adoption by reference of standard codes as specified.)

b. The Council reserves the right to make modifications in said codes, as amendments thereto are promulgated by the issuing authority.

c. For the purpose of establishing rules and regulations for the construction, alteration, use, demolition and removal of buildings or other structures, or any appurtenances connected or attached thereto, there is hereby adopted the Standard Building Code, being particularly the latest edition and subsequent editions and revisions thereof, as published by the Southern Building Code Congress International, Inc. and the whole thereof.

d. Exceptions shall be the portions hereafter deleted, modified or amended.

e. A copy of which shall be filed in the office of the City Clerk.

f. It is hereby adopted and incorporated by reference as if fully set out at length herein. The provisions thereof shall be controlling as to all subjects therein contained, within the corporate limits.

g. In the event that any of the provisions are in conflict with other provisions of this code, state law or city ordinances, rules or regulations, the provisions of this code, state law or ordinances, rules or regulations shall be prevailing and controlling.

5.102. SAME. ADDITIONS. DELETIONS. CHANGES.

- a. Section III of the Standard Building Code is deleted.
- b. In §114 of the Standard Building Code, which provides for penalties for violations, the words "state laws" in the last sentence of the section shall mean "city ordinances."
- c. In interpretation of the building code the following definitions shall apply:

BUILDING OFFICIAL shall mean the Building and Fire Inspector.

CHIEF ACCOUNTING AUTHORITY shall mean the City Council.
- d. The City Council shall exercise the powers and perform the duties of the Board of Adjustments and Appeals.

5.103. BUILDING AND FIRE INSPECTOR.

- a. There is hereby created and established the office of Fire Inspector who shall be appointed by the Fire Chief.
- b. The Building and Fire Inspector shall serve at the pleasure of the Council and shall have the responsibility for the enforcement of all codes and for inspection of buildings for compliance to fire safety regulations. He shall perform such other duties as may be prescribed by the Council or Administrator.

5.104. HOMEOWNER'S PROVISIONS.

Nothing in this chapter shall prevent any homeowner from installing or maintaining buildings, electrical wiring or plumbing within his own property boundaries, provided such work is done by himself and is used exclusively by him or his family. 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 obtaining a permit and having work inspected.

(Editor's Note. Section 40-59-140 of the 1976 S.C. Code of Laws provides: "It is the duty of the...authority...issuing building or similar permits, of any incorporated municipality...to refuse to issue a permit for...a residential home builder...unless the applicant has furnished evidence that he is either licensed as required by this chapter or exempt..." and "...to report to the State Licensing Board the name and address of any person, who, in his opinion, has violated this chapter by accepting or contracting to accomplish work which would classify the person as a residential home builder...")

5.105. ORDINARY REPAIRS. MAINTENANCE AUTHORIZED.

Ordinary minor repairs and general maintenance may be made without a permit; provided, that such repairs shall not violate any of the provisions of this code. Examples of minor repairs and general maintenance shall include, but not be limited to, painting, reroofing, carpeting, etc.

5.106. NONRESIDENT CONTRACTORS TO OBTAIN LICENSE.

It shall be unlawful for a nonresident contractor to commence any work until a business license has been obtained therefor.

5.107. LICENSED ELECTRICIANS. PLUMBERS.

All electric and plumbing services, when not performed by the owner of the property, shall be performed by electricians and plumbers licensed by the state.

5.108. SMOKE-FREE MUNICIPAL BUILDING.

The Municipal Building of The City of Landrum is hereby declared to be and it shall remain a smoke-free environment.

5.109. ALTERNATE MATERIALS AND METHODS.

The Fire Chief, or a person designated by Council, shall authorize the use of alternate materials or construction methods, provided the proposed design complies with the provisions of the Standard Building Code.

5.110. LIABILITY NOT ASSUMED.

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 insured thereby, nor shall the city be held as assuming any such liability by reason of inspection authorized herein or certificate issued.

5.111. APPEALS.

Appeals from decisions of authorized officials shall be to the City Council.

ARTICLE II. UNSAFE BUILDINGS

Editor's Note. This article derives from Ordinance No. 2000-1 adopted April 11, 2000 to provide for the vacation, removal, repair or demolition of any building or structure...unfit for human habitation, or threatens to be a public nuisance, or due to dilapidation or defects increasing the hazards of fire, accidents or other calamities.

It also provided for other conditions rendering such building or structure unsafe or unsanitary, dangerous or detrimental to the health, safety morals or general welfare of the people of The City of Landrum and for the assessment of the costs incurred for the vacation, removal, repair or demolition thereof as a lien or assessment against the real property and to provide for the recovery of such costs in an action at law.

5.201. LEGISLATIVE AUTHORITY.

This article is enacted pursuant to the authority of the 1976 South Carolina Code of Laws, Sections 5-7-80, 5-25-110 et seq. and 31-15-10 et seq., which provide for the adoption of ordinances to abate unsafe buildings at the local level to enhance the protection of public health and safety.

5.202. DEFINITIONS.

UNSAFE BUILDINGS are defined to include all structures which are unsafe or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment or other conditions rendering such buildings unsafe or unsanitary, dangerous or detrimental to the health, safety, morals or general welfare of the people of The City of Landrum.

5.203. FINDINGS.

a. The City Council finds that there exists with The City of Landrum certain buildings and structures which are unsafe, dangerous or detrimental to the health, safety, morals or general welfare of the people of Landrum and that the owners of said buildings or structures should be notified of the defects therein and required to correct the deficiencies within a reasonable time.

b. The City Council further finds that the municipality may exercise its police powers to condemn, repair, close, demolish or otherwise motivate the owner of any unsafe building or structure to correct the deficiencies therein in the manner provided herein or pursuant to the applicable provisions of state law.

5.204. PROCEDURES.

All unsafe buildings or structures shall be corrected by repair, rehabilitation or demolition in accordance with the procedures set forth herein.

1. Whenever the City Administrator, Fire Chief, Police Chief or other designated city official (hereinafter referred to as "the designated city official") shall find any building or structure or portion thereof to be unsafe, as defined herein, he shall give the owner, agent or person in control of such building or structure written notice, stating the defects found to exist. The notice shall require the owner, within a reasonable time, to either complete specified repair or improvement, or to demolish and remove the building or structure or unsafe portion thereof. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the designated city official.

2. The designated official shall cause to be posted at each entrance to such building a notice as follows: "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF LANDRUM." Such notice shall remain posted until the required repairs are made or demolition is completed.

3. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the designated city official or for any person to enter the building except for the purpose of making the required repairs or demolishing the building. If any person shall remove any notice which has been affixed to any building as set forth herein, he shall be guilty of a misdemeanor.

4. Any person, firm or corporation whether they be the owner, tenant or occupant of an unsafe building or structure who shall fail or refuse to comply with the provisions of this article, after notice, shall be deemed guilty of a misdemeanor for each day such building continues in such condition after notice.

5. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

6. The designated city official is authorized hereby to exercise such powers as may be necessary or convenient to effect the purposes and provisions of this article including but not limited to the following powers:

(a) To investigate unsafe buildings or structures to determine which buildings or structures therein are in violation of this article;

(b) To enter upon premises for the purpose of making examinations; provided, however, such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and,

(c) To appoint and fix the duties of any party deemed necessary to ensure the purposes of this article are accomplished.

7. If the unsafe conditions continue after the above remedial measures have been taken, the designated city official shall issue and caused to be served upon the owner and every mortgagee of record and all parties in interest a complaint seeking injunctive relief, mandamus, condemnation, removal, demolition or other appropriate proceedings to prevent, correct or abate any violation or any threatened violation of this article.

8. After notice and hearing by the appropriate court, should the city be authorized or should it elect to repair, alter, vacate, close, remove or demolish an unsafe building or structure, all costs associated therewith shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

9. If the city contracts with a third party not employed by the city to do the repair, removal or demolition work permitted by this article, the city shall solicit bids for the work in conformity with the procurement code of the city.

5.204.5 DEMOLITION

1. General. The Ordinance Enforcement Official shall order the owner of any premises upon which is located any structure, which in the Ordinance Enforcement Official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such a structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cession of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
2. Notices and orders. All notices and orders shall comply with applicable City procedures.
3. Failure to comply. If the owner of a premise fails to comply with a demolition order within the time prescribed, the Ordinance Enforcement Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and/or fee collected by taxes.

5.205. CUMULATIVE PROVISIONS.

a. Nothing herein shall be construed to abrogate or impair the powers of the courts or any department of the city to enforce any provisions hereof or to prevent or punish violations thereof.

b. The powers conferred by this article shall be in addition and supplemental to the powers conferred by any other law.

ARTICLE III. NUMBERS FOR BUILDINGS AND PROPERTY

Editor's Note. The City Council has an arrangement with Spartanburg County whereby the county assigns house numbers. This article has been added to give local direction in the enforcement of the provisions thereof.

This article derives from the Landrum Questionnaire and generally accepted municipal practices.

5.301. REQUIRED.

a. All buildings and properties located within the corporate limits shall be assigned a number, as designated by authorized officials of Spartanburg County.

b. The owner, occupier 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 hereinabove as follows:

(1) Numbers shall be a minimum of three (3) inches in height, 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 fifty (50) feet from the street, the number shall be placed near the walk, driveway or common entrance to the building upon a gatepost, fence, 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 (3) inches as space permits, provided it can be plainly seen from the street.

c. It shall be the responsibility of the owner, occupier 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 from authorized officials of Spartanburg County.

ARTICLE IV. MOBILE HOMES

Editor's Note. This article has been added by the editors, to provide for maintenance of mobile homes. Locations, density, etc. are controlled by Zoning Ordinances.

5.401. DEFINED.

For purposes of this article, a mobile home is defined as a movable or portable dwelling on a chassis, designed without a permanent foundation and intended for year-round living. It may consist of two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components for repeated towing.

5.402. CONDITIONS FOR LOCATION.

No mobile home shall be placed upon any lot of land within the corporate limits unless the following conditions with respect to its placement are met:

1. The mobile home must be located:
2. In addition to the location requirements set forth hereinabove:
 - (a) it shall be placed not nearer than twenty (20) feet from each boundary line of the lot upon which it is placed and not less than twenty (20) feet from any other structure or mobile home;
 - (b) there shall be a separate water tap and water meter and a separate sewer tap for the connection of each mobile home;
 - (c) a permit for the placement of such mobile home shall be first obtained from the Municipal Clerk. The permit shall be on such form as the Clerk shall prescribe and subject to such specifications as Council may, from time to time, direct.

ARTICLE V. FAIR HOUSING

5.501. FAIR HOUSING. MONTH DESIGNATED.

a. The month of April is hereby designated and shall be set aside as Fair Housing Month.

b. It is the intent of the Council that all citizens of Landrum be afforded the opportunity to obtain a decent, safe and sound living environment, regardless of race, disability, religion, color, creed and/or national origin; that every citizen be afforded the opportunity to select a home of his choice.

(LQ 26)

(Editor's Note. The month of April has been set aside nationally to celebrate Fair Housing Month.)

ARTICLE VI. FLOOD DAMAGE PREVENTION

Editor's Note. As authorized by §5-7-30 of the 1976 South Carolina Code of Laws, the Mayor and Council adopted a FLOOD DAMAGE PREVENTION ORDINANCE effective May 26, 1981.

5.601. FLOOD DAMAGE PREVENTION ORDINANCE NOT REPEALED.

The provisions of the Flood Damage Prevention Ordinance, as adopted, are not repealed by this Code of Ordinances, and the provisions thereof are made a part hereof and shall remain in effect until amended by the Council.

ARTICLE VII. PENALTIES

5.701. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 6. RESERVED

Editor's Note. This chapter is reserved for future additions to this code by the City Council.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

- 7.101. Established.
- 7.102. Jurisdiction. Civil Matters.
- 7.103. Appointment. Term. Compensation. Oath. Residence.
- 7.104. Acting Judge.
- 7.105. Clerk of Court.
- 7.106. Sessions of the Court.
- 7.107. Disposition of Fines and Penalties.
- 7.108. Police Chief to Attend Court Sessions.

ARTICLE II. JURIES

- 7.201. Jury Commissioners. 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 AND FINES

- 7.301. Maximum Penalty.

CHAPTER 7. COURT

ARTICLE I. IN GENERAL

Editor's Note. The General Assembly requires all municipalities in this state to conform to the Unified Judicial System by establishing a Municipal Court.

This chapter derives from Title 14, Chapter 25, of the 1976 South Carolina Code of Laws; the 1976 Landrum Code and numbers 31 and 32 of the Landrum Questionnaire,.

7.101. ESTABLISHED.

There is hereby established a Municipal Court for The City of Landrum which shall be a part of the unified judicial system of the State of South Carolina.

(1976 SC Code §14-25-5)

7.102. JURISDICTION. CIVIL MATTERS.

a. The Court shall have jurisdiction to try and determine all cases arising under the ordinances of the city and shall have all such judicial powers and duties as are conferred by the laws of the State of South Carolina.

(1976 SC Code §14-25-45)

b. The Court shall have all such powers, duties, and jurisdiction in criminal cases as are now conferred by law upon Magistrates appointed and commissioned in this county.

c. The Court shall have no jurisdiction in civil matters.

(1976 SC Code §14-25-45)

7.103. APPOINTMENT. TERM. COMPENSATION. OATH. RESIDENCE.

a. The Court shall be presided over by a Municipal Judge who shall be appointed by the Mayor for a term not to exceed four (4) years and shall receive such compensation as determined by Council.

b. Before entering upon the discharge of the duties of his office, he shall take and subscribe the oath of office prescribed by Article VI, Section 5, of the South Carolina Constitution.

c. The Judge shall not be required to be a resident of the city.

(1976 SC Code §14-25-15, §14-25-25)

7.104. ACTING JUDGE.

The Council may appoint a competent person as Acting Judge in the manner of original appointment during the absence, sickness, incapacity or other disqualification of the Municipal Judge.

(1976 SC Code §14-25-25)

7.105. CLERK OF COURT.

The Mayor may appoint a Clerk of Court who shall keep such records and make such reports as may be required by the Judge or the State Court Administrator.

(1976 SC Code §14-25-35)

7.106. SESSIONS OF THE COURT.

The Council shall establish a regular place for the Court to hold its sessions.

7.107. DISPOSITION OF FINES AND PENALTIES.

All fines and penalties collected by the Municipal Court shall be forthwith turned over to the City Treasurer by the Clerk of Court.

(1976 SC Code §14-25-85)

7.108. POLICE CHIEF TO ATTEND COURT SESSIONS.

a. The Chief of Police, or someone designated by him, shall attend upon the sessions of the court. They shall be subject to the orders of the court; shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by the judge.

b. The Chief of Police and police officers shall also be invested with the same powers and duties as are provided for magistrates' constables.

(1976 SC Code §14-25-55)

(Editor's Note. Appeals from the Municipal Court are set forth in §14-25-95 et seq.)

ARTICLE II. JURIES

Editor's Note. This article derives from Title 14, Chapter 25, of the 1976 South Carolina Code of Laws and the 1976 Landrum Code.

7.201. JURY COMMISSIONERS. 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 Mayor and Council may act as Jury Commissioners, in lieu of appointing such commissioners.

(1976 SC Code §14-25-135)

(Editor's Note. This state statute requires the Mayor and Council to act as the commission, unless one is appointed.)

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)

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 city furnished to the city 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 city 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.

7.208. COMPENSATION.

Jurors shall be paid per session. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

(LQ 32.b)

ARTICLE III. PENALTIES AND FINES

7.301. MAXIMUM PENALTY.

Whenever the Municipal Judge shall find a party guilty of violating an ordinance, or a state law within the jurisdiction of his court, he may impose a fine or imprisonment, not to exceed five hundred (\$500.00) dollars or thirty (30) days, or both, unless otherwise provided in this Code.

(1976 SC Code 14-25-65)

CHAPTER 8. FINANCIAL ADMINISTRATION AND TAXATION

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CHAPTER 8. FINANCIAL ADMINISTRATION AND TAXATION

Editor's Note. This chapter derives from the 1976 South Carolina Code of Laws; the 1976 Landrum Code, with amendments; the Landrum Questionnaire and generally accepted municipal practices.

ARTICLE I. GENERAL PROVISIONS

8.101. FISCAL YEAR.

The fiscal year shall begin on the first day of the month of October and shall end on the last day of the month of the following September.

8.102. BUDGET AND ACCOUNTING YEAR.

The fiscal year also shall constitute the budget and accounting year.

8.103. DEPARTMENT HEADS TO SUBMIT INITIAL ANNUAL BUDGET.

Before the beginning of the budget year, the head of each office or department shall submit a general fund and utilities budget work program for the ensuing year to the Administrator, for subsequent submission to the Council.

8.104. BUDGET. CAPITAL PROJECTS.

Annually, the Administrator shall prepare a capital budget prior to the new fiscal year. For such purpose, the heads of each office or department, shall submit, in such detail as may be required, estimates of expenditures and such other supporting data together with estimates of all capital projects pending or which such department head believes should be undertaken within the budget year and within the next five succeeding years.

(1976 SC Code 5-11-40.c) (LQ 34)

8.105. SAME. SUMMARY.

A budget summary shall be included in the proposed budgets and shall be in sufficient detail and summarized, as to income and expenditures, in such manner as to present to Council and taxpayers a simple and clear understanding of the budget.

8.106. SAME. UTILITIES.

The anticipated revenues and proposed expenditures of all utilities shall be stated in a separate section of the budget. All provisions relating to the preparation and administration of the budget shall apply to the budget of the utility.

8.107. SAME. CONTINGENT EXPENSES.

Separate provisions may be included in the budget for contingent expenses for the administration, operation and maintenance of the city.

8.108. SAME. TAX LEVY TO BE STATED. CLERK TO NOTIFY COUNTY.

a. The Council shall identify in the budget the tax rate for the ending year.

b. It shall be the duty of the Clerk to notify the appropriate county officials of the annual tax millage rates.

8.109. SAME. WHEN 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.

8.110. SAME. FAILURE TO ADOPT.

Should the Council fail to adopt a budget by ordinance for the next fiscal year, on or before its beginning, the budget as initially proposed to the Council shall be effective until a new budget for the ensuing year is finally adopted.

8.111. SAME. EMERGENCIES.

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.

8.112. PUBLIC INSPECTION.

Upon final adoption, the budget shall be in effect for the budget year. The budget and all supporting schedules shall be a public record in the office of the City Clerk and open for public inspection during regular office hours.

8.113. PUBLIC HEARING. PUBLIC NOTICE.

a. Pursuant to §6-1-80 of the 1976 South Carolina Code of Laws, as amended, and prior to its adoption, the 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 contain all the information required by §6-1-80 of the 1976 South Carolina Code of Laws.

(LQ 34.c)

(Editor's Note. Section 6-1-80 of the South Carolina Code of Laws requires every municipality 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 which "...must be a minimum of two columns wide with a bold headline.")

8.114. SAME. CHANGES.

After the conclusion of a public hearing, the Council may insert new items or may increase, decrease or delete the items of the budget but, should the total proposed expenditures be increased, it shall also increase the total anticipated revenues by an amount at least equal to such proposed total expenditures, except for items of capital outlay to be financed through sources not listed or contained in the budget.

8.115. CERTIFICATION. FILING.

A permanent copy of the budget, as finally adopted and certified by the City Clerk, shall be filed in the office of the Clerk.

8.116. APPROPRIATIONS. SUBSEQUENT TO ADOPTION.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.

8.117. REGULAR FINANCIAL REPORTS.

The Administrator shall furnish to the Council regular financial statements of all receipts and disbursements, as provided in Chapter 2, Article V of this code.

8.118. DISBURSEMENTS TO BE BY CHECK. SIGNATURES.

All disbursements, other than for petty cash, shall be by check and signed by the City Clerk.

(LQ 35)

8.119. DEPOSIT OF MONEYS.

All excess municipal funds shall be deposited to the credit of the city in a local bank.

8.120. AUDIT. REQUIREMENTS.

A. Prior to the end of each fiscal year, the Council shall designate a Certified Public Accountant, a public accountant or firm of such accountants 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 direct or indirect personal interest 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 requires these appointments.)

8.121. BORROWING IN ANTICIPATION OF COLLECTION OF TAXES.

The Council may, during each calendar year, borrow money for its current expenses and pledge the taxes becoming payable during such calendar year for the payment of any moneys so borrowed.

8.122. PAYMENT OF NOTES.

The power and obligation of the Council to pay notes issued by it pursuant to this article shall be unlimited, and the Council may levy ad valorem taxes on all the taxable property within the corporate limits for the payment of such notes and interest thereon, without limitation of rate or amount. The full faith and credit of the municipality shall be pledged for the payment of the principal and interest on any notes issued, pursuant to this article.

8.123. RETURNED CHECKS. FEE.

a. All dishonored checks payable to the city 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.

(LQ 36)

ARTICLE II. TAXATION

Editor's Note. Section 5-7-30 of the 1976 South Carolina Code of Laws gives municipalities of this state the "...*authority to levy and collect taxes on real and personal property...*". The statutory authority for property subject to municipal taxes can be found at §5-21-110.

The intent of this article is to secure uniformity in the taxation of property. (Florida Central P.R. Co. v. Columbia, 54 S.C. 266, 32 S. E. 408 (1899)).

Municipal taxes may be assessed only as authorized by the legislature. (Watson v. Orangeburg, 229 S. C. 367, 93, S. E. 2d 20 (1956)).

Section 5-7-300 of the 1976 South Carolina Code of Laws, as amended, authorizes a municipality to contract with the county in which the municipality is located, for the collection of municipal taxes, including delinquent taxes, upon such terms and conditions as may be mutually agreeable.

The city has entered into an such an agreement with the County of Spartanburg wherein the county agreed to collect taxes for the city, including all items in connection therewith, as provided by law.

This article derives from the provisions of that agreement and state statutes authorizing it.

8.201. SPARTANBURG COUNTY AUTHORIZED TO COLLECT TAXES.

Pursuant to §5-7-300 of the 1976 South Carolina Code of Laws, the authority to collect municipal taxes, including those delinquent and those which may be put to auction for nonpayment, is hereby vested in the appropriate officials of Spartanburg County whose responsibilities include the collection of taxes.

8.202. BASIS OF VALUE OF PROPERTY FOR TAXATION.

The basis of value for taxation of real estate, personal property, except taxes for motor vehicles, or other taxable property shall be such assessment as levied by the Spartanburg County Auditor.

(Editor's Note. The state assesses the value of motor vehicles.)

8.203. PENALTY FOR NONPAYMENT.

Pursuant to §5-7-300 of the South Carolina Code of Laws, a penalty is hereby imposed for nonpayment of taxes payable when the taxes become delinquent. Said penalty shall not exceed fifteen percent (15%) of the taxes levies; provided, however, the cost of execution shall be added to the penalty.

(Editor's Note. Section 5-7-300 of said Code of Laws provides for additional costs of execution to be added to the penalty and sets forth the details of collection. The fee represents the total cost of execution.)

ARTICLE III. MOBILE HOMES TAXES

Editor's Note. This section derives from the 1976 South Carolina Code of Laws, to ensure that mobile homes are placed on the tax roles either as real or personal property.

8.301. ASSESSED.

At such time as taxes may be levied by the Council:

1. Mobile homes shall be considered real property and shall be classified and assessed for ad valorem taxation.
2. To avoid said classification, the owner of any mobile home shall give written notice to the County Auditor that the mobile home is without permanent foundation.
3. The County Auditor shall determine the taxable classification of the mobile home.

(1976 SC Code §12-43-230)

ARTICLE IV. PURCHASING

Editor's Note. The provisions of §11-35-50 of the 1976 South Carolina Code of Laws require all municipalities in this state to develop and adopt procurement (purchasing) laws by ordinance.

Such a policy was codified as Article D of Title 5 in the 1976 Code of Ordinances.

8.401. PURCHASING AGENT. SPECIFIED DUTIES.

The Administrator, or an officer of the city designated by him, shall be the Purchasing Agent for the city. He shall be responsible for:

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

8.402. FORMAL CONTRACT PROCEDURE.

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

8.403. BIDDING. COMPETITIVE REQUIRED. EXCEPTION.

Before any purchases or contracts for supplies, materials, equipment or services exceeding two hundred dollars (\$200.00) are made, the Purchasing Agent shall give ample opportunity for competitive bidding. For purchases or contracts not exceeding one thousand dollars (\$1,000.00), oral bids may be excepted. All other bids shall be in writing. Competitive bidding shall be encouraged for all contracts, purchases or sales. In the event of an emergency affecting the public welfare, the health or safety of the public or city employees, however, the provisions of this section shall not apply. A full report of the circumstances of an emergency purchase shall be filed by the Purchasing Agent with the City Council and shall be entered in the minutes of the Council.

8.404. ADVERTISING. WHEN REQUIRED.

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

8.405. BID DEPOSITS.

When deemed necessary by the Purchasing Agent, bid deposits shall be prescribed in the public notices inviting bids. Upon entering into a contract, bidders shall be entitled to return of bid deposit where the Purchasing Agent has required such. A successful bidder shall forfeit any bid deposit required by the Purchasing Agent, upon failure on his part to enter into a contract within ten (10) days after the aware; provided, however, that the city in its uncontrolled discretion, may waive this forfeiture.

8.406. SEALED BID PROCEDURES.

Procedure for sealed bids shall be as follows:

1. **Sealing.** Bids shall be submitted to the Purchasing Agent securely sealed in an envelope and shall be identified on the envelope in accordance with bid instructions.

2. **Opening.** Bids shall be opened in public at the time and place stated in the public notices.

3. **Tabulation.** A tabulation of all bids received shall be available for public inspection.

4. **Rejection of bids.** The Purchasing Agent shall have the authority to reject all bids, parts of bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

5. **Bidder in default to city.** The Purchasing Agent shall not accept the bid of a contractor or vendor who is delinquent in payment of taxes, license or other moneys due the city.

6. **Award of Contract:**

(a) Authority in agent. The Purchasing Agent shall have the authority to award contracts within the purview of this article; provided, however, that contracts in excess of three thousand dollars (\$3,000.00) shall not be awarded without prior approval of the Council.

(b) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining "lowest responsible bidder," in addition to price, the Purchasing Agent shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract and provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(4) The quality of performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or services;

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract and

(9) The number and scope of conditions attached to the bid.

7. Award to other than low bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the City Administrator and brought to the City Council at their next scheduled meeting. If any local vendor(s) submits a bid for a project valued at \$100,000.00 or less, they shall be granted a 5% preference factor. More specifically, if a local vendor's bid is within 5% or less of an outside vendor's bid and all other factors are equal, the local vendor shall be awarded the contract.

8. Tie bids, local vendors. If all bids received are the same total amount or unit price, quality and service are equal, the contract shall be awarded to the local bidder. If two (2) or more of such bids are submitted by local bidders, the Purchasing Agent shall award the contract to one of the local bidders by drawing lots in public. If local bidders are not involved in tie bids, the Purchasing Agent shall award the contract to one of the outside tie bidders by drawing lots in public. The Purchasing Agent, local bidders and vendors should bear in mind, however, that to award a contract to a local vendor where he is not the lowest responsible bidder, or where price, quality and service are not equal, is to give preference to one minute segment of the citizenry against the best interest of the community as a whole.

9. Performance bonds. The Purchasing Agent shall have the authority to require a performance bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the best interest of the city.

10. Bonds. The Purchasing Agent may require a Payment Bond and a Labor and Material Bond, before entering into a contract, in such form and amount as he shall find reasonably necessary to protect the public interest of the city.

8.407. MATERIALS TESTING.

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

8.408. FINANCIAL INTEREST OF CITY OFFICIALS AND EMPLOYEES PROHIBITED.

a. No member of Council or any other officer or employee of the city shall have a financial interest in any contract or in the sale to the city or to a contractor supplying the city of any land or rights or interests in any land, materials, supplies or services except when a majority of the Council determines such exception in the best interest of the city. No member of Council whose interest is involved shall vote on the question.

b. Any willful violation of this section shall constitute malfeasance in office.

c. Any officer or employee of the city found guilty thereof shall forfeit his office or position. Any violation of this section with the knowledge, express or implied, of the person or corporation contracting with the city shall render the contract voidable by the Administrator or the City Council.

8.409. RECORDS OF OPEN MARKET ORDERS AND BIDS.

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

8.410. STOCK REPORTS.

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

8.411. SURPLUS STOCK.

The Purchasing Agent shall have authority to transfer surplus stock to other offices, agencies or departments of the city government.

8.412. SUPPLIES UNSUITABLE FOR PUBLIC USE, SALE OR EXCHANGE.

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

8.413. GIFTS AND REBATES.

The Purchasing Agent and every officer and employee of the city 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 city.

8.414. COOPERATIVE PURCHASING.

The Purchasing Agent shall have authority to join with other units of government in cooperative purchasing plans when the best interests of the city would be served thereby; provided, that the Purchasing Agent is hereby authorized to purchase supplies and equipment through the property division of the State Budget and Control Board, without the formality of publication and receiving competitive bids.

ARTICLE V. BUSINESS AND PROFESSIONAL LICENSES

Editor's Note. Due to its complexity and length, the Business and Professional License Ordinance is not included herein, and is neither amended nor rescinded by this code. (See Enacting Ordinance, this code.)

Any questions relating to the ordinance or amendments to it should be addressed to the Administrator or the City Clerk.

8.501. BUSINESS LICENSE ORDINANCE NOT REPEALED.

a. The provisions of the Business and Professional License Ordinance of The City of Landrum, as amended, are not repealed.

b. The provisions thereof shall remain in full force and effect as if fully set forth herein, until amended by the Council.

8.502. ADMINISTRATION.

The responsibility for administering said ordinance is hereby vested in the Administrator.

ARTICLE VI. PENALTIES

8.601. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 9. FIRE DEPARTMENT AND PREVENTION

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- 9.105. Command at Scene of Fire.
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- 9.107. Right of Entry During Emergencies.
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- 9.109. Law Enforcement Officers Authorized to Enforce Provisions.
- 9.110. Fire Inspector.
- 9.111. Inspections Annually. Notifications.
- 9.112. Same. Reports.
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ARTICLE III. FIREWORKS

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- 9.302. Toy Caps and Similar Devices Excepted.
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- 9.507. State Fire Marshall Reports.

ARTICLE VI. PENALTIES

- 9.601. Penalty.

CHAPTER 9. FIRE DEPARTMENT AND PREVENTION

Editor's Note. The Fire Department was previously codified in the 1976 City Code as part of Chapter 2 of Title 2, entitled "Public Safety." In this codification, it was felt more appropriate to include it as a separate chapter.

Many cities in this state have made arrangements with their respective counties for fire service. The City of Landrum has such an arrangement with Spartanburg County, and the service is provided by volunteers who must be certified by the state.

The department is a combination city/county department. Equipment is owned individually by both entities, and funding is provided by both the city and county, as well as volunteer fund-raisers. All firefighters are volunteers who must be approved by the state.

This chapter derives from requirements of state law, Questions 50 through 52 of the Landrum Questionnaire and generally accepted municipal practices.

ARTICLE I. ADMINISTRATION

Editor's Note. Section 5-25-110 of the 1976 South Carolina Code of Laws requires the governing body of every incorporated city and city in this state to appoint a Fire Chief.

9.101. DESIGNATION.

The Fire Department is hereby designated as the Landrum Fire Department.

(LQ 50)

9.102. CHIEF.

The Chief of the department shall be elected by the members.

(LQ 50.b)

9.103. DUTIES OF CHIEF. GENERALLY.

It shall be the duty of the Fire Chief to direct the activities of the fire department at fires and at all other times to provide for the training of firefighters, to insure that the equipment of the fire department is always ready for use and to perform such other duties as may be required of him by the Council, this chapter and any other ordinance. It shall be the duty of the Fire Chief to utilize all means at his disposal to prevent the outbreak of fires and to enforce all laws and ordinances concerning:

1. the storage and use of explosives and flammables;
2. the installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment;
3. the maintenance and regulation of fire escapes, where available;
4. the elimination of hazards in buildings and structures, including those under construction;
5. the means and adequacy of exits in case of fire from schools, churches, halls, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and,
6. the investigation of the cause, origin and circumstances of fires.

9.104. MEMBERSHIP.

The department shall consist of such volunteers as may be approved by the membership, and they shall serve without remuneration.

(LQ 50.c)

9.105. COMMAND AT SCENE OF FIRE.

The Fire Chief shall have control of operations at the scene of fire. In event of his incapacity or absence, his duties shall devolve upon a member of the Volunteer Fire Department designated by the Fire Chief.

9.106. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.

Immediately upon his arrival on the premises, the Chief or his designee shall have sole and absolute possession and control of any and all buildings on fire within the city and shall so remain in possession and control until the fire shall be extinguished and the premises abandoned by the fire department.

9.107. RIGHT OF ENTRY DURING EMERGENCIES.

In a fire emergency, while endeavoring to control or extinguish fires, members of the department, under order of the Chief, or his designated representative, may reasonably pass through and enter any adjacent buildings or property.

9.108. RESPONDING TO ALARMS. RIGHT-OF-WAY.

All motor equipment of the Fire Department, law enforcement agencies, other emergency vehicles and the vehicles of fire fighters shall have the right-of-way over all other vehicles, when responding to an alarm.

9.109. LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE PROVISIONS.

Law enforcement officers and authorized fire personnel shall enforce the provisions of this chapter, as appropriate. Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they shall station one (1) police officer at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within the area to be moved immediately.

9.110. FIRE INSPECTOR.

A member of the department certified by the state shall serve as Fire Inspector for the city.

(1976 SC Code §5-25-120) (LQ 51)

9.111. INSPECTIONS ANNUALLY. NOTIFICATIONS.

a. At least once in each and every year, the inspector shall make a general inspection of all buildings in the corporate limits and ascertain if the laws and ordinances in reference to fire protection are complied with.

(Editor's Note. Section 5-25-370 of the 1976 South Carolina State Code of Laws requires annual inspections, notifications and reports.)

b. It shall be the duty of the inspector to notify the occupant and owner of all premises of any defects or hazards found in this general inspection to see that they are properly corrected and that dangerous inflammable conditions on the premises are removed.

9.112. SAME. REPORTS.

The inspector shall report to the Council the results of fire inspections as warranted, upon blanks furnished by the State Fire Marshall. He shall furnish such other information and make such other reports as shall be called for by the State Fire Marshall.

9.113. SAME. NOTICE AND PENALTY.

The Council may issue an order for the immediate correction, removal or discontinuance of any identified hazard. If the hazard is not corrected within the time fixed in the notice, the offending party, upon conviction, shall be guilty of a misdemeanor.

9.114. FIRE INVESTIGATIONS.

The inspector shall hold an inquiry into the origin of every fire occurring within the limits of the city and file a report in writing of his investigation to the State Fire Marshall.

(1976 SC Code §5-25-160, §5-25-170)

9.115. FIRES OUTSIDE CORPORATE LIMITS.

The Fire Department is authorized hereby to respond to fire calls outside the corporate limits.

(LQ 50.e)

ARTICLE II. PROHIBITED ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; the 1976 Landrum Town Code, with amendments; the Landrum Questionnaire and acts prohibited by other municipalities. (See §56-5-760 of the 1976 South Carolina Code of Laws for operation of emergency vehicles.)

9.201. FAILURE TO OBEY LAWFUL ORDERS.

Failure to obey any lawful order of any official of the Fire or Police Department at the scene of any emergency shall constitute a violation of this article.

9.202. 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 other manner, communicating falsely to the Fire Department that an emergency exists.

(1976 SC Code §16-17-570 makes false alarms a criminal offense.)

9.203. FIRE HYDRANTS.

It shall be unlawful for any unauthorized person to open or otherwise tamper with a fire hydrant.

9.204. SAME. PARKING. 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 a fire.

(1976 SC Code §56-5-2530)

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 a fire.

9.205. 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 a fire alarm 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 alarm.

(1976 SC Code §56-5-1960)

b. Bystanders shall stay a safe distance away as determined by the officer in charge.

9.206. RIDING FIRE TRUCKS.

It shall be unlawful for any person, who is not a member of the Fire Department, to ride upon any fire truck without permission from the Fire Chief.

9.207. DRIVING OVER FIRE HOSE.

It shall be unlawful for any person, without permission of the Fire Chief, 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)

9.208. USE OF FIRE EQUIPMENT.

It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the Fire Department without the express consent of the Fire Chief. "Equipment" shall mean all vehicle, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.

9.209. BURNING TRASH. BONFIRES.

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first obtaining a permit from the Fire Chief and permission from the property owner.

9.210. FIRE HAZARD UPON LOTS.

a. It shall be unlawful for any person, including owner, tenant or occupant 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. The Fire Chief, or his authorized agents, may notify any person of a violation of this section and require proper action or precautions.

c. Any person who shall fail, within seven (7) calendar days of such notice, to eliminate said fire hazard, upon conviction, shall be guilty of a misdemeanor.

(Editor's Note. Vacant lots are discussed in Chapter 10, Article IV. Section 10.208 discusses weeds on improved property.)

9.211. FRAME BUILDINGS BURNED OR DESTROYED.

An existing frame building within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half (1/2) its value on February 20, 1917, exclusive of the foundation, shall not be repaired or rebuilt but shall be removed.

(1976 SC Code §5-25-1160)

ARTICLE III. FIREWORKS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; the 1976 Landrum Town Code, as amended, and generally accepted municipal practices.

9.301. 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. Pursuant to §23-35-60 of the 1976 South Carolina Code of Laws, all fireworks display materials shall be purchased through a manufacturer or wholesaler licensed 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.

(1976 SC Code §23-35-60)

9.302. 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.

(1976 SC Code §23-35-30)

9.303. 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.

(1976 SC Code §23-35-40)

9.304. 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.

(1976 SC Code, Title 23)

9.305. 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.

9.306. SALE TO MINORS.

It shall be unlawful:

1. 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;
2. To explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum or public school;
3. To explode or ignite fireworks within seventy-five (75) feet of where fireworks are stored, sold or offered for sale;

4. To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and

5. To place or throw any ignited fireworks into or at any motor vehicle.

(1976 SC Code §23-35-120)

9.307. 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.

(1976 SC Code §23-35-20)

9.308. 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.

(1976 SC Code §23-35-110)

ARTICLE IV. FIRE DISTRICT

Editor's Note. Section 5-25-20 of the 1976 South Carolina Code of Laws provides that, "Any city or town council or a city or town of not less than one hundred (100) inhabitants may equip and control a fire department for the protection of such city or town in such way as it deems necessary **and by ordinance** establish fire limits in such city or town and prescribe and designate the kind and character of material to be used in erecting and repairing buildings or structures within and upon that portion of such city or town included within such fire limits. All buildings or structures erected within such fire limits contrary to the ordinance of such city or town may be abated and removed by such council as a public nuisance." (Emphasis supplied.)

9.401. DEFINED.

The fire zone of the city is that area within the fire limits described as follows.

"BEGINNING at the junction of West Crawford Street and Howard Avenue and running along West Crawford Street 300 feet southwesterly; thence, running a line parallel with Reward Avenue northwesterly to West Greenwood Street; thence, 300 feet northeasterly along West Greenwood Street to Howard Avenue; thence, along Howard Avenue southeasterly to a point on a continuation of an unnamed street shown on Landrum Block Map No. 10, lying between Blocks 4 and 5 (said unnamed street has never been opened); thence, northeasterly to and along said unnamed street in a straight line to Shamrock Avenue; thence, continuing on the same straight line 300 feet northeasterly from Shamrock Avenue; thence, running on a line parallel with Shamrock Avenue southeasterly to East Earl Street; thence, easterly on East Earl Street to North Lyles Avenue; thence, southeasterly on Lyles Avenue to East Thompson Street; thence, along East Thompson Street southwesterly to a point 300 feet northeast of its junction with Shamrock Avenue; thence, on a line parallel to Shamrock Avenue southeasterly to East Mallory Street; thence, southwesterly to the junction of East Mallory Street and Shamrock Avenue; thence, south-southwesterly on a straight line to the point of BEGINNING."

(1976 Landrum Town Code)

ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND

Editor's Note. This article derives from and §23-9-310 et seq., of the 1976 South Carolina Code of Laws, which sets forth the provisions governing the use of the funds; the 1976 Landrum Town Code and Question 52 of the Landrum Questionnaire.

9.501. STATE FIREMEN'S ASSOCIATION.

The city shall be a member of the State Firemen's Association as required for participation in the Firemen's Insurance and Inspection Fund. The city 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 city.

9.502. TRUSTEES. COMPENSATION.

a. The Mayor and two members of Council 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.

(Section 23-9-320 of the 1976 South Carolina Code of Laws provides for these particular members.)

b. They shall serve without compensation.

9.503. BENEFITS ACCEPTED.

The city hereby accepts the benefits of the Firemen's Insurance and Inspection Fund.

9.504. RECEIPT AND DISBURSEMENT OF FUNDS.

a. The City Clerk is hereby authorized to receive the benefits of said fund and shall serve as custodian of all funds received. All such funds shall be deposited in a special checking account and paid out only upon approval of the Trustees.

b. All funds shall be set apart from other funds and equitably used solely and entirely for the Fire Department.

(1976 SC Code §23-9-410)

c. Any disbursement of one hundred dollars (\$100.00) or more shall first be submitted to the supervising trustees of the State Firemen's Association with a statement of how such funds are to be expended.

d. Upon written approval thereof, of the manner and method by which the funds are to be disbursed, the expenditure shall be made.

e. If a proposed disbursement is legal and in accordance with law, it shall be mandatory, upon such supervising trustees to give their approval.

(1976 SC Code §23-9-450)

9.505. USE OF FUNDS.

a. When the members of the department, by a majority vote, shall provide for the expenditure of any such funds for the collective benefit and enjoyment of the entire department, it shall be mandatory for the local trustees and the State trustees of the State Firemen's Association to approve such expenditure.

b. No such funds shall be expended in any manner for any purpose for which the city may be legally liable.

c. No funds shall be divided among the fire fighters in cash.

(1976 SC Code §23-9-460)

9.506. CUSTODIAN OF FUNDS. DISBURSEMENTS BY CHECK.

a. The City Clerk/Treasurer shall be custodian of all funds.

b. All disbursements shall be made by check, signed by him.

(1976 SC Code §23-9-340) (LQ 52.b)

9.507. STATE FIRE MARSHALL REPORTS.

The City Clerk shall submit reports to the State Fire Marshall, as required by the 1976 South Carolina Code of Laws, §23-9-360.

(Editor's Note. This article summarizes the salient provisions of §23-9-310, et seq., of the 1976 South Carolina Code of Laws.)

ARTICLE VI. PENALTIES

9.601. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. BOARD OF HEALTH

10.101. Generally.

ARTICLE II. HEALTH NUISANCES

- 10.201. Definition.
- 10.202. Same. Abatement.
- 10.203. Same. Refusal to Abate.
- 10.204. Junk and Trash.
- 10.205. Same. Notice to Remedy or Remove Condition.
- 10.206. Same. How Given.
- 10.207. Correction or Removal of Conditions. Appeals.
- 10.208. Weeds Prohibited on Improved Property.

ARTICLE III. GARBAGE AND REFUSAL REMOVAL. DISPOSAL.

- 10.301. Contract Provisions Reaffirmed.
- 10.302. Same. To be Controlling.
- 10.303. Removal of Dead Animals.
- 10.304. Tree Limbs, Underbrush, Leaves, etc.
- 10.305. Building Materials, etc.
- 10.306. Solid Waste Disposal.

ARTICLE IV. VACANT LOTS

- 10.401. Premises. Accumulation of Grass, Weeds and Debris.
- 10.402. Requirement for Owner to Maintain.
- 10.403. Notice to Remove.
- 10.404. Failure to Remove. Removal by City.

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- 10.501. Pit Privy Defined. Declared Unlawful.
- 10.502. Building Contracts to Provide for Waste Disposal.

ARTICLE VI. RECYCLING

- 10.601. Required.
- 10.602. Condition of Paper.
- 10.603. Responsibility to Place for Collection.
- 10.604. Schedules. Packaging.

ARTICLE VII. PENALTIES

- 10.701. Penalty.

CHAPTER 10. HEALTH AND SANITATION

ARTICLE I. BOARD OF HEALTH

10.101. GENERALLY.

Unless and until a Board of Health is appointed by Council, health matters, generally, shall be referred to the Spartanburg Board of Health.

ARTICLE II. HEALTH NUISANCES

Editor's Note. This article derives from the 1976 Landrum Town Code, as amended, and generally accepted municipal practices.

10.201. DEFINITION.

Any act of any person, firm or corporation whereby the health or life of any individual may be endangered, injured or impaired, or which causes any disease is hereby declared a nuisance. It shall be unlawful for any owner, occupant or agent of lots or premises, whether occupied or vacant, within the corporate limits to permit such property to become unsanitary by allowing any offensive matter or thing upon such lot or premises which may be detrimental to health, or to permit any trash, rubbish, waste, storage or ice boxes, refrigerators, stoves, refuse, manure, straw, hay or thing to accumulate and remain upon such premises, or to throw, deposit or cause to be thrown or deposited upon any vacant lot or premises such thing which may endanger, injure or damage another person's health or property. The above shall not be construed as all-inclusive.

10.202. SAME. ABATEMENT.

The City Council may declare as nuisances such things, the existence of which may be deemed unhealthy or harmful to the citizens, and such nuisances shall be abated pursuant to directions from the Council.

10.203. SAME. REFUSAL TO ABATE.

Any person refusing or neglecting to abate a nuisance, after having been directed to do so, shall be guilty of a misdemeanor.

10.204. JUNK AND TRASH.

It shall be unlawful to accumulate or allow to accumulate on any premises or in the rear of any store, factory or residence, old fixtures, junk, trash or any other material which tends to keep such premises wet, exclude the sun and catch and favor the accumulation of filth.

10.205. SAME. NOTICE TO REMEDY OR REMOVE CONDITION.

Whenever any condition described in this article is found to exist on any premises, the owner of such premises shall be notified by the Clerk in writing, to correct the condition within ten (10) days after such notice. It shall be unlawful for any person to fail to comply with such notice.

10.206. SAME. HOW 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 fifteen (15) consecutive days in a local newspaper of general circulation.

10.207. CORRECTION OR REMOVAL OF CONDITIONS. APPEALS.

a. In the event the owner of any lot or premises, upon which a condition described in this article exists, fails to remedy such condition after notice to do so is given, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, pay therefor and charge the expenses incurred thereby to the owner of such lot. The doing of such work shall not relieve such person from prosecution for failure to comply with such notice. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made.

b. The owner shall have the right of appeal to Council.

(Editor's Note. The 1976 South Carolina Code of Laws, §5-7-80, provides statutory authority for ordinances relating to the upkeep of property within municipalities.)

10.208. WEEDS PROHIBITED ON IMPROVED PROPERTY.

All premises and exterior property shall be maintained free from weeds and plant growth in excess of eight inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with applicable City procedures. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property or a lien shall be placed upon such real estate and/or fee collected by taxes.

(Editor's Note. See Article IV, this chapter, for vacant lots.)

ARTICLE III. GARBAGE AND REFUSE REMOVAL. DISPOSAL.

Editor's Note. On October 2, 1998, the Council entered into a contract with Burgess Refuse Removal Services, Inc., to provide city residents with trash and garbage disposal by house-to-house and business-to-business pick-up. The contract is scheduled to expire September 30, 2001. This article derives from that contract and generally accepted municipal practices.

10.301. CONTRACT PROVISIONS REAFFIRMED.

The contract between the city and Burgess Refuse Removal Services, Inc., entered into on October 2, 1998, is hereby reaffirmed, and the provisions thereof shall remain in full force and effect.

10.302. SAME. TO BE CONTROLLING.

Said contract shall be controlling in all matters regarding trash and garbage disposal, as set forth therein.

10.303. REMOVAL OF DEAD ANIMALS.

Owners of dead animals shall be responsible for their removal and disposal.

10.304. TREE LIMBS, UNDERBRUSH, LEAVES, ETC.

The removal of all tree limbs, branches, underbrush and other yard waste shall be the responsibility of the owner.

10.305. BUILDING MATERIALS, ETC.

Every person, firm or corporation, including property owners, after completing or during the construction or alteration of a building, shall remove all trash incident to such construction or alteration.

10.306. SOLID WASTE DISPOSAL.

No person or persons shall deposit or cause to be deposited any form of solid waste on any public or private property.

ARTICLE IV. VACANT LOTS

This article regarding vacant lots derives from §5-7-80 of the 1976 South Carolina Code of Laws and generally accepted municipal practices.

10.401. PREMISES. ACCUMULATION OF GRASS, WEEDS AND DEBRIS.

It shall be unlawful for the owner or occupier of any premises within the corporate limits of The City of Landrum or any other person to permit the accumulation thereon of grass, weeds, or debris, including, but not limited to, undergrowth, trash, garbage, stagnant water, building materials, glass, wood, or any other material in any manner which is deleterious to the public health and sanitation or which is or may become a fire hazard or a public nuisance or which renders the premises unsightly.

10.402. REQUIREMENT FOR OWNER TO MAINTAIN.

It shall be the duty of any city official authorized by §14.101.e 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 in his behalf concerning such matter, the authorized official should find such premises in a condition injurious 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 and abate such nuisance.

10.403. NOTICE TO REMOVE.

The City Clerk, upon notification of the failure of any person to comply with the requirements of §10.401 of this article, shall immediately notify such person in writing by certified mail, return receipt requested, of the conditions constituting noncompliance. The notice shall require removal of the said conditions within thirty (30) days of the date of the notice which shall be accompanied by a copy of this article.

10.404. FAILURE TO REMOVE. REMOVAL BY CITY.

a. Upon failure of the person notified to remove the stated conditions within thirty (30) days of the date of the notice, the city may cause the removal of such conditions.

b. Should the bill remain unpaid more than sixty (60) days after its date, the bill shall become a lien against the premises and shall be added to the annual real property tax on the premises.

c. The cost and expense of such removal by the city shall be charged to the owner and collected by the city in the same manner as the annual property tax.

(Editor's Note. See §10.208, this chapter, for weeds on improved property.)

ARTICLE V. TOILET FACILITIES

This article derives from the 1976 South Carolina Code of Laws and the 1976 Landrum Town Code, as amended.

10.501. PIT PRIVY DEFINED. DECLARED UNLAWFUL.

a. The term "pit privy" as used in this article shall mean a building which is not connected to a sewer and used for affording privacy while in the act of urination or defecation.

(1976 SC Code 44-55-210)

b. 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.

(LQ 55)

10.502. BUILDING CONTRACTS TO PROVIDE FOR WASTE DISPOSAL.

All building contracts for the erection of structures anticipated for human occupancy shall provide for adequate and sanitary waste disposal. The contract shall provide for such facilities, and plans shall state the proposed method of disposal.

ARTICLE VI. RECYCLING

This article derives from generally accepted municipal practices.

10.601. REQUIRED.

Every person, firm or corporation, including property owners shall be required to separate all newsprint and paper from their normal household garbage and recycle same in an approved manner.

10.602. CONDITION OF PAPER.

All paper to be recycled shall be kept clean and dry, unspoiled by normal household garbage or refuse.

10.603. RESPONSIBILITY TO PLACE FOR COLLECTION.

Each occupant/user shall place recyclable material at the proper time in a proper manner at the designated place.

10.604. SCHEDULES. PACKAGING.

The Administrator shall be responsible for establishing any schedules, designating the proper place to deposit and the proper manner of packaging recyclable material.

ARTICLE VII. PENALTIES

10.701. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 11. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

11.101. Unlawful to Defraud.

ARTICLE II. PENALTIES

11.201. Penalty.

CHAPTER 11. MOTELS, BOARDING HOUSES, RESTAURANTS

ARTICLE I. IN GENERAL

Editor's Note. The State of South Carolina has pre-empted municipalities in laws governing motels, hotels, boarding houses, etc. This article has been included, primarily to assist local enforcement, when and if the need should arise in certain instances.

11.101. UNLAWFUL TO DEFRAUD.

It shall be unlawful for any person, firm or corporation to obtain credit at any place where food is served, or accommodations are provided, by false pretense or any fraudulent device or, after obtaining food, accommodation or credit therefrom, to surreptitiously remove himself or his baggage therefrom and defraud the operator thereby.

ARTICLE II. PENALTIES

11.201. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 12. PARKS AND PLAYGROUNDS

ARTICLE I. IN GENERAL

- 12.101. Public Park Defined.
- 12.102. Injury to Shrubbery, Flowers, etc.
- 12.103. Injury to Structures or Personalty.
- 12.104. Leaving Trash, etc., in Public Park.
- 12.105. Bills, Posters and Advertising Prohibited.
- 12.106. Selling in Public Parks.
- 12.107. Intoxicating Liquors. Disorderly Conduct, etc.
- 12.108. Motor Vehicle Traffic in Parks.

ARTICLE II. RECREATIONAL TAX

- 12.201. County Tax for Recreational Purposes.

ARTICLE III. PENALTIES

- 12.301. Penalty.

CHAPTER 12. PARKS AND PLAYGROUNDS

This chapter derives from Title 51, Chapter 15, §20 et seq., of the 1976 South Carolina Code; the 1976 Landrum Town Code; Number 56 of the Landrum Questionnaire and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference.)

ARTICLE I. IN 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.

12.102. 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.

12.103. INJURY TO STRUCTURES OR PERSONALTY.

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.

12.104. LEAVING TRASH, ETC., IN PUBLIC PARK.

It shall be unlawful for any person to deposit, 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.

12.105. 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.

12.106. SELLING IN PUBLIC PARKS.

It shall be unlawful for any person, except such as may have a permit or concession from the Council, to sell or offer for sale within any public park any cold drinks, fruits, eatables, cigars, tobacco or other merchandise.

12.107. INTOXICATING LIQUORS. DISORDERLY CONDUCT, ETC.

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.

12.108. MOTOR VEHICLE TRAFFIC IN PARKS.

It shall be unlawful for any motor vehicle to be driven in any public park at a greater rate of speed than fixed by traffic signs erected therein, nor shall any such vehicle be parked in any of the driveways without being drawn well to the right, so as not to impede, obstruct or interfere with the free passage on such driveway of other vehicles and traffic. At night, both moving and parked motor vehicles shall be provided with adequate lights, front and rear.

12.109. SKATEBOARDS, ROLLERBLADES, AND SIMILAR DEVICES IN BROOKWOOD
PARK

Skateboards, rollerblades, and similar devices in Brookwood Park are prohibited. Riding a skateboard, rollerblades, or similar devices shall be treated as an offense against property and subject to the provisions of Article VI, Sections 14.601, 14.602, and 14.603 of the City of Landrum Code of Ordinances. In addition, bicycles while permitted in the Park shall not be allowed on the Brookwood Park Trail. If they are used on the Trail, they shall be subject to the same provisions and sections listed above.

ARTICLE II. RECREATIONAL TAX

Editor's Note. The Spartanburg County Council has made appropriations for the purpose of providing recreational services within the city from county-wide taxes and has offered to provide such services within the city.

This article derives from an ordinance of June 10, 1979.

12.201. COUNTY TAX FOR RECREATIONAL PURPOSES.

a. The City Council hereby concurs in the financing and furnishing of recreational services by the county in the imposition of a county-wide tax within the limits of the city.

b. It is the intention of this section to grant the concurrence of the City Council in all respects required by §4-9-30 (5) (c) and §4-9-40 of the 1976 South Carolina Code of Laws, to enable the county to furnish recreational services within the limits of the city through the imposition of a county-wide tax.

ARTICLE III. PENALTIES

12.301. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 13. POLICE

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CHAPTER 13. POLICE

Editor's Note. Title 2, Chapter 1, of the 1976 Landrum Town Code included only two sections; they established the Police Department and detailed the duties of the Police Chief. Article I encompasses those two sections, and the chapter greatly expands the authority and responsibilities of the department.

ARTICLE I. IN GENERAL

13.101. APPOINTMENT. COMPOSITION.

The Police Department shall consist of a Chief of Police, to be appointed by the Council and such officers and employees as may be authorized.

13.102. CHIEF OF POLICE. AUTHORITY.

a. In addition to those duties and powers provided elsewhere in this code or by ordinance, 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. He shall execute and return all writs and processes as directed and serve criminal writs and processes.

c. 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.

(1976 LTC §2-1-2, §2-1-3)

13.103. SURETY BOND.

The Chief of Police and other members of the department shall give bond in favor of the city, in the amounts and under the conditions as the Council may, from time to time, determine, the premiums to be paid by the city.

13.104. OATH OF OFFICE.

Before entering upon the duties of his office, each police officer shall take and subscribe to an oath that he will support the constitution and laws of the state, the Constitution of the United States and the code of The City of Landrum.

(Editor's Note. As to oath, please see §2.106 of this code.)

13.105. COMPENSATION.

Compensation shall be subject to appropriations in the annual budget.

13.106. POWERS. GENERALLY.

Each officer of the department shall be sworn and invested with all powers within the corporate limits of the city and/or its police jurisdiction as authorized by law. He shall have the power to carry out all duties assigned to him by statutes, ordinances, resolutions, directives, rules or regulations.

13.107. UNIFORMS.

Every police officer shall wear at all times, while on duty, a uniform of the type and quality authorized by the Chief.

13.108. BONDS AND FINES.

Members of the department shall not collect bonds.

13.109. BAIL MONEY. COLLECTION.

a. Any person violating an ordinance of The City of Landrum or any state laws may be apprehended by a police officer and a summons issued therefor.

b. A trial date shall be designated in the summons by the apprehending officer, and a copy of the summons shall be held for further action by the appropriate judicial officer.

c. The summons duly served, as herein provided, shall give the judicial officer jurisdiction to dispose of the matter.

d. Upon receipt of the bail money, the apprehended person may be released, subject to his appearance before the appropriate judicial officer as required by the summons.

13.110. JURISDICTION OF STREETS.

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)

13.111. OBSERVATION OF CONDITIONS.

All members of the department shall observe the condition of the streets, sidewalks and alleys of the city, and of any obstruction, nuisance or impediments there and shall take necessary measures to remove or abate them and to report such conditions to the appropriate city official.

13.112. POLICE TO SELL RECOVERED PERSONAL PROPERTY.

a. This section shall apply to all bicycles, cameras, electronic equipment, office machines, watches, clocks, jewelry and other items of personal property which may be recovered by the department in connection with the performance of its duties, or turned in to the department, and shall be referred to herein as personal property.

b. All personal property which has been lost, stolen or abandoned and which is in the possession of the department shall be disposed of by annual public sale to the highest bidder by the Chief of Police, or an officer appointed by him, in accordance with the terms set forth herein.

c. Such personal property which remains unclaimed by the owner, or if the owner is unknown, shall be sold at public sale after duly posting of notice of same at City Hall at least fifteen (15) days prior to such sale. The notice shall contain time, place and terms of the sale and a description of the property to be sold.

d. The proceeds from the sale of unclaimed personal property shall be paid into the General Fund of the city the day of the sale.

13.113. EMERGENCIES. POLICE AND OTHER POLITICAL SUBDIVISIONS.

In case of emergency, the Chief of Police may, upon request of any other political subdivision of the state, send any law enforcement officers of the city to the requesting political subdivision.

(1976 SC Code §5-7-120)

13.114. SPECIAL POLICE FOR BUSINESS PURPOSES. COMPENSATION.
REMOVAL.

a. Any individual, firm or corporation (business) needing special police protection, upon application to the Administrator, and showing the necessity therefor, may have certified police officers appointed as special police officers and detailed for special police duty.

b. Such officers shall be certified police officers subject to the order of the business appointing them and the Administrator. They shall obey all police regulations of the city and shall, during such appointment, have all the powers of regular police officers.

c. They shall receive no salary or pay whatsoever from the city, and shall not be considered a city employee while so serving.

d. Such officers may wear their uniforms and use their weapons and like equipment while performing private jobs in their off-duty hours, with permission from the Administrator.

(1976 SC Code §23-24-10) (LQ 58)

e. Such special officers may be removed at any time by the business appointing them or by the Administrator.

13.115. ADDITIONAL DUTIES.

In addition to the duties prescribed in this article, the department shall perform such other duties as may be directed and required by the Council.

13.116. PROPERTY TO BE RETURNED. FAILURE TO DO SO.

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, punishable by the Municipal Court.

ARTICLE II. RULES OF CONDUCT

Editor's Note. This article derives from generally accepted municipal practices.

13.201. PERSONAL APPEARANCE.

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 shall dictate. 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, conduct himself in an orderly manner and act with prudence, coolness and judgment, but with a deliberate determination of effecting and strictly enforcing all the laws and ordinances of the city.

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 permission in writing from a superior officer previous to the wearing of it.

13.206. PUBLIC DISCUSSION OF DEPARTMENT PROHIBITED.

No personnel shall discuss the activities or employees 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 or discharge 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 or discharge and the reasons therefor to the Administrator, with appeal to the Council.

b. The Council, upon written request of the officer disciplined, shall conduct a hearing, at which the officer shall have the right to be heard. The Council may affirm or revoke such suspension or discharge.

13.208. SAME. CHIEF OF POLICE.

The Chief of Police shall be disciplined by the Administrator, subject to appeal to the Council.

ARTICLE III. RULES OF PROCEDURE

Editor's Note. This article derives from generally accepted police procedures.

13.301. SUPERVISION BY CHIEF.

The Chief of Police shall assign the members of his department in such a manner as to obtain the best results and most efficient service. He shall initiate such programs as will provide him with information and reports he deems necessary and shall maintain regular contact with his personnel.

13.302. REPORTS BY OFFICERS. RECORD BOOK.

a. Each member of the department shall report to his superior officer before entering upon his daily duties for assignments and information. He shall make such other regular reports as are required by these rules or by his superior officer.

b. A permanent record book shall be maintained by the Chief of Police or his designate. It shall show the name, address, charges, bonds or pledges, trial and disposition of each person arrested.

13.303. DUTIES OF POLICE OFFICERS.

It shall be the duty of each police officer to arrest and/or report any person for violating the laws or ordinances of the city. Failure or neglect to do so shall make him liable to disciplinary action.

13.304. SAME. TO PRISONER.

It shall be the duty of each police officer, when necessary, to remove from such prisoner all moneys, arms, medicines, papers, etc., which shall be inventoried and turned over to the Chief of Police or his designate.

ARTICLE IV. INTERFERENCE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws and from generally accepted police procedures.

13.401. 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 officer of the law while such officer is engaged in the performance of his official duties.

13.402. POSSE COMMITATUS. CITIZENS TO AID.

It shall be the duty of each and every citizen to assist municipal officers to arrest violators of the law when requested, and it shall be unlawful for any person to fail to do so.

(1976 SC Code §5-7-30, 1976 SC Code §23-15-70)

13.403. ASSAULTING OFFICER.

It shall be unlawful for any person to make an assault upon a peace officer of the city, county or state in any manner, when such peace officer is engaged in the discharge of his duty as such peace officer.

13.404. RESISTING OFFICER MAKING ARREST.

Any person or persons who shall resist, obstruct any officer in the discharge of his duty who shall aid or abet any person or persons in resisting or obstructing any officer in the discharge of his duty, upon conviction, shall be guilty of a misdemeanor, subject to the limitations prescribed by §14-25-65 and §16-5-50 of the 1976 South Carolina Code of Laws.

13.405. OBSTRUCTING OFFICER.

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 making an arrest or in the discharge of his duty.

(1976 SC Code §16-5-50)

13.406. 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.

13.407. AIDING AND ABETTING.

It shall be unlawful for any person to counsel, advise, incite, abet, procure or aid any other person in the violation of any ordinances. 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))

13.408. PRISONERS. COMMUNICATION WITH.

It shall be unlawful for any person, except authorized officials, to take 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.

13.409. 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)

13.410. 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, or while on his way to jail with his prisoner.

b. All police officers are empowered to order all persons away from the vicinity of the site of arrest or the jail while any person is being placed therein or being held for custody.

13.411. 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 V. VEHICLE OPERATIONS

Editor's Note. This article derives from generally accepted municipal practices and procedures used by other municipalities, to govern emergency procedures.

13.501. EMERGENCY RESPONSE.

When operating department vehicles in response to a request for assistance, where timely arrival is necessary, the officer engaged in an emergency response shall comply with the following requirements:

1. The vehicle shall not be driven at a speed greater than fifteen (15) miles per hour over the posted speed limit. If the vehicle exceeds the posted speed limit or otherwise violates the traffic laws, headlights, emergency flashers, blue light and siren will be utilized.

2. The officer shall notify the Control Radio Dispatcher of the emergency response, including a description of the vehicle and intended travel route.

3. The vehicle, with headlights, emergency flashers, blue light and siren operating, shall not be driven through a red light or stop sign unless:

(a) The officer has clear visibility of intersecting streets for at least two (2) blocks and can see no approaching vehicle; or

(b) The officer brings the vehicle to a rolling stop by slowing to not more than ten (10) miles per hour before entering a clear intersection; or

(c) The officer comes to a full stop if necessary to avoid traffic approaching on intersecting streets.

4. The vehicle shall not be driven the wrong way on a one-way street or driven in the opposite travel lane, except as necessary to avoid or pass other vehicles.

ARTICLE VI. PENALTIES

13.601. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

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CHAPTER 14. PUBLIC PEACE. OFFENSES

ARTICLE I. ORDINANCE SUMMONS

Editor's Note. This article is commonly referred to as the "*Ordinance Summons*" or "*Summons Ordinance*." It is authorized by §56-7-80 of the 1976 South Carolina Code of Laws which established precise requirements to be followed when utilized.

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 City of Landrum, not amounting to a breach of the peace, the initial process may be a summons issued by the city 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 Court 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 Council shall designate individuals who shall be authorized to issue municipal summons which shall be spread upon the minutes of Council.

f. This section shall not apply to any ordinance which 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 bond amount for violations shall be prescribed by the Municipal Judge. Bonds shall be posted in the manner prescribed by the Municipal Judge. City code enforcement officers, when appointed, and city law enforcement officers shall be prohibited from accepting bonds.

i. Any summons issued under the provisions of this article shall not be used to perform a custodial arrest.

(LQ 59)

ARTICLE II. ALCOHOLIC BEVERAGES

Editor's Note. Although South Carolina law has pre-empted municipalities in this field, this article has been included to assist the members of the Police Department when enforcing the provisions hereof. The various references to state law should prove helpful

14.201. DEFINITIONS.

a. 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.

(1976 SC Code §61-3-20)

b. NONALCOHOLIC AND NONINTOXICATING as applied to beverages shall mean all beers, ales, porter and other similar malt or fermented beverages containing not in excess of 5 percent (5%) of alcohol by weight and all wines containing not in excess of 21 percent (21%) of alcohol by volume.

(1976 SC Code §61-9-10)

14.202. JURISDICTION.

The Municipal Court 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

(1976 SC Code §5-7-30, §61-13-770)

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.

(1976 SC Code §61-13-440)

14.204. SALES. PROHIBITED HOURS.

a. All businesses which possess an on-premises consumption permit for alcohol beverages shall be closed for business between the hours of 2:00 A. M. and 5:00 A. M., Monday through Saturday, and shall remain closed between the hours of 12:00 midnight on Saturday and 5:00 A. M. Monday.

b. It shall be unlawful for any person or business to sell or offer for sale any beer or wine between the hours of 2:00 A. M. and 5:00 A. M. Monday through Saturday, and between the hours of 12:00 midnight Saturday and sunrise Monday morning, except those establishments licensed by the state to sell alcoholic beverages in containers of two (2) ounces or less during lawful hours.

(1976 SC Code §61-9-90)

(Editor's Note. The 1976 Landrum Town Code, §14.103.6, prohibited such sales during specified hours. Ordinance No. 36 of November 10, 1997 repealed said section in its entirety and inserted in lieu thereof subsections "a" and "b" above.)

14.205. 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.

(1976 SC Code §61-9-20)

b. The first offense shall be a misdemeanor and within the jurisdiction of the Magistrate's Court.

14.206. MINORS. SALE.

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.

(1976 SC Code §61-9-40, §61-9-80)

14.207. SAME. 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.

(1976 SC Code §61-9-50)

14.208. SAME. PURCHASE OR POSSESSION.

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.

(1976 SC Code §61-9-80)

14.209. SAME. PURCHASE FOR TRANSFER.

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.

(1976 SC Code §61-13-287)

14.210. SAME. EMPLOYMENT.

It shall be unlawful for any person under the age of twenty-one (21) years to work as an employee, or otherwise, in a retail, wholesale or manufacturing liquor business or business establishment or for any person knowingly to employ any person under the age of twenty-one (21) years in such business.

(1976 SC Code §61-13-340)

14.211. LICENSED PREMISES. DRINKING. POSSESSION. 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.

(1976 SC Code §61-13-350)

b. Any person who drinks beer or wine or possesses beer or wine in an open container between the hours of 12:00 midnight Saturday night and sunrise Monday morning, at any place licensed to sell beer or wine, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §61-9-110)

c. 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 12:00 midnight and 7:00 a.m.

14.212. SAME. ACTS PROHIBITED. 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.

(1976 SC Code §61-9-410)

14.213. SAME. SALES 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.

(1976 SC Code §61-9-440)

14.214. PUBLIC CONVEYANCES OR VEHICLES. SALES. DRINKING.

a. It shall be unlawful for anyone to sell from any vehicle any quantity of alcoholic liquors, stamped or unstamped.

(1976 SC Code §61-13-374)

b. Any person who shall drink alcoholic liquor in any public conveyance, upon conviction, shall be deemed guilty of a misdemeanor.

(1976 SC Code §61-13-360) (See §14.413, this code, for drinking in public.)

14.215. 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.

(1976 SC Code §61-9-810)

14.216. 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.

(1976 SC Code §61-9-820)

14.217. MANUFACTURE TO 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.

14.218. 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.

(1976 SC Code §61-13-230)

14.219. CONSUMPTION 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, roads or other public place within the corporate limits of The City of Landrum.

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.

ARTICLE III. AMUSEMENTS. DEVICES

Editor's Note. Municipalities have the power to declare nuisances but must enact them by specific ordinance and, even then, they are subject to judicial review. (Morrison v. Rawlinson, 193, S.C. 25, 7 S.E. 2d 635 (1940).) (See §15.301, this code, for advertising noises.)

Video poker machines are a current contentious problem for the South Carolina General Assembly, in spite of recent court rulings. Until this matter has been resolved by the state, this article has been added to provide guidance for the Council if and when applications are received for such machines. (Gambling is prohibited. See §14.303 of this code.)

The Business License Ordinance of Landrum governs amusement devices as to application for permits, inspections, verifications and revocations, etc.

This article derives from generally accepted municipal practices.

14.301. DEFINITION OF TERMS.

As used in this article, unless the context otherwise indicates:

AMUSEMENT DEVICE shall mean any machine for the playing of amusements or video games, without free play feature operated by a slot wherein is deposited any coin or thing of value.

1. It also shall include any machine for the playing of games or amusements, which has a free play feature, operated by a slot wherein is deposited any coin or thing of value and such machine is of the nonpayment pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

2. It also shall include any machine of the nonpayment type, in-line pin game or video game with free play feature operated by a slot wherein is deposited any coin or thing of value except machines of the nonpayout pin table type with levers or flippers operated by the player by which the course of the balls can be altered or changed.

OPERATOR shall mean any person, firm, corporation, partnership or association who maintains for use or permits the use of, on any place or premises occupied by him, any amusement device as defined above.

OWNER shall mean any person, firm, corporation, partnership or association engaged in the business of selling or leasing amusement devices as defined above.

14.302. HOURS OF OPERATION. CONDITIONS AND RESTRICTIONS.

All businesses operating video poker and amusement machines licensed pursuant to the 1976 South Carolina Code §12-21-2720 (A) (3) shall cease operation of said machines between the hours of 2:00 A. M. and 5:00 A. M. Monday through Saturday and between the hours of 12:00 midnight Saturday and 5:00 A. M. Monday.

(1976 SC Code §61-9-90) (KQ 61)

(Editor's Note. The 1976 Landrum Town Code prohibited hours of operation during specified times. Ordinance No. 36 of November 10, 1997 repealed §14.103.6 in its entirety and inserted in lieu thereof the above section.)

14.303. GAMBLING DEVICES NOT PERMITTED.

Nothing in this article shall in any way be construed to authorize, license or permit any gambling or gambling devices, the operation of which is made unlawful under the laws of this state. (See also §14.418, this code.)

14.304. 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 between the hours of 12:00 midnight and 8:00 a.m. the following day.

14.305. SAME. REGULATING BUSINESSES.

It shall be unlawful for any person to operate any coin-operated mechanical device for making music in any place of business between the hours of 12:00 midnight and 8:00 a.m. or to operate such device between the hours of 12:00 midnight on Saturday and 8:00 a.m. on the following Monday.

14.306. 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.

14.307. AMUSEMENT PLACES TO HAVE ENTRANCES OPENING ONTO STREET.

All places of public amusements, for safety purposes, shall have entrances which open onto a public street.

14.308. 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 Council.

b. Permits, when issued, shall specify the date, time, place, length of show, duration of appearance and all other details as may be required by Council.

14.309. 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.

ARTICLE IV. OFFENSES AGAINST MORALITY,
DECENCY AND PUBLIC WELFARE

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the 1976 Landrum Town Code and generally accepted municipal practices and appropriate state statutes.

14.401. IMMORAL PURPOSES. SOLICITATION. PREMISES.

It shall be unlawful for any person to invite or entice any person upon any street, public square or enclosure to accompany, go with or follow such person to any place for immoral purposes, or to incite, entice or address any person from any door, window, porch or portico of any house or building, to enter any house, go with or accompany such person to any place for immoral purposes.

(1976 SC Code §16-15-90)

14.402. SAME. TRANSPORTATION OF PERSONS.

It shall be unlawful for any person to transport, carry, convey or assist by aiding, abetting, encouraging, requesting or other, in transporting, carrying, conveying in or accompanying by any ways and means whatsoever any person for any immoral purpose.

(1976 SC Code §16-15-90)

14.403. SAME. INFORMATION OR DIRECTION.

It shall be unlawful for any person to give information about any house or place for immoral purposes, whether the communication be by word of mouth, or direction, telephone or in writing.

(1976 SC Code §16-15-90)

14.404. SAME. LEASE, USE OF PLACES, ETC.

It shall be unlawful for any person to take, rent, use or occupy any place for immoral purposes.

(1976 SC Code §15-43-10)

14.405. BAWDY HOUSES.

The keeping of a bawdy house, disorderly house or a house of prostitution within the corporate limits shall be deemed a misdemeanor for the owner or lessee of any dwelling house, or other building situated within the corporate limits, to let or sublet such dwelling house or other building to any person to be used, or with the knowledge that the same is intended to be used, and kept as a bawdy house or house of prostitution.

(1976 SC Code §16-15-90, §16-15-110)

14.406. ADULT CLUBS.

a. Adult clubs are defined as businesses catering to adults for the purpose of exciting its customers in a salacious manner.

b. Such clubs are hereby declared unlawful in The City of Landrum.

14.407. OBSCENE MATERIAL. DISPLAY OR SALE.

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.

(1976 SC Code §14-25-90, §16-15-150, et seq.)

14.408. INDECENT EXPOSURE. LANGUAGE.

It shall be unlawful for any person to make any indecent exposure of his person or to curse or use any obscene or indecent language or to permit same on any of the streets, alleys or other public ways or places in the city.

(1976 SC Code §16-15-130)

14.409. 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 police officers in the actual discharge of their duties.

14.410. 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 city or to knowingly aid, assist or abet therein.

(1976 SC Code §5-7-30) (See §14.501 of this code for "Disorderly Conduct.")

14.411. LOITERING.

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, park 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 a Peace Officer, provided the Peace Officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

14.412. 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)

14.413. 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.

(1976 SC Code §14-25-90) (See §14.214, this code, for drinking in public conveyances.)

14.414. INTERFERENCE WITH STREETS, SIDEWALKS, ETC.

It shall be unlawful for any person to close or in any manner interfere with the free use of any public street or thoroughfare, sidewalk or alley without the previous written consent of the Council.

(1976 SC Code §5-7-30, §56-5-2530)

14.415. SPITTING.

It shall be unlawful for any person to spit upon any sidewalk or other public place, or upon the floor, walls or any other part of any building or room which is used by the public.

(1976 SC Code §14-25-90)

14.416. SCHOOL DISTURBANCES.

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)

14.417. DANCE HALLS UNLAWFUL ON SUNDAYS.

It shall be unlawful for any person to keep open or operate any public dance hall, or allow any person to continue thereat, between the hours of 12:00 midnight Saturday, and 7:00 a.m., Monday, and all such places shall be and remain closed to the public between such hours.

14.418. GAMBLING PROHIBITED. EXCEPTIONS.

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. 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. (See also §14.303, this code.)

(1976 SC Code §16-19-40)

14.419. SAME. CONFISCATION AND DESTRUCTION OF PARAPHERNALIA.

Upon the charging of any person in Municipal Court of a violation hereof, it shall be the duty of the police, whenever possible, 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. Upon conviction in Municipal Court, it shall be the duty of the police officers of the city to destroy the gaming device of whatever name or kind.

14.420. 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.

14.421. FORTUNE-TELLING.

It shall be unlawful, without a valid permit or license, to engage in the business, trade or profession of fortune-telling, palmistry, phrenology, clairvoyance or the prediction of future events by cards or other means or to offer to tell fortunes or predict future events by palmistry, astrology, clairvoyance, cards or other means as an inducement to promote some other business, trade or profession.

(1976 SC Code §40-41-310) (LQ 67)

ARTICLE V. OFFENSES AGAINST THE PEACE. PUBLIC POLICY

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the 1976 Landrum Town Code and generally accepted municipal practices.

14.501. 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 §15-25-90, §16-17-530) (See §14.410 for "Disturbing the Peace.")

14.502. FIREARMS. CARRYING. 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.

14.503. SAME. DISCHARGE. DANGEROUS DEVICES.

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.

(1976 SC Code §14-25-90)

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.

(1976 SC Code §16-23-410)

14.504. 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)

14.505. 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 city 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 §16-23-20)

14.506. CRIME WATCH AREA. CITY DESIGNATED.

The Council hereby declares The City of Landrum to be a "*Crime Watch Area*," and hereby authorizes the placing of signs upon highway rights-of-way upon highways entering the city designating the community as a "*Crime Watch Area*." Appropriate signs shall be placed in accordance with SCDOT regulations, as authorized by the General Assembly.

(1976 SC Code §57-1-90)

14.507. SWEARING FALSELY WHEN TAKING OATHS.

It shall be unlawful for any person to willfully and knowingly swear falsely under oath in giving evidence in the Municipal Court, or at any other time or place within the corporate limits where an oath has been taken before any person who may be qualified to administer oaths.

14.508. INTERFERING WITH WORSHIP, PUBLIC GATHERINGS OR MEETINGS.

It shall be unlawful for any person to interfere with or disturb any religious worship or public gatherings or meetings.

(1976 SC Code §16-17-520)

14.509. 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)

14.510. 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, particularly during the hours between 11:00 p.m. and 7:00 a.m. 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 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public safety, and then only with a permit from the City Council, 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 §15.303, 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 the Chief of Police.

(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. Any motor vehicle operated within The City of Landrum shall be kept under proper control at all times.

(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))
(LQ 60)

(Editor's Note. "The maximum noise ordinance fine that can be imposed for a first offense is \$200.00 plus assessments." 1992 Op Atty Gen. No. 92-51.)

14.511. DRUGS DEFINED. DECLARED UNLAWFUL.

a. The term "Drug Paraphernalia" is hereby defined as equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

b. It shall be unlawful to possess drug paraphernalia within the corporate limits with the intent of selling, donating, or otherwise distributing same for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section.

(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 made it unlawful to advertise for sale, manufacture, possess, sell or deliver or to possess with the intent to sell or deliver paraphernalia.)

ARTICLE VI. OFFENSES AGAINST PROPERTY

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the 1976 Landrum Town Code and generally accepted municipal practices.

14.601. 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 city.

14.602. 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)

14.603. 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))

14.604. 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 is hereby declared to be a misdemeanor.

(1976 SC Code §16-13-30)

14.605. 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)

14.606. TRESPASSING.

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 be a misdemeanor and be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not exceeding thirty (30) days.

c. When any owner or tenant of any lands shall post a notice in four (4) conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing.

d. Any person entering upon the lands of another for the purpose of hunting, fishing, trapping, netting, gathering fruit, wild flowers, cultivated flowers, shrubbery, straw, turf, vegetables or herbs or cutting timber on the same, without the consent of the owner or manager thereof, upon conviction, shall be guilty of 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.)

14.607. SIGNATURE OR PROPERTY. OBTAINING BY FALSE PRETENSES.

Any person who shall, by any false pretense or representation, obtain the signature of any person to any written instrument or shall obtain for any other person any chattel, money, valuable security or other property, real or personal, if the sum of the written instrument or the value of the property so obtained does not exceed two hundred dollars (\$200.00), with the intent to cheat and defraud any person of such property, upon conviction, shall be guilty of a misdemeanor and the punishment shall be not more than is permitted by law without presentment or indictment by the grand jury.

(1976 SC Code §16-13-240, §16-13-260)

14.608. CREDIT CARDS. OBTAINING CREDIT OR PROPERTY UNLAWFULLY.

a. The term "credit card," as used in this section, means an identification card, credit number, credit device or other credit document issued to a person by a business organization which permits such person to purchase or obtain goods, property or services on the credit of such organization.

b. The word "notice," as used in this section, shall be construed to include whether notice given to the purchaser in person or notice given to him in writing. Such notice in writing shall be presumed to have been given when deposited as registered or certified matter, in the United States mail, addressed to such person at his address as it appears in the files of the issuer of the credit card.

c. It shall be unlawful for any person to knowingly use, for the purpose of obtaining credit or for the purchase of goods, property or services:

(1) a credit card which has not been issued to such person and which is not used with the consent of the person to whom issued; or,

(2) a credit card which has been revoked or canceled by the issuer of such card and notice thereof has been given to such person; or,

(3) a credit card which has expired; or

(4) a credit card which is false, fictitious or counterfeit.

d. Any person violating the provisions of this section, when the amount of credit or purchase obtained is less than fifty dollars (\$50.00), upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code 16-13-270)

14.609. PROPERTY SECURED BY FRAUDULENT IMPERSONATION OF OFFICER.

Anyone who shall take upon himself to act as an officer with the intent to defraud any government, firm or person, 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)

14.610. SHOPLIFTING.

Shoplifting is hereby declared to be a misdemeanor. Upon conviction, a person shall be guilty of shoplifting who:

1. Takes possession of, carries away, transfers from one person to another or from one area of a wholesale or retail mercantile establishment to another area, or cause to be carried away or transferred any merchandise displayed, held, stored or offered for sale by any wholesale or retail mercantile establishment with the intention of depriving the owner of the possession, use or benefit of said merchandise without paying the full value thereof.

2. Alters, transfers or removes any label, price tag marking, indication of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a wholesale or retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the established value with the intention of depriving the owner of the full value of said merchandise.

3. Transfers any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment from the container in which it is displayed to any other container with intent to deprive the merchant of the full retail value.

(1976 SC Code §16-13-110)

14.611. FAILING TO RETURN BOOKS, ETC., BORROWED FROM PUBLIC INSTITUTIONS.

Whoever shall borrow from any library, school, museum, collection or exhibition any book, newspaper, magazine, manuscript, pamphlet, publication, recording, film or other article belonging to or in the care of said organizations, under any agreement to return it, thereafter shall fail to return said borrowed article, shall be given written notice, mailed to his last known address by certified mail or delivered in person, to return such borrowed article within fifteen (15) days; and in the event that such person shall thereafter willfully and knowingly fail to return such borrowed article within fifteen (15) days, such person shall be guilty of a misdemeanor.

(1976 SC Code §16-13-340)

14.612. 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.

14.613. BREAKING INTO MOTOR VEHICLE. GASOLINE TANK, PUMP, ETC.

a. Whoever shall break or attempt to break into any motor vehicle or any compartment thereof, in the daytime or in the nighttime, with intent to steal the same or anything of value therefrom or attached or annexed thereto or used in connection therewith or in the perpetuation of any criminal offense, 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.

14.614. 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 city, 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.

14.615. LANDMARKS; ALTERING, REMOVING.

If any person shall knowingly, willfully, maliciously or fraudulently cut, fell, alter or move any certain boundary tree or other allowed landmark, lamp post, post or shade tree, such person so offending, upon conviction, shall be guilty of a misdemeanor.

(1976 SC Code §16-11-680)

14.616. 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.

14.617. PROPERTY OF CITY TO BE RETURNED.

Upon leaving city employment or any city office, it shall be unlawful for any employee or official, including volunteers, to fail to return to the city any city property or equipment issued to him, including this Code of Ordinances.

(Editor's Note. As to police property, see §13.116, this code.)

ARTICLE VII. OFFENSES AGAINST THE PERSON

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, Title 16, Chapter 3, the 1976 Landrum Town Code and generally accepted municipal practices.

14.701. ASSAULT AND BATTERY.

It shall be unlawful for any person to commit an assault or assaults and battery upon any other person.

14.702. 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.

14.703. 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.

14.704. REFRIGERATORS. ABANDONMENT PROHIBITED.

a. It shall be unlawful for any person to abandon or discard any 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 such 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)

14.705. 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)

ARTICLE VIII. PARADES. DEMONSTRATING. PICKETING

Editor's Note. This article derives from court decisions, appropriate state statutes, and generally accepted municipal practices.

14.801. PERMIT REQUIRED.

a. It shall be unlawful to parade, picket or march unless a permit has been secured from the City Clerk.

b. Those desiring same shall make application, duly signed by the individual organizer or by an officer of the organization, and submit it unto the City Clerk, for subsequent approval by the Council, not less than forty-eight (48) hours prior to the time of such parade.

c. The application shall state the time, duration, purpose, the number of persons or vehicles to be engaged, the area in which said picketing, parading or marching will occur and the individual, group of individuals or organization directing and responsible for said picketing, parading or marching.

d. 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 Council.

(3) Engage in riotous and loud conduct which invades the privacy of homes or businesses.

(4) Damage or destroy or injure the person or property of others.

(5) Block, 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 the public schools, by inciting or urging them to participate in demonstrations or for any other unlawful purpose or reason, or permitting them to be or remain in churches or other places used in such demonstrations.

(8) Picket other than in accordance with the following principles:

- (a) In small numbers.
- (b) In a manner so as not to interfere with pedestrians or vehicular traffic.
- (c) In a manner so as not to block entrances or exits to or from picketed establishments.
- (d) No more than four (4) pickets posted at any one time at any one business establishment.
- (e) No more than two (2) business establishments picketed in the same block at the same time.
- (f) No picket trespassing upon the property of the business establishment being picketed.
- (g) Pickets patrolling on the sidewalk at a distance of not less than eight (8) feet from every other picket.
- (h) 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.

(1976 SC Code §14-25-90.) (Darlington v. Stanley, 239 S. C. 139, 122 S.E. 2d 207 (1961))

e. This section shall not apply to funeral processions, the United States Armed Forces, the military forces of this state or the Police and Fire Departments of the city.

(Editor's Note. See §18.401, this code, for other funeral processions.)

14.802. SAME. ISSUANCE.

Upon receipt of an application for a permit for a parade, procession or gathering, the Council shall, in its discretion, issue a permit therefor, subject to considerations of the public convenience, welfare and necessity.

14.803. SAME. RESTRICTIONS AND SAFEGUARDS.

The Council shall have the authority to impose such restrictions, conditions and safeguards upon the conduct of a parade, procession or public gathering as it shall deem fit or proper.

14.804. SAME. CULTS, ETC.

Cults, masked faces or organizations practicing discrimination against anyone shall not be permitted to assemble or parade in The City of Landrum, unless authorized by the Council prior thereto.

ARTICLE IX. PENALTIES

Editor's Note. The 1976 South Carolina Code of Laws, §5-7-30, permits municipalities to "*... enact ... ordinances, not inconsistent with the Constitution and general laws of this State*"

14.901. 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.

14.902. GUILTY PLEA. NOLO CONTENDERE. FORFEITURE OF BAIL.

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.

14.903. CRIMINAL LAWS OF STATE OF SOUTH CAROLINA ADOPTED.

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 Council.

14.904. MISDEMEANOR.

The violation of any provision of this chapter shall constitute a misdemeanor.

14.905. PENALTY.

Unless otherwise provided herein, upon conviction, the violation of any section of this code shall be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than 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, etc.
- 15.202. Handbills and Placards. Placement. Application.
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- 15.301. Loudspeakers, Musical Instruments for Advertising Purposes.
- 15.302. Noise Making for Other Purposes.
- 15.303. Same. Church Bells Excepted.

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- 15.401. 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 Administrator, 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.

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 Title 9, Chapter 4 of the 1976 Landrum Town Code and generally accepted municipal practices.

15.201. PUBLIC AND PRIVATE PROPERTY. POLITICAL SIGNS, ETC.

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 Council, 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 including, but not limited to, power poles, telephone poles, street signs, etc.

15.202. HANDBILLS AND PLACARDS. PLACEMENT. APPLICATION.

a. Except as otherwise authorized, no handbill or placard shall be distributed within the corporate limits, unless it is deposited in a secure place where the wind will not blow it away.

b. The placing of a handbill or placard under a windshield wiper of a motor vehicle shall not be construed as a deposit of same in a secure place. Delivery to person(s) in a vehicle shall be permitted.

c. Application for permit to distribute advertising matter shall be made to the City 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 NOISES

Editor's Note. This article derives from generally accepted municipal practices. (See §14.510, this code, for unreasonable noises.)

15.301. 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 which 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.

d. A permit therefor shall be obtained from the Council.

15.302. 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.

15.303. SAME. CHURCH BELLS EXCEPTED.

This article shall not apply to the ringing of church bells by established places of worship.

(See also §14.510.b.10, this code.)

ARTICLE IV. PENALTIES

15.401. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 16. STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

- 16.101. Control Over Maintenance and Construction.
- 16.102. Sidewalks. Adjacent Property Owners to Keep Clear.
- 16.103. Same. Repair.
- 16.104. Same. Parking Prohibited. Exceptions.
- 16.105. Streets. Names. Changes Prohibited.
- 16.106. Maintenance of New Streets.
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- 16.108. Garage Sales.

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- 16.201. Obstructions Prohibited. Permission Required For Exceptions.
- 16.202. Same. Protection by Barricades, Lights.
- 16.203. Dangerous Substances on Streets or Sidewalks.
- 16.204. Merchandise on Sidewalks.
- 16.205. Garbage, Other Solid Waste, Trash, Offensive Matter.
- 16.206. Tree Waste. Removal.
- 16.207. Depositing on Streets, Sidewalks and Drains Prohibited.
- 16.208. Damaging Public Property.
- 16.209. Burning on Streets Prohibited.
- 16.210. Advertising Matter. Painting, Printing on Sidewalks, etc.
- 16.211. Curbing. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
- 16.212. Draining Water, Other Liquids Onto Streets or Sidewalks Prohibited. Sprinkling.
- 16.213. Lots Draining Toward Sidewalk.
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- 16.220. Roller Skating. Roller Blading.
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- 16.223. Same. City May Remove. Owner to Pay Costs.
- 16.224. Street Lights. Breaking. Removing.

ARTICLE III. EXCAVATIONS

- 16.301. Permission Required. Bond Required.
- 16.302. To be Restored.
- 16.303. Failure.
- 16.304. Danger Signals Required. Lights Required.
- 16.305. Same. Removal.

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 article derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws; Title 3, Chapter 1 of the 1976 Landrum Town Code and generally accepted municipal practices. (See §5.301, this code, for house numbering.)

ARTICLE I. IN GENERAL

16.101. CONTROL OVER MAINTENANCE AND CONSTRUCTION.

a. The Council shall approve the construction and maintenance of streets, employing such number of persons to work on the streets as may be needed.

b. This section shall not apply to streets under the supervision and control of SCDOT or Spartanburg County.

16.102. 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. Sidewalks shall be cleared and the grass and weeds cut and removed.

16.103. SAME. REPAIR.

All owners of lots of land or lands within the corporate limits which abut sidewalks shall keep the sidewalks adjacent to said lots in good repair.

16.104. SAME. PARKING PROHIBITED. EXCEPTIONS.

a. No vehicles shall be parked on any sidewalk.

b. Exceptions may be made when it is necessary to avoid traffic or when directed by a police officer or a traffic control device.

(1976 SC Code §56-5-2530)

16.105. STREETS. NAMES. CHANGES PROHIBITED.

a. No person shall name any currently unnamed street or change the name of any existing street except by authority of the Council.

b. It shall be unlawful for any person to lay out any new street within the municipality without first procuring from the Council approval of the names to be assigned to such new street.

16.106. MAINTENANCE OF NEW STREETS.

a. When any application is made to the Council to assume the maintenance of any proposed new street, the following requirements shall be complied with:

b. The right-of-way shall be furnished with a minimum width of sixty (60) feet.

c. Plans and profiles for the proposed street shall be submitted to the Council for review and approval.

d. When plans and profiles are approved by the Council, the applicant shall cause the street to be constructed to line and grade, the necessary drainage structures installed and adequate inlet and outlet ditches constructed in a manner approved by Council. The approved construction plans shall be submitted to the Council at the time the request to accept the street for maintenance is made.

16.107. SURVEY MARKERS REQUIRED FOR NEW STREETS.

In order to avoid disputes which may arise concerning the boundaries of the streets of the city, any person conveying or dedicating any street to the city shall be required, either before or at the time of such dedication, to conduct a survey of said street by a registered land surveyor. A permanent survey marker shall be erected on each corner of said street at the point where it intersects with any other street.

16.108. GARAGE SALES.

All garage sales and yard sales in the city shall comply with the following regulations:

1. It shall be unlawful for any person to have a yard sale unless he owns property within the corporate limits and then only on his property, without obtaining a permit from the City Clerk.

2. It shall be unlawful for any person, not a resident of the city, to have a yard sale within the city limits, unless a property owner gives permission but then only on that person's property.

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ARTICLE II. UNLAWFUL ACTS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; Title 3, Chapter 1, of the 1976 Landrum Town Code and generally accepted municipal practices and appropriate state statutes.

16.201. OBSTRUCTIONS PROHIBITED. PERMISSION REQUIRED FOR EXCEPTIONS.

a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the city 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 houses or other structures within the city may obtain from the City Clerk permission for a partial and temporary use of the streets for 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 may be removed by police officers of the city or under their supervision.

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 a of street, sidewalk, public way or utilities.

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. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.

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)

16.204. MERCHANDISE ON SIDEWALKS.

It shall be unlawful for any merchant to display merchandise on the streets or sidewalks subject to approval by the Council, it being the intent of the Council that the flow of traffic shall be unhindered by any display of merchandise.

16.205. 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.

16.206. 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 caused by such cutting, trimming or digging.

16.207. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.

a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or matter or substance of any kind likely to cause injury to any person, animal or vehicle onto streets or sidewalks.

b. This section shall apply to obstruction of any storm drain or ditches.

16.208. DAMAGING PUBLIC PROPERTY.

a. It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.

b. This section shall prohibit the erection of anything on public property, without permission of the Council.

16.209. BURNING ON STREETS PROHIBITED.

It shall be unlawful for any person to burn any trash, garbage, leaves or refuse matter on the streets and sidewalks.

16.210. 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 city for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the Police Department or any other department of the city from marking the sidewalks or streets for the purpose of controlling traffic or for any other city purpose.

16.211. CURBING. 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.

16.212. DRAINING WATER, OTHER LIQUIDS ONTO STREETS OR SIDEWALKS PROHIBITED. SPRINKLING.

a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow 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)

c. Sprinkling of a street to lay dust is not hereby forbidden.

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.

(1976 SC Code §5-7-30) (LTC §3-1-3)

16.214. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES, ETC.

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. 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. They shall not allow any growth of weeds or shrubbery on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or "back waters" therein, they shall be promptly drained.

16.215. DOORS AND GATES 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)

16.216. SPEAKING, EXHIBITING, ENTERTAINING ON STREETS.

No preaching, lecturing or speaking, exhibition or entertainment of any nature will be permitted on the streets, sidewalks or public ways of the city, unless the Chief of Police has been informed.

16.217. AWNINGS.

It shall be unlawful for any person to allow awnings to hang nearer to the surface of the sidewalk than seven (7) feet.

16.218. 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 city.

16.219. GAMES IN STREETS.

It shall be unlawful for any person to play football, baseball, basketball or other games in and upon any street, park or other public place in the city, except in the places provided therefor.

16.220. ROLLER SKATING. ROLLER BLADING.

a. It shall be unlawful for any person to skate on or to use roller skates or roller blades on the streets or sidewalks of the city; provided, however, that children may skate on the sidewalk within the block in which they reside, but they shall not cross the street.

b. It shall be unlawful for anyone to ride a bicycle, tricycle, coaster, skateboard, roller skates, scooter or any other wheeled conveyance on a sidewalk in any area of the city zoned General Commercial District (B-3) or General Business District (B-1), except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to wheelchairs or other similar devices used by handicapped persons.

(See also §18.213, this code for other prohibitions.)

16.221. 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.

16.222. SAME. REMOVAL.

Whenever it shall be determined by the Council that 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)

16.223. SAME. CITY MAY REMOVE. OWNER TO PAY COSTS.

If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided above, the costs of such removal shall be charged to the property owner. It shall be a lien on such property and shall be added to and payable with the taxes on such property.

16.224. 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.

ARTICLE III. EXCAVATIONS

Editor's Note. This article derives from appropriate state statutes and generally accepted municipal practices.

16.301. PERMISSION REQUIRED. BOND REQUIRED.

a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefor from the city or 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 city, the person making application may be required to deposit with the city, a cash bond in a sum as may be estimated by the Council to insure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

16.302. 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, special consideration may be granted by the city or SCDOT due to extreme weather conditions.

16.303. 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 seventy-two (72) hours of being notified by the city and/or SCDOT.

16.304. 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.

16.305. SAME. REMOVAL.

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.

ARTICLE IV. LITTERING

Editor's Note. This article derives from generally accepted municipal practices.

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 city 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.

The violation of any provisions of this chapter shall constitute a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

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CHAPTER 17. UTILITIES

ARTICLE I. USE OF STREETS

Editor's Note. This article derives from the 1976 South Carolina Code of Laws, the 1976 Landrum Town Code and generally accepted municipal practices.

17.101. "PERSON" DEFINED.

The word "person", when used in this chapter, shall include an individual or any corporation, firm, partnership, association, organization or any other group acting as a unit.

17.102. PERMISSION REQUIRED.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the city any line, pipe, cable, pole, structure or facility for utilities, communications, 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.

17.103. CONSENT OR FRANCHISE FEE.

a. The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be included in the ordinance approving the agreement. Said fee shall be based on gross revenues derived from activities in the city, the length of lines installed in streets and public places, or other formula deemed appropriate by Council.

b. No consent fee or franchise fee shall be construed to be in lieu of a business license tax based on gross revenue, unless specifically provided by ordinance.

c. Credits for business license taxes paid may be applied to fees set by ordinance granting consent or a franchise when specifically authorized by ordinance.

17.104. LOCATION OF LINES TO BE APPROVED.

It shall be unlawful for any person to locate any underground gas, electric, telephone, cable television or any other type lines, within less than two (2) feet from any utility pole or line without a permit granted as hereinafter provided.

17.105. HEARING ON PETITION FOR EXCEPTIONS TO STANDARD LOCATIONS.

If any person shall desire or deem it necessary to locate an underground line within less than two (2) feet of any utility pole or line, such person shall file a petition with the Council requesting a permit to do so. The Council, after written notice of not less than ten (10) days to the person filing such petition and to the owner or the person in control or charge of such utility pole or line, shall grant a hearing on said petition, at which the parties in interest shall be heard. The decision of the Council shall be final and binding upon all parties in interest.

(Editor's Note. For safety precautions, §17.104 and §17.105 have been added to give Council control of lines closer than two (2) feet from a pole or another line.)

ARTICLE II. WATER SYSTEM

Editor's Note. The City of Landrum does not operate its own sewerage system (LQ 72). This article derives from the 1976 South Carolina Code of Laws; Title 4; Chapter 1, of the 1976 Landrum Town Code and generally accepted municipal practices.

17.201. ENABLING AUTHORITY.

The city shall furnish water to persons for reasonable compensation and charge a reasonable charge for maintenance of a water system. Such charges shall be fixed from time to time by the Council and such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.202. RULES AND REGULATIONS.

For the protection of the health and the prevention of disease, all water and wastewater facilities serving the public by private ownership shall conform to that certain document known as "Rules and Regulations Governing the Development of Subdivision Water Supply and Waste Disposal Systems," prescribed by DHEC, with amendments thereto.

17.203. GENERAL PURPOSE.

The purpose of this section shall be:

1. To protect and maintain the water supply system so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of its consumers;
2. To facilitate the elimination or control of any existing, unprotected cross-connections between the city's potable water supply system and,
3. To provide for the establishment and maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of the city's potable water supply system by cross-connection.

17.204. CROSS-CONNECTION. BACKFLOW PREVENTION.

a. For the protection of the public water supply system against possible contamination arising from problem involving cross-connections, the Water Department is hereby authorized to adopt regulations, subject to approval by the City Council, establishing and maintaining a cross-connection control program. Such program shall include, but not be limited to, the survey, inspection and approval of all existing facilities, the evaluation, inspection and approval of new facilities, requirements for periodic testing of all backflow prevention devices, and the assessment and collection of fees in an amount sufficient to cover the cost of the program.

b. The cross-connection control program shall be in accordance with the regulations promulgated by DHEC, which regulations are adopted by reference and made applicable to the water supply system and all connections thereto.

c. The Superintendent of the Water Department is hereby given the primary responsibility for enforcement of the provisions of this ordinance and for maintaining all records pertaining thereto.

d. The regulations and provisions of this ordinance shall apply to the entire city water system, to all water customers of the city, to all connections with the water supply system, whether located inside or outside of the city limits.

e. It shall be unlawful for any person to make any connection to the water system without the approval of the Administrator. Each day such unauthorized connection exists prior to obtaining this approval, shall constitute a separate offense and be punishable by a fine as may be levied by the Municipal Court.

f. Any person found to be in violation of any provision hereof or of the regulations establishing a cross-connection control program pursuant hereto shall be served with written notice stating the nature of the violation and shall be given a reasonable time limit for the satisfactory correction thereof.

(1) The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Failure to correct the violation within the time limit specified shall constitute an unlawful act subject to the penalties set forth in Article VII of this chapter.

17.205. SAME. APPLICATION FOR CONNECTION. ENTRY.

a. Before any portion of the plumbing and drainage system of any building shall be constructed, there shall be filed by the owner or agent of the property, at the office of the City Clerk, a written application for connections with the water system. It shall state the location of the building, with a plan of the same, showing in detail the entire proposed connections of the same, showing in detail the entire proposed connections from a sanitary sewer line through the building to the terminus, showing the location of all fixtures, traps, vent pipes, etc.

b. The application shall contain a specific agreement to obey and abide by any and all resolutions, ordinances, rules and regulations that are now or may hereafter be adopted by the Council for the protection of the water system and to restrict, regulate and control the use of the same and the connections therewith.

c. The application also shall give permission to an authorized representative of the city to enter the premises of the applicant, at any reasonable hour, to investigate the plumbing or sewer connections. The plan shall be inspected and approved, corrected or modified by the inspector, whereupon a permit for the proposed connections shall be given by the Clerk. The work shall be performed by a regularly licensed plumber, if available, and provided the sanitary sewer collector lines are of sufficient depth to serve each residence or other building and within a reasonable distance thereto.

17.206. EXCAVATION FOR PIPE LAYING. REPAIRS.

a. All ditches or trenches opened for the purpose of laying pipes for connection with water or sewer mains, whether on private premises or across streets, sidewalks or ditches, shall be carefully and compactly closed and filled after the pipes are laid.

b. All paving disturbed in connection therewith shall be skillfully and carefully repaired and restored.

17.207. WATER SERVICE OUTSIDE CORPORATE LIMITS.

Applicants for water service outside the corporate limits, when required to do so, shall extend water lines under streets or public ways to connect to the water meter at their own expense. In such cases, the city reserves the right to locate water meters in such position or location as deemed in its own best interest.

ARTICLE III. SANITARY WASTES

Editor's Note. Although the city does not operate its own sewerage system, this article is felt necessary. It derives from Chapter 10, Article V, this code, which requires occupied buildings to be connected to a sewerage system or equipped with approved septic tanks and for building contracts to provide for sewage disposal. These sections amplify upon that article.

17.301. REQUIRED FOR HUMAN HABITATION.

a. Before any place of human habitation, commercial use, public assembly or any similar place intended to be used for such is occupied, the owner or occupant thereof shall have installed therein adequate facilities for the disposal of liquid waste and human excreta. No person shall occupy any such place until the provisions hereof have been complied with.

b. It shall be the duty of the occupants or tenants of all places of human habitation, commercial use or public assembly to maintain all facilities for the disposal of liquid waste and human excreta in a clean and sanitary condition at all times.

c. No owner or occupant of any such premises shall use any privy, septic tank or cesspool or allow any liquid waste or human excreta to accumulate thereupon after such connection to a sanitary sewerage system shall have been made.

d. Not less than sixty (60) days after the installation of a city water or a sanitary sewer line within two hundred fifty (250) feet of any residence or building, all said residences and buildings requiring same shall be connected thereto for water and disposal of all sewerage and similar waste originating on said premises; provided, however, that septic tanks constructed prior to the installation of a sewerage system and meeting the requirements of DHEC are exempt from the requirements of this section until such time as septic tank problem develop and connection to a sanitary sewer collector line is deemed necessary, the public health requiring it, by the City Council.

e. Upon completion of construction of water mains and sewage collector lines, as prescribed above, and after official notification to connect thereto, each day such buildings shall not be so connected shall be deemed a separate offense and punishable as a misdemeanor.

17.302. SAME. WHERE NOT AVAILABLE.

With the written approval of the Council, where sewerage facilities are not available, septic tanks may be permitted, provided the same are constructed and maintained as required by the laws, rules and regulations of the State Board of Health.

ARTICLE IV. PROHIBITED ACTS

Editor's Note. This section derives from §5-31-20 and §6-11-280, of the 1976 South Carolina Code; the 1976 Landrum Town Code and generally accepted municipal practices.

17.401. UNLAWFUL DECLARED.

The enumerated acts in this article shall be unlawful and a violation by any person or persons who engage in such acts without appropriate permission or authority or without the appropriate supervision as herein specified. They shall not be considered all-inclusive.

17.402. POLLUTION OF WATER SUPPLY.

It shall be unlawful to defile or pollute the water in any pipe, tank or reservoir connected with the city 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.

17.403. ILLEGAL CONNECTIONS.

a. It shall be unlawful to connect with, use or tap any water or sanitary sewer main without specific authorization in writing first obtained, other than normal connections for which connection fees shall have been paid, but not including private wells.

b. No person shall place any pipe or similar material in such a manner as to furnish public water service to others, except as otherwise provided herein.

c. It shall be unlawful for any person to put any substance, either solid or liquid, into any sanitary sewer main or line, at manholes or in any other way, than through a connection as may be made for the purpose and provided by ordinance.

d. It shall be unlawful for any person to discharge any substance which may be harmful or liable to damage a sanitary sewerage system or to obstruct the flow of sewage in said system.

e. It shall be unlawful for any person, or persons, after notice to cease and desist, to violate the provisions of this article.

f. It shall be unlawful to connect or permit to remain connected, any open gutter or rain water conductor or cesspool with any sanitary sewer line.

17.404. DESTRUCTION, DEFACEMENT, ETC. UNLAWFUL.

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 mixtures of the public waterworks system or throw into such system any bricks, earth, stone, filth or other substances. 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 water system.

17.405. OBSTRUCTION OF SEWER LINES.

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 sanitary sewerage system or to dispose of any flammable, noxious or chemically active material harmful to life or property into the system.

17.406. TAMPERING WITH WATER METERS.

It shall be unlawful to tamper with or change any water meter.

17.407. ILLEGAL RECONNECTION WHEN SERVICE IS DISCONTINUED FOR
NONPAYMENT.

It shall be unlawful to reconnect water 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.

17.408. STORM DRAINAGE. INDUSTRIAL COOLING WATER.

a. Storm water and all other polluted drainage shall be discharged to such drains as are specifically approved by the city or other regulatory agencies.

b. Unpolluted industrial cooling water or process waters may be discharged, if approved by the Council, to a storm drain or natural outlet.

ARTICLE V. RATES, FEES AND DEPOSITS. GENERALLY

This article derives from §5-31-250 and §5-31-900 of the 1976 South Carolina Code; the 1976 Landrum Town Code and generally accepted municipal practices.

17.501. WATER RATES AND FEES TO BE REVIEWED.

The Council shall review the Schedule of Rates and Fees for services rendered by the water system periodically to insure that said fees are equitable and fair.

17.502. FAILURE TO PAY FEES OR CHARGES.

Service may be discontinued to any premises for unpaid water charges when due and payable as set out in this chapter. Service may be reinstated as hereinafter provided.

17.503. WATER BILLINGS.

a. All meters shall be read monthly and bills therefor shall be payable at the office of the City Clerk and Treasurer on or before the 15th of the month. A penalty of ten (10) percent shall be added after the 15th of the month. If not paid in full by the first of the following month, all services shall be discontinued until such user shall have paid the past due bill and a reconnection charge.

b. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.504. FREE WATER SERVICE PROHIBITED.

It shall be unlawful to furnish free water service to any person, firm or corporation.

ARTICLE VI. WATER RATES, METERS, DEPOSITS, TAP FEES

Editor's Note. This article derives, in part, from the 1976 Landrum Town Code.

17.601. RATES.

- a. Monthly water rates, inside and outside the corporate limits, are hereby levied.
- b. Such rates shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

17.602. WATER TO BE METERED.

All water service shall be metered and computed for billing purposes on the amount of water used, both inside and outside the corporate limits.

17.603. METER DEPOSIT REQUIRED. APPLICATION FEE. REFUND.

- a. Any person, firm or corporation desiring a water connection shall complete an application therefore and pay an application fee which shall serve as a deposit. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.
- b. The deposit fee, without interest, shall be refunded when service is voluntarily discontinued; provided, however, all delinquent fees or charges shall be deducted prior to said refund.

17.604. CONNECTION. TAP FEE REQUIRED. BORING. LINE CHARGE.

- a. For each new water connection, the applicant therefor shall pay a tap fee.
- b. Should boring be required to make the tap, an additional fee shall be charged.
- c. The Council hereby reserved the right to impose a line charge for said tap.
- d. Such fees shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

ARTICLE VII. PENALTIES

17.701. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

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- 18.810. Same. Red Signal Required.
- 18.811. Same. Unlawful to Cross Despite Warning.
- 18.812. Speed of Engines.
- 18.813. Blocked Crossing. Time Limit Established.
- 18.814. Locomotive Whistles.
- 18.815. Unlawful Riding.
- 18.816. 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 1976 Landrum Town Code and generally accepted municipal practices relating to motor vehicles and traffic control.

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, Chapter 5 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 COURT.

a. The Municipal Court 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 magistrates.

(1976 SC Code §56-5-6150)

18.104. AUTHORITY.

Pursuant to §5-7-30 of the 1976 South Carolina Code of Laws, as amended, the Chief of Police, with the approval of the Council, is hereby authorized to:

1. Regulate the operation and parking of vehicles within the corporate limits by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, one-way streets, play streets, through or arterial streets, "U" turns, school zones and other official traffic-control devices indicating the place or manner of operating or parking vehicles, including "loading zones."

2. Regulate the movement of pedestrians upon the streets and sidewalks by the erection or placement of proper signs or markers indicating the flow of pedestrian traffic.

3. Mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

4. Secure all necessary signs, markers or official traffic control devices to be erected or placed on any street or part of a street.

5. The existence of such signs, markers or official traffic control devices at any place shall be prima facie evidence that such signs, markers or official traffic control devices were erected or placed by and at the direction of the Council.

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 city, as deemed necessary, to regulate, warn or guide traffic in the city.

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.

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 city shall be deemed in violation of this section.

18.106. SPEED LIMIT VARIATION BY CITY. 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 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 thirty-five (35) miles per hour.

b. Any alteration of maximum limits on state highways or extensions thereof in the city, under the provisions of this article, shall not be effective until such alteration has been approved by SCDOT.

(1976 SC Code §56-5-1510 et seq., §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 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 §56-1-20, et seq.)

18.108. RESPONSIBILITY OF VEHICLE OWNER.

No person shall allow, permit or let any vehicle registered in his name violate any of the ordinances of the city; provided, however, that all violations of parking ordinances shall be presumed to be with the knowledge of the owner of such vehicle.

18.109. FIXING TRAFFIC TICKETS UNLAWFUL.

It shall be unlawful for any official or employee of the city to "fix" any ticket or summons issued by the Police Department for a violation of any traffic ordinance.

ARTICLE II. MOVING TRAFFIC

Editor's Note. This article derives from Section 5-7-30 and Title 56, Chapter 5 of the 1976 South Carolina Code of Laws; Title 8 of the 1976 Landrum Town Code 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 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 city 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 one hundred dollars (\$100.00) or by imprisonment not exceeding thirty (30) days.

(1976 SC Code §56-5-2920) (LTC §8-1-8)

(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.)

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 police officer or traffic control signal.

18.206. ENTERING INTERSECTION OR MARKED CROSSWALK.

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. VEHICLES. BOARDING OR ALIGHTING FROM.

No person shall board or alight from any vehicle while it is in motion.

18.208. SAME. UNLAWFUL RIDING.

No person shall ride on any vehicle nor upon any portion thereof which is neither designated nor intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in a space intended for merchandise.

18.209. OPERATION ON PLAY STREETS.

Whenever authorized signs are erected indicating any street or any part thereof as a play street, no person shall drive a vehicle upon any portion thereof, except drivers of vehicles having business or whose residences are within such closed area.

18.210. 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.

18.211. 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.

18.212. TIRES; SOLID OR CUSHION. SPECIAL SPEED LIMIT.

No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles an hour.

(1976 SC Code §56-5-1570. b)

18.213. PROHIBITIONS. SIDEWALKS.

a. 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.

b. This section shall not apply to children under the age of twelve (12) years who ride bicycles and tricycles on residential sidewalks, at a speed less than fifteen (15) miles per hour.

(Editor's Note. See also §16.220, this code, for roller skating and roller blading.)

18.214. SAME. EXCEPTIONS.

a. The use of all unlicensed motor vehicles, including, but not limited to, three-wheelers, four-wheelers, mini-bikes, go-carts, trail-bikes and other unlicensed vehicles is hereby forbidden on the streets, roads or sidewalks, within the corporate limits.

b. The use of such vehicles is hereby declared to be a nuisance.

c. The provisions hereof shall not apply to the use of golf carts, or similar vehicles, by the city when reading water meters or performing other municipal duties.

(Editor's Note. These prohibitions are declared to be nuisances in that they (1) prevent the free circulation of traffic in, through and from the city; (2) the use thereof endangers the health, safety and welfare of the general public and (3) these conditions can be reduced by said prohibitions.)

18.215. "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.

18.216. STREETS UNDER REPAIR CLOSED TO TRAVEL.

No person shall drive or cause to be driven any vehicle over any street which is being repaired or paved or over any part of a street wholly closed to travel.

8.217. NO-PASSING ZONES.

The Council may determine those portions of any street where overtaking and passing a vehicle proceeding in the same direction or driving to the left of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(Editor's Note. In some instances this becomes the responsibility of SCDOT.)

18.218. PASSING UNLAWFULLY.

It shall be unlawful for any vehicle to pass another vehicle proceeding in the same direction when the passing vehicle is within one hundred (100) feet of an intersection, approaching a curve, when a solid yellow line is located in the lane of the passing vehicle or upon a hill or grade.

18.219. ADVERTISING PROHIBITED.

No person shall operate or park any vehicle on any street for the primary purpose of advertising, without the prior approval of the Council.

18.220. FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, the traffic and the conditions of the street.

18.221. HORN IN QUIET ZONES.

Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of the vehicle, except in an emergency.

18.222. DOORS OPENING INTO TRAFFIC.

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

18.223. 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.

18.224. SPEED RESTRICTIONS.

a. 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.)

b. The speed limit within the city shall be as indicated by signs giving notice thereof that are erected upon the streets with approval of the Council.

18.225. SPEED LIMITS.

Where no special hazard exists that requires a lower speed for compliance with this article, the speed of any vehicle not in excess of the limits specified in this article shall be lawful, such limits established in this section being:

1. Twenty-five (25) miles per hour in any business district; and
2. Thirty (30) miles per hour in any residential district.

(1976 SC Code §56-5-1520)

18.226. 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.

18.227. TRUCKS, TRUCK TRACTORS.

Where no special hazards exist, trucks and truck tractors of a size greater than one and one-half tons shall obey signs posted giving notice of any special conditions.

18.228. SPECIAL HAZARDS.

Where special hazards exist, all motor vehicles shall obey posted signs giving notice of special conditions.

18.229. RACING OR DRAG RACING PROHIBITED.

It shall be unlawful for any person to engage in a motor vehicle race or contest for speed or acceleration on any public road, street or highway or to aid, abet or assist in any manner whatsoever in any such race contest. It shall be unlawful also for any owner of a motor vehicle to acquiesce in or permit his car to be used by another in any motor vehicle race or contest for speed.

18.230. AUTHORIZED EMERGENCY VEHICLES.

a. The speed limitations set forth herein shall not apply to authorized 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.

18.231. SCHOOL ZONES.

It shall be unlawful for any person driving a motor vehicle within a designated school zone to fail to observe unusual care and caution. Speed limits as posted shall be carefully observed.

18.232. FAILURE TO DIM LIGHTS.

It shall be unlawful for the driver of any vehicle, from dusk to dawn, when approaching another vehicle from an opposite direction, to fail to dim the lights of his vehicle when it is within three hundred (300) feet of the approaching vehicle.

18.233. SHIFTING LANES WITHOUT SAFETY PRECAUTION.

It shall be unlawful for the driver of any vehicle to shift lanes of traffic without first ascertaining that a shift in lanes of traffic by his vehicle will not impede or interfere with the movement of any other vehicle upon the public right-of-way.

18.234. 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 curb or side of the highway or street.

18.235. 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 city.

(1976 SC Code §56-5-2930)

18.236. 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 a police officer and remain at the scene until a police officer arrives.

(Editor's Note. As to state laws relating to accidents and reports, please see §56-5-1210 et seq., of the 1976 South Carolina Code of Laws.)

18.237. IMPEDING FREE FLOW OF TRAFFIC UNLAWFUL.

It shall be unlawful for any person or group of persons to congregate upon the streets or sidewalks in such a manner as to impede the free flow of traffic.

18.238. RIDING IN/ON MUNICIPAL VEHICLES UNLAWFUL.

It shall be unlawful for any unauthorized person or persons to ride in or on any municipal vehicle, without official authority to do so.

18.239. MOTORCYCLES. RECKLESS OPERATION. CLINGING TO VEHICLES.

a. It shall be unlawful for any person to operate a motorcycle in a reckless or dangerous manner on any public right-of-way.

b. No person riding a motorcycle shall attach the same or himself to any moving vehicle upon any street.

ARTICLE III. PARKING. STANDING. STOPPING

Editor's Note. This article is derived from Title 8 of the 1976 Landrum Town Code and parking 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 Council may designate areas or spaces on city 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. SPECIAL PLACES.

The Council, in its discretion, may designate special parking areas or places for which sufficient cause is shown.

18.303. SAME. BUS SPACES.

It shall be unlawful to park a bus on a public street, except in designated places.

18.304. SAME. MANNER.

a. 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.

b. All vehicles parked in areas in which parking spaces have been marked off or designated shall be parked entirely within a single space.

18.305. EMPLOYEES, MANAGERS. PROHIBITED PARKING.

a. No proprietor, manager or employee of any business in the business district shall park and leave standing any motor vehicle for a period of more than two (2) consecutive hours between the hours of 8:00 a. m. and 6:00 p. m., except on Sundays and legal holidays.

b. Each two (2) hour period of violation hereof shall constitute a separate offense.

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 of this subparagraph, upon conviction, is guilty of a misdemeanor and must be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days for each offense.

(Editor's Note. Section §56-3-1965 of the 1976 South Carolina Code of Laws authorizes municipalities to designate parking spaces for handicapped persons. §56-3-1970 requires the penalty set forth in this section. §56-3-1971 authorizes "*All law enforcement officers...*" to issue "*a uniform parking violations ticket...*" to vehicles violating designated spaces for handicapped persons. (Emphasis supplied.)

Section 56-5-1960 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.)

18.307. 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 police officer.

18.308. 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.

18.309. HAZARDOUS OR CONGESTED PLACES.

When signs are erected at an approach to hazardous or congested places no person shall stop, stand or park a vehicle in any such designated place.

18.310. SCHOOL ZONES.

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

18.311. SAFETY HAZARDS.

No vehicle shall be parked in any place within the city in such a fashion that it creates a safety hazard.

18.312. 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.

18.313. DISABLED VEHICLES.

The operator of any vehicle which becomes disabled on any street within the city shall:

1. Move the disabled vehicle to the extreme right side of the road;
2. Notify the Police Department immediately that the vehicle is disabled;
3. Make arrangements to have the vehicle removed from the city street and actually have the vehicle removed as quickly as possible;
4. Turn on warning flashers or place warning reflectors to advise other moving vehicles of the disabled vehicle; if no warning flashers and/or reflectors are available, remain with the vehicle to personally direct and warn other vehicles of the disabled vehicle.

18.314. 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 city, shall be deemed to be in violation of this section.

c. Any violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30)

18.315. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

a. Except at the direction of a police 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) at any place where official traffic-control devices prohibit stopping, standing or parking.

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.

c. Any person who stops, stands or parks a vehicle in a prohibited area within the corporate limits shall be deemed to be in violation of this article.

d. The violation of this article shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §56-5-2530)

18.316. HEAVY VEHICLES IN RESIDENTIAL AREAS.

No vehicle which has a load capacity in excess of one (1) ton, shall be parked on any street within a residential area; provided, however, that this section shall not apply to vehicles making deliveries or pickups within said area while actually engaged in unloading or loading operations.

18.317. PARKING TICKETS AUTHORIZED.

a. The Chief of Police may, subject to the restrictions imposed in the foregoing sections, post signs and devices relating to the limitations upon parking at particular places. Penalties shall be imposed by placing a ticket upon any offending vehicle.

b. The ticket amount shall be the only penalty imposed if such amount is paid within the time prescribed on the ticket.

c. Failure to pay such amount within the prescribed time, however, shall subject the owner to the penalty set forth in Article IX of this chapter.

ARTICLE IV. FUNERALS

Editor's Note. See §14.801.e, this code as to official funerals.

18.401. DRIVING INTO FUNERAL PROHIBITED. EXCEPTIONS.

a. 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.

b. This provision shall not apply at intersections where traffic is controlled by traffic signals or police officers.

18.402. IDENTIFICATION.

A funeral procession of vehicles shall be identified as such by a display on the outside of each vehicle, when designated by the Chief of Police.

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. JUNK

Editor's Note. This article derives from Ordinance No. 99-2 for the *disposition and control of abandoned, wrecked, inoperable, derelict and junk vehicles* and Title 56 of the 1976 South Carolina Code of Laws, as amended, with particular reference to §56-5-5680.

18.501. STATUTORY AUTHORITY.

This article hereby provides for the upkeep of property and to regulate abandoned, derelict and junk motor vehicles within the city, to define junk and to enhance and protect public health and safety.

(1976 SC Code § 5-7-80 and §56-5-5810 et seq.)

18.502. DEFINITIONS.

For purposes of this article, the following words and phrases shall have the following meanings ascribed thereto:

a. Abandoned vehicle shall mean a vehicle required to be registered and left unattended on a public street or highway for more than forty-eight (48) hours or a vehicle that has remained on private or public property for a period of more than seven (7) days without the consent of the owner or person in control of the property.

b. Junk vehicle shall mean a vehicle required to be registered in this state:

(1) whose Certificate of Registration has expired and the registered owner no longer resides at the address listed on the last certificate on record with the Department of Motor Vehicles and not having a current license plate attached thereto; or

(2) whose motor or other major parts have been removed to render the vehicle inoperable or the operation of which would violate the 1976 South Carolina Code of Laws, §56-5-4410; or

(3) whose manufacturer's motor vehicle identification number, license plate number and any other means of identification have been removed so as to nullify efforts to locate or identify the registered owner; or

(4) whose registered owner of record disclaims ownership or releases his rights thereto; or

(5) which vehicle is more than eight (8) years old and is not currently registered.

c. Junk vehicles shall not be deemed to include vehicles having historic or antique value, when such vehicles are stored in an enclosed structure or agricultural vehicles stored on property used for agricultural purposes.

d. Junk shall mean such litter as defined in the city zoning ordinances and parts thereof, including but not limited to household appliances, scrap building material, scrap contractors' equipment, tanks, casks, barrels, boxes, drums, piping, bottles, glass, old iron, old machinery, rags, paper excelsior, hair, mattresses, beds and bedding and any other kind of scrap or waste material which is displayed or offered for sale or in the process of being dismantled, destroyed, processed, salvaged, kept, handled, stored, baled, disposed of or other use of disposition.

e. Junk yard shall mean any use involving the storage or disassembly of wrecked automobiles, trucks or other vehicles; or the storage, bailing or otherwise dealing in bones, animal hides, scrap metal, used paper, used cloth, used plumbing fixtures, used brick, wood or other building materials.

(1) Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to or accessory to other uses of the premises.

(2) The storage of a junked or wrecked automobile is hereby forbidden in any zoning district, except those permitted by the city zoning ordinances and under the conditions as prescribed therein.

f. Fence or wall shall mean an artificially constructed barrier of any durable material, or combination of materials, erected to enclose, screen or separate areas and further described in the city zoning ordinances.

18.503. ABANDONMENT UNLAWFUL.

a. It shall be unlawful to abandon any motor vehicle, including junk motor vehicles or such items enumerated in §18. 502.d, herein, on any street, right-of-way or public grounds or upon any privately owned property.

b. It shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereon of any materials described in said section.

18.504. INOPERABLE MOTOR VEHICLES, JUNK, ETC.

a. It shall be unlawful for any owner of property in the city 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 for more than seven (7) days, unless said vehicle is covered or sheltered in such manner as determined by the designated city official to prevent moisture from accumulating therein and to prevent the infestation of mosquitoes and other insects or rats and other vermin.

b. No person shall salvage or otherwise maintain upon his property any inoperable motor vehicles, junk vehicles, wrecked or disabled vehicles for the purpose of taking parts therefrom, or for the purpose of storage or repair without such motor vehicle having a current motor vehicle license and unless said motor vehicle is covered or sheltered as set forth hereinabove.

18.505. FENCING OR WALL REQUIRED.

a. Any business or property owner which stores wrecked or disabled vehicles or such items enumerated in §18.502.d, herein, and any other kind of scrap or waste material which is for sale or in the process of being dismantled, destroyed, processed, salvaged, kept, handled, displayed, stored, baled, disposed or other use or disposition, if such is permitted by the city zoning ordinances, shall erect and maintain a suitable and appropriate fence or wall around the entire area on which such business is conducted.

b. The fence or wall shall be a minimum of eight (8) feet in height, to obliterate the view of the premises from the outside.

c. Said fencing or walls to be installed shall be approved in advance by a designated city official.

d. It shall be unlawful to display any junk, used motor vehicle parts, used household appliances or other materials described in §18.502.d outside of the fenced area.

18.506. ADDITIONAL PROVISIONS.

Any person who abandons a motor vehicle or other materials described in this article, either on public or private property or otherwise, and who violates the provisions of this article shall, upon conviction, be guilty of a misdemeanor.

1. When any vehicle is left unattended on a highway or on other public or private property without the consent of the owner or person in control of the property, an officer may place a colored tag on the vehicle which shall be notice to the owner, the person in possession of the vehicle or any lien holder that it may be considered to be junked or abandoned and is subject to forfeiture.

2. The colored tag shall serve as the only legal notice that, if the vehicle is not removed within:

- (a) forty-eight (48) hours if located on a highway, or
- (b) seven (7) days if located on other public or private property,

from the date of the tag, the vehicle shall be removed to a designated place to be sold.

(c) After the said vehicle is removed, the officer affixing the colored tag shall notify in writing the person in whose name the vehicle was last registered and any lien holder of record by certified mail, return receipt requested.

(d) Information shall include notice that the vehicle is being held, shall designate the place where it is being held and that, if it is not redeemed within thirty (30) days from the date of the notice by paying all cost of removal and storage, the vehicle shall be sold for recycling purposes or for such other purposes as the city shall deem advisable.

(e) The proceeds of said sale shall be deposited in the General Fund of the city.

3. If the identity of the last registered owner cannot be determined or if the registration contains no current address for the owner, or if it is impossible to determine with reasonable certainty the identification and addresses of lien holders, notice by one (1) publication in a newspaper of local, general circulation shall be sufficient to meet all requirements of notice pursuant to state statutes.

- (a) The notice of publication may contain multiple listings of vehicles.
- (b) Twenty (20) days after date of publication the vehicle may be sold.

4. Any notice sent by mail or any newspaper notice published under the provisions of this section shall:

(a) contain; if obtainable; the year, make, model and serial number of the vehicle;

(b) set forth where the vehicle is being held; inform the owner and any lien holders of the right to reclaim the vehicle within thirty (30) days after the date of the notice;

(c) require payment of all towing, preservation and storage charges resulting from placing the vehicle in custody;

(d) include the date, time and place of the proposed sale; the name, address and telephone number of the person responsible for the sale; and

(e) state that the failure of the owner or lien holders to exercise their rights to reclaim the vehicle within the time provided shall constitute a waiver by the owner and all lien holders of all rights, title and interest in the vehicle and that said waiver shall constitute consent to the sale of the vehicle.

5. It shall be unlawful for any person, firm or corporation or their agents to remove any colored tag or notice described herein, without written permission of the designated city official. If any person shall remove any colored tag or notice which has been affixed to any motor vehicle, used appliances or other materials set forth herein, he shall, upon conviction, be guilty of a misdemeanor.

6. Any person, firm or corporation, whether they be the owner, tenant or occupant, who shall fail or refuse to comply with the provisions of this article after due notice shall, upon conviction, be guilty of a misdemeanor.

7. Nothing in this article shall be construed to impair or limit in any way the authority of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

8. The designated city official is authorized hereby to exercise such authority as may be necessary to effect the purposes of this article.

ARTICLE VI. BICYCLES

This article derives from generally accepted municipal practices.

18.601. 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.

18.602. 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, except as to special regulations herein and except as to those provisions of this code which by their nature can have no application.

18.603. 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.

18.604. RIDING ABREAST.

It shall be unlawful for persons on bicycles to ride more than two abreast, except in parades and similar circumstances.

18.605. BICYCLE PATHS TO BE USED.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path or area and shall not use the roadway.

18.606. 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.

18.607. 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.

18.608. 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.

18.609. LIGHTS.

a. 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.

b. 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.

c. "After dark" shall mean the time during which the street lights of the city are or should be lighted.

18.610. 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.

18.611. LARCENY Of BICYCLES.

The larceny of any bicycle shall be punishable at the discretion of the Municipal Court.

18.612. BRAKES.

No person shall operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level and clean pavement.

ARTICLE VII. PEDESTRIANS

Editor's Note. This article provides for the safety of pedestrians and derives from generally accepted municipal practices.

18.701. OBEDIENCE TO TRAFFIC-CONTROL SIGNALS REQUIRED.

Pedestrians shall comply with the directions of any official traffic-control signal or lawful authorities.

18.702. USE OF RIGHT HALF OF CROSSWALKS.

Pedestrians shall move upon the right half of a crosswalk whenever practicable.

18.703. WALKING ON STREETS AND ROADWAYS.

Where sidewalks are not provided, pedestrians shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

18.704. HITCHHIKING PROHIBITED.

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

18.705. 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 VIII. RAILROADS

Editor's Note. This article derives, primarily, from Titles 57 and 58 of the 1976 South Carolina Code of Laws, as amended, and generally accepted municipal practices. It has been inserted to give the city a reasonable amount of control, based on state statutes.

18.801. DEFINITIONS.

As used in this article:

Grade Crossing shall mean a crossing at-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, and this shall include locomotives.

Railroad Train shall mean a steam engine, electric or other motor, with or without cars coupled thereto and operated upon rails.

Railroad signal or sign shall mean any sign, signal or device erected by proper authority intended to give notice of the presence of railroad tracks or the approach of railroad trains or locomotives.

18.802. ADVERTISING PROHIBITED.

It shall be unlawful for any person to use for advertising purposes the kind of cross usually used as a crossing sign by railroads.

18.803. DANGEROUS INTERSECTIONS. STOP SIGNS.

The Council is hereby authorized to designate particularly dangerous highway grade crossings of railroads at street intersections, but no stop signs shall be erected without the approval of SCDOT.

18.804. ROADBEDS.

It shall be the duty of every railroad company to construct and keep in good repair the roadbed of all public streets and sidewalks across or along the roadbed of such railroad company and for a reasonable distance on each side thereof.

18.805. DRAINS.

It shall be the duty of every railroad company to construct and maintain all necessary drains along, across or under its roadbed or along any public street or sidewalk.

18.806. TIME FOR COMPLIANCE.

It shall be the duty of every railroad company to do and perform, at the expense thereof, all the work required hereinabove, within five (5) days from notice by the city, orally or in writing, so to do.

18.807. POISON SPRAY ON RIGHTS-OF-WAY.

It shall be unlawful for railroad agent or employee to spray weeds and grass with poison along the railroad right-of-way within the corporate limits.

18.808. FLAGMAN REQUIRED.

The railroad company is hereby required to provide and keep stationed at each of its crossings, when switching, at least one (1) flagman, unless warning devices are installed and maintained which comply with the 1976 South Carolina Code of Laws, as amended, and which provide for the placement of a flagman thereat.

18.809. SAME. DUTIES.

It shall be the duty of the flagman to keep a lookout for the approach of cars crossing the said streets and to warn persons crossing, or about to cross, of the approach of any train, car or engine.

18.810. SAME. RED SIGNAL REQUIRED.

The flagman shall be provided with a red flag during daylight hours and a red light during the nighttime which shall be displayed at all times upon the approach of any train, car or engine.

18.811. SAME. UNLAWFUL TO CROSS DESPITE WARNING.

It shall be unlawful to cross a railroad track after having been warned by a flagman or to interfere with, resist or annoy any flagman while in the discharge of his duties herein imposed.

18.812. SPEED OF ENGINES.

It shall be unlawful to run an engine on any railroad faster than ten (10) miles an hour. The engineer or conductor shall be held liable for any violation of this section.

18.813. BLOCKED CROSSING. TIME LIMIT ESTABLISHED.

It shall be unlawful for a conductor, engineer or anyone in charge of a train or engine to block or cause to be blocked any public grade crossing in the city for more than five (5) minutes; provided, however, that this section shall not apply to trains in motion.

18.814. LOCOMOTIVE WHISTLES.

It shall be unlawful for any person or persons to sound a railroad whistle, except in case of extreme emergency or as a signal to trainmen anywhere, other than within the confines of their duty.

18.815. UNLAWFUL RIDING.

It shall be unlawful for any person, other than employees thereof, to climb or to attempt to climb upon or to board or attempt to board any locomotive, engine, car, coach or train of cars while the same is in motion within the city, or for any person other than a regular passenger or employee of the railroad to ride on or upon any locomotive, engine, car, coach or train of cars while same is operated within the city.

18.816. COMPLAINTS OF RAILROAD CONDUCT.

The Council is hereby authorized to apply directly to the South Carolina Public Service Commission (SCPSC), for relief from conduct of any railroad within the corporate limits.

ARTICLE IX. PENALTIES

18.901. PENALTY.

Any violation of this chapter shall be deemed a misdemeanor, punishable by the Municipal Court.

(1976 SC Code §5-7-30, §14-25-65)

CHAPTER 19. DROUGHT RESPONSE

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CHAPTER 19. DROUGHT RESPONSE

Editor's Note. In 1985 the South Carolina General Assembly enacted Act No. 63 (§49-23-90 of the 1976 South Carolina Code of Laws) which affected every municipality in this state. The act required every municipality "engaged in the business...of supplying water for any purpose...to develop and implement drought response ordinances". They "...must be consistent with State Drought Response Plan..." In 1993 the Water Resources Commission was changed to the "Department of Natural Resources".

In 1987 the South Carolina Water Resources Commission required every city and town in the state to adopt an ordinance to guide the Mayor and Councils in times of extreme drought. The Commission prepared a recommended ordinance which the cities and towns adopted. It is included in this code. It is technical in part 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. This chapter meets the intent of the Commission.

Further, the act provided that the local drought ordinances must be adopted within eighteen (18) months of the approval of the General Assembly, and any proposed ordinance must first be submitted to the department for review to determine consistency with the State Drought Response Plan.

The law further provided, by §49-23-100, for penalties for municipalities not conforming to the provisions of the 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 City of Landrum, 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 are 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 city.

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 which 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 Caroling 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 an 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 city 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 city within ten (10) days of the effective date of water use curtailment or reduction. The city 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 city 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 city.

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 city in discontinuing service.

(2) In addition, suitable assurances shall be given to the city that the same action shall not be repeated during the drought or water shortage.

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